



California Regional Water Quality Control Board

Lahontan Region



Linda S. Adams
Secretary for Environmental
Protection

2501 Lake Tahoe Boulevard, South Lake Tahoe, California 96150
(530) 542-5400 • Fax (530) 544-2271
<http://www.waterboards.ca.gov/lahontan>

Arnold Schwarzenegger
Governor

JAN 05 2007

Trinity Construction Company
c/o Matt Carricaburu
P.O. Box 246
Blue Jay, CA 92317

Certified Mail: 7099 3220 0003 9762 1099

ADMINISTRATIVE CIVIL LIABILITY COMPLAINT NO. R6V-2007-0002 ISSUED TO TRINITY CONSTRUCTION COMPANY, FOR THE DISCHARGE OF UNTREATED WASTEWATER TO SURFACE WATERS WITHIN THE UPPER MOJAVE HYDROLOGIC AREA, LAKE ARROWHEAD, SAN BERNARDINO COUNTY

Enclosed is the above-referenced Administrative Civil Liability Complaint (hereafter "Complaint"). The Complaint in the amount of **\$10,000** is issued in response to violations of water quality laws and regulations that occurred on property adjacent to the Arrowhead Tree Top Lodge in Lake Arrowhead, San Bernardino County. Violations resulted from an unauthorized discharge of untreated wastewater (sewage) to Rainbow Creek, Burnt Mill Creek and Lake Arrowhead within the Upper Mojave Hydrologic Area. The discharge occurred after Trinity Construction Company discharged debris into a sewer line manhole, creating a blockage, and causing the sewer system to overflow to surface waters. Trinity Construction Company personnel first observed the discharge on November 4, 2005.

If you decide to waive a hearing regarding this matter and remit payment to the California Regional Water Quality Control Board, Lahontan Region (Water Board), sign and return the original WAIVER OF HEARING form (enclosed) to our South Lake Tahoe office. In accordance with, Code of Federal Regulations, title 40, part 123.27(d)(2)(iii), a 30-day public review period must be provided prior to the Water Board considering acceptance of any settlement of proposed administrative civil liability, to allow other interested persons an opportunity to comment on the action. Following the 30-day review period, the Water Board will consider accepting the settlement during its regularly scheduled **March 14-15, 2007** meeting.

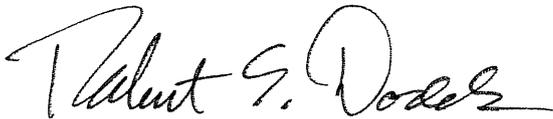
If you choose not to waive the public hearing, one will be held during the Water Board's **March 14-15, 2007** meeting. To ensure the Water Board has the opportunity to fully study and consider written material, all material must be submitted at least ten (10) days before the hearing. This will allow distribution of material to the Board Members in advance of the hearing. Pursuant to California Code of Regulations, title 23, section 648.4, the Water Board Chair may refuse to admit written testimony into evidence if submitted late, unless the proponent can demonstrate why he or she was unable to submit the material on time or that compliance with the deadline would otherwise create a severe hardship. If any other party demonstrates prejudice from the late admission of the written testimony, the Water Board may refuse to admit it.

California Environmental Protection Agency

You may submit the Waiver of Hearing Form and payment of the recommended liability at any time up to **March 14, 2007**. However, if Water Board staff does not receive the Waiver of Hearing Form and payment of the recommended liability by **February 9, 2007**, staff will schedule a public hearing and prepare an Administrative Civil Liability Order for the Water Board's consideration at its **March 14-15, 2007** meeting. You and/or your representative would then have an opportunity to contest before the Water Board the allegations and amount of recommended liability presented in Administrative Civil Liability Complaint No. R6V-2007-0002.

You may petition the State Water Resources Control Board (State Water Board) to review the decision of the Water Board in accordance with Water Code section 13320 and California Code of Regulations, title 23, section 2050. The State Water Board must receive the petition within 30 days after the Water Board meeting at which the action will be taken. Copies of the law and regulations applicable to filing petitions will be provided upon request.

If you have any questions or comments regarding this matter, please contact Scott Ferguson at (530) 542-5432, or Chuck Curtis at (530) 542-5460, or me at (530) 542-5410.



