STATE OF CALIFORNIA
REGIONAL WATER QUALITY CONTROL BOARD
SANTA ANA REGION

In the matter of:

City of Colton
650 N. La Cadena Drive
Colton, CA 92324-2823

Attention: Mr. Daryl Parrish

Complaint No. R8-2007-0055
for
Administrative Civil Liability

YOU ARE HEREBY GIVEN NOTICE THAT:

1. The City of Colton (City) is alleged to have violated provisions of law for which the California Regional Water Quality Control Board, Santa Ana Region (hereinafter Board), may impose liability under Section 13385(c) of the California Water Code.

2. A hearing concerning this Complaint may be held before the Board within ninety days of the date of issuance of this Complaint. The hearing in this matter is scheduled for the Board's regular meeting on September 7, 2007, at the City Council Chambers, 25541 Barton Road, City of Loma Linda. You or your representative will have an opportunity to appear and be heard, and to contest the allegations in this Complaint and the imposition of civil liability by the Board. An agenda for the meeting and the staff report relating to this item will be mailed to you not less than 10 calendar days prior to the hearing date.

3. At the hearing, the Board will consider whether to affirm, reject, or modify the proposed administrative civil liability or whether to refer the matter to the Attorney General for recovery of judicial civil liability.

4. The City is a co-permittee under the National Pollutant Discharge Elimination System (NPDES) Permit No. CAS618036, Waste Discharge Requirements for the San Bernardino County Flood Control District, the County of San Bernardino, and the Incorporated Cities of San Bernardino County within the Santa Ana Region, Area-wide Urban Storm Water Runoff, Order No. R8-2002-0012 (MS4 Permit). The current MS4 Permit is the third term of this permit, having been originally adopted in 1990 and renewed in 1996 and 2002.

5. For the first and second terms of the permit, the County of San Bernardino and the incorporated cities (permittees) developed a Drainage Area Management Plan (DAMP). The DAMP included programs and policies that the permittees were required to implement in order to reduce the discharge of pollutants to receiving waters from urban runoff. For the third permit term, the permittees included in their

Report of Waste Discharge (ROWD, permit renewal application) a Municipal Storm Water Management Program (MSWMP) that replaced the DAMP. The permittees also made certain performance commitments in the ROWD. The City was a signatory to the ROWD and is bound by the commitments in the ROWD, the MSWMP and the terms and conditions of the MS4 Permit.

6. Section XVIII.3 of the MS4 Permit states, "The MSWMP and its components, as included in the ROWD, including any approved amendments thereto, is hereby made an enforceable component of this Order."

7. Evaluation of compliance with the MS4 Permit is through information provided to Board staff by the City in the annual reports and through audits of the MS4 program. On June 13-15, 2006, Board staff conducted an audit of the City's MS4 program to determine the City's overall compliance with the MS4 Permit. At the conclusion of the audit, Board staff briefly discussed the findings with the City. On September 22, 2006, the City was issued a Notice of Violation (NOV) and an evaluation report was included with the NOV. The following violations were noted during the audit and/or through a review of the Annual Reports.

8. The City is alleged to have violated the following provisions of the MS4 Permit.

   a. **Section VI (Legal Authority/Enforcement), Subsection 2**: "The permittees shall take appropriate enforcement actions against any violators of their codes and/or ordinances in accordance with the formalized enforcement procedures developed by the Management Committee."

      The City has taken a limited number of enforcement actions for violations at construction sites. However, these enforcement actions appear to have been narrowly focused and were not very effective in controlling discharge of pollutants from the construction sites. For example, at the Crystal Ridge project site, the City issued notices of violation and stop work orders presumably to address the violations. However, Board staff observed significant violations, including the discharge of a large quantity of sediment to the nearby streets and creeks. The County spent over $12,000 to cleanup the sediments from the streets. Further, the Board had to issue an Administrative Civil Liability Complaint against the developer, assessing a penalty of over $140,000.

   b. **Section VI (Legal Authority/Enforcement), Subsection 4**: "The permittees shall continue to provide notification to Board staff regarding storm water related information gathered during site inspections of industrial and construction sites regulated by the Statewide General Storm Water Permits or sites which should be regulated under the State's General Permits. The notification should include any observed violations of the General Permits, prior history of violations, any enforcement actions taken by the permittee, and any other relevant information."

