STATE OF CALIFORNIA
REGIONAL WATER QUALITY CONTROL BOARD
SANTA ANA REGION

IN THE MATTER OF:

Aera Energy LLC)
20101 Goldenwest Street)
Huntington Beach, CA 92648)
)
Attn: Mr. William A. Morris)

Complaint No. R8-2005-0108
for
Mandatory Penalties

YOU ARE HEREBY GIVEN NOTICE THAT:

1. Aera Energy LLC is alleged to have violated provisions of law for which the California Regional Water Quality Control Board, Santa Ana Region (hereinafter Board), must impose liability under Section 13385(h) of the California Water Code.

2. A hearing concerning this Complaint will be held before the Board within 90 days of the date of issuance of this complaint, unless Aera Energy LLC waives its right to a hearing. Waiver procedures are specified on Page 2, Item 9, of this complaint. If the hearing in this matter is not waived, the hearing will be held during the Board's regular meeting on September 30, 2005, at the Orange County Sanitation District, 10844 Ellis Avenue, Fountain Valley, CA. Aera Energy LLC or its representatives will have an opportunity to appear and be heard and to contest the allegations in this Complaint and the imposition of mandatory penalties by the Board. An agenda for the meeting will be mailed to you not less than 10 days prior to the hearing date.

3. If the September 30, 2005 hearing is held, the Board will consider whether to affirm, reject or modify the proposed mandatory penalties or whether to refer the matter to the Attorney General for recovery of judicial civil liability.

4. This Complaint is based on the following facts:

   a. On October 25, 2002, the Board adopted Waste Discharge Requirements Order No. R8-2002-0078 (NPDES No. CAS 618001) for Aera Energy LLC. These requirements regulate the discharge of storm water associated with industrial activities from the Aera Energy LLC, Huntington Beach facility.

   b. Aera Energy LLC submitted an annual report for storm water discharges from its site for the 2004-2005 rainy season. The report shows an effluent limit violation for total suspended solids. This violation is summarized below.

Constituent (Pollutant Group Identification)	Effluent Limit	Mandatory Penalty Trigger Limit	Concentration (Date of Violation)	Total Violations Subject to MPC
Total Suspended Solids (Group I)	100 mg/L	140 mg/L	164 mg/L (1/9/05@ Outfall #6)	1
			Total Violations:	**1**

5. Water Code Section 13385(h) requires the Board to assess a mandatory minimum penalty of three thousand dollars ($3,000) for each serious violation.

6. As indicated above, there is one serious effluent limit violation that meets the mandatory minimum penalty criteria specified in Section 13385(h).

7. Pursuant to Section 13385(c) of the California Water Code, the Board may also impose administrative civil liability for the violations cited above. The maximum administrative civil liability that may be imposed for this violation is $10,000 (for one day of violation).

8. The Executive Officer proposes that the Board impose a mandatory penalty of $3,000 on Aera Energy LLC for the violation cited above.

9. You may waive your right to a hearing. If you waive your right to a hearing, please sign the attached waiver form and mail it, together with a check payable to the State Water Resources Control Board, for $3,000. The check and the waiver form should be mailed to this office in the enclosed pre-printed envelope.

If you have any questions, please contact Mark Smythe at (951) 782-4998, or Patrice Copeland at (951) 321-4576. For legal questions, contact the Regional Board's legal counsel, Jorge Leon, at (916) 341-5180.

8/8/05
Date

Gerard J. Thibeault
Executive Officer

California Regional Water Quality Control Board
Santa Ana Region

IN THE MATTER OF:

Complaint No. R8-2005-0108
for
Mandatory Penalty

Aera Energy LLC)
20101 Goldenwest Street)
Huntington Beach, CA 92648)
)
William A. Morris, Manager of Operations, LA Basin)

WAIVER OF HEARING

Aera Energy LLC agrees to waive its right to a hearing before the Santa Ana Regional Water Quality Control Board with regard to the violations alleged in Complaint No. R8-2005-0108. Aera Energy LLC has enclosed a check made payable to the State Water Resources Control Board, in the amount of $3,000 for the proposed liability in Paragraph 8 of Complaint No. R8-2005-0108. Aera Energy LLC understands that it is giving up its right to be heard and to argue against allegations made by the Executive Officer in Complaint R8-2005-0108, and against the imposition of, and amount of, the mandatory penalty.

_____ _____

Date

William A. Morris, Manager of Operations, LA Basin
For Aera Energy LLC

Please use the enclosed preprinted envelope to mail:

1. This waiver form, signed and dated; and
2. A check for $3,000.00 made out to the State Water Resources Control Board.