



# California Regional Water Quality Control Board Los Angeles Region



Recipient of the 2001 Environmental Leadership Award from Keep California Beautiful

Linda S. Adams  
Agency Secretary

320 W. 4th Street, Suite 200, Los Angeles, California 90013  
Phone (213) 576-6600 FAX (213) 576-6640 - Internet Address: <http://www.waterboards.ca.gov/losangeles>

Arnold Schwarzenegger  
Governor

September 30, 2008

Mr. Stephen R. Maguin  
Chief Engineer and General Manager  
County Sanitation Districts  
1955 Workman Mill Road  
Whittier, CA 90607

VIA CERTIFIED MAIL  
RETURN RECEIPT REQUESTED  
Claim No: 7007 2560 0001 7888 9356

**SETTLEMENT OFFER NO. R4-2008-0070-M: OFFER TO PARTICIPATE IN  
EXPEDITED PAYMENT PROGRAM RELATING TO VIOLATIONS OF THE NPDES  
PERMIT FOR COUNTY SANITATION DISTRICTS OF LOS ANGELES COUNTY,  
LOS COYOTES WATER RECLAMATION PLANT, 16515 PIUMA AVENUE,  
CERRITOS, CA.  
(ORDER NOS. 95-077 & R4-2002-0121, NPDES PERMIT NO. CA0054011, CI NO. 5059)**

Dear Mr. Maguin:

This letter is to notify County Sanitation Districts of Los Angeles County (hereinafter "Permittee or "you") of alleged violations of the California Water Code identified in the State Water Resources Control Board's water quality data system and to allow the Permittee to participate in the Los Angeles Regional Water Quality Control Board's (Regional Board) Expedited Payment Program for Effluent and/or Reporting Violations (Expedited Payment Program) to address liability that may be assessed pursuant to California Water Code sections 13385 and 13385.1.

## NOTICE OF VIOLATION:

Based on information in the California Integrated Water Quality System (CIWQS) as of September 19, 2008, the Regional Board alleges that the Permittee has violated the effluent limitations, reporting violations, or California Water Code provisions identified in the Notice of Violation (NOV) attached as Exhibit "A". The Permittee will have the opportunity to address the alleged violations as discussed below.

## STATUTORY LIABILITY:

Subdivisions (h) and (i) of California Water Code section 13385 require the assessment of a mandatory minimum penalty of three thousand dollars (\$3,000) for specified serious and chronic effluent limit and reporting violations. For the purposes of subdivision (h) of section 13385, failure to file a discharge monitoring report required pursuant to sections 13383 for each complete period of 30 days following the deadline for submitting the report constitutes a serious violation. The Permittee is subject to discretionary administrative civil liabilities of up to ten

September 30, 2008

thousand dollars (\$10,000) for each day in which the violation occurs, plus ten dollars (\$10) for each gallon discharged but not cleaned up in excess of 1,000 gallons. These mandatory minimum penalties and discretionary administrative civil liabilities may be assessed by the Regional Board beginning with the date that the violations first occurred.<sup>1</sup> The formal enforcement action that the Regional Board uses to assess such liability is an administrative civil liability complaint, although the Regional Board may instead refer such matters to the Attorney General's Office for prosecution. If referred to the Attorney General for prosecution, the Superior Court may assess up to twenty-five thousand dollars (\$25,000) per violation. In addition, the Superior Court may assess up to twenty-five dollars (\$25) per gallon discharged but not cleaned up in excess of 1,000 gallons.

#### **OFFER TO PARTICIPATE IN EXPEDITED PAYMENT PROGRAM:**

The Permittee can avoid the issuance of a formal enforcement action and settle the alleged violations identified in the attached NOV by participating in the Regional Board's Expedited Payment Program. Details of the proposed settlement are described below and addressed in the enclosed documents.

To promote resolution of these violations, the Regional Board makes this Conditional Offer. The Permittee may accept this offer, waive the Permittee's right to a hearing, and pay the mandatory minimum penalty of \$126,000 for the violations described in the NOV. If the Permittee elects to do so, subject to the conditions below, the Regional Board will accept that payment in settlement of any enforcement action that would otherwise arise out of the violations identified in the NOV. Accordingly, the Regional Board will forego issuance of a formal administrative complaint, will not refer the violations to the Attorney General, and will waive its right to seek additional discretionary civil liabilities for the violations identified in the NOV.