The City does not notify Board staff of infractions, non-compliance or violations observed during site inspections of industrial and construction sites regulated by the Statewide General Storm Water Permits. The City has not established a formal process to notify Board staff when there is noncompliance with the City's municipal codes or the State's General Permits.

c. **Section VI (Legal Authority/Enforcement), Subsection 5**: "By November 15, 2003, the permittees shall review their storm drain ordinances and provide a report on the effectiveness of their ordinances and their enforcement, in prohibiting [certain] types of discharges to the MS4s ..."

   The City failed to provide an evaluation of the City's storm drain ordinances in its 2002-2003 Annual Report, Attachment A, Additional Co-Permittee Reporting Items.

d. **Section VII (Illegal Discharge/Illicit Connections: Litter, Debris and Trash Control), Subsection 2**: "All reports of spills, leaks, and/or illegal dumping shall be promptly investigated. Those incidents that may pose an immediate threat to human health or the environment shall be reported to the Executive Officer within 24 hours by phone or e-mail, with a written report within 10 days. The permittees may propose a reporting program, including reportable incidents and quantities, jointly with other agencies such as the County Health/Fire Department for approval by the Executive Officer."

   The City has established certain procedures to notify Board staff of incidents of noncompliance that pose an immediate threat to human health or the environment. However, these procedures are not in full compliance with the MS4 Permit provisions. In the event that incidents are identified at construction, industrial or commercial sites that pose a threat to human health or the environment, Colton's Fire Department is notified. The Fire Department then makes the required notifications, including notification to the Board. Although the Fire Department makes the initial notification, there is no mechanism in place to submit a written report as required. Other cases of spills, leaks or illegal discharges are reported to the NPDES coordinator who then informs Board staff. The City has not established a procedure for submitting a written report as required by the MS4 Permit.

e. **Section VII (Illegal Discharge/Illicit Connections: Litter, Debris and Trash Control), Subsection 4**: "By July 1, 2003, the permittees shall review their litter/trash control ordinances to determine the need for any revision. The permittees are required to characterize trash, determine its main source(s), and develop and implement appropriate BMPs to control trash in urban runoff. The findings of this review, along with supporting field data shall be included in the 2002-2003 annual report."

Trash characterization is needed to determine its source and to develop appropriate public education programs. The City neither characterized trash nor determined its main source(s), as required by Section VII. As such, the City could not implement BMPs to control litter, debris and trash.

f. **Section VIII (Municipal Inspections of Construction Sites), Subsection 1**: "This inventory shall be maintained in a computer-based database system and shall include relevant information on site ownership, General Permit Waste Discharge Identification (WDID) # (if any), size, location, etc."

   The City has not developed an adequate inventory of construction sites, and it does not maintain a computer database that has relevant site information.

g. **Section VIII (Municipal Inspections of Construction Sites), Subsection 2**: "To establish priorities for inspection requirements under this Order, the permittees shall prioritize construction sites within their jurisdiction as a high, medium, or low threat to water quality."

   The City has not prioritized the construction sites for inspections.

h. **Section VIII (Municipal Inspections of Construction Sites), Subsection 3, Paragraph c**: "Information [regarding inspections], including at a minimum, inspection dates, inspectors present and the results of the inspection must be maintained in the [computer-based] database [system] or must be linked to that database. A copy of this database must be provided to the Regional Board with each annual report."

   The City did not provided a copy of its construction site inventory or inspection results with the Annual Reports for 2002-2003, 2003-2004, 2004-2005, or 2005-2006.

i. **Section VIII (Municipal Inspections of Construction Sites), Subsection 5**: "Within 24 hours of discovery, the permittees shall provide oral or email notification to the Santa Ana Regional Water Quality Control Board of non-compliant sites, within their jurisdiction, that are determined to pose a threat to human health or the environment. Following oral notification, a written report must be submitted to the Santa Ana Regional Water Quality Control Board within 10 days..."

   See Paragraph 8.d, above.

j. **Section VIII (Municipal Inspections of Construction Sites), Subsection 6**: "The inspectors responsible for verifying compliance at construction sites shall be trained in and have an understanding of: federal, state and local water quality laws and regulations as they apply to construction and grading activities; the potential effects of construction and urbanization on water quality; and,

implementation and maintenance of erosion control BMPs and sediment control BMPs and the applicable use of both. The permittees shall have adequately trained their inspection staff by December 31, 2002, and on an annual basis, prior to the rainy season, thereafter. Training programs should be coordinated with the Santa Ana Regional Water Quality Control Board and prior notification of training shall be provided to Board staff. New hires or transfers that will be performing construction inspections for the permittees must be trained within one month of starting inspection duties."

