California Regional Water Quality Control Board
Santa Ana Region

IN THE MATTER OF:

Knott's Berry Farm 8039 Beach Boulevard Buena Park, California 90620-9985	)))	Complaint No. R8-2003-0060 for Mandatory Penalties

YOU ARE HEREBY GIVEN NOTICE THAT:

1. Knott's Berry Farm (Knott's) is alleged to have violated provisions of law for which the California Regional Water Quality Control Board, Santa Ana Region (Board), must impose mandatory penalties pursuant to California Water Code (CWC) Section 13385.

2. A hearing concerning this complaint will be held before the Board within 90 days of the date of issuance of this complaint, unless Knott's waives its right to a hearing. If the hearing in this matter is not waived, the hearing will be held during the Board's regular meeting on August 22, 2003 at the Orange County Water District in Fountain Valley. Knott's or its representatives will have an opportunity to appear and be heard and to contest the allegations in this complaint and the imposition of mandatory penalties by the Board.

3. This complaint is based on the following facts:

   a.) On October 17, 1997, the Board adopted Order No. 97-57 (NPDES No. CA0106496), prescribing waste discharge requirements for the discharge of storm water runoff and ornamental water discharges from Knott's to storm drains located at La Palma Avenue, Western Avenue and Beach Boulevard. The Board reissued these waste discharge requirements under Order No. R8-2003-0014 on February 21, 2003.

   b.) Knott's submitted self-monitoring reports indicating that Knott's exceeded discharge limits specified in Order No. 97-57 for total dissolved solids, settleable solids and pH. These violations are summarized in Attachment "A" (page 3) of this complaint.

4. CWC Section 13385 (i) requires the Board to assess a mandatory minimum penalty of three thousand dollars ($3,000) for each effluent limitation violation, not counting the first three violations if they are considered non-serious.

5. As shown in Attachment "A", Knott's incurred a total of twenty-six (26) violations between March 2000 and June 2002. In accordance with CWC Section 13385 (i), twenty-five of these violations are subject to a mandatory minimum penalty. The minimum penalty for these violations is $75,000.

6. In accordance with CWC Section 13385(c), the Board may impose administrative civil liability for the violations cited in Attachment "A". The maximum administrative civil liability that may be imposed for these violations is $260,000.

7. The Regional Board's Executive Officer proposes that mandatory minimum penalty of $75,000 be imposed on Knott's by the Board for the violations cited above.

8. Knott's may consider participating in a supplemental environmental project (SEP) that will benefit local watersheds. Depending on the proposed SEP, the Regional Board will allow a portion of the assessed liability to be redirected to the project.

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

6/4/03
Date

Gerard J. Thibeault
Executive Officer

ATTACHMENT "A"

Monitoring Period	Total Suspended Solids VIOLATIONS >75 mg/L Quarterly Grab Samples	Settleable Solids VIOLATIONS > 0.2 mg/L Quarterly GRAB SAMPLES	PH VIOLATIONS < 6.5 units Quarterly GRAB SAMPLES	NUMBER OF VIOLATIONS SUBJECT TO MANDATORY PENALTIES
March 2000	0	1*	0	1
June 2000	0	1*	0	1
September 2000	0	2*	2*	4
December 2000	0	1*	0	1
June 2001	0	1*	0	1
September 2001	1*	3*	0	4
December 2001	0	2*	4*	6
March 2002	0	2*	0	2
June 2002	1	4*	1*	5
TOTAL				25

* Serious violations

California Regional Water Quality Control Board
Santa Ana Region

IN THE MATTER OF:	)	
	)	
Knott's Berry Farm	)	Complaint No. R8-2003-0060
8039 Beach Boulevard	)	for
Buena Park, California 90620-9985	)	Mandatory Penalties

WAIVER OF HEARING

Knott's Berry Farm, agrees to waive its right to a hearing before the Santa Ana Regional Water Quality Control Board with regard to the violations alleged in Complaint No. R8-2003-0060. Knott's Berry Farm has enclosed a check made payable to the State Water Resources Control Board in the amount of $75,000 for the proposed penalty in Paragraph 7 of Complaint No. R8-2003-0060. Knott's Berry Farm understands that it is giving up its right to be heard and to argue against allegations made by the Executive Officer in Complaint No. R8-2003-0060 and against the imposition of, and amount of, the mandatory penalties.

_____ _____

Date for Knott's Berry Farm

California Regional Water Quality Control Board
Santa Ana Region

Winston H. Hickox
Secretary for Environmental Protection

Internet Address: http://www.swrcb.ca.gov/rwqcb8
3737 Main Street, Suite 500, Riverside, California 92501-3348
Phone (909) 782-4130 - FAX (909) 781-6288

Gray Davis
Governor

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our website at www.swrcb.ca.gov/rwqcb8.

June 4, 2003

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Larry McDaniel
Knott's Berry Farm
8039 Beach Boulevard
Buena Park, CA 90620

MANDATORY MINIMUM PENALTY COMPLAINT NO. R8–2003-0060, KNOTT'S BERRY FARM

Dear Mr. McDaniel:

Enclosed is Mandatory Minimum Penalty Complaint No. R8-2003-0060 for Knott's Berry Farm (Knott's). The complaint is issued pursuant to California Water Code Section 13385 (h) and (i) and proposes the assessment of a penalty of $75,000 for violations of effluent limitations established in your waste discharge requirements, Order No. 97-57 (NPDES No. CA0106496). The complaint cites 26 violations of effluent limits that occurred during the period of March 2000 through June 2002.

If a public hearing is held on this matter, it will be conducted during the Board's August 22, 2003 meeting, which will be held at the Orange County Water District, 10500 Ellis Avenue, Fountain Valley, CA. If a hearing is held, the staff report concerning the complaint and a meeting agenda will be mailed to you prior to the hearing.

Knott's may waive its right to a public hearing on this matter. If Knott's chooses to do so, please sign the enclosed waiver form and submit it to this office prior to July 25, 2003 with a check or money order for the amount of the mandatory penalty, $75,000. The check or money order should be made payable to the State Water Resources Control Board.

If Knott's chooses to propose a supplemental environmental project or does not wish to waive its right to a hearing, we recommend scheduling a prehearing meeting at the Regional Board's office prior to July 25, 2003. At that time, you may wish to submit information that may not have been previously available to staff regarding these violations. This information should address the factual accuracy of the findings in the complaint.

If you have any questions, or would like to schedule a prehearing meeting, please contact me at (909) 782-3284, Gary Stewart, chief of our Surveillance and Enforcement Section, at (909) 782-4379, or Jorge Leon, the Board's staff counsel, at (916) 341-5180.

Sincerely,

Gerard J. Thibeault
Executive Officer

Enclosure: Complaint No. R8-2003-0060, including "Waiver of Hearing" form

cc w/enclosure:

Regional Board
State Water Resources Control Board, Office of the Chief Counsel – Jorge Leon
U. S. Environmental Protection Agency, Region IX, Tom Huterman
State Water Resources Control Board- Division of Water Quality
Orange County Coast Keeper
Lawyers for Clean Water