

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL VALLEY REGION

ADMINISTRATIVE CIVIL LIABILITY COMPLAINT NO. R5-2008-0565

MANDATORY PENALTY  
IN THE MATTER OF

SOUTHERN CALIFORNIA EDISON COMPANY  
BALSAM MEADOW HYDROELECTRIC PROJECT  
FRESNO COUNTY

This Complaint is issued to Southern California Edison Company, (hereafter Discharger) pursuant to California Water Code (CWC) section 13385, which authorizes the imposition of Administrative Civil Liability, CWC section 13323, which authorizes the Executive Officer to issue this Complaint, and CWC section 7, and the delegation of the Executive Officer's authority to a deputy, in this case the Assistant Executive Officer. This Complaint is based on findings that the Discharger violated provisions of Waste Discharge Requirements (WDRs) Order Nos. 99-015 and R5-2005-0093 (NPDES No. CA0081337).

The Assistant Executive Officer of the Central Valley Regional Water Quality Control Board (Regional Water Board) finds the following:

1. The Discharger owns and operates the Balsam Meadows Hydroelectric Project/Eastwood Powerhouse Facility (Facility), an underground hydroelectric powerhouse near Shaver Lake. Treated and untreated wastewater is discharged to Shaver Lake and North Fork Stevens Creek, both waters of the United States.
2. On 30 April 1999, the Regional Water Board adopted WDRs Order No. 99-015 to regulate discharges of treated and untreated surface water and groundwater from the Facility. On 16 March 2001, the Regional Water Board adopted Special Order 5-01-047 to modify Order No. 99-015 to remove flow limitations established for discharges of untreated groundwater. On 24 June 2005, the Regional Water Board adopted WDRs Order No. R5-2005-0093, which prescribed new requirements for the discharge and rescinded WDRs Order No. 99-015.
3. CWC section 13385(h) requires assessment of mandatory penalties and state, in part, the following:

CWC section 13385(h)(1) states:

Notwithstanding any other provision of this division, and except as provided in subdivisions (j), (k), and (l), a mandatory minimum penalty of three thousand dollars (\$3,000) shall be assessed for each serious violation.

CWC section 13385.1(a)(1) states:

For purposes of subdivision (h) of Section 13385, a "serious violation" also means a failure to file a discharge monitoring report required pursuant to Section 13383 for each complete period of 30 days following the deadline for

submitting the report, if the report is designed to ensure compliance with limitations contained in waste discharge requirements that contain effluent limitations.

4. CWC section 13323 states, in part, that:

Any executive officer of a regional board may issue a complaint to any person on whom administrative civil liability may be imposed pursuant to this article. The complaint shall allege the act or failure to act that constitutes a violation of law, the provision authorizing civil liability to be imposed pursuant to this article, and the proposed civil liability.

5. Monitoring and Reporting Program No. 99-015 states, in part, that: "Monitoring results shall be submitted to the Regional Board by the 25th day of the month following sample collection."
6. On 21 July 2008, Regional Water Board staff issued the Discharger a Notice of Violation and draft Record of Violation identifying violations of WDRs Order Nos. 99-015 and R5-2005-0093 that are subject to Mandatory Minimum Penalties (MMPs). The draft Record of Violation covers the period from 1 January 2000 through 31 January 2008. According to the Discharger's self-monitoring reports, the Discharger committed one (1) serious violation of report submittal requirements in Order No. 99-015 during this period. Specifically, the Discharger submitted its 2004 third quarter self-monitoring report, due 25 October 2004, on 9 December 2004, or 45 days late. The MMP for this serious late reporting violation is three thousand dollars (\$3,000). By 22 August 2008 letter, the Discharger acknowledged the serious late reporting violation.
7. The total amount of the mandatory penalty assessed for the cited late reporting violation is three thousand dollars (\$3,000).
8. Issuance of this Administrative Civil Liability Complaint to enforce CWC Division 7, Chapter 5.5 is exempt from the provisions of the California Environmental Quality Act (Public Resources Code section 21000 et seq.), in accordance with Title 14, California Code of Regulations, section 15321(a)(2).

**SOUTHERN CALIFORNIA EDISON COMPANY IS HEREBY GIVEN NOTICE THAT:**

1. The Assistant Executive Officer of the Regional Water Board proposes that the Discharger be assessed an Administrative Civil Liability in the amount of **three thousand dollars (\$3,000)**.
2. A hearing on this matter will be held at the Regional Water Board meeting scheduled on 4/5 December 2008, unless the Discharger agrees to:

- a) Waive the hearing by completing the attached form and returning it to the Regional Water Board; and
  - b) Pay the proposed civil liability of three thousand dollars (\$3,000) in full.
3. If a hearing on this matter is held, the Regional Water 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.

---

LOREN J. HARLOW, Assistant Executive Officer

---

15 September 2008  
(Date)

---

**WAIVER OF HEARING FOR  
ADMINISTRATIVE CIVIL LIABILITY COMPLAINT**

By signing this waiver, I affirm and acknowledge the following:

1. I am duly authorized to represent Southern California Edison Company (hereinafter "Discharger") in connection with Administrative Civil Liability Complaint No. R5-2008-0565 (hereinafter the "Complaint");
2. I am informed of the right provided by California Water Code section 13323, subdivision (b), to a hearing within ninety (90) days of issuance of the Complaint;
3. I hereby waive the Discharger's right to a hearing before the California Regional Water Quality Control Board, Central Valley Region, within ninety (90) days of the date of issuance of the Complaint; and
4. I certify that the Discharger will remit payment for the civil liability imposed in the amount of three thousand dollars (\$3,000) by check, which contains a reference to "ACL Complaint No. R5-2008-0565" and is made payable to the "*State Waste Discharge Permit Fund.*"
5. I understand the payment of the above amount constitutes a settlement of violations alleged in the Complaint that will not become final until after a public comment period.
6. I understand that the Assistant Executive Officer has complete discretion to modify or terminate this settlement.
7. I understand that payment of the above amount is not a substitute for compliance with applicable laws and that continuing violations of the type alleged in the Complaint may subject the Discharger to further enforcement, including additional civil liability.

---

(Print Name and Title)

---

(Signature)

---

(Date)