City staff and contract staff were not appropriately trained to identify sources of pollutants, BMPs for erosion and sediment controls, and to require appropriate corrective actions at construction sites.

k. **Section IX (Municipal Inspections of Industrial Facilities), Subsection 3**: "The permittees shall conduct industrial facility inspections for compliance with its ordinances and permits. Inspections shall include a review of material and waste handling and storage practices, pollutant control BMP implementation and maintenance and evidence of past or present unauthorized, non-storm water discharges. All high priority facilities identified in Section IX.2 shall be inspected and a report on these inspections shall be submitted by November 15, 2003 and a report of inspections during subsequent years shall be included in the annual report for that year."

The City performed inspections of a small number of the industrial sites. However, the inspections for industrial facilities were not conducted according to the requirements specified in the Permit and were not based on a prioritization scheme, as required. The City failed to inspect all high priority facilities by November 15, 2003. The City also failed to report inspections in the 2002-2003, 2003-2004, 2004-2005 and the 2005-2006 Annual Reports.

l. **Section IX (Municipal Inspections of Industrial Facilities), Subsection 8:** "Within 24 hours of discovery, the permittees shall provide oral or email notification to the Santa Ana Regional Water Quality Control Board of non-compliant facilities, within their jurisdiction, that are determined to pose a threat to human health or the environment... Following oral notification, a written report must be submitted to the Santa Ana Regional Water Quality Control Board within 10 days... incidences of noncompliance shall be recorded along with the information noted in the written report and the final outcome/enforcement for the incident in the [inventory] database."

See Paragraph 8.d, above.

m. **Section X (Municipal Inspections of Commercial Facilities), Subsection 1:** "The permittees shall develop by July 1, 2003, an inventory of [certain] commercial facilities/companies within their jurisdiction. This database must be updated on an annual basis. This inventory must be maintained in a computer-

based database system and must include relevant information on ownership, size, location, etc."

The City did not submit the required information in the Annual Report.

n. **Section X (Municipal Inspections of Commercial Facilities), Subsection 2:** "To establish priorities for inspection requirements under this Order, the permittees shall prioritize commercial facilities/companies within their jurisdiction as a high, medium, or low threat to water quality..."

The City failed to develop a commercial site inventory; hence, facilities were not prioritized for inspections.

o. **Section X (Municipal Inspections of Commercial Facilities), Subsection 5:** "By July 1, 2004, all high priority sites shall have been inspected at least once."

Commercial facilities were neither inventoried nor prioritized for inspections. Some inspections were conducted, but all facilities that would have been high priority sites had not been inspected.

p. **Section X (Municipal Inspections of Commercial Facilities), Subsection 6:** "Information including at a minimum, inspection dates, inspectors present and the results of the inspection must be maintained in the database identified in Section X.1, above, or must be linked to that database. A copy of this database must be provided to the Regional Board with each annual report."

The City has not developed an inventory of commercial sites and recorded them in a database.

q. **Section X (Municipal Inspections of Commercial Facilities), Subsection 8:** "Within 24 hours of discovery, the permittees shall provide oral or email notification to the Santa Ana Regional Water Quality Control Board of noncompliant facilities, within their jurisdiction, that are determined to pose a threat to human health or the environment. Following oral notification, a written report must be submitted to the Santa Ana Regional Water Quality Control Board within 10 days. Incidences of non-compliance shall be recorded along with the information noted in the written report and the final outcome/enforcement for the incident in the [inventory] database."

See Paragraph 8.d, above.

r. **Section XII (New Development), Subsection A (General Requirements), Part 3**: "The permittees shall review and revise the storm water management program and implement any changes in the program, as necessary, in order to require construction site dischargers to reduce pollutants in runoff from

construction sites during all construction phases. The program shall address procedures for reporting non-compliance."