Robert S. Dodds
Assistant Executive Officer

Enclosures: Complaint No. R6V-2007-0002
Waiver of Hearing Form

cc (w/enclosures): Regional Board Members
David Coupe, Office of Chief Counsel, State Water Resources
Control Board
Mark Bradley, Office of Enforcement, State Water Resources Control
Board
Cindi Mitton, Lahontan Regional Water Quality Control Board
Ron Fussell, Lake Arrowhead Community Services District
Nick Bhakta, Arrowhead Tree Top Lodge

**STATE OF CALIFORNIA
REGIONAL WATER QUALITY CONTROL BOARD
LAHONTAN REGION**

In the matter of Trinity Construction Company: Violation)
of Water Code Section 13376 and Waste Discharge)
Prohibitions Prescribed in the *Water Quality Control*) **COMPLAINT NO.**
Plan for the Lahontan Region for the Unauthorized) **R6V-2007-0002**
Discharge of Untreated Wastewater to Surface) **FOR ADMINISTRATIVE**
Waters Within the Upper Mojave Hydrologic Area,) **CIVIL LIABILITY**
Lake Arrowhead, San Bernardino County,)
WDID No. 6B360511N03)

TRINITY CONSTRUCTION COMPANY, YOU ARE HEREBY GIVEN NOTICE THAT:

1. You are charged with violating provisions of law and regulations for which the California Regional Water Quality Control Board (Water Board) may impose administrative civil liability pursuant to Water Code section 13385, subdivision (a)(1) and section 13385, subdivision (a)(4).
2. Unless waived, a hearing on this matter will be held before the Water Board within 90 days following the issuance of this Complaint. Trinity Construction Company (Trinity), or its representatives, will have an opportunity to address and contest the allegations in this Complaint and the imposition of civil liability by the Water Board. An agenda showing the approximate time set for the hearing will be mailed to you not less than ten days before the hearing date.
3. At the hearing, the Water Board will consider whether to affirm, reject, or modify (either increase or decrease) the proposed civil liability, or whether to refer the matter to the Attorney General for recovery of judicial civil liability.

ALLEGATIONS

4. Discharger

Trinity is the contractor hired by Arrowhead Tree Top Lodge (Lodge) to conduct repairs on Lodge facilities (swimming pool, deck, and retaining wall) damaged during a severe winter storm event. Trinity, while cleaning up previously stockpiled landslide and other storm debris (material was stockpiled 10 months prior to Trinity beginning the Lodge project), discharged debris into a Lake Arrowhead Community Services District (District) sewer line, creating a blockage that caused the sewer to overflow, resulting in a sewage discharge to Rainbow Creek. Trinity caused the discharge of sewage to Rainbow Creek when it discharged debris into a District sewer line, creating a blockage that caused the sewer to overflow. Therefore, Trinity is hereinafter referred to as the "Discharger", as its activities caused the discharge.

5. Facility

The affected facility is the portion of the District's sewer collection system (eight-inch sewer main and associated manholes) located adjacent to 27992 Rainbow Drive, the address of Tree Top Lodge, in Lake Arrowhead, California.

