

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION**

IN THE MATTER OF:

**FALLBROOK PUBLIC UTILITY DISTRICT
SANITARY SEWER SYSTEM
SAN DIEGO COUNTY**

)
)
)
) **COMPLAINT NO. R9-2007-0101**
) **FOR**
) **ADMINISTRATIVE CIVIL LIABILITY**
)
) **VIOLATION OF**
) **REGIONAL BOARD ORDER**
) **NO. 96-04**
)
)

**FALLBROOK PUBLIC UTILITY DISTRICT, SANITARY SEWER SYSTEM, HEREBY
GIVEN NOTICE THAT:**

1. The Fallbrook Public Utility District (FPUD) is alleged to have violated provisions of law for which the California Regional Water Quality Control Board, San Diego Region (Regional Board) may impose civil liability pursuant to the Porter-Cologne Water Quality Control Act, §13350 of the California Water Code (CWC). The violation alleged herein is a violation of a prohibition in waste discharge requirements for the discharge of untreated sewage into waters of the state.
2. This Administrative Civil Liability Complaint is issued under authority of Water Code Section 13323.
3. FPUD owns and operates approximately 76.6 miles of sewer lines. As of June 2006, the FPUD sewage collection system was still regulated under Regional Board Order No. 96-04, *General Waste Discharge Requirements Prohibiting Sanitary Sewer Overflows by Sewage Collection Agencies*. Prohibition A.1 of Order No. 96-04 prohibits discharges of sewage from any point upstream of a wastewater treatment plant.
4. Between June 17 and June 20, 2006, the District discharged untreated sewage in violation of Prohibition A.1 contained in Order No. 96-04.

October 17, 2007

ALLEGATIONS

6. The District violated Prohibition A.1 of Order No. 96-04 by discharging a total of 146,625 gallons of sewage from June 17 to June 20, 2006 from a 6-inch diameter sewer pipe located at 526 Aviation Road into Fallbrook Creek, tributary to Lake O'Neil and the Santa Margarita River.
7. Persons or entities that discharge waste in violation of Waste Discharge Requirements are subject to civil liability pursuant to California Water Code Section 13350, either on a daily basis, not to exceed five thousand dollars (\$5,000) for each day the violation occurs, or on a per gallon basis, not to exceed ten dollars (\$10) for each gallon of waste discharged, but not both. The statutory maximum ACL amount for the June 2006 sewage spill therefore is \$1,466,250.

PROPOSED CIVIL LIABILITY

9. It is recommended that pursuant to section 13350(e) of the CWC, the Regional Board should impose a civil liability of twenty nine thousand and three hundred dollars (\$29,300) on the Fallbrook Public Utility District alleged violation in Allegation 6 (above).

Dated this 17th day of October 2007

BY THE EXECUTIVE OFFICER



MICHAEL P. McCANN

Assistant Executive Officer (Acting)

Signed pursuant to the authority
delegated by the Executive Officer to
the Assistant Executive Officer