California Regional Water Quality Control Board
Santa Ana Region

IN THE MATTER OF:	)	
	)	
Eastern Municipal Water District	)	Complaint No. R8-2006-0069
2270 Trumble Road	)	for
Perris, California 92572	)	Mandatory Penalties

YOU ARE HEREBY GIVEN NOTICE THAT:

1. Eastern Municipal Water District (EMWD) is alleged to have violated provisions of law for which the California Regional Water Quality Control Board, Santa Ana Region (Regional Board), 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 EMWD 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, at the City of Loma Linda Council Chambers, 25541 Barton Road, Loma Linda, California. The meeting will begin at 9:00 a.m. EMWD 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 November 5, 2004, the Regional Board adopted Waste Discharge Requirements, Order No. R8-2004-0065 (NPDES No. CA8000188), for EMWD. On November 18, 2005, the Regional Board adopted Order No. R8-2005-0078, amending Order No. R8-2004-0065. These requirements regulate discharges of tertiary treated wastewater from EMWD's regional water reclamation facilities to Temescal Creek.

   b. EMWD submitted self-monitoring reports (May 2004 – July 2006) for their discharge to Temescal Creek, which show effluent limit violations of chlorine residual and aluminum. These violations are summarized on Attachment "A," which is Page 3 of this complaint.

4. Water Code Section 13385 (h) requires the Regional Board to assess a mandatory minimum penalty of three thousand dollars ($3,000) for each serious violation. The seven violations described in Attachment "A" are considered serious as defined under Water Code Section 13385 (h) (2).

5. As shown in Attachment "A", EMWD incurred one chlorine residual and six aluminum effluent limit violations between May 2004 and July 2006. Free cyanide effluent limit violations are not addressed under Complaint No. R8-2006-0069.

6. In accordance with Water Code Section 13385(h), the mandatory minimum penalties for the seven effluent limit violations cited in Attachment "A" are $21,000.

7. In accordance with Water Code Section 13385(c), the Regional Board may impose administrative civil liability for each day on which the seven violations, cited in Attachment "A," occurred, plus a charge for volume of effluent discharged. Since the violations occurred on 3 days, the maximum administrative civil liability that may be imposed for these violations is $30,000 ($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 $21,000 be imposed on EMWD 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, Surveillance and Enforcement Section Chief, at (951) 782-4379, or the Board's staff counsel, Erik Spiess, at (916) 341-5167.

12/15/06
Date

Kurt V. Berchtold
Assistant Executive Officer

ATTACHMENT "A"

Constituent	Date & Permit Limits	7-Jan-05	9-Jan-06	13-Mar-06	VIOLATIONS TOTAL	VIOLATIONS SUBJECT TO MANDATORY MINIMUM PENALTIES
Aluminum	Monthly average limit violation	0	1*	1*	2	2
Aluminum	Daily maximum limit violation	0	1*	1*	2	2
Aluminum	Average Monthly mass rate limit violation	0	1*	1*	2	2
Chlorine Residual	>0.1 mg/L >30 minutes	1*	0	0	1	1
Violations Total		1	3	3	7	7

Notes: * = Serious violations as defined under Water Code Section 13385 (h) (2)

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WAIVER OF HEARING

EMWD 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. R8-2006-0069. EMWD has enclosed a check made payable to the State Water Resources Control Board in the amount of $21,000 in settlement of Complaint No. R8-2006-0069. EMWD 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. R8-2006-0069, and against the imposition of, and amount of, the mandatory penalties.

_____ _____

Date for EMWD

Please submit this waiver form and the payment ($21,000) to the Regional Water Quality Control Board, Santa Ana Region by January 12, 2007.