California Regional Water Quality Control Board
Santa Ana Region

. C. Lloyd, Ph.D.
Agency Secretary

3737 Main Street, Suite 500, Riverside, California 92501-3348
Phone (951) 782-4130 - FAX (951) 781-6288
http://www.waterboards.ca.gov/santaana

Arnold Schwarzenegger
Governor

January 13, 2005

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Brad Robbins, General Manager
Department of Water and Power
City of Corona
730 Corporation Yard Way
Corona, California 92880

ADMINISTRATIVE CIVIL LIABILITY - COMPLAINT NO. R8-2004-0114

Dear Mr. Robbins:

Enclosed is a revised copy of Administrative Civil Liability Complaint No. R8-2004-0114. This complaint alleges that the City of Corona violated California Water Code Section 13376 when, between approximately September 7, 2004 and September 14, 2004, the City of Corona's 24" pipeline which transmits non-disinfected secondary effluent ruptured and released 10.65 million gallons of wastewater into Temescal Creek.

The Complaint has been revised based on new information that you provided regarding the spill during our meeting on January 12, 2005. I am now proposing that a civil liability of $50,000 be assessed.

Should you choose to waive your right to a hearing in this matter, please sign the enclosed waiver form and submit it prior to January 28, 2005, with the enclosed invoice a cashier's check or money order for the proposed amount of civil liability ($50,000) to the address on the invoice.

If you have any questions, please call me at (951) 782-3284 or Gary Stewart of my staff at (951) 782-4379

Sincerely,

Gerard J. Thibeault
Executive Officer

Enclosed: Revised Complaint No. R8-2004-0114

cc: w/enclosures

Regional Board
State Water Resources Control Board, Office of the Chief Counsel – Jorge Leon
U. S. Environmental Protection Agency, Region IX

gds/corona spill acl ltr2

State Water Resources Control Board

Terry Tamminen
Secretary for Environmental Protection

The energy challenge facing California is real.
Every Californian needs to take immediate action to reduce energy consumption.
For a list of simple ways you can reduce demand and cut your energy costs, see our website at http://www.swrcb.ca.gov

Arnold Schwarzenegger
Governor

To:
CORONA, CITY OF
P.O. BOX 940
CORONA, CA 92878-0940

Invoice No: 55444
Invoice Date: 01/13/2005
Enforcement Action ID: 97668
Enforcement Order No: R8-2004-0114

INVOICE

ACLCOMP

Milestone ID	Description	Amount	Due Date
64797	LIABILITY AMOUNT	$50,000.00	
	TOTAL AMOUNT DUE	**$50,000.00**	

California Environmental Protection Agency

Recycled Paper

Retain above portion for your records
Please return bottom portion with your payment

CORONA, CITY OF
P.O. BOX 940
CORONA, CA 92878-0940

Milestone ID	Description	Amount	Due Date
64797	LIABDUE	$50,000.00	
	TOTAL AMOUNT DUE	**$50,000.00**	

Make your check payable to:
State Water Resources Control Board

Mail payment to:
SWRCB ACCOUNTING
ATTN: ENFORCEMENT
P. O. Box 100
SACRAMENTO, CA 95812-0100

Amount Enclosed: $_____

PLEASE PRINT THE FOLLOWING INVOICE NUMBER ON YOUR CHECK: **55444**

Invoice Date: 01/13/2005
Enforcement Action ID: 97668
Enforcement Order No.: R8-2004-0114

California Regional Water Quality Control Board
Santa Ana Region

IN THE MATTER OF:

City of Corona Department of Water and Power Water Pollution Control Division 730 Corporation Yard Way Corona, California 92880	)))))	Complaint No. R8-2004-0114 for Administrative Civil Liability

YOU ARE HEREBY GIVEN NOTICE THAT:

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

2. A hearing concerning this complaint will be held before the Board within 90 days of the date of issuance of this complaint, unless the City of Corona waives its right to a hearing. Waiver procedures are specified in Paragraph 9 of this complaint. If the hearing on this matter is not waived, the hearing will be held during the Board's regular meeting on February 3, 2005 in the Santa Ana City Council Chambers. The City of Corona or its representative will have the opportunity to appear and be heard and to contest the allegations in this complaint and the imposition of civil liability by the Board.

