

5. Water Code Section 13385 (h) and (i) requires the Board to assess a mandatory minimum penalty of three thousand dollars (\$3,000) for each serious and/or chronic violation.
6. As shown in Attachment "A", Rialto incurred a total of fifty violations between January 2000 and June 2001. For the eighteen-month period covered by Complaint No. 01-114, three non-serious violations, that occurred during January 2000, are not subject to penalty assessments. In addition, Rialto has already paid \$60,000 for twenty violations in Complaint No. 00-72 that partially covered the period between January and June 2000.
7. Twenty-seven violations out of the total of fifty violations are subject to mandatory minimum penalties of \$3,000 for each violation. In accordance with Water Code Section 13385 (i), the mandatory minimum penalties for the twenty-seven effluent limit violations cited in Attachment "A" are \$81,000.
8. In accordance with Water Code Section 13385(c), the Board may impose administrative civil liability for the fifty violations cited in Attachment "A". The maximum administrative civil liability which may be imposed for these violations is \$440,000.
9. The Executive Officer proposes that mandatory penalties of \$81,000 be imposed on Rialto by the Board for the violations cited above.
10. You may waive your right to a hearing. If you waive your right to a hearing, please sign the attached waiver, which is Page 5 of this complaint, and return it together with a check payable to the State Water Resources Control Board in the amount of the mandatory penalties proposed in paragraph 9, above. Send the check and waiver to:

Santa Ana Regional Water Quality Control Board
3737 Main Street, Suite 500
Riverside, CA 92501-3339

If you have any questions regarding this complaint, please contact the undersigned, at (909) 782-3284, or Gary D. Stewart, Surveillance and Enforcement Section Chief at (909) 782-4379, or the Board's staff counsel, Jorge Leon, at (916) 341-5180.

Date

Gerard J. Thibeault
Executive Officer

ATTACHMENT "A"

MONTH/YEAR	Na 12-MONTH AVERAGE	TIN 12-MONTH AVERAGE	TC 7-DAY MEDIAN VIOLATIONS	pH VIOLATIONS < 6.5 pH UNITS >8.5 pH UNITS >60 MINUTES {A} >446 MINUTES {B}		NUMBER OF VIOLATIONS	NUMBER OF VIOLATIONS SUBJECT TO MANDATORY PENALTIES
				A	B		
January 2000	(1)	(1)	(1) + 1	3	1	8	5
February 2000	1*	1*	0	1	0	3	1
March 2000	1*	1*	0	1	0	3	1
April 2000	1*	1*	0	11* + 1	1	15	2
May 2000	1*	1*	0	2	1	5	3
June 2000	1*	0	0	0	0	1	0
July 2000	1	0	0	2	0	3	3
August 2000	1	0	0	0	0	1	1
September 2000	1	0	0	1	1	3	3
October 2000	1	0	0	0	0	1	1
November 2000	1	0	0	0	0	1	1
December 2000	1	0	0	0	0	1	1
January 2001	1	0	0	0	0	1	1
February 2001	1	0	0	0	0	1	1
March 2001	1	0	0	0	0	1	1
April 2001	1	0	0	0	0	1	1
May 2001	1	0	0	0	0	1	1
June 2001	0	0	0	0	0	0	0
TOTAL	2	5	2	5	1	50	27

NOTES:

() = Non-serious violations waived under this complaint pursuant to Section 13385 (i)

* = Violations that have been paid under MPC No. 00-72

{A} = Less than 6.5 pH units or greater than 8.5 pH units for more than 60 minutes

{B} = Less than 6.5 pH units or greater than 8.5 pH units for more than 7 hours and 26 minutes (446 minutes) within a calendar month

