



California Regional Water Quality Control Board San Diego Region



Over 50 Years Serving San Diego, Orange, and Riverside Counties

Recipient of the 2004 Environmental Award for Outstanding Achievement from USEPA

Linda S. Adams
Secretary for
Environmental Protection

Arnold Schwarzenegger
Governor

9174 Sky Park Court, Suite 100, San Diego, California 92123-4353
(858) 467-2952 • Fax (858) 571-6972
[http:// www.waterboards.ca.gov/sandiego](http://www.waterboards.ca.gov/sandiego)

July 23, 2010

Certified Mail – Return Receipt Requested
Article Number: 7007 3020 0001 0040 7430

Mr. Anthony J. Pack
Eastern Municipal Water District
P.O. Box 8300
Perris, California 92572-8300

In reply refer to:
Place ID: 263145

Dear Mr. Pack:

NOTICE OF HEARING AND ISSUANCE OF COMPLAINT NO. R9-2010-0085 FOR ADMINISTRATIVE CIVIL LIABILITY AGAINST EASTERN MUNICIPAL WATER DISTRICT FOR VIOLATIONS OF ORDER NO. R9-2000-0165 WASTE DISCHARGE REQUIREMENTS FOR EASTERN MUNICIPAL WATER DISTRICT TEMECULA VALLEY REGIONAL WATER RECLAMATION FACILITY.

Enclosed find Complaint No. R9-2010-0085 (Complaint) for Administrative Civil Liability against Eastern Municipal Water District (Discharger) for \$1,035,310 for violation of Prohibitions contained in California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) Order No. R9-2000-0165, by discharging 2.39 million gallons of untreated sewage from the Temecula Valley Regional Water Reclamation Facility (TVRWRF) on December 25-26, 2009. The violations are described in the Complaint and the attached Technical Analysis to the Complaint. To further assist you in understanding this administrative process, the Administrative Civil Liability Complaint Fact Sheet is attached.

Waiver of Hearing

Pursuant to Water Code section 13323, the San Diego Water Board will hold a hearing on the Complaint no later than ninety (90) days after it is issued. You may elect to waive your right to a hearing before the San Diego Water Board. Waiver of the hearing constitutes admission of the violations alleged in the Complaint and acceptance of the assessment of civil liability in the amount of \$1,035,310 as set forth in the Complaint. For the San Diego Water Board to accept the waiver of your right to a public hearing, you must submit the following to the San Diego Water Board by 5 p.m., **August 23, 2010.**

1. The enclosed waiver form signed by an authorized agent of the EMWD; and
2. A check for the full amount of civil liability of \$1,035,310 made out to the "State Water Resources Control Board"

California Environmental Protection Agency



Public Hearing

Alternatively, if you elect to proceed to a public hearing, a hearing is tentatively scheduled to be held at the San Diego Water Board meeting on **October 13, 2010**. The meeting is scheduled to convene at the Rancho California Water District Board Room, 42135 Winchester Road, Temecula, California and the meeting will begin at 9 a.m. At that time, the San Diego Water Board will accept testimony and public comment and decide whether to affirm, reject, or modify the proposed liability, or whether to refer the matter for judicial civil action.

Enclosed are recommended procedures the San Diego Water Board to follow in conducting the hearing. Please note that comments on the proposed procedures are due by **August 4, 2010**, to the San Diego Water Board's advisory attorney, Catherine Hagan at the address indicated in the hearing procedures.

Please contact Mr. Christopher Means of my staff at (858) 637-5581 or by e-mail at cmeans@waterboards.ca.gov if you have any questions concerning this matter. The heading portion of this letter includes a San Diego Water Board code number noted after "In reply refer to:" In order to assist us in the processing of your correspondence please include this code number in the heading or subject line portion of all correspondence and reports to the San Diego Water Board pertaining to this matter.

Respectfully,



JAMES G. SMITH
Assistant Executive Officer

JGS:jch:cjm

- Enclosures
1. Complaint No. R9-2010-0085
 2. Technical Analysis
 3. Administrative Civil Liability Complaint Fact Sheet
 4. Waiver of Public Hearing Form
 5. Proposed Hearing Procedures

cc via email (w/enclosures):

David Gibson, San Diego Water Board, DGibson@waterboards.ca.gov

David Barker, San Diego Water Board, DBarker@waterboards.ca.gov

Catherine Hagan, Office of Chief Counsel, CHagan@waterboards.ca.gov

Jessica Newman, Office of Chief Counsel, jmnewman@waterboards.ca.gov

James Fischer, State Water Board, Office of Enforcement, jfischer@waterboards.ca.gov

Russell Norman, State Water Board, SSO Program, rnorman@waterboards.ca.gov

Al Javier, Eastern Municipal Water District, javiera@emwd.org

Jayne Joy, Eastern Municipal Water District, joyJ@emwd.org

Matt Riha, Riverside County Department of Environmental Health, mriha@co.riverside.ca.us

Luis Ledesma, USMC Camp Pendleton, luis.ledesma@usmc.mil

Fred Edgecomb, Rancho California Water District, edgecomb@ranchowater.com

Aldo Licitra, City of Temecula, aldo.licitra@cityoftemecula.org

<u>CIWQS Entries</u>	
Order No.	R9-2010-0085
CIWQS Place ID	263145
Reg. Measure ID	374160
Party ID	309528