6. Facts

- a. The Lodge experienced damage to its swimming pool, deck, and a retaining wall during a severe storm event on January 5, 2005. Shortly after the storm event, the local fire department conducted emergency cleanup efforts and stockpiled storm debris in a narrow, unpaved, turnout area of Rainbow Drive next to the Lodge. The storm debris remained there for approximately 10 months.
- b. On September 28, 2005, Mr. Nick Bhakta (Lodge Owner) hired Trinity to repair the storm damage on the Lodge property and to clean up any on-site debris resulting from the construction work. Removing the storm debris that had been stockpiled in the unpaved turnout area of Rainbow Drive shortly after the January 5, 2005 storm was not part of Trinity's contract with the Lodge owner. Trinity has asserted that the regional notification center, "Dig Alert," was notified before the overall Lodge project started. However, Dig Alert was not requested to have underground utilities delineated in the area where the above-referenced storm debris stockpile was located.
- c. On the evening of November 3, 2005, Trinity began cleaning up the storm debris stockpile left by the fire department. While cleaning up the storm debris stockpile, Trinity personnel, using heavy equipment, pushed debris into a sewer manhole located beneath the debris pile. Trinity did not notify the District on the evening of November 3, 2005, even though its personnel were aware that they had pushed debris into the sewer line.
- d. On the morning of November 4, 2005, Trinity personnel arrived on site to find untreated wastewater (sewage) overflowing from a manhole downstream from the manhole that debris had been pushed into the evening before. Trinity personnel called District staff as soon as the sewer overflow was observed on November 4, 2005, at approximately 10:00 a.m. The debris in the sewer line had created a blockage causing the flow to back up and flow out of the sewer. Sewage flowed from the manhole downhill and into Rainbow Creek. It then flowed in Rainbow Creek to its confluence with Burnt Mill Creek, and within Burnt Mill Creek to its confluence with Lake Arrowhead, where it entered the lake. The distance from the point of entry into Rainbow Creek to Lake Arrowhead is approximately one-half mile. Lake Arrowhead and its tributaries are waters of the United States and of the state.

- e. District staff arrived on site on November 4, 2005 shortly after being notified. Immediately upon arrival, District staff dug down one to two feet through the debris pile to get to the damaged manhole. They entered the sewer line to inspect the blockage, removed approximately 30 gallons of debris, and then cleaned the sewer line with high-pressure water. The blockage was cleared within approximately 15 minutes of District personnel arriving on site.
- f. On November 4, 2005, Trinity staff also reported to District staff that its personnel had pushed debris into the sewer line while working on the debris pile. This information was verbally passed onto Water Board staff on November 4, 2005 at approximately 11:00 a.m. during the District's initial verbal report about the spill to Water Board staff. Five months later, on April 4, 2006, Matt Carricaburu, owner of Trinity, stated to Water Board staff, John Steude, that Trinity workers had pushed the debris into the manhole. This verbal admission is consistent with the verbal admission provided to District staff first on the scene on November 4, 2005.
- g. District staff estimated that approximately 2,000 gallons of sewage spilled from the sewer collection system into Rainbow Creek from the time the District arrived on the morning of November 4, 2005 to the time the District stopped the overflow of sewage. District staff estimated the discharge volume based upon its visual observation of the discharge rate from the affected manhole. District staff did not attempt to estimate the volume of sewage that likely discharged prior to District staff's arrival at the spill site on November 4, 2005. Because there are no calculations, photographs, or other evidence available to support the District's estimated volume of the discharge from the sewer, Water Board staff are not using the District's estimate in calculating the potential maximum liability in this Complaint.
- h. The spill caused significant increases in coliform concentrations within Rainbow Creek and downstream locations, as shown in Table Nos. 1 through 3 below. The November 4 and 17, 2005 sample collection and analysis were done by District staff. The District posted warning signs on Rainbow Creek, Burnt Mill Creek, and Lake Arrowhead for five days as a result of the bacterial contamination.

Table No. 1 – Total Coliform Concentrations for Rainbow Creek, Burnt Mill Creek, and Lake Arrowhead, November 4, 2005 and November 17, 2005

| Date | Rainbow Creek above Point of Entry | Rainbow Creek at Point of Entry | Rainbow Creek Confluence with Burnt Mill Creek | Burnt Mill Creek Confluence with Lake Arrowhead |
|-------------------|------------------------------------|---------------------------------|--|---|
| November 4, 2005 | 3,500 MPN | >24,000 MPN | >24,000 MPN | 9,200 MPN |
| November 17, 2005 | NS | >2,400 MPN | >2,400 MPN | 920 MPN |

Table No. 2 – Fecal Coliform Concentrations for Rainbow Creek, Burnt Mill Creek, and Lake Arrowhead, November 4, 2005 and November 17, 2005

| Date | Rainbow Creek above Point of Entry | Rainbow Creek at Point of Entry | Rainbow Creek Confluence with Burnt Mill Creek | Burnt Mill Creek Confluence with Lake Arrowhead |
|-------------------|------------------------------------|---------------------------------|--|---|
| November 4, 2005 | 17 MPN | 5,400 MPN | 16,000 MPN | 2,400 MPN |
| November 17, 2005 | NS | 46 MPN | 49 MPN | 23 MPN |

