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. R8-2003-0094 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 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 a mandatory minimum penalty of $75,000 be imposed on Knott's by the Board for the violations cited above.

8. Knott's has indicated that they wish to waive their right to a hearing in this matter and participate in a supplemental environmental project. Knott's has chosen to contribute $45,000 of the penalty to the Kelp Reforestation Project sponsored by the Orange County Coast Keeper. The remaining portion ($30,000) will be paid to the State Water Resources Control Board.

9. Mandatory Minimum Penalty Complaint No. R8-2003-0060, issued on June 4, 2003, is hereby revoked.

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.

8/4/03
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	3
December 2001	0	2*	4*	6
March 2002	0	2*	0	2
June 2002	1	4*	1*	6
TOTAL				25

* Serious violations

California Regional Water Quality Control Board
Santa Ana Region

IN THE MATTER OF:	)	
	)	
Knott's Berry Farm	)	Complaint No. R8-2003-0094
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. R8-2003-0094. Knott's Berry Farm has enclosed a check/money order made payable to the State Water Resources Control Board for $30,000 and has provided a check/money order made payable to the Orange County Coast Keeper for $45,000 to the Regional Board office, for the proposed penalty in Paragraph 7 of Complaint No. R8-2003-0094. 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. R8-2003-0094 and against the imposition of, and amount of, the mandatory penalties.

_____ _____

Date for Knott's Berry Farm

State Water Resources Control Board

Winston H. Hickox
Secretary for Environmental Protection

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 http://www.swrcb.ca.gov

Gray Davis
Governor

To:
KNOTT'S BERRY FARM
8039 BEACH BLVD.
BUENA PARK, CA 90620

Invoice No:	35538
Invoice Date:	07/28/2003
Enforcement Action ID:	75743
Enforcement Order No:	R8-2003-0094

INVOICE

Milestone ID	Description	Amount	Due Date
48252	LIABILITY AMOUNT	$30,000.00	08/15/2003
	TOTAL AMOUNT DUE	**$30,000.00**	

California Environmental Protection Agency

Recycled Paper

Retain above portion for your records
Please return bottom portion with your payment

KNOTT'S BERRY FARM
8039 BEACH BLVD.
BUENA PARK, CA 90620

Milestone ID Description	Amount	Due Date
48252 LIABDUE	$30,000.00	08/15/2003
TOTAL AMOUNT DUE	**$30,000.00**	

Make your check payable to:
State Water Resources Control Board

Mail payment to:
SWRCB ACCOUNTING
ATTN: ENFORCEMENT
P. O. Box 100
SACRAMENTO, CA 95812-0100

Amount Enclosed: $_____

PLEASE PRINT THE FOLLOWING INVOICE NUMBER ON YOUR CHECK: **35538**

Invoice Date:	07/28/2003
Enforcement Action ID:	75743
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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.

August 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. R8-2003-0094, KNOTT'S BERRY FARM

Dear Mr. McDaniel:

Enclosed is Mandatory Minimum Penalty Complaint No. R8-2003-0094. This complaint replaces Mandatory Minimum Penalty Complaint No. R8-2003-0060 that I issued to Knott's Berry Farm on June 4, 2003. Complaint No. R8-2003-0060 was issued pursuant to California Water Code Section 13385 (h) and (i) and proposed 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). Complaint No. R8-2003-0094 still proposes an assessment of a penalty of $75,000. However, it also reflects your desire to participate in a supplemental environmental project for payment of a portion of the assessment. We understand that you have chosen to contribute $45,000 of the liability to the Kelp Reforestation Project sponsored by the Orange County Coast Keeper.

By August 15, 2003, please sign the enclosed waiver form and submit it, along with the bottom portion of the attached invoice and payment, to the State Water Resources Control Board at the address on the invoice. In addition, please submit a check in the amount of $45,000 made payable to the Orange County Coast Keeper, along with a copy of the signed waiver, to our office.

If you have any questions, 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. R8-2003-0094, 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 Huetteman
State Water Resources Control Board- Division of Water Quality
Orange County Coast Keeper
Lawyers for Clean Water