The Expedited Payment Program does not address liability for any violation that is not specifically identified in the NOV.

#### **PERMITTEE'S OPTIONS FOR RESPONSE TO OFFER:**

If you accept this offer, please complete and return the enclosed "Acceptance of Conditional Resolution and Waiver of Right to Hearing; (proposed) Order" (Acceptance and Waiver) on or before October 30, 2008.

If the Permittee chooses to contest any of the violations alleged in the NOV, please identify the specific violation and the basis for the challenge (factual error, affirmative defense, etc.) on or

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<sup>1</sup> Please note that there are no statutes of limitation that apply to administrative proceedings to assess mandatory minimum penalties. See *City of Oakland v. Public Employees' Retirement System*, (2002) 95 Cal.App.4th 29, 48; 3 Witkin, Cal. Procedure (4th ed. 1996) Actions, §405(2), p. 510.) Further, the Permittee has not been substantially prejudiced by the passage of time between the date(s) that the Permittee reported the violations identified on Exhibit A and the date of this letter. The Permittee was aware of the violations at the time it reported them to the Regional Board. Regional Board staff's limited enforcement resources and competing enforcement priorities provide a rational explanation for the delay. In fact, the delay has actually benefited the Permittee because it extended the time before payment of the mandatory minimum penalties is due. For these reasons, any delay is not unreasonable.

before the due date specified above. The Regional Board staff will evaluate the contested violation and take one of two actions:

- 1) The Regional Board staff will determine that the violation is not supported, expunge the alleged violation from the CIWQS database, take no further action against the Permittee for the alleged violation, and notify the Permittee of that determination. The Permittee will be given thirty (30) days from the date of receipt of the Regional Board staff determination to complete and return the Acceptance and Waiver for the remainder of the violations; or
- 2) The Regional Board staff will determine that the alleged violation is meritorious, and will notify the Permittee of that determination. The Permittee will be given thirty (30) days from the date of receipt of the Regional Board staff determination to complete and return the Acceptance and Waiver.

If the Permittee chooses not to make a payment in response to the Regional Board staff's determination, the Permittee should expect to be contacted regarding formal enforcement action that will be initiated with regard to the contested violations. In a formal enforcement action, the liability amount sought and/or imposed may exceed the liability amount set forth in this Conditional Offer. Moreover, the cost of enforcement is a factor that can be considered in assessing the liability amount.

#### **CONDITIONS FOR REGIONAL BOARD ACCEPTANCE OF RESOLUTION:**

Federal regulations require the Regional Board to publish and allow the public thirty (30) days to comment on any settlement of an enforcement action addressing NPDES permit violations (40 C.F.R. section 123.27(d)(2)(iii)). Upon receipt of the Permittee's Acceptance and Waiver, the Regional Board staff will publish a notice of the proposed resolution of the violations.

If no comments are received within the 30-day comment period, and unless there are new material facts that become available to the Regional Board, the Regional Board Executive Officer will execute the Acceptance and Waiver as a stipulated order assessing the uncontested mandatory minimum penalty amount pursuant to Water Code sections 13385 and 13385.1.

If, however, significant comments are received in opposition to the settlement, this Offer may be withdrawn. In that case, the Permittee's waiver pursuant to the Acceptance and Waiver will also be treated as withdrawn. In that case, the violations will be addressed in a liability assessment proceeding. At the liability assessment hearing the Permittee will be free to make arguments as to any of the alleged violations, and the Permittee's agreement to accept this conditional offer will not in any way be binding or used as evidence against the Permittee. The Permittee will be provided with further information on the liability assessment proceeding.

In the event the Acceptance and Waiver is executed by the Regional Board Executive Officer, full payment of the assessed amount shall be due within ten (10) calendar days after the Permittee's receipt of the notice of the Regional Board Executive Officer's execution. In

Mr. Stephen R. Maguin  
County Sanitation Districts of Los Angeles County

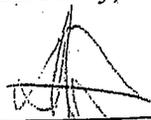
- 4 -

September 30, 2008

accordance with California Water Code section 13385(n)(1), funds collected for violations of effluent limitations and reporting requirements pursuant to section 13385 shall be deposited in the State Water Pollution Cleanup and Abatement Account. Furthermore, in accordance with California Water Code section 13385.1(b)(1), funds collected pursuant to section 13385.1 for failure to timely file a report shall be deposited in the Waste Discharge Permit Fund. Accordingly, the \$126,000 liability shall be paid by cashiers or certified check for \$126,000 made out to the "State Water Pollution Cleanup and Abatement Account". Failure to pay the full penalty within the required time period may subject the Permittee to further liability.