NS-Not Sampled

Table No. 3 – Fecal Streptococci Concentrations for Rainbow Creek, Burnt Mill Creek, and Lake Arrowhead, November 4, 2005 and November 17, 2005

| Date | Rainbow Creek above Point of Entry | Rainbow Creek at Point of Entry | Rainbow Creek Confluence with Burnt Mill Creek | Burnt Mill Creek Confluence with Lake Arrowhead |
|-------------------|------------------------------------|---------------------------------|--|---|
| November 4, 2005 | 1,600 MPN | >24,000 MPN | 16,000 MPN | 2,400 MPN |
| November 17, 2005 | NS | NS | NS | NS |

NS-Not Sampled

7. Violation – Basin Plan Prohibitions

The Discharger violated the following prohibitions specified in the Basin Plan, adopted pursuant to Water Code section 13243.

Regionwide Prohibitions

- A. "The discharge of waste¹ which causes violation of any narrative water quality objective contained in this Plan, including the Nondegradation Objective, is prohibited."

¹ Note: ¹"Waste" includes sewage and any and all other waste substances, liquid, solid, gaseous, or radioactive associated with human habitation, or of human or animal origin, or from any producing, manufacturing, or processing operation, including waste placed within containers of whatever nature prior to, and for purposes of, disposal. (Wat. Code, § 13050, subd. (d).)

- B. "The discharge of untreated sewage, garbage, or other solid wastes, or industrial wastes into surface waters of the Region is prohibited. (For the purposes of this prohibition, "untreated sewage" is that which exceeds secondary treatment standards of the Federal Water Pollution Control Act, which are incorporated in this plan on page 4.4-3 under "Surface Water Disposal of Sewage Effluent.")"

Unit/Area Specific Prohibitions-Mojave Hydrologic Unit

- C. "The discharge of waste to surface water in the Mojave Hydrologic Unit that is tributary to the West Fork Mojave or Deep Creek, above elevation 3,200 feet (approximate elevation of Mojave Forks Dam), is prohibited. This prohibition does not apply to stormwater discharges unless such discharges create a condition of pollution or nuisance. (Figure 4.1-23)"
- D. "The discharge of waste to land or water within the following areas is prohibited (Figure 4.1-23):
- a) The Silverwood Lake watershed
 - b) The Deep Creek watershed above elevation 3,200 feet
 - c) The Grass Valley Creek watershed above elevation 3,200 feet.

This prohibition does not apply to stormwater discharges unless such discharges create a condition of pollution or nuisance. "

- E. "The discharge of wastes of sewage-bearing origin to surface waters in the Mojave Hydrologic Unit upstream of the Lower Narrows at Victorville is prohibited."

The Discharger violated prohibition A cited above when the sewage discharge into Rainbow Creek created conditions violating the narrative water quality objective for bacteria (coliform). The Basin Plan specifies the following narrative water quality objective for bacteria (coliform):

"Waters shall not contain concentrations of coliform organisms attributable to anthropogenic sources, including human and livestock wastes."

The sewage discharge introduced coliform organisms that are directly attributable to anthropogenic sources and included human wastes. The introduction of the coliform organisms is confirmed by the data in Table Nos. 1 through 3.

The Discharger violated prohibitions B through E cited above when its actions resulted in sewage being discharged into Rainbow Creek. Rainbow Creek is a surface water in the Lahontan Region's Mojave Hydrologic Unit that is tributary to Lake Arrowhead, which discharges into Deep Creek. The discharge occurred at an elevation above 5,000 feet and in a location that is upstream of the Lower Narrows at Victorville. The Discharger violated prohibitions B through E cited above by pushing debris into the sewer line manhole. The debris in the sewer line created a flow blockage that caused the overflow of raw sewage. The Discharger failed to have underground utilities delineated prior to conducting excavation in the vicinity of the manhole and failed to immediately notify the District when debris was pushed into the sewer line.

8. Violation - Water Code section 13376

The Clean Water Act establishes permit requirements for point source discharges to surface waters, known as the National Pollutant Discharge Elimination System (NPDES, 33 U.S. Code section 1342). California is authorized by the United States Environmental Protection Agency to administer its own NPDES program pursuant to 33 U.S. Code section 1342(b).

