



**California Regional Water Quality Control Board**  
**Santa Ana Region**

**Linda S. Adams**  
 Secretary for Environmental Protection

3737 Main Street, Suite 500, Riverside, California  
 Phone (951) 782-4130 – FAX (951) 781-6288 – TDD  
<http://www.waterboards.ca.gov/santaana>

July 9, 2009

Jeff Pape, General Manager  
 Lee Lake Water District  
 22646 Temescal Canyon Road  
 Corona, CA 92883

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 City, State, ZIP+4 Corona CA 92883

PS Form 3800, August 2006 See Reverse for Instructions

**MANDATORY PENALTIES COMPLAINT NO. R8-2009-0049**

Dear Mr. Pape:

Enclosed is a copy of Mandatory Penalties Complaint No. R8-2009-0049. The complaint is in response to violations of effluent limitations specified in your waste discharge requirements, Order Nos. R8-2002-0001 and R8-2005-0043 (NPDES No. CA8000100). The Complaint was issued pursuant to California Water Code Section 13385 (h) and (i), and proposes the assessment of a penalty of \$336,000 for one hundred twelve (112) violations that occurred between January 2005 and March 2007.

Should you wish to waive your right to a public hearing on this matter, please sign the enclosed waiver form and submit it to this office, along with a check or money order for the amount of \$336,000, by August 15, 2009. 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 October 16, 2009 at the Irvine Ranch Water District.

Should you have any questions, please contact me at (951) 782-3286, or Gary Stewart, Chief of the Board's Compliance Section, at (951) 782-4379.

Sincerely,

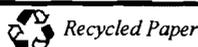
Kurt V. Berchtold  
 Assistant Executive Officer

cc: w/enclosure (Complaint)

Regional Board  
 U.S. EPA - CWA Compliance Office (WTR-7), Ken Greenberg  
 State Water Resources Control Board – Office of Enforcement, Reed Sato  
 Orange County Coast Keeper  
 Lawyers for Clean Water

anna/LLWD-MMPC-R8-2009-0049transmittal07-09-09

**California Environmental Protection Agency**



California Regional Water Quality Control Board  
Santa Ana Region

IN THE MATTER OF:

Lee Lake Water District	)	Complaint No. R8-2009-0049
22646 Temescal Canyon Road	)	for
Corona, California 92883	)	Mandatory Penalties

YOU ARE HEREBY GIVEN NOTICE THAT:

1. The Lee Lake Water District (LLWD) 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 within 90 days of the date of issuance of this complaint, unless LLWD 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 28, 2009 at Irvine Ranch Water District, 15600 Sand Canyon Avenue, Irvine, CA 92618. LLWD or its representatives will have an opportunity to appear and be heard and 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. This complaint is based on the following facts:
  - a. On September 6, 2002, the Board adopted Waste Discharge Requirements, Order No. R8-2002-00001 (NPDES No. CA8000100), for LLWD. These requirements regulate discharges of waste from the Lee Lake Reclamation Facility (LLRF). On August 26, 2006, the Board reissued these waste discharge requirements under Order No. R8-2006-0043.
  - b. LLWD submitted self-monitoring reports during the period from January 2005 through May 2007 for the LLRF, which show violations of total coliform, selenium, pH, and turbidity effluent limits contained in the above orders.

These violations are summarized on Attachment "A", which is Page 4 of this complaint.
4. Water Code Section 13385 (h) and (i) requires the Board to assess mandatory minimum penalty of three thousand dollars (\$3,000) for each serious and/or chronic violation that occurs four or more times in any

period of six consecutive months, except the requirement to assess the mandatory minimum penalty shall not be applicable to the first three violations that occur in any six-month period, provided that they are not serious violations as described below. A violation is considered to be a "serious violation" if an effluent limitation for a Group II pollutant, as specified in Appendix A to Section 123.45 of Title 40 of the Code of Federal Regulations, is exceeded by 20% or more, or if an effluent limitation for a Group I pollutant, as specified in Section 123.45 of Title 40 of the Federal Regulations, is exceeded by 40% or more.

5. As shown in Attachment "A", LLWD incurred a total of one hundred and twelve (112) violations between January 2005 and March 2007. Many of these violations are not serious violations. However, Since LLWD incurred more than three violations during the 6-month period prior to January 2005, and there were no 6-month periods between January 2005 and March 2007 when LLWD had fewer than four violations, all of these violations are subject to mandatory penalty assessments. In accordance with Water Code Section 13385 (h) and (i), the mandatory minimum penalties for the violations cited in Attachment "A" are \$336,000
6. In accordance with Water Code Section 13385(c), the Board may impose administrative civil liability for the one hundred and twelve (112) violations cited in Attachment "A". The maximum administrative civil liability that may be imposed for these violations is \$1,120,000 (\$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 1,000 gallons of effluent.
7. The Assistant Executive Officer proposes that mandatory penalties of \$336,000 be imposed on LLWD by the Board for the violations cited above.
8. LLWD may waive its right to a hearing in this matter. If you waive your right to a hearing, please sign the attached waiver and return it with a check in the amount of \$336,000.

If you have any questions regarding this complaint, please contact the undersigned at (951) 782-3286, or Gary D. Stewart, Compliance Section Chief, at (951) 782-4379.

7/9/09  
Date

Kurt V. Berchtold  
Kurt V. Berchtold  
Assistant Executive Officer

**ATTACHMENT "A"**

Month	Violations						No. of Violations	Violations subject to penalty <sup>1</sup>
	Daily Average Turbidity not to exceed 2 NTU	Daily Maximum Coliform not to exceed 23 MPN	7-Day Median Coliform not to exceed 2.2 MPN	Instantaneous Coliform not to exceed 240 MPN/ 100 ml	Selenium not to exceed 4 ug/L	pH 6.5-8.5		
January, 2005	3	1	3	1	2		10	10
February, 2005		1	7	5			13	13
March, 2005			2	2	1		5	5
May, 2005				1			1	1
June, 2005	5				1		6	6
July, 2005	3				1		4	4
Sept, 2005	1				1		2	2
October, 2005				1			1	1
November, 2005	2						2	2
December, 2005			1		1		2	2
January, 2006	2						2	2
February, 2006	4	1	3		1		9	9
March, 2006	22	1	2				25	25
April, 2006	6	1	3				10	10
May, 2006		1	3	1		1	6	6
August, 2006						2	2	2
Sept, 2006						3	3	3
October, 2006						2	2	2
December, 2006						2	2	2
January, 2007					1	3	4	4
March, 2007		1					1	1
<b>Total Violations</b>	<b>48</b>	<b>7</b>	<b>24</b>	<b>11</b>	<b>9</b>	<b>13</b>	<b>112</b>	<b>112</b>

NOTES:

<sup>1</sup> See Water Code Section 13385(i).

California Regional Water Quality Control Board  
Santa Ana Region

IN THE MATTER OF:	)	Complaint No. R8-2009-0049
Lee Lake Water District	)	for
22646 Temescal Canyon Road	)	Mandatory Penalties
Corona, California 92883	)	

**WAIVER OF HEARING**

Lee Lake 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. R8-2009-0049. LLWD, has enclosed a check made payable to the State Water Resources Control Board in the amount of \$336,000 for settlement of Complaint No. R8-2009-0049. LLWD, understands that it is giving up its right to be heard and to argue against allegations made by the Assistant Executive Officer in Complaint No. R8-2009-0049 and against the imposition of, and amount of, the mandatory penalties.

\_\_\_\_\_  
Date

\_\_\_\_\_  
for Lee Lake Water District

Please return this waiver form to the Regional Board's office.