California Regional Water Quality Control Board
Santa Ana Region

IN THE MATTER OF:	)	
Colton/San Bernardino	)	
Regional Tertiary Treatment	)	Complaint No. R8-2004-0011
and Water Reclamation Authority	)	for
300 North "D" Street	)	Mandatory Penalties
San Bernardino, CA 92402	)	

YOU ARE HEREBY GIVEN NOTICE THAT:

1. The Colton/San Bernardino Regional Tertiary Treatment and Water Reclamation Authority (Authority) 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 during the Board's regular meeting on March 12, 2004 in Fountain Valley, unless the Authority waives its right to a hearing. Waiver procedures are specified on Page 2 of this complaint. The Authority 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 October 26, 2001, the Board adopted Waste Discharge Requirements (WDR) Order No. 01-45 (NPDES No. CA8000304), for Colton/San Bernardino Regional Tertiary Treatment and Water Reclamation Authority. These requirements regulate discharges of waste from the Authority's Rapid Infiltration and Extraction (RIX) facility.

   b. The Authority submitted self-monitoring reports (October 2001 through June 2003) for the RIX facility, which show effluent limit violations of monthly, weekly, and instantaneous maximum coliform organism limitations.

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

5. As shown in Attachment "A", the Authority incurred a total of twenty-four (24) violations between October 2001 and June 2003. 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. In accordance with Water Code Section 13385 (i), the mandatory minimum penalty for the twenty-four effluent limit violations cited in Attachment "A" is $72,000.

7. In accordance with Water Code Section 13385(c), the Board may impose administrative civil liability for the twenty-seven violations cited in Attachment "A". The maximum administrative civil liability which may be imposed for these violations is $240,000 ($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 a mandatory penalty of $72,000 be imposed on the Colton/San Bernardino Regional Tertiary Treatment and Water Reclamation Authority 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 penalty 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	Monthly Maximum Limitation of 23 MPN/100 ml	Instantaneous Maximum Limitation of 240 MPN/100 ml		
October, 2001	1	1		2	2
December, 2001	2			2	2
January, 2002	2			2	2
February, 2002	2			2	2
July, 2002	1	1	2	4	4
November, 2002	2	1	2	5	5
December, 2002	1	1		2	2
January, 2003		1	1	2	2
May, 2003		1		1	1
June, 2003		1	1	2	2
Total Violations	11	7	6	24	24

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

California Regional Water Quality Control Board
Santa Ana Region

IN THE MATTER OF: Colton/San Bernardino Regional Tertiary Treatment and Water Reclamation Authority	))))	Complaint No. R8-2004-0011 for Mandatory Penalties

WAIVER OF HEARING

Colton/San Bernardino Regional Tertiary Treatment and Water Reclamation Authority 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. R8-2004-0011. Enclosed is a check made payable to the State Water Resources Control Board in the amount of $72,000 in settlement of Complaint No. R8-2004-0011. The Authority understands that it is giving up its right to be heard and to argue against allegations made by the Executive Officer in Complaint No. R8-2004-0011, and against the imposition of, and amount of, the mandatory penalties.

_____
Date

_____
for Colton/San Bernardino Regional
Tertiary Treatment and Water
Reclamation Authority

California Regional Water Quality Control Board
Santa Ana Region

Terry Tamminen
Secretary for Environmental Protection

3737 Main Street, Suite 500, Riverside, California 92501-3348
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http://www.swrcb.ca.gov/rwqcb8

Arnold Schwarzenegger
Governor

January 27, 2004

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Bernard C. Kersey, Chairman
Colton/San Bernardino Regional Tertiary Treatment
and Water Reclamation Authority
300 North "D" Street
San Bernardino, CA 92418

MANDATORY PENALTIES COMPLAINT NO. R8-2004-0011

Dear Mr. Kersey:

Enclosed is a copy of Mandatory Penalties Complaint No. R8-2004-0011. The complaint is in response to violations of effluent limitations specified in your waste discharge requirements, Order No. 01-45. It was issued pursuant to California Water Code Section 13385 (h) and (i) and proposes the assessment of a penalty of $72,000 for twenty-four violations that occurred between October 2001 and June 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 $72,000, 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. R8-2004-0011
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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