State of California
California Regional Water Quality Control Board
Santa Ana Region

IN THE MATTER OF:	)	
Colton/San Bernardino	)	
Regional Tertiary Treatment	)	Complaint No. R8-2007-0028
and Water Reclamation Authority	)	for
300 North "D" Street	)	Mandatory Penalties
San Bernardino, CA 92402	)	
	)	
Attn: Ms. Stacey Aldstadt	)	

YOU ARE HEREBY GIVEN NOTICE THAT:

1. The Colton/San Bernardino Regional Tertiary Treatment and Water Reclamation Authority (Authority) is alleged to have violated provisions of law for which the California Regional Water Quality Control Board, Santa Ana Region (Board), must impose mandatory penalties pursuant to California Water Code (Water Code) Section 13385(h) and (i).

2. A hearing concerning this complaint will be held during the Board's regular meeting on June 29, 2007 in the City Council Chambers, 25541 Barton Road, Loma Linda, CA, unless the Authority waives its right to a hearing. If the hearing is held, the Authority 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 and announcement for the meeting and the staff report pertaining to this item will be mailed to you not less than 10 days prior to the hearing date.

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

4. This complaint is based on the following facts:

   a. On October 26, 2001, the Board adopted Waste Discharge Requirements (WDR) Order No. 01-45 (NPDES No. CA8000304), for the Authority. These requirements regulate discharges of waste from the Authority's Rapid Infiltration and Extraction (RIX) facility.

   b. The Authority submitted self-monitoring reports (July 2003 through December 2006) for the RIX facility, which show effluent limit violations of instantaneous maximum, average weekly, and monthly maximum coliform organism limitations. These violations are summarized on Attachment "A", which is Page 4 of this Complaint.

5. Water Code Sections 13385(h) and (i) require the Board to assess a mandatory minimum penalty of three thousand dollars ($3,000) for each serious and/or chronic violation that occurs four or more times in any period of six consecutive months, except the requirement to assess the mandatory minimum penalty shall not be applicable to the first three violations that occur following any six-month violation free period, provided that they are not serious violations as described below. A violation is considered to be a "serious violation" if an effluent limitation for a Group II pollutant, as specified in Appendix A to Section 123.45 of Title 40 of the Code of Federal Regulations, is exceeded by 20% or more, or if an effluent limitation for Group I pollutant, as specified in Section 123.45 of Title 40 of the Code of Federal Regulations, is exceeded by 40% or more.

6. As shown in Attachment "A", the Authority incurred a total of twenty five (25) violations between July 2003 and December 2006. None of these are considered to be serious violations. The Authority did not incur any violations between July 2003 and January 2004. As such, the first three violations that occurred, beginning in January 2004, are not subject to mandatory penalties. The Authority also did not incur any violations during the six-month period prior to July 2005. Consequently, the first three violations beginning in July 2005 also are not subject to mandatory penalties. Therefore, the Authority is subject to mandatory penalties for nineteen violations.

7. In accordance with Water Code Section 13385(i), the penalty for the nineteen effluent limit violations subject to mandatory minimum penalties cited in Attachment "A" is $57,000.

8. In accordance with Water Code Section 13385(c), the Board may impose administrative civil liability for the twenty five violations cited in Attachment "A". The maximum administrative civil liability which may be imposed for these violations is $250,000 ($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 1,000 gallons of effluent.

9. The Executive Officer proposes that a mandatory penalty of $57,000 be imposed on the Authority by the Board for the violations cited above.

10. The Authority has indicated that it wishes to waive its right to a hearing in this matter. The Authority has also agreed to participate in a supplemental environmental project (SEP) that will benefit the Pacific High School "Student Education of Water and Environmental Resources". The proposed SEP is to contribute $28,500 of the assessed amount to the Pacific High School project. The balance of the assessment, $28,500, shall be paid to the State Water Resources Control Board.

If you have any questions regarding this complaint, please contact the undersigned at (951) 782-3284, or Gary D. Stewart, Compliance Section Chief at (951) 782-4379, or the Board's legal counsel, Erik Spiess, at (916) 341-5167.

5-18-07
Date

Gerard J. Thibeault
Executive Officer

ATTACHMENT "A"

Month	Violations			No. of Violations	Violations subject to penalty[1]
	Average Weekly Limitation of 2.2 MPN/100 ml	Monthly Maximum Limitation of 23 MPN/100 ml	Instantaneous Maximum Limitation of 240 MPN/100 ml		
January, 2004	2			2	0
May, 2004		1	1	2	1
October, 2004	2			2	2
July, 2005	3			3	0
August, 2005			1	1	1
October, 2005	2	1	1	4	4
March, 2006	1			1	1
June, 2006	3			3	3
July, 2006	1			1	1
August, 2006	3			3	3
September, 2006	2			2	2
November, 2006	1			1	1
Total Violations	**20**	**2**	**3**	**25**	**19**

NOTES:
[1] See Water Code Section 13385(h) and (i)

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	)	
Attn: Ms. Stacey Aldstadt	)	

WAIVER OF HEARING

I agree to waive the right of Colton/San Bernardino Regional Tertiary Treatment and Water Reclamation Authority to a hearing before the Santa Ana Regional Water Quality Control Board with regard to the violations alleged in Complaint No. R8-2007-0028. I have enclosed two checks as follow:

1. One check made payable to the State Water Resources Control Board for $28,500.
2. A second check for $28,500 payable to Pacific High School towards a supplemental environmental project (SEP) as indicated in Paragraph 10 of the Complaint.

Both checks and this waiver form should be mailed to this office by June 18, 2007. I understand that I am giving up the right of the Authority to be heard and to argue against allegations made by the Executive Officer in this Complaint, and against the imposition of, and the amount, the liability proposed.

_____ _____

Date

for Colton/San Bernardino Regional Tertiary Treatment and Water Reclamation Authority