Should you have any questions about this Conditional Offer or Notice of Violation, please contact Enforcement Unit staff Ms. Mercedes Mérimo at (213) 620-6369 regarding this matter.

Sincerely,



Deborah J. Smith  
Chief Deputy Executive Officer

Enclosures:

Exhibit "A" - Notice of Violation

Acceptance of Conditional Resolution and Waiver of Right to Hearing; (proposed) Order

cc: Taryn Stokell, Office of Enforcement, State Water Resources Control Board

Settlement Offer No. R4-2008-0070-M  
CI No. 5059 NPDES Permit No. CA0054011

ACCEPTANCE OF CONDITIONAL RESOLUTION  
AND WAIVER OF RIGHT TO HEARING; (proposed) ORDER

County Sanitation Districts of Los Angeles County  
Settlement Offer No. R4-2008-0070-M  
NPDES Permit No. CA0054011

By signing below and returning this Acceptance of Conditional Resolution and Waiver of Right to Hearing (Acceptance and Waiver) to the Los Angeles Regional Water Quality Control Board (Regional Board), County Sanitation Districts of Los Angeles County (Permittee) hereby accepts the "Offer to Participate in Expedited Payment Program" and waives the right to a hearing before the Regional Board to dispute the allegations of violations described in the Notice of Violation (NOV), which is attached hereto as Exhibit "A" and incorporated herein by reference.

The Permittee agrees that the NOV shall serve as a complaint pursuant to Article 2.5 of the California Water Code and that no separate complaint is required for the Regional Board to assert jurisdiction over the alleged violations through its Executive Officer. The Permittee agrees to pay the penalties required by California Water Code section 13385, in the sum of \$126,000 (Expedited Payment Amount), which shall be deemed payment in full of any civil liability pursuant to Water Code sections 13385 and 13385.1 that otherwise might be assessed for the violations described in the NOV. The Permittee understands that this Acceptance and Waiver waives the Permittee's right to contest the allegations in the NOV and the amount of civil liability for such violations.

The Permittee understands that this Acceptance and Waiver does not address or resolve liability for any violation that is not specifically identified in the NOV.

Upon execution by the Permittee, the completed Acceptance and Waiver shall be returned to:

Mercedes Merino, Enforcement Unit  
Expedited Payment Program  
Regional Water Quality Control Board, Los Angeles Region  
320 West 4<sup>th</sup> Street, Suite 200  
Los Angeles, California 90013

The Permittee understands that federal regulations set forth at title 40, Code of Federal Regulations, section 123.27(d)(2)(iii) require the Regional Board to publish notice of and provide at least 30 days for public comment on any proposed resolution of an enforcement action addressing NPDES permit violations. Accordingly, this Acceptance and Waiver, prior to execution by the Regional Board Executive Officer, will be published as required by law for public comment.

If no comments are received within the notice period that cause the Regional Board Executive Officer to question the Expedited Payment Amount, the Regional Board Executive Officer will execute the Acceptance and Waiver.

Settlement Offer No. R4-2008-0070-M  
CI No. 5059 NPDES Permit No. CA0054011

The Permittee understands that if significant comments are received in opposition to the Expedited Payment Amount, the offer on behalf of the Regional Board to resolve the violations set forth in the NOV may be withdrawn. In that circumstance, the Permittee will be advised of the withdrawal and an administrative civil liability complaint may be issued and the matter may be set for a hearing before the Regional Board. For such a liability hearing, the Permittee understands that this Acceptance and Waiver executed by the Permittee will be treated as a settlement communication and will not be used as evidence in that hearing.

The Permittee further understands that once the Acceptance and Waiver is executed by the Regional Board Executive Officer, the full payment required by the deadline set forth below is a condition of this Acceptance and Waiver. In accordance with California Water Code section 13385(n)(1), funds collected for violations of effluent limitations and reporting requirements pursuant to section 13385 shall be deposited in the State Water Pollution Cleanup and Abatement Account. Furthermore, in accordance with California Water Code section 13385.1(b)(1), funds collected pursuant to section 13385.1 for failure to timely file a report shall be deposited in the Waste Discharge Permit Fund. Accordingly, the \$126,000 liability shall be paid by a cashier's or certified check for \$126,000 made out to the "State Water Pollution Cleanup and Abatement Account". The payment must be submitted to the Regional Board no later than ten (10) calendar days after the date the Permittee receives written notice that the Regional Board Executive Officer has executed this Acceptance and Waiver.

