

ENFORCEMENT SUMMARY REPORT  
December 12, 2007

- ITEM: 9
- SUBJECT: Administrative Assessment of Civil Liability against Eastern Municipal Water District, for violation of the Statewide General WDR for Sanitary Sewer Systems for the discharge of 1.07 million gallons of untreated sewage to Murrieta Creek, Temecula, Calif. The Regional Board will consider comments received during the public review period and decide on an order accepting the discharger's waiver of hearing and payment in full of the \$53,500 recommended liability. (Tentative Order No. R9-2007-0217) (Charles Cheng)
- PURPOSE: The Regional Board will consider whether to accept the payment of the recommended liability (Supporting Document 2) and waiver of the right to a public hearing, submitted by the Eastern Municipal Water District (the District), or to reject the offer and schedule a public hearing for the February 2008 Regional Board Meeting.
- PUBLIC NOTICE: On November 8, 2007, a 30-day public comment period was noticed in the Press-Enterprise. Furthermore, the notice was posted on the Regional Board's Web Page along with the District's signed waiver of its right to a public hearing. No comments were received during the public comment period.
- DISCUSSION: On October 17, 2007, the Assistant Executive Officer issued Administrative Civil Liability (ACL) Complaint No. R9-2007-0096 (Supporting Document 4) to the District recommending the assessment of \$53,500 in liability for the discharge of 1.07 million gallons of untreated sewage into Murrieta Creek, in violation of State Water Resources Control Board Order No. 2006-0003-DWQ, and San Diego Regional Water Quality Control Board Order No. 96-04.
- The discharge began on November 14, 2006, and was caused by a District construction crew that ruptured a pressurized 10-inch diameter force main, at the Diaz Road

lift station, while digging a trench with heavy equipment (Supporting Document 1, Site Maps).

Pursuant to of California Water Code Section 13350, the maximum liability for the violation is \$10 per gallon for a maximum liability of \$10,700,000. The Regional Board staff technical analysis for the Complaint (Supporting Document 5) describes and reviews the allegation in consideration of required factors identified in Water Code Section 13327, to support the recommended liability. The recommended liability is substantially less than the statutory maximum amount allowed under Water Code Section 13350.

On November 14, 2007, the District waived its right to a public hearing, and tendered a check for \$53,500 (Supporting Document 6).

#### Background and Chronology

At approximately 10:15 A.M. on November 14, 2006, a District construction crew ruptured a pressurized 10-inch diameter force main at the Diaz Road lift station with heavy equipment while digging a trench. According to reports provided by the District, 1.07 million gallons of untreated sewage was discharged to Murrieta Creek from the pressurized pipe until repairs were completed at 5:30 P.M. On November 15, 2006, the Regional Board inspected the conditions in Murrieta Creek as well as the District's efforts to contain and recover untreated sewage from the creek.

Subsequently on December 5, 2006, the Regional Board issued a Notice of Violation and required the submission of a technical report regarding the sewage discharge incident, issued pursuant to Water Code Section 13267 (Supporting Document 3).

KEY ISSUES: None.

LEGAL CONCERNS: None.

SUPPORTING DOCUMENTS:

1. Site Maps
2. Tentative Order No. R9-2007-0217
3. Investigative Order and NOV
4. Administrative Civil Liability Complaint No. R9-2007-0096
5. Staff Report

6. District's signed waiver and check

RECOMMENDATION(S): The adoption of Tentative Order No. R9-2007-0217 is recommended.

The Executive Officer will provide a recommendation to the Regional Board on the assessment of civil liability at the conclusion of this item.