California Regional Water Quality Control Board
Santa Ana Region

IN THE MATTER OF:	)	
	)	
Inland Empire Utilities Agency	)	Complaint No. R8-2006-0066
6075 Kimball Avenue	)	for
Chino, California 91710	)	Mandatory Penalties

YOU ARE HEREBY GIVEN NOTICE THAT:

1. Inland Empire Utilities Agency (IEUA) is alleged to have violated provisions of law for which the California Regional Water Quality Control Board (Regional Board), Santa Ana Region, must impose mandatory penalties pursuant to California Water Code (Water Code) Section 13385.

2. A hearing concerning this complaint will be held before the Regional Board within 90 days of the date of issuance of this complaint, unless IEUA waives its right to a hearing. Waiver procedures are specified on Page 2 of this complaint. If the hearing in this matter is not waived, the hearing will be held during the Regional Board's regular meeting on February 2, 2007 in the Council Chambers of the City of Loma Linda, 25541 Barton Road, Loma Linda, California. The meeting will begin at 9:00 a.m. IEUA 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 Regional Board.

3. This complaint is based on the following facts:

   a. On January 19, 2001, the Regional Board adopted Waste Discharge Requirements (WDRs) Order No. 01-1 (NPDES No. CA0105279), for IEUA. These requirements regulated discharges of waste from IEUA's Regional Plant No. 1 (RP-1) and Regional Plant No. 4 (RP-4) until May 19, 2006. Currently, waste discharges from IEUA's RP-1 and RP-4 are regulated under WDRs Order No. R8-2006-0010, adopted by the Regional Board on May 19, 2006, as replacement of WDRs Order No. 01-1.

   b. IEUA submitted self-monitoring reports (January 2004 – July 2006) from RP-1/RP-4, which show that IEUA exceeded the effluent limits for chlorine residual, turbidity, and total coliform density. These violations are summarized on Attachment "A" which is Page 3 of this complaint.

4. Water Code Section 13385 (h) and (i) requires the Regional Board to assess a mandatory minimum penalty of three thousand dollars ($3,000) for each serious and non-serious violation, not counting up to three non-serious violations of the first three violations in each six-month period.

5. As shown in Attachment "A", IEUA incurred a total of thirteen violations between January 2004 and July 2006. For the thirty-one-month period covered by Complaint No. R8-2006-0066, one non-serious violation that occurred between September 2004 and February 2005 is not subject to mandatory penalty assessment.

6. Twelve violations out of the total of thirteen violations are subject to mandatory minimum penalties of $3,000 for each violation. In accordance with Water Code Section 13385 (h) and (i), the mandatory minimum penalties for the twelve effluent limit violations cited in Attachment "A" are $36,000.

7. In accordance with Water Code Section 13385(c), the Regional Board may impose administrative civil liability for the thirteen violations cited in Attachment "A". The estimated maximum administrative civil liability which may be imposed for these violations is $100,000 ($10,000 per day of violation), plus an additional assessment of $10 per gallon of effluent discharged during the duration of the violation episode, in excess of the first 1000 gallons of effluent.

8. The Assistant Executive Officer proposes that mandatory penalties of $36,000 be imposed on IEUA by the Regional Board for the violations cited in Attachment "A."

9. You may waive your right to a hearing. If you waive your right to a hearing, please sign the attached waiver, which is Page 4 of this complaint, and return it together with a check payable to the State Water Resources Control Board in the amount of the mandatory penalties proposed in paragraph 8, above. Send the check and waiver to:

   Regional Water Quality Control Board, Santa Ana Region
   3737 Main Street, Suite 500
   Riverside, CA 92501-3339

If you have any questions regarding this complaint, please contact the undersigned, at (951) 782-3286, or Gary D. Stewart, Compliance Section Chief at (951) 782-4379, or the Regional Board's staff counsel, Erik Spiess, at (916) 341-5167.

11/30/06
Date

Kurt V. Berchtold
Assistant Executive Officer

ATTACHMENT "A"

MONTH/YEAR	Cl2 residual > 0.1 mg/L More than 5 minutes VIOLATIONS	Cl2 residual > 5.0 mg/L Instantaneous maximum VIOLATIONS	TC DENSITY >240 MPN/100 mL Daily max. VIOLATIONS	Turbidity Violations > 2 NTUs as 24-hour average {A} >5 NTUs for more than 72 minutes {B}		VIOLATIONS TOTAL	VIOLATIONS SUBJECT TO MANDATORY MINIMUM PENALTIES
				A	B		
January 2004	[1]	0	0	0	0	1	1
February 2004	0	0	0	0	0	0	0
March 2004	0	0	0	0	0	0	0
April 2004	0	0	0	0	0	0	0
May 2004	0	0	0	0	0	0	0
June 2004	0	0	0	0	0	0	0
July 2004	0	0	0	0	0	0	0
August 2004	0	0	0	0	0	0	0
September 2004	0	0	(1)	0	0	1	0
October 2004	[1]	[1]	0	0	0	2	2
November 2004	0	0	0	0	0	0	0
December 2004	0	0	0	0	0	0	0
January 2005	0	0	0	0	0	0	0
February 2005	0	0	0	0	0	0	0
March 2005	[1]	1	0	5	1	2	8
April 2005	0	0	0	0	0	0	0
May 2005	0	0	0	0	0	0	0
June 2005	0	0	0	0	0	0	0
July 2005	0	0	0	0	0	0	0
August 2005	0	0	0	0	0	0	0
September 2005	0	0	0	0	0	0	0
October 2005	0	0	0	0	0	0	0
November 2005	0	0	0	0	0	0	0
December 2005	0	0	0	0	0	0	0
January 2006	0	0	0	0	0	0	0
February 2006	0	0	0	0	0	0	0
March 2006	0	0	0	0	0	0	0
April 2006	0	0	0	0	0	0	0
May 2006	0	0	0	0	0	0	0
June 2006	0	0	0	0	0	0	0
July 2006	[1]	0	0	0	0	0	1
TOTAL	4	2	1	5	1	13	12

NOTES:
( ) = Non-serious violations waived under this compliant pursuant to Section 13385 (i)
[ ] = Serious violations as defined under Section 13385 (h)

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WAIVER OF HEARING

IEUA 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. R8-2006-0066. IEUA has enclosed a check made payable to the State Water Resources Control Board in the amount of $36,000 in settlement of Complaint No. R8-2004-0066. IEUA understands that it is giving up its right to be heard and to argue against allegations made by the Assistant Executive Officer in Complaint No. R8-2004-0066, and against the imposition of, and amount of, the mandatory penalties.

_____ _____

Date for IEUA

Please submit this waiver form and the payment ($36,000) to the Regional Water Quality Control Board, Santa Ana Region by January 10, 2007.