Chapter 5.5 of the Porter-Cologne Water Quality Control Act (Water Code section 13370 et seq.) authorizes the State and regional boards to issue waste discharge requirements, defined to be the equivalent of NPDES permits that meet all federal requirements of the Clean Water Act.

Water Code section 13376 states, in part,

“...any person discharging pollutants or proposing to discharge pollutants to the navigable waters of the United States . . . shall file a report of the discharge in compliance with the procedures set forth in Section 13260 . . .”

and

“The discharge of pollutants . . . except as authorized by waste discharge requirements [NPDES permit] . . . is prohibited.”

The Discharger, by failing to file a report of waste discharge as set forth in Water Code section 13260 and failing to obtain an NPDES permit prior to the discharges described in the above Findings, has violated Water Code section 13376.

9. Administrative Civil Liability Authority

The Water Board may impose civil liability pursuant to Water Code section 13385, subdivision (a)(1) and subdivision (a)(4). Water Code section 13385, subdivision (a) states:

“Any person who violates any of the following shall be liable civilly in accordance with this section:

(1) Section 13375 or 13376.

(4) Any order or prohibition issued pursuant to Section 13243 or Article 1 (commencing with Section 13300) of Chapter 5, if the activity subject to the order or prohibition is subject to regulation under this chapter.”

The Discharger violated Water Code section 13376 as described in Finding 8. The Discharger violated prohibitions contained in the Water Board's Basin Plan as described in Finding No. 7. The Water Board can, therefore, impose civil liability pursuant to Water Code section 13385, subdivision (a)(1) and subdivision (a)(4).

PROPOSED CIVIL LIABILITY

10. Civil Liability – California Water Code

For the violation of Water Code section 13376 and Basin Plan prohibitions, the Water Board may impose civil liability pursuant to Water Code section 13385, subdivision (c).

Water Code section 13385, subdivision (c) states:

“Civil liability may be imposed administratively by the state board or a regional board pursuant to Article 2.5 ... of Chapter 5 in an amount not to exceed the sum of both of the following:

- (1) Ten thousand dollars (\$10,000) for each day in which the violation occurs.
- (2) Where there is a discharge, any portion of which is not susceptible to cleanup 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) multiplied by the number of gallons by which the volume discharged but not cleaned up exceeds 1,000 gallons.”

In this matter, because the discharge volume is not known to an acceptable degree of accuracy, the maximum civil liability under Water Code section 13385, subdivision (c) is \$10,000 for the discharge of sewage to Rainbow Creek. This civil liability is based upon:

- A. One day of violating Basin Plan prohibitions and the Clean Water Act.
Maximum potential penalty for this element is \$10,000.

The discharge does not meet the criteria for assessing a minimum mandatory penalty.

11. Factors Affecting the Amount of Civil Liability

Water Code section 13385, subdivision (e) requires the Water Board to consider enumerated factors when it determines the amount of civil liability for a discharge covered by Section 13385. The Assistant Executive Officer of the Water Board considered those factors in recommending the amount of the administrative civil liability:

a. The nature, circumstances, extent, and gravity of the violations;

The sewer system overflow discharged a significant volume of sewage to Rainbow Creek. Coliform levels in Rainbow Creek downstream of the discharge significantly increased compared to coliform levels upstream of the discharge's point of entry, and compared to coliform levels measured approximately two weeks following the discharge incident (see Table Nos. 1 through 3). The discharge resulted in conditions that violated the Basin Plan's narrative water quality objective for bacteria (coliform). The District posted warning signs on Rainbow Creek, Burnt Mill Creek, and Lake Arrowhead, informing the public of the bacterial contamination for a five-day period following the discharge incident.

