

6. This complaint is based on the following facts:
 - a) On February 22, 2002 an ETWD employee inadvertently engaged the emergency stop switch in the North Line Lift Station on Ridgeroute Drive in Lake Forest, causing the discharge of sewage from the sewer system to Veeh Lake, Mill Creek and San Diego Creek. Approximately 140,400 gallons of sewage were discharged and 3,000 gallons were recovered.
 - b) Veeh Lake is a reservoir of approximately 15 million gallons capacity that overflows into Mill Creek, which is tributary to San Diego Creek.
7. On March 1, 2002 ETWD submitted a written report concerning the spill. Among other details, the report provides an estimate of the amount of sewage spilled, recovered, and discharged to surface waters of the State.
8. The discharge occurred from sewage collection facilities owned and operated by ETWD, and ETWD is strictly liable for the unauthorized discharge of wastes from these facilities. 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.
9. In accordance with Water Code Section 13385(c), the maximum liability for the violation cited is \$1,374,000. This liability has been calculated as follows:
 - a) \$10,000 for one day of discharge.
 - b) \$1,364,000 at \$10 per gallon for each gallon over 1,000 gallons discharged but not cleaned up (140,400-3000-1000=136,400 gallons).
 - c) The sum of \$10,000 and \$1,364,000 is \$1,374,000.
10. 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 ETWD in the amount of \$5,000 for the violation cited above.
11. ETWD may waive its right to a hearing in this matter. If ETWD waives its right to a hearing, ETWD shall 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 and the bottom portion of the invoice to State Water Resources Control Board in the enclosed envelope.

If you have any questions concerning this complaint, contact me at (909)782-3284, Ken Theisen at 909 320-2028, or Jorge Leon, the Board's Staff Counsel, at (916)341-5180.

3-27-02
Date



Gerard J. Thibeault
Executive Officer

California Regional Water Quality Control Board
Santa Ana Region

IN THE MATTER OF:

El Toro Water District)	Complaint No. R8-2002-0035
24251 Los Alisos Boulevard)	
El Toro, CA 92630)	for
		Administrative Civil Liability

Waiver of Hearing

I agree to waive El Toro Water District's (ETWD) right to a hearing before the Santa Ana Regional Water Quality Control Board with regard to the violations alleged in Complaint No. R8-2002-0035. I have enclosed a check payable to the State Water Resources Control Board for the amount of the proposed liability in Paragraph 10 of the Complaint. I understand that I am giving up ETWD's right to be heard and to argue against the allegations made in the Complaint No. R8-2002-0035 and against the imposition of, and amount of, civil liability.

Date

for El Toro Water District