I hereby affirm that I am duly authorized to act on behalf of and to bind the Permittee in the making and giving of this Acceptance and Waiver.

County Sanitation Districts of Los Angeles County

By:

\_\_\_\_\_  
(Signed Name)

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Printed or typed name)

\_\_\_\_\_  
(Title)

IT IS SO ORDERED PURSUANT TO WATER CODE SECTION 13385

Date: \_\_\_\_\_

By: \_\_\_\_\_

Tracy J. Egoscue  
Executive Officer

**EXHIBIT "A" - NOTICE OF VIOLATION**  
 Revised Effluent Limit Violations

Settlement Offer No. R4-2008-0070-M

Date	Monitoring Period	Violation Type	Parameter	Reported Value	Permit Limit	Units	Pollutant Category	% Exceeded	Serious/Chronic	Water Code Section 13385	Penalty
01/30/02	January 2002	30-day Average	Iron <sup>1</sup>	347.5	300	ug/L	1	16%	Chronic	(i)1	\$0
08/31/02	August 2002	Daily Maximum	Residual Chlorine <sup>2</sup>	0.7	0.1	mg/L	2	600%	Serious	(h)1	\$3,000
09/01/02	September 2002	Daily Maximum	Residual Chlorine <sup>2</sup>	0.9	0.1	mg/L	2	800%	Serious	(h)1	\$3,000
09/02/02	September 2002	Daily Maximum	Residual Chlorine <sup>2</sup>	0.8	0.1	mg/L	2	700%	Serious	(h)1	\$3,000
09/03/02	September 2002	Daily Maximum	Residual Chlorine <sup>2</sup>	2.7	0.1	mg/L	2	2600%	Serious	(h)1	\$3,000
09/04/02	September 2002	Daily Maximum	Residual Chlorine <sup>2</sup>	1.3	0.1	mg/L	2	1200%	Serious	(h)1	\$3,000
09/05/02	September 2002	Daily Maximum	Residual Chlorine <sup>2</sup>	0.6	0.1	mg/L	2	500%	Serious	(h)1	\$3,000
09/06/02	September 2002	Daily Maximum	Residual Chlorine <sup>2</sup>	1.2	0.1	mg/L	2	1100%	Serious	(h)1	\$3,000
09/07/02	September 2002	Daily Maximum	Residual Chlorine <sup>2</sup>	0.7	0.1	mg/L	2	600%	Serious	(h)1	\$3,000
09/08/02	September 2002	Daily Maximum	Residual Chlorine <sup>2</sup>	0.7	0.1	mg/L	2	600%	Serious	(h)1	\$3,000
09/09/02	September 2002	Daily Maximum	Residual Chlorine <sup>2</sup>	1.8	0.1	mg/L	2	1700%	Serious	(h)1	\$3,000
09/10/02	September 2002	Daily Maximum	Residual Chlorine <sup>2</sup>	1	0.1	mg/L	2	900%	Serious	(h)1	\$3,000
09/11/02	September 2002	Daily Maximum	Residual Chlorine <sup>2</sup>	0.6	0.1	mg/L	2	500%	Serious	(h)1	\$3,000
09/12/02	September 2002	Daily Maximum	Residual Chlorine <sup>2</sup>	0.8	0.1	mg/L	2	700%	Serious	(h)1	\$3,000
09/13/02	September 2002	Daily Maximum	Residual Chlorine <sup>2</sup>	1.4	0.1	mg/L	2	1300%	Serious	(h)1	\$3,000
09/14/02	September 2002	Daily Maximum	Residual Chlorine <sup>2</sup>	0.7	0.1	mg/L	2	600%	Serious	(h)1	\$3,000
09/15/02	September 2002	Daily Maximum	Residual Chlorine <sup>2</sup>	0.8	0.1	mg/L	2	700%	Serious	(h)1	\$3,000
09/16/02	September 2002	Daily Maximum	Residual Chlorine <sup>2</sup>	3	0.1	mg/L	2	2900%	Serious	(h)1	\$3,000
09/17/02	September 2002	Daily Maximum	Residual Chlorine <sup>2</sup>	0.8	0.1	mg/L	2	700%	Serious	(h)1	\$3,000
09/18/02	September 2002	Daily Maximum	Residual Chlorine <sup>2</sup>	0.8	0.1	mg/L	2	700%	Serious	(h)1	\$3,000
09/19/02	September 2002	Daily Maximum	Residual Chlorine <sup>2</sup>	0.7	0.1	mg/L	2	600%	Serious	(h)1	\$3,000
09/20/02	September 2002	Daily Maximum	Residual Chlorine <sup>2</sup>	0.9	0.1	mg/L	2	800%	Serious	(h)1	\$3,000
09/21/02	September 2002	Daily Maximum	Residual Chlorine <sup>2</sup>	0.9	0.1	mg/L	2	800%	Serious	(h)1	\$3,000
09/22/02	September 2002	Daily Maximum	Residual Chlorine <sup>2</sup>	1	0.1	mg/L	2	900%	Serious	(h)1	\$3,000
09/23/02	September 2002	Daily Maximum	Residual Chlorine <sup>2</sup>	0.9	0.1	mg/L	2	800%	Serious	(h)1	\$3,000
09/24/02	September 2002	Daily Maximum	Residual Chlorine <sup>2</sup>	0.7	0.1	mg/L	2	600%	Serious	(h)1	\$3,000
09/25/02	September 2002	Daily Maximum	Residual Chlorine <sup>2</sup>	0.5	0.1	mg/L	2	400%	Serious	(h)1	\$3,000
09/26/02	September 2002	Daily Maximum	Residual Chlorine <sup>2</sup>	0.7	0.1	mg/L	2	600%	Serious	(h)1	\$3,000

