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

IN THE MATTER OF:	)	
	)	
ITT Cannon Facility	)	Complaint No. R8-2007-0034
666 East Dyer Road	)	for
Santa Ana, California 92705	)	Mandatory Penalties
Attn: Mr. Nirmal Singh	)	

YOU ARE HEREBY GIVEN NOTICE THAT:

1. ITT Cannon 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(h).

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 ITT Cannon 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 June 29, 2007 at the Council Chambers of the City of Loma Linda, 25541 Barton Road, Loma Linda, California. The meeting will begin at 9:00 a.m. ITT Cannon 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 April 18, 2002, ITT Cannon was authorized to discharge treated groundwater under Waste Discharge Requirements, Order No. R8-2002-0007 (NPDES No. CAG918001). Subsequently on October 3, 2003, the Regional Board amended Order No. R8-2002-0007 by adopting Order No. R8-2003-0085. Order No. R8-2003-0085 included a discharge limit for 1, 4-Dioxane. The order also required monthly influent and annual effluent sampling for 1, 4-Dioxane.

   b. ITT Cannon submitted self-monitoring reports (August 2006 and December 2006) that show effluent limit violations of 1, 4-Dioxane. These violations are summarized on Attachment "A" which is Page 3 of this Complaint.

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

5. As shown in Attachment "A", ITT Cannon incurred a total of two reported violations in August and December 2006. The two violations are serious violations subject to mandatory minimum penalties of $3,000 for each violation. In accordance with Water Code Section 13385(h), the mandatory minimum penalties for the two effluent limit violations cited in Attachment "A" are $6,000.

6. In accordance with Water Code Section 13385(c), the Regional Board may impose administrative civil liability for the two violations cited in Attachment "A". Since the violations occurred in two days, the maximum administrative civil liability which may be imposed for these violations is $20,000 ($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.

7. Section 13385(e) specifes factors that the Board shall consider in establishing the amount civil liability. After consideration of these factors, the Executive Officer proposes that mandatory penalties of $6,000 be imposed on ITT Cannon for the violations cited in Attachment "A."

8. You may waive your right to a hearing. If you waive your right to a hearing, please sign the attached waiver form, 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 7, above. Send the check and a fully executed waiver form to:

   Regional Water Quality Control Board, Santa Ana Region
   3737 Main Street, Suite 500
   Riverside, CA 92501-3348

If you have any questions regarding this complaint, please contact the undersigned, at (951) 782-3284, or Kenneth R. Williams, UST Section Chief, at (951) 782-4496, or the Regional Board's legal counsel, Erik Spiess, at (916) 341-5167.

5-18-07
Date

Gerard J. Thibeault
Executive Officer

ATTACHMENT "A"

EFFLUENT VIOLATIONS FOR 1,4-DIOXANE

VIOLATION DATE	DISCHARGE FLOW Gallons Per Day	EFFLUENT LIMIT Daily Maximum in µg/l	DISCHARGE in µg/l
8/16/06	~31,300	6	19
12/7/06	SYSTEM WAS SHUT-DOWN IMMEDIATELY AFTER THE SAMPLE WAS COLLECTED	6	29

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WAIVER OF HEARING

I agree to waive the right of ITT Cannon to a hearing before the Santa Ana Regional Water Quality Control Board with regard to the violations alleged in Complaint No. R8-2007-0034. I have enclosed a check, payable to the State Water Resources Control Board, in the amount of $6,000. I understand that I am giving up the right of ITT Cannon to be heard and to argue against allegations made by the Executive Officer in Complaint No. R8-2007-0034, and against the imposition of, and amount of, the mandatory penalties.

_____ _____

Date for ITT Cannon

Please submit this waiver form and the payment ($6,000) to the Regional Water Quality Control Board, Santa Ana Region by June 18, 2007.