



California Regional Water Quality Control Board

Lahontan Region



Linda S. Adams
Secretary for
Environmental Protection

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www.waterboards.ca.gov/lahontan

Arnold Schwarzenegger
Governor

March 19, 2007

Mountain News & Crestline Courier
Deliver by facsimile

Victorville Daily Press & Desert Dispatch
San Bernardino Sun
Deliver by e-mail

REQUEST FOR PUBLICATION OF NOTICE OF SETTLEMENT OF ADMINISTRATIVE CIVIL LIABILITY NO. R6V-2007-0002, TRINITY CONSTRUCTION COMPANY, LAKE ARROWHEAD, SAN BERNARDINO COUNTY

Please publish the enclosed Public Notice one (1) time as soon as possible, but no later than **March 23, 2007**. Please send your invoice and proof of publication to the attention of Kathleen Minsky at the address above. Please contact Ms. Minsky at (530) 542-5575 if you have any questions about the billing, or me at (530) 542-5432 if you have any questions about the content of the notice.

Scott C. Ferguson, Chief
Enforcement and Special Projects Unit

Enclosure

cc (w/enclosure): Regional Board Members
Matt Carricaburu/Trinity Construction Company
Ken Nelsen/Lake Arrowhead Community Services District
Ron Fussell/Lake Arrowhead Community Services District
Nick Bhakta/Arrowhead Tree Top Lodge
David Coupe, SWRCB, Office of Chief Counsel
Mark Bradley/SWRCB, Office Of Enforcement

Bcc: Mike Plaziak, Lahontan Regional Water Quality Control Board
Cheryl Hanley, Lahontan Regional Water Quality Control Board
Harold J. Singer, Lahontan Regional Water Quality Control Board
Roberts S. Dodds, Lahontan Regional Water Quality Control Board

SCF/didT:/Trinity Construction ACL-Settlement Notice (03-19-2007) SCF
[File Under: SLT File Room/VVL Files/Trinity Construction Sewage Spill (San Bernardino County)]

California Environmental Protection Agency

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LAHONTAN REGION

2501 LAKE TAHOE BLVD., SOUTH LAKE TAHOE, CA 96150 (530) 542-5400

**NOTICE OF SETTLEMENT OF
ADMINISTRATIVE CIVIL LIABILITY COMPLAINT NO. R6V-2007-0002**

NOTICE IS HEREBY GIVEN that the California Regional Water Quality Control Board, Lahontan Region (Water Board) is soliciting comments on a proposed settlement of Administrative Civil Liability Complaint No. R6V-2007-0002 (Complaint). On January 5, 2007, the Water Board's Assistant Executive Officer issued the Complaint in the amount of \$10,000 to Trinity Construction Company (Trinity). The Complaint was issued in response to a November 4, 2005 discharge of untreated sewage to Rainbow Creek in the Lake Arrowhead watershed. The discharge occurred as a result of Trinity removing storm debris that had been stockpiled on and around a manhole, which is part of the Lake Arrowhead Community Services District's sewer system. Storm debris was discharged into the sewer system through the manhole during removal operations. The storm debris had been stockpiled since early January 2005, and there were no known plans to properly dispose of it prior to Trinity's involvement on an unrelated project in the area.

On February 26, 2007, Water Board staff and Trinity agreed to settle the Complaint for the amount of \$6,000. Settling the Complaint for \$6,000 will save valuable Water Board resources, while still increasing local contractors' awareness of the need to locate all utilities prior to grading, excavating, and filling activities. On March 5, 2007, Water Board staff received a signed Waiver of Hearing Form and check for \$6,000 from Trinity.

In accordance with title 40 Code of Federal Regulations (CFR), part 123.27(d)(2)(iii), a 30-day public comment period is required for a proposed settlement of administrative civil liability. Written comments regarding the proposed settlement must be submitted to the Water Board office no later than **April 26, 2006**.

There are two possible outcomes following the 30-day public comment period. Those outcomes are:

- No new information is received and the settlement is final.
- New information is submitted convincing staff that the settlement is not in the public interest. Staff would issue a new administrative civil liability complaint, and schedule a public hearing for purposes of providing evidence to the Water Board regarding the allegations stated in the complaint.

The Complaint and related documents pertaining to this issue may be inspected and copied at the Water Board office during regular business hours at the above address.

The Complaint can also be viewed on the Water Board's web site (www.waterboards.ca.gov/lahontan). Any questions regarding this matter may be directed to Scott Ferguson at the Water Board office.

Please bring the foregoing to the attention of any person whom you know to be interested in this matter.



SCOTT C. FERGUSON, CHIEF
ENFORCEMENT AND SPECIAL PROJECTS UNIT

Date: March 19, 2007