**EXHIBIT "A" - NOTICE OF VIOLATION**  
Revised Effluent Limit Violations

Date	Monitoring Period	Violation Type	Parameter	Reported Value	Permit Limit	Units	Pollutant Category	% Exceeded	Serious/Chronic	Water Code Section 13385	Penalty
09/27/02	September 2002	Daily Maximum	Residual Chlorine <sup>2</sup>	0.8	0.1	mg/L	2	700%	Serious	(h)1	\$3,000
09/28/02	September 2002	Daily Maximum	Residual Chlorine <sup>2</sup>	1	0.1	mg/L	2	900%	Serious	(h)1	\$3,000
09/29/02	September 2002	Daily Maximum	Residual Chlorine <sup>2</sup>	0.8	0.1	mg/L	2	700%	Serious	(h)1	\$3,000
09/30/02	September 2002	Daily Maximum	Residual Chlorine <sup>2</sup>	0.5	0.1	mg/L	2	400%	Serious	(h)1	\$3,000
10/01/02	October 2002	Daily Maximum	Residual Chlorine <sup>2</sup>	1.2	0.1	mg/L	2	1100%	Serious	(h)1	\$3,000
10/02/02	October 2002	Daily Maximum	Residual Chlorine <sup>2</sup>	0.7	0.1	mg/L	2	600%	Serious	(h)1	\$3,000
11/11/02	November 2002	Daily Maximum	Residual Chlorine <sup>2</sup>	0.9	0.1	mg/L	2	800%	Serious	(h)1	\$3,000
11/17/02	November 2002	Daily Maximum	Residual Chlorine <sup>3</sup> (4min)	0.7	0.1	mg/L	2	600%	Serious	(h)1	\$3,000
01/28/03	January 2003	Daily Maximum	Residual Chlorine <sup>3</sup> (7min)	0.5	0.1	mg/L	2	400%	Serious	(h)1	\$3,000
08/22/03	August 2003	Daily Maximum	Residual Chlorine <sup>3</sup> (6min)	0.5	0.1	mg/L	2	400%	Serious	(h)1	\$3,000
03/14/06	March 2006	Daily Maximum	Residual Chlorine <sup>3</sup> (25min)	3.25	0.1	mg/L	2	3150%	Serious	(h)1	\$3,000
04/06/06	April 2006	Daily Maximum	Residual Chlorine <sup>3</sup> (30min)	3.5	0.1	mg/L	2	3400%	Serious	(h)1	\$3,000
12/15/08	December 2008	Daily Maximum	Residual Chlorine	0.4	0.3	mg/L	2	33%	Serious	(h)1	\$3,000
04/02/10	April 2010	Daily Maximum	Copper	32.5	28	ug/L	2	16%	Chronic	(i)1	\$0
										Total	\$120,000