Beneficial uses listed for Lake Arrowhead (and its tributaries by the tributary rule) include:

| | |
|-------------------------------------|--------------------------------------|
| municipal and domestic supply (MUN) | agricultural supply (AGR) |
| water contact recreation (REC-1) | non-contact water recreation (REC-2) |
| commercial and sport fishing (COMM) | groundwater recharge (GWR) |
| wildlife habitat (WILD) | cold freshwater habitat (COLD) |
| navigation (NAV) | |

The tributary rule (Basin Plan page 2-3) states:

"Unless otherwise specified, beneficial uses also apply to all tributaries of surface waters identified in Table 2-1 (i.e., specific surface waters which are not listed have the same beneficial uses as the streams, lakes, wetlands, or reservoirs to which they are tributary)."

Rainbow Creek is tributary to Lake Arrowhead. Therefore, the beneficial uses designated for Lake Arrowhead are also applicable to Rainbow Creek.

Water Code section 13050, subdivision (l)(1) states:

"Pollution means an alteration of the quality of waters of the state by waste to a degree which unreasonably affects either of the following:

- (A) The water for beneficial uses.
- (B) Facilities which serve these beneficial uses."

The sewage discharge to Rainbow Creek and downstream areas created conditions that adversely affected the REC-1, REC-2, and COMM beneficial uses for five days while the affected water bodies were posted for bacterial contamination. Therefore, the discharge created a condition of pollution because the sewage discharge unreasonably affected the waters of Rainbow Creek, Burnt Mill Creek, and Lake Arrowhead for beneficial uses. The discharge also had the potential for adversely affecting the MUN beneficial use of Lake Arrowhead, which provides a portion of the water supply for the Lake Arrowhead area.

This factor justifies a significant liability.

b. Whether discharge is susceptible to cleanup or abatement;

The sewage discharged into Rainbow Creek was not susceptible to cleanup. The discharge immediately commingled with Rainbow Creek flows and was dispersed downstream to Burnt Mill Creek and Lake Arrowhead.

This factor justifies a significant liability.

c. The degree of toxicity of the discharge;

There were no analyses performed to determine the degree of toxicity of the discharge. Untreated sewage contains pathogens that can cause sickness and (rarely) death in humans that ingest or are otherwise exposed to such materials. Measured bacteriological contamination exceeded the Basin Plan water quality objective for bacteria (coliform), and other standards established for drinking water and water contact recreation.

The lack of toxicity data combined with potential harmful effects to human health resulting from the discharge makes this a neutral factor in determining the amount of the liability.

d. Ability to pay;

Water Board staff is not aware of any reason that the Discharger would be unable to pay the proposed liability. The Discharger now has the opportunity to provide any financial data to the Water Board showing an inability to pay the proposed liability.

e. The effect on the Discharger's ability to continue its business;

Water Board staff is not aware of any reason that the Discharger's ability to continue business would be affected by the proposed liability. The Discharger now has the opportunity to provide any information to the Water Board showing an inability to continue its business due to payment of the proposed liability.

f. Any voluntary cleanup efforts undertaken by the violator;

The Discharger offered to help the District to clean up after the spill, but the District chose to do complete cleanup activities with its own staff. This factor justifies reducing the liability from the maximum amount.

g. Prior history of violations;

There is no history of violations on record for the Discharger. This factor justifies reducing the liability from the maximum amount.

h. Degree of culpability;

The Discharger's actions and inactions caused the discharge. Information provided to the Water Board by the Discharger indicates that Trinity personnel were aware that they had pushed debris into the manhole, but did not notify the District until the next day when Trinity personnel discovered the sewer overflow. Subsequently, Trinity personnel called the District to report the overflow. Had the Discharger immediately called to report the debris discharged into the sewer line when it happened, the District would have had the opportunity to respond and clear the debris. The discharge would have been prevented, or at least significantly reduced.

Before cleaning up the storm debris stockpile, the Discharger had the responsibility to contact Dig Alert to obtain locations of underground utilities in and around the debris stockpile, and then to use customary caution when working around utilities. There was no such request made. Had the underground utilities been marked in and around the debris stockpile, the release of sewage would have likely been prevented.

These factors weigh heavily in favor of not reducing the liability from the maximum amount.

i. Economic savings resulting from the violation;

There is no apparent economic saving resulting from the violation. The lack of economic savings is a neutral factor in determining the appropriate amount of liability.

j. Other matters as justice may require.

Water Board staff have spent time responding to the incident and preparing the administrative civil liability. Estimated staff costs for incident response and complaint preparation are \$3,227.

