



Linda S. Adams  
Secretary for  
Environmental Protection

# California Regional Water Quality Control Board San Diego Region

Over 50 Years Serving San Diego, Orange, and Riverside Counties  
Recipient of the 2004 Environmental Award for Outstanding Achievement from U.S. EPA

9174 Sky Park Court, Suite 100, San Diego, California 92123-4353  
(858) 467-2952 • Fax (858) 571-6972  
<http://www.waterboards.ca.gov/sandiego>



Arnold Schwarzeneg  
Governor

October 17, 2007

**VIA CERTIFIED MAIL**

7006 2760 0000 1615 5987

Mr. Anthony J. Pack, General Manager  
Eastern Municipal Water District  
P.O. Box 8300  
Perris, CA 92572-8300

In reply refer to:  
**NCRU:01-0763.01:ccheng**

Dear Mr. Pack:

## **COMPLAINT NO. R9-2007-0096 FOR ADMINISTRATIVE CIVIL LIABILITY AGAINST EASTERN MUNICIPAL WATER DISTRICT FOR SANITARY SEWER DISCHARGE AT DIAZ ROAD LIFT STATION, TEMECULA, RIVERSIDE COUNTY**

Enclosed please find Administrative Civil Liability Complaint No. R9-2007-0096 against the Eastern Municipal Water District (District) for a discharge of raw sewage at Diaz Road Lift Station (WDID No. 9 000000763) located in the City of Temecula in Riverside County. The Complaint includes a civil liability in the amount of \$53,500 for violations of California State Water Resources Control Board No. 2006-0003-DWQ, *Statewide General Waste Discharge Requirements for Sanitary Sewer Systems* and California Regional Water Quality Control Board, San Diego Region (Regional Board) Order No. 96-04, *General Waste Discharge Requirements Prohibiting Sanitary Sewer Overflows by Sewage Collection Agencies*. Attached to this letter is the Technical Report that documents the basis for Complaint No. R9-2007-0096.

### **Waiver of Hearing**

The District may elect to waive its right to a hearing before the Regional Board. Waiver of the hearing constitutes admission of the validity of the allegation of violation in the Complaint and acceptance of the assessment of civil liability in the amount of \$53,500 as set forth in the Complaint. For the Regional Board to accept the waiver of the District's right to a public hearing, the District must submit the following by 5 P.M., November 16, 2007:

1. The enclosed waiver form signed by an authorized agent of the District;
2. A check for the full amount of civil liability of \$53,500 made out to the California State Water Resources Control Board; and

*California Environmental Protection Agency*

Mr. Anthony Pack, General Manager  
Eastern Municipal Water District  
Diaz Road Lift Station

- 2 -

October 17, 2007

3. Verification that the enclosed public notice has been published in a newspaper circulated in the District's area.

### **Public Hearing**

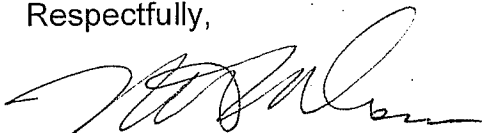
If the District does not elect to waive their right to a public hearing, a hearing is tentatively scheduled to be held at the Regional Board meeting on December 12, 2007. The meeting is scheduled to begin at 9 A.M. If the District intends to present any written exculpatory evidence, or written evidence at the hearing in response to Complaint No. R9-2007-0096, such evidence must be received by 5 P.M. on November 26, 2007, in order to be considered by the Regional Board at the public hearing.

The *Submittal of Written Information Procedures* further describing the written materials and prescribed submittal dates required by the Regional Board and *Hearing Procedures* for the public hearing will be mailed to you at a later date prior to the hearing date. An agenda for the hearing will also be mailed to you approximately 10 days before the hearing date.

The heading portion of this letter includes a Regional Board code number noted after "In reply refer to:" In order to assist us in the processing of your correspondence please include this code number in the heading or subject line portion of all correspondence and reports to the Regional Board pertaining to this matter.