3. If the February 3, 2005 hearing on this matter is held, 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 of Corona is alleged to have violated California Water Code Section 13376 by allowing or causing waste to be discharged to waters of the United States without a permit.

5. This complaint is based on the following facts:

   A.) The City of Corona owns and operates a 24" pipeline that transmits non-disinfected secondary effluent from Wastewater Treatment Plant #1A to the percolation ponds at Lincoln Avenue and Cota Street. This steel pipeline was built in 1968, and is lined with mortar and coated with an asphalt coating.

B.) This line carries around 6.5 million gallons per day of non-disinfected secondary effluent at an average of 5,000 gallons per minute, and it has a pressure of approximately 13 to 14 psi.

C.) On September 14, 2004 City of Corona personnel noticed wastewater discharging from a rupture in the line. The exact date and time the discharge began is unknown. However, a pressure graph of this line indicates that on September 7, 2004, between 11 a.m. and 12:30 p.m. pressure started to drop in the line. This may indicate the time the discharge began. The rupture size was a 6" by 3" hole and was caused by corrosion.

D.) The rupture caused the release of approximately 8.17 million gallons of non-disinfected secondary effluent. None of the spill was contained or recovered and it discharged to the Butterfield Drain, which merges with Temescal Creek at a critical habitat area of the Least Bell's Vireo.

E.) On September 15, 2004, the pipeline was repaired and restored to normal operation.

F.) This is not the first incident of a rupture along this area of the pipeline. On January 12, 2003 this same pipeline ruptured approximately 150 to 200 feet away. During this previous incident, 750,000 gallons of secondary non-disinfected effluent leaked from a 13" by 1.25" wide opening in the pipe.

6. Both spills occurred from a wastewater conveyance facility owned and operated by the City of Corona. The City of Corona does not have a permit to discharge waste from this system to waters of the United States. The City of Corona is thus liable for unauthorized discharges of wastes from this system in violation of Water Code Section 13376.

7. Pursuant to Section 13385(c), the Board can administratively assess civil liability in an amount not to exceed the sum of the following:

A.) Ten thousand dollars ($10,000) for each day in which the violation occurs, and

B.) Where there is a discharge, any portion which is not susceptible to clean up or is not cleaned up, and the volume discharged but not cleaned up exceeds 1,000 gallons, an additional liability not to exceed ten dollars ($10) times the number of gallons by which the volume discharged but not cleaned up exceeds 1,000 gallons.

7. In accordance with Water Code Section 13385(c), the maximum liability for the violation cited is $82,500,000. This liability has been calculated as follows:

   A) $80,000 for 8 days of discharge @ $10,000 per day, plus

   B) $81,700,000 for $10 per gallon for each gallon over 1,000 gallons discharged (8.17 MG –1,000 gal x $ 10/gal).

8. Section 13385 (e) specifies factors that the Board shall consider in establishing the amount of civil liability. After consideration of these factors, the Executive Officer proposes civil liability be imposed on the City of Corona in the amount of $50,000 dollars for the violation cited above.

9. The City of Corona may waive its right to a hearing in this matter. If the City of Corona waives its right to a hearing, sign the 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 $50,000.

If you have any questions concerning this complaint, contact the undersigned at (951)782-3284, Gary Stewart, Surveillance and Enforcement Section Chief at (951)782-4379 or Jorge Leon, the Board's staff counsel, at (916)341-5180.

1-13-05
Date

Gerard J. Thibeault
Executive Officer

California Regional Water Quality Control Board
Santa Ana Region

IN THE MATTER OF:

City of Corona Department of Water and Power Water Pollution Control Division 730 Corporation Yard Way Corona, California 92880	)))))	Complaint No. R8-2004-0114 for Administrative Civil Liability

Waiver of Hearing

The City of Corona agrees to waive its right to a hearing before the Santa Ana Regional Water Quality Control Board with regard to the violation alleged in Complaint No. R8-2004-0114. The City of Corona has enclosed a check payable to the State Water Resources Control Board in the amount of the proposed liability in paragraph 9 of complaint No. R8-2004-0114. The City of Corona understands that it is giving up its right to be heard and to argue against the allegations made in Complaint No. R8-2004-0114, and against the imposition of, and amount of, civil liability.

_____ _____

Date for the City of Corona