The City did not implement effective procedures to address the discharge of pollutants from construction sites. The City also did not implement procedures for reporting non-compliance with City Codes which resulted in the discharge of pollutants from construction sites. For example, the violations discussed in Paragraph 8.a, above, that occurred at a construction site, is an example of the City's failure to enforce its own ordinances. As indicated above (8.d, above), the City does not have a procedure for written notification of Board staff incidents of noncompliance.

s. **Section XII (New Development), Subsection A (General Requirements), Part 3(f):** "The permittees shall review and revise the storm water management program and implement any changes in the program, as necessary, in order to require construction site dischargers to reduce pollutants in runoff from construction sites during all construction phases. At a minimum, the program shall address.... procedures for review and approval of WQMP."

   The City does not have adequate procedures for review and approval of WQMP, has failed to require functional post-construction BMPs, and has no provisions for long-term tracking of post-construction BMPs. On June 20, 2006, Regional Board staff issued a Notice of Violation to the City because of the City's failure to address some of these issues.

t. **Section XII (New Development), Subsection A (General Requirements), Part 4, Subpart (f)**: "The permittees shall review and revise the storm water management program and implement any changes in the program, as necessary in order to require industrial/commercial site dischargers to reduce pollutants in runoff from new industrial/commercial sites including procedures for reporting non-compliance."

   The City's non-compliance reporting procedures are not consistent with the MS4 Permit provisions (also see Paragraph d, above).

u. **Section XII (New Development), Subsection A (General Requirements), Part 6**: "By February 15, 2003, the permittees shall review their planning procedures and CEQA document preparation processes to ensure that storm water-related issues are properly considered and addressed. If necessary, these processes should be revised to consider and mitigate impacts to storm water quality. These changes may include revising the General Plan, modifying the project approval processes, including a section on urban runoff related water quality issues in the CEQA checklist, and conducting training for project proponents. The findings of this review and the actions taken by the permittees shall be reported to the Regional Board in the annual report for the corresponding year that the review is

completed. All actions found necessary shall be completed by February 15, 2004 and reported in the annual report for the corresponding year."

The City has not included a consideration of the impact of new development and significant redevelopment on storm water quality in its environmental review process. The June 2006 audit and Table 2-2 of the Annual Report for the 2003-2004 reporting year indicate that the CEQA checklist was not reviewed or revised as required.

v. **Section XII (New Development), Subsection A (General Requirements), Part 7**: "By July 1, 2004, the permittees shall review their watershed protection principles and policies in their General Plan or related documents (such as Development Standards, Zoning Codes, Conditions of Approval, Development Project Guidance) to ensure that [certain] principles and policies are properly considered and are incorporated into these documents. The findings of this review and the actions taken by the permittees shall be reported to the Regional Board by November 15, 2004."

   The City has not included a consideration of the impact of new development and significant redevelopment on storm water quality in its environmental review process. The June 2006 audit and Table 2-2 of the Annual Report for the 2003-2004 reporting year indicate that the City did not review or revise the General Plan and other related documents to address the impact of new developments and significant redevelopments on urban runoff quality/quantity.

w. **Section XIV (Municipal Facilities/Activities), Subsection 1:** "Each permittee shall adopt the performance goals and implement the commitments included under Section 5.5 of the ROWD to prevent public agency facilities and activities from causing or contributing to a pollution or nuisance in receiving waters."

   a. **ROWD, Section 5 (Public Agency Activities), Subsection 5 (Performance Goals and Standards**: "Each permittee will develop and maintain site-specific pollution prevention plans for each maintenance or material storage area. Where practical, plans will be retained on site at all times. A sign indicating where the plan is located will be provided at all areas for which plans are located off-site."

      The City has not developed a site-specific pollution prevention plan. In 1998, the City was assessed a penalty of $60,000 for violations of the second term MS4 Permit. At that time, $50,000 of the assessed amount was suspended based on the City's commitment to develop and implement a comprehensive storm water management program. The City failed to develop or implement a successful program.

b. **ROWD, Section 5 (Public Agency Activities), Subsection 5 (Performance Goals and Standards**: "Each permittee will have its key staff review the site-specific plans at least once per year."

The City failed to develop a site-specific Storm Water Pollution Prevention Plan (SWPPP). Since the City did not have a SWPPP, it could not be reviewed by its staff.

c. **ROWD, Section 5 (Public Agency Activities), Subsection 5 (Performance Goals and Standards**: "Each permittee will perform annual inspections of each outdoor maintenance and materials storage area."