<sup>1</sup>Staff Calculated<sup>2</sup>Total Residual Chlorine concentration of up to 0.3 mg/L, at the point in treatment train immediately following dechlorination, shall not be considered violations of this requirement provided the total duration of such excursions do not exceed 15 minutes during any 24-hour period.<sup>3</sup>Peaks in excess of 0.3 mg/L lasting less than one minute while changing sulfur dioxide tanks shall not be considered a violation of this requirement.



# California Regional Water Quality Control Board

## Los Angeles Region



Recipient of the 2001 *Environmental Leadership Award* from Keep California Beautiful

Linda S. Adams  
Agency Secretary

320 W. 4th Street, Suite 200, Los Angeles, California 90013  
Phone (213) 576-6600 FAX (213) 576-6640 - Internet Address: <http://www.waterboards.ca.gov/losangeles>

Arnold Schwarzenegger  
Governor

December 23, 2008

Mr. Stephen R. Maguin  
Chief Engineer and General Manager  
Sanitation Districts of Los Angeles County  
P.O. Box 4998  
Whittier, CA 90607-4998

VIA CERTIFIED MAIL  
RETURN RECEIPT REQUESTED  
Claim No. 7007 2560 0001 7889 2080

SETTLEMENT OFFER NO. R4-2008-0122-M: OFFER TO PARTICIPATE IN EXPEDITED PAYMENT PROGRAM RELATING TO VIOLATIONS OF THE NPDES PERMIT FOR COUNTY SANITATION DISTRICT OF LOS ANGELES COUNTY, POMONA WATER RECLAMATION PLANT, 295 HUMANE WAY, POMONA, CA (ORDER NOS. 95-078, R4-2004-0099, AND R4-2004-0100, NPDES PERMIT NO. CA0053619, CI NO. 0755)

Dear Mr. Maguin:

This letter is to notify County Sanitation Districts of Los Angeles County (hereinafter "Permittee or "you") of alleged violations of the California Water Code identified in the State Water Resources Control Board's water quality data system and to allow the Permittee to participate in the Los Angeles Regional Water Quality Control Board's (Regional Board) Expedited Payment Program for Effluent and/or Reporting Violations (Expedited Payment Program) to address liability that may be assessed pursuant to California Water Code sections 13385 and 13385.1.

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### STATUTORY LIABILITY:

Subdivisions (h) and (i) of California Water Code section 13385 require the assessment of a mandatory minimum penalty of three thousand dollars (\$3,000) for specified serious and chronic effluent limit and reporting violations. For the purposes of subdivision (h) of section 13385, failure to file a discharge monitoring report required pursuant to sections 13383 for each complete period of 30 days following the deadline for submitting the report constitutes a serious violation. The Permittee is subject to discretionary administrative civil liabilities of up to ten

thousand dollars (\$10,000) for each day in which the violation occurs, plus ten dollars (\$10) for each gallon discharged but not cleaned up in excess of 1,000 gallons. These mandatory minimum penalties and discretionary administrative civil liabilities may be assessed by the Regional Board beginning with the date that the violations first occurred.<sup>1</sup> The formal enforcement action that the Regional Board uses to assess such liability is an administrative civil liability complaint, although the Regional Board may instead refer such matters to the Attorney General's Office for prosecution. If referred to the Attorney General for prosecution, the Superior Court may assess up to twenty-five thousand dollars (\$25,000) per violation. In addition, the Superior Court may assess up to twenty-five dollars (\$25) per gallon discharged but not cleaned up in excess of 1,000 gallons.

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If you accept this offer, please complete and return the enclosed "Acceptance of Conditional Resolution and Waiver of Right to Hearing; (proposed) Order" (Acceptance and Waiver) on or before **January 26, 2009**.

If the Permittee chooses to contest any of the violations alleged in the NOV, please identify the specific violation and the basis for the challenge (factual error, affirmative defense, etc.) on or

<sup>1</sup>Please note that there are no statutes of limitation that apply to administrative proceedings to assess mandatory minimum penalties. See *City of