

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION

TENTATIVE

ORDER NO. R9-2007-0217
ADMINISTRATIVE ASSESSMENT OF CIVIL LIABILITY
AGAINST
EASTERN MUNICIPAL WATER DISTRICT
FOR VIOLATIONS OF
STATE WATER BOARD ORDER NO. 2006-0003-DWQ
AND
REGIONAL BOARD ORDER NO. 96-04

The California Regional Water Quality Control Board, San Diego Region (hereinafter Regional Board), having received a signed waiver of public hearing form and a payment of \$53,500 on November 16, 2007, and having reviewed the allegations contained in Complaint No. R9-2007-0096, having provided public notice thereof and not less than thirty (30) days for public comment, and on the recommendation for administrative assessment of civil liability pursuant to California Water Code section 13350 in the amount of \$53,500, finds as follows:

1. The State Water Resources Control Board (hereafter State Board) has issued State Board Order No. 2006-0003-DWQ, *Statewide General Waste Discharge Requirements for Sanitary Sewer Systems*, and San Diego Regional Board Order No. 96-04, *General Waste Discharge Requirements Prohibiting Sanitary Sewer Overflows by Sewage Collection Agencies*.
2. The Eastern Municipal Water District (hereinafter the District) owns and operates approximately 1,800 miles of sanitary sewer lines, including a 10-inch diameter force main pipe at the District's Diaz Road lift station located approximately 500 feet north of Rancho California Road in Temecula, California.
3. On October 17, 2007, the Assistant Executive Officer issued Administrative Civil Liability Complaint No. R9-2007-0096 to the District proposing imposition of \$53,500 in liability for the violations of State Board Order No. 2006-0003-DWQ and Regional Board Order No. 96-04.
4. Liability in the amount of \$53,500 is based on consideration of the maximum liability (\$10.7 million) that may be imposed by the Regional Board, under Water Code section 13350(e), and consideration of factors prescribed in of the Water Code section 13327 as applied to the allegations contained in Complaint No. R9-2007-0096.

5. On November 14, 2007, the District submitted a signed waiver of right to a hearing in settlement of the proposed liability. On November 16, 2007, the District paid \$53,500 to the State Water Resources Control Board.
6. Consideration of the factors prescribed in California Water Code section 13327 based upon information available to the Regional Board supports the assessment of civil liability in the amount of \$53,500.
7. Issuance of this Order is exempt from the provisions of the California Environmental Quality Act (Public Resources Code section 21000 et seq.) in accordance with section 15321, Chapter 3, Title 14, California Code of Regulations.
8. The Regional Board incurred costs of \$12,500 to prosecute the enforcement action, including: investigation, inspections, preparation of enforcement documents, communications with the District, and preparation of materials for public review and hearing.

IT IS HEREBY ORDERED that pursuant to section 13350 of the California Water Code, civil liability is imposed on Eastern Municipal Water District in the amount of \$53,500. The District has by waiving its right to a hearing and paying \$53,500 to State Water Resources Control Board agreed to a settlement.

I, John H. Robertus, Executive Officer, do hereby certify the foregoing is a full, true and correct copy of an Order imposing civil liability assessed by the California Regional Water Quality Control Board, San Diego Region, on December 12, 2007.

TENTATIVE

JOHN H. ROBERTUS
Executive Officer