There were no inspection records for the outdoor maintenance and material storage areas.

x. **Section XIV (Municipal Facilities/Activities), Subsection 5:** "By October 1, 2002, the Management Committee shall develop and distribute BMP guidelines for public agency and contract field operations and maintenance staff. These guidelines shall describe appropriate pollution control measures, appropriate response to spills and illegal discharges, etc. Contractor training requirements shall be included in new contracts and contracts that come up for renewal. This shall be reported in the 2002-2003 annual report."

The City failed to provide or document adequate and timely training to municipal and contract staff. The municipal yard stores drums, batteries, trash and large tubs filled with bleach (10 at the time of our visit) without proper containment. Used vehicle batteries were stored over a storm drain. The paint striping crew was observed washing their equipment in a storm water swale that discharges to a storm drain system that is tributary to the Santa Ana River.

y. **Section XIV (Municipal Facilities/Activities), Subsection 6**: "At least on an annual basis, each permittee shall provide training to public agency staff and to contract field operations staff on fertilizer and pesticide management, model maintenance procedures, and implementation of other pollution control measures. Each permittee shall designate key staff involved in public agency activities to attend at least three such training sessions during the five-year term of this permit (from 2002-2007)."

The City has not provided any on-going task-specific training to its staff. The City has no record of any such training, and it has no procedures in place to document and report training activities to the principal permittee.

z. **Section XIV (Municipal Facilities/Activities), Subsection 9**: "Each permittee shall inspect all of their inlets, open channels, and basins at least once during each reporting year and maintain at least 80% of its drainage facilities on an annual basis, with 100% of the facilities included in a two-year period, using the

BMP fact sheet developed by the Management Committee. The inspection and maintenance frequency for all or portions of the drainage facilities shall be evaluated annually to determine the need for increasing the inspection and maintenance frequency. This information shall be included in the annual report."

Colton owns two segments of a channel, approximately ½ mile in length that passes under I-215, just south of I-10 and adjacent to East Cooley Drive. Until June 2005, two employees inspected storm drain inlets. These employees left the City and have not been replaced. The City currently does not have a storm drain inlets inspection program. Drainage facilities are cleaned only when there is street flooding or in response to complaints.

aa. **Section XVI (Program Management/MSWMP Review), Subsection 4**: "The Management Committee will continue to meet at least 11 times a year. Each permittee's designated representative or a designated alternate should attend not less than 9 out of 11 meetings."

The 2002-2003 Annual Report indicates that Colton staff attended only seven (7) out of eleven (11) Management Committee meetings.

bb. **Section XVII (Fiscal Resources)**: "The permittees shall provide adequate funding for administration, implementation and enforcement of the areawide storm water management program elements and local storm water programs."

The City has not provided adequate funding for administration of the storm water program. It has one employee handling the storm water issues; however, this employee also has multiple other high priority tasks.

9. A Notice of Violation was issued to the City on September 22, 2006 that identified the above stated Permit violations. The City's response to the Notice of Violation did not repudiate any of the findings stated above.

10. Section 13385(a)(2) of the Water Code provides that any person who violates waste discharge requirements shall be civilly liable. Section 13385(a)(3) provides that any person who violates monitoring, inspection, reporting and recordkeeping requirements shall be civilly liable. Section 13385(c) provides that civil liability may be administratively imposed by a regional board in an amount not to exceed ten thousand dollars ($10,000.00) for each day each violation occurs.

11. Pursuant to Section 13385(c), the maximum penalty that can be assessed for the violations cited above is shown in the table below. Some of the violations that could have been remedied by a single action (e.g., developing a computerized database for construction, industrial and commercial facilities) are grouped

together and only significant violations were considered in calculating the maximum penalties in the table below.