12. Amount of Civil Liability

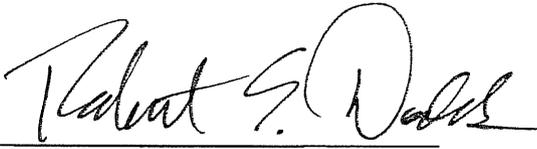
The Assistant Executive Officer of the Water Board considered the above factors and proposes that administrative civil liability be imposed by the Water Board in the amount of \$10,000, pursuant to Water Code section 13385.

WAIVER OF HEARING

You may waive the right to a hearing. Waiver of your right to a hearing constitutes acceptance of the assessment of civil liability in the amount set forth within the Complaint. If you wish to waive your right to a hearing, an authorized person must sign the waiver form below, and send it with a cashier's check or money order for the full amount of the civil liability assessment, made payable to the **California State Water Resources Control Board, Cleanup and Abatement Account**, to the address below.

Lahontan Water Board
Attn: Robert S. Dodds, Assistant Executive Officer
2501 Lake Tahoe Boulevard
South Lake Tahoe, CA 96150

Please note that any waiver will not be effective until reasonable opportunity for public participation has been provided pursuant to federal National Pollutant Discharge Elimination System regulations (40 Code of Federal Regulation [CFR] parts 122, 123, and 124). The Water Board will notify interested persons of any proposed settlement for the recommended liability and will solicit comments on the settlement for a period of thirty (30) days. Any settlement will not become final until after a public comment period.

Ordered by: 
Robert S. Dodds
Assistant Executive Officer

Dated: January 5, 2007



California Regional Water Quality Control Board
Lahontan Region



Linda S. Adams
*Secretary for Environmental
 Protection*

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Arnold Schwarzenegger
Governor

**WAIVER
 OF RIGHT TO A
 PUBLIC HEARING**

Trinity Construction Company
 c/o Matt Carricaburu
 P.O. Box 246
 Blue Jay, CA 92317

Complaint No. R6V-2007-0002
 For
 Administrative Civil Liability
 \$10,000

ADMINISTRATIVE CIVIL LIABILITY COMPLAINT NO. R6V-2007-0002 ISSUED TO TRINITY CONSTRUCTION COMPANY, FOR THE DISCHARGE OF UNTREATED WASTEWATER TO SURFACE WATERS WITHIN THE UPPER MOJAVE HYDROLOGIC AREA, LAKE ARROWHEAD, SAN BERNARDINO COUNTY

By signing below, Trinity Construction Company agrees that it waives its right to request a hearing before the California Regional Water Quality Control Board, Lahontan Region (Water Board) with regard to the violations alleged in the above-referenced Complaint and to remit payment for the civil liability imposed. (For payment, please make the check payable to the "California State Water Resources Control Board, Cleanup and Abatement Account.")

Please note that any waiver will not be effective until reasonable opportunity for public participation has been provided pursuant to federal National Pollutant Discharge Elimination System (NPDES) regulations (40 Code of Federal Regulations [CFR] parts 122, 123, and 124). In accordance with 40 CFR part 123.27(d)(2)(iii), a 30-day public comment period will be required for a proposed settlement of administrative civil liability. The Water Board will notify interested persons of any proposed settlement for the recommended liability and will solicit comments on the settlement for a period of 30 days.

Trinity Construction Company understands that even though this waiver of a right to a hearing has been signed, that the Water Board will schedule an agenda item to determine if it will accept the settlement. This agenda item will be limited to a consideration of whether the settlement is in the public interest. The Water Board may accept or reject the settlement or it may reject the Administrative Civil Liability Complaint. If the Water Board accepts the settlement or rejects the Complaint, no

further hearing will be required. If the Water Board rejects the settlement, the Water Board will schedule a public hearing at a subsequent meeting. If the Water Board holds a public hearing, it will be noticed and all parties will have the opportunity to present evidence to the Water Board.

Signature

Title

Date

Print your name

Send this signed form and settlement check to:
California Regional Water Quality Control Board – Lahontan Region
2501 Lake Tahoe Boulevard
South Lake Tahoe, CA 96150

