California Regional Water Quality Control Board
Santa Ana Region

IN THE MATTER OF:

Yucaipa Valley Water District 2770 Second Street Yucaipa, California 92399	))))	Complaint No. R8-2004-0010 for Mandatory Penalties

YOU ARE HEREBY GIVEN NOTICE THAT:

1. The Yucaipa Valley Water District (YVWD) is alleged to have violated provisions of law for which the California Regional Water Quality Control Board (Board), Santa Ana Region, must impose mandatory penalties pursuant to California Water Code (Water Code) Section 13385 (h) and (i).

2. A hearing concerning this complaint will be held before the Board during the Board's regular meeting on March 12, 2004 at the Orange County Sanitation District's Board Room, unless YVWD waives its right to a hearing. Waiver procedures are specified on Page 2 of this complaint. YVWD 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. An agenda announcement for the meeting will be mailed to you not less than 10 days prior to the hearing date.

3. If the March 12, 2004 hearing is held, the Board will consider whether to affirm, reject or modify the proposed mandatory penalties or whether to refer this matter to the Attorney General for recovery of judicial civil liability.

4. This complaint is based on the following facts:

   a. On June 01, 2001, the Board adopted Waste Discharge Requirements (WDR) Order No. 01-009 (NPDES No. CA0105619), for YVWD. These requirements regulate discharges of waste from the Henry N. Wochholz Municipal Wastewater Treatment Plant (HNWMWTP).

   b. YVWD submitted self-monitoring reports (July 2002 through October 2003) for the HNWMWTP, which show effluent limit violations of total inorganic nitrogen (TIN), pH, turbidity, chlorine residual, and coliform.

   These violations are summarized on Attachment "A", which is Page 3 of this complaint.

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", YVWD incurred a total of eleven (11) violations between July 2002 and October 2003. Eight (8) of these violations are subject to penalty assessments. In accordance with Water Code Section 13385 (i), the mandatory minimum penalty for the violations cited in Attachment "A" is $24,000.

7. In accordance with Water Code Section 13385(c), the Board may impose administrative civil liability for the eleven (11) violations cited in Attachment "A". The maximum administrative civil liability which may be imposed for these violations is $110,000 ($10,000 per day of violation), plus an additional assessment of $10 per gallon of effluent discharged, during the duration of the violation episode, in excess of the first 1000 gallons of effluent.

8. The Executive Officer proposes that mandatory penalties of $24,000 be imposed on YVWD by the Board for the violations cited above.

You may waive your right to a hearing. If you waive your right to a hearing, please sign the attached waiver, which is Page 4 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 8, above.

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

1-27-04
Date

Gerard J. Thibeault
Executive Officer

ATTACHMENT "A"

Month	Violations					No. of Violations	Violations subject to penalty[1]
	Average Weekly limitation of 2.2 MPN/100 ml	12-Month Average TIN	Chlorine Residual exceeded 0.1 mg/L	Turbidity	pH		
July, 2002		1				1	1
August, 2002		1	1			2	2
February, 2003	2			1		3	0
March, 2003			1			1	1
May, 2003			1			1	1
August, 2003					2	2	2
October, 2003					1	1	1
Total Violations	2	2	3	1	3	11	8

NOTES:
[1] See Water Code Section 13385(i).

California Regional Water Quality Control Board
Santa Ana Region

IN THE MATTER OF:	)	Complaint No. R8-2004-0010
Yucaipa Valley Water District	)	for
2770 Second Street	)	Mandatory Penalties
Yucaipa, California 92399	)	

WAIVER OF HEARING

Yucaipa Valley Water District 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. R8-2004-0010. YVWD has enclosed a check made payable to the State Water Resources Control Board in the amount of $24,000 in settlement of Complaint No. R8-2004-0010. YVWD understands that it is giving up its right to be heard and to argue against allegations made by the Executive Officer in Complaint No. R8-2004-0010, and against the imposition of, and amount of, the mandatory penalties.

_____ _____

Date for Yucaipa Valley Water District

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 92501-3339
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.

January 27, 2004

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Joseph B. Zoba, General Manager
Yucaipa Valley Water District
12770 Second Street
Yucaipa, CA 92399

MANDATORY PENALTIES COMPLAINT NO. R8-2004-0010

Dear Mr. Zoba:

Enclosed is a copy of Mandatory Penalties Complaint No. R8-2004-0010. The complaint is in response to violations of effluent limitations specified in your waste discharge requirements, Order No. 01-009. It was issued pursuant to California Water Code Section 13385 (h) and (i) and proposes the assessment of a penalty of $24,000 for ten violations that occurred between July 2002 and October 2003.

Should you wish to waive your right to a public hearing on this matter, please sign the enclosed waiver form and submit it, along with the bottom portion of the attached invoice and a check or money order for the amount of $24,000, by February 11, 2004, to the address on the invoice. If you do not wish to waive your right to a public hearing on this matter, a hearing will be held before the Regional Board at its regularly scheduled meeting on March 12, 2004 in Fountain Valley.

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

Sincerely,

Gerard J. Thibeault
Executive Officer

Enclosure: Complaint No. R8-2004-0010
Invoice

cc: w/enclosure (Complaint)

U.S. EPA - CWA Compliance Office (WTR-7)
State Water Resources Control Board – Office of the Chief Counsel, Jorge Leon
State Water Resources Control Board – Division of Water Quality
Orange County Coastkeeper
Lawyers for Clean Water
Regional Board

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