Maximum Penalties for Significant Violations

Serial #	Permit Provisions Violated	Number of Days of Violation	Maximum Penalty @$10,000/day of Violation	Remarks
1.	VI.2	1,840	$18,400,000	From 4/26/02 to 6/5/07
2.	VI.4, VIII.3(c), X.6	1,840	$18,400,000	From 4/26/02 to 6/5/07
3.	VI.5, XIV.9	928	$9,280,000	From 11/15/03 to 6/5/07
4.	VII.2, VIII.5, IX.8, X.8, XII.3(e)	1,840	$18,400,000	From 4/26/02 to 6/5/07
5.	VII.4	1,281	$12,810,000	From 11/15/03 to 6/5/07
6.	VIII.1, X.1	1,566	$15,660,000	From 1/31/03 to 6/5/07
7.	VIII.2, X.2	1,840	$18,400,000	From 4/26/02 to 6/5/07
8.	VIII.6	1,235	$12,350,000	From 1/1/04 to 6/5/07
9.	IX.3, X.5	1,415	$14,150,000	From 7/1/03 to 6/5/07
10.	XII.3, XII.A.4(f),XII.A.4(e),	1,840	$18,400,000	From 4/26/02 to 6/5/07
11.	XII.3(f)	1,116	$11,160,000	From 4/30/2004 to 6/5/2007
12.	XII.6	1,191	$11,910,000	From 4/26/02 to 6/5/07
13.	XIV.1 – ROWD 5.5	1,840	$18,400,000	From 4/26/02 to 6/5/07
14.	XIV.5, XIV.6	1,840	$18,400,000	From 4/26/02 to 6/5/07
15.	XVI.4	2	$20,000	2 meetings
16.	XVII	1,840	$18,400,000	From 4/26/02 to 6/5/07
Total Maximum			$234,540,000	

As indicated in the table above, the maximum penalty for the significant violations cited above is $234,540,000.

12. Board staff spent a total of187 hours investigating the City's compliance with the MS4 Permit (@$70/hour, the total cost for staff time is $13,090). The City saved at least $104,184 by not hiring adequate staff to manage the NPDES program under the MS4 Permit from the issuance of the MS4 Permit on April 26, 2002 to June 5, 2007.

13. Section 13385(e) specifies factors that the Board shall consider in establishing the amount of civil liability. These factors include: nature, circumstances, extent, and gravity of the violation, and, with respect to the discharger, the ability to pay, any prior history of violations, the degree of culpability, economic benefit or savings, if any, resulting from the violation, and other matters that justice may require. At a

minimum, liability shall be assessed at a level that recovers economic benefits, if any, derived from the acts that constitute the violation. These factors are evaluated in the table below.

Factor	Comment
A. Nature, Circumstances, Extent, and Gravity of Violation	The City has failed to fully implement a number of programs under the MS4 Permit that would have reduced the discharge of pollutants from the City's MS4 systems to waters of the U.S.
B. Culpability	The discharger was a signatory to the Report of Waste Discharge and has been a permittee under the municipal storm water program since 1990. The discharger is required to comply with the terms and conditions of the MS4 Permit.
C. Economic Benefit or Savings	The discharger saved at least $104,184 by not having adequate staffing to manage the storm water program.
D. Nature, Circumstances, Extent, and Gravity of Violation	The City has failed to fully implement a number of programs under the MS4 Permit that would have reduced the discharge of pollutants from the City's MS4 systems to waters of the U.S.
E. Other Factors	Board staff spent approximately 187 hours conducting the audit, reviewing the City submittals and other submittals (@ $70 per hour, the total cost for staff time is $13,090).
F. Ability to Pay	The City has not provided any information to indicate that it is unable to pay the proposed amount.

14. After consideration of the above factors, the Executive Officer proposes that civil liability be imposed on the City of Colton in the amount of $167,274 for the violations cited above ($104,184 in cost savings + $50,000 amount suspended from ACL Complaint No. 98-93 + $13,090 for Regional Board staff costs = $167,274).

WAIVER OF HEARING

The City may waive its right to a hearing. If the City wishes to do so, please sign the attached waiver form and return it, together with a check payable to the State Water Resources Control Board, for the amount of civil liability proposed under Paragraph 14, above, to Regional Board's office in the enclosed preprinted envelope.

If you have any questions, please contact Mary Bartholomew at (951) 321-4586 or contact me at (951) 782-3284. All legal questions should be referred to Reed Sato at (916) 341-5889.

8/3/07
Date

Gerard J. Thibeault
Executive Officer

In the matter of:

City of Colton
650 N. La Cadena Drive
Colton, CA 92324-2823

Attention: Mr. Daryl Parrish

Complaint No. R8-2007-0055
for
Administrative Civil Liability

WAIVER OF HEARING

I agree to waive the right of the City of Colton to a hearing before the Santa Ana Regional Water Quality Control Board with regard to the violations alleged in Complaint No. R8-2007-0055. I have enclosed a check for $167,274 made payable to the State Water Resources Control Board. I understand that I am giving up the right of the City of Colton to be heard and to argue against allegations made by the Executive Officer in this complaint, and against the imposition of, and the amount of, the liability proposed.

_____ _____
Date for the City of Colton