Please contact Mr. Charles Cheng of my staff at (858) 627-3930 or email [ccheng@waterboards.ca.gov](mailto:ccheng@waterboards.ca.gov) if you have any questions concerning this matter.

Respectfully,



MICHAEL P. McCANN  
Assistant Executive Officer (Acting)

---

MPM:jro:mja:cqc

- Attachments:
1. ACL Complaint No. R9-2007-0096
  2. Waiver of Hearing Form
  3. Public Notice of Waiver of Hearing
  4. Staff Report

Mr. Anthony Pack, General Manager  
Eastern Municipal Water District  
Diaz Road Lift Station

- 3 -

October 17, 2007

cc:

Mr. Reed Sato Director, Office of Enforcement State Water Resources Control Board 1001 "I" Street P.O. Box 100 Sacramento, California 95812	Mr. Bill Paznokas California Department of Fish & Game 4949 Viewridge Road San Diego, CA 92123
Mr. Gerald J. Thibeault, Executive Officer, Santa Ana Regional Water Quality Control Board, 3737 Main Street, Suite 500, Riverside, CA 92501-3339	Mr. Brian Brady, General Manager, Rancho California Water District, 42135 Winchester Road, Temecula, CA 92589-9017
Mr. Steven Williams, California Department of Public Health, 1350 Front St., Room 2050, San Diego, CA 92101	Jim Gillis, Environmental Health Department, County of Riverside, P.O. Box 1206, Riverside, CA 92502
Mr. K.A. Khan Environmental Engineering Division AC/S Environmental Security U.S. Marine Corps Base P.O. Box 555008 Camp Pendleton, CA 92055-5008	



4. The discharge of 1.07 million gallons of untreated sewage from a ruptured a 10-inch force main resulted in the District violating the following requirements:

Prohibitions C.1 and C.2 of Order No. 2006-003-DWQ state the following:

- C.1. *Any SSO that results in a discharge of untreated or partially treated wastewater to waters of the United States is prohibited.*
- C.2. *Any SSO that results in a discharge of untreated or partially treated wastewater that creates a nuisance as defined in California Water Code Section 13050(m) is prohibited.*

Prohibition A.1 of Order 96-04 states:

- A.1 The discharge of sewage from a sanitary sewer system at any point upstream of a sewage treatment plan is prohibited.

### **ALLEGATIONS**

5. On November 14, 2006, the District violated Prohibitions C.1 and C.2 of State Board Order No. 2006-003-DWQ, and Prohibition A.1 of Regional Board Order No. 96-04, by discharging a total of 1.07 million gallons of sewage from its 10-inch diameter force sewer main at the Diaz Road Lift Station, into Murrieta Creek, and a tributary to the Santa Margarita River, waters of the United States.

### **PROPOSED CIVIL LIABILITY**

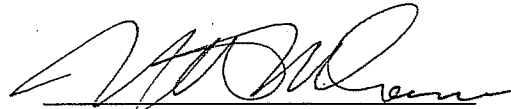
6. Persons or entities that discharge waste in violation of Waste Discharge Requirements are subject to civil liability pursuant to California Water Code Sections 13350, either on a daily basis, not to exceed five thousand dollars (\$5,000) for each day the violation occurs, or on a per gallon basis, not to exceed ten dollars (\$10) for each gallon of waste discharged, but not both. The statutory maximum ACL amount for the November 14, 2006 sewage discharge therefore is \$10,700,000. Based upon consideration of the factors discussed in the Staff Report, however, a reduction of the ACL amount from the statutory limit is warranted.

October 17, 2007

7. Pursuant to sections 13350(e) of the CWC, the Regional Board impose a civil liability of fifty three thousand, five hundred dollars (\$53,500) on the Eastern Municipal Water District alleged violation in Finding 5.

Dated this 17<sup>th</sup> day of October 2007

BY THE EXECUTIVE OFFICER



MICHAEL P. McCANN  
Assistant Executive Officer (Acting)

Signed pursuant to the authority  
delegated by the Executive Officer to  
the Assistant Executive Officer



# California Regional Water Quality Control Board

## San Diego Region

Over 50 Years Serving San Diego, Orange, and Riverside Counties

Recipient of the 2004 Environmental Award for Outstanding Achievement from USEPA



Arnold Schwarzenegger  
Governor

Linda S. Adams

Secretary for Environmental  
Protection

9174 Sky Park Court, Suite 100, San Diego, California 92123-4340

(858) 467-2952 • Fax (858) 571-6972

[http:// www.waterboards.ca.gov/sandiego](http://www.waterboards.ca.gov/sandiego)

**WAIVER  
OF RIGHT TO A  
PUBLIC HEARING**

Mr. Anthony J. Pack, General Manager  
Eastern Municipal Water District  
P.O. Box 8300  
Perris, CA 92572-8300

Complaint No. R9-2007-0096  
For  
Administrative Civil Liability

**\$53,500**

By signing below, I agree to waive Eastern Municipal Water District's right to a public hearing before the California Regional Water Quality Control Board, San Diego Region with regards to the violations alleged in the above referenced Complaint and to remit payment for the civil liability imposed. I understand that I am authorized to give up Eastern Municipal Water District's right to be heard, and to argue against the allegations made by the Executive Officer in the Complaint, and against the imposition of, or the amount of, civil liability proposed. I have enclosed a cashier's check or money order made payable to the State Water Resources Control Board for the civil liability imposed.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print your name

**Send this signed form to:**

California Regional Water Quality Control Board – San Diego Region  
ATTN: Mr. Charles Cheng, North Core Regulatory Unit  
9174 Sky Park Court, Suite 100, San Diego, CA 92123

*California Environmental Protection Agency*

NOTICE OF WAIVER OF PUBLIC HEARING

**California Regional Water Quality Control Board, San Diego Region  
Issuance of Administrative Civil Liability (ACL) Order  
Against  
Eastern Municipal Water District  
Diaz Road Lift Station Sewage Discharge  
Temecula, California**

On October 17, 2007, the California Regional Water Quality Control Board, San Diego Region (Regional Board) issued Complaint No. R9-2007-0096 to the Eastern Municipal Water District (EMWD) in the amount of \$53,500 for alleged violations of California State Water Resources Control Board No. 2006-0003-DWQ, *Statewide General Waste Discharge Requirements for Sanitary Sewer Systems*, and California Regional Water Quality Control Board – San Diego (Regional Board), Order No. 96-04, *General Waste Discharge Requirements Prohibiting Sanitary Sewer Overflows by Sewage Collection Agencies*. The EMWD has elected to waive their right to a public hearing in this matter. Waiver of the hearing constitutes admission of the validity of the allegation of violations in the Complaint and acceptance of the assessment of civil liability in the amount of \$53,500 as set forth in the Complaint. The Regional Board will consider accepting EMWD's waiver at its December 12, 2007 meeting.

Written comments regarding the allegations contained in Complaint No. R9-2007-0096, and/or acceptance of the waiver, will be accepted through Monday, November 26, 2007.

The Regional Board's December 12, 2007 meeting will be at the Regional Board office located at 9174 Sky Park Court, San Diego, California. The meeting will begin at 9:00 a.m. Oral comments for this item may be made during the meeting upon receipt of a request to speak slip. For more information regarding this matter please contact Mr. Charles Cheng at (858) 627-3930, or at [Ccheng@waterboards.ca.gov](mailto:Ccheng@waterboards.ca.gov) or visit the Regional Board's web site at [www.waterboards.ca.gov/sandiego](http://www.waterboards.ca.gov/sandiego).

MICHAEL P. McCANN  
Assistant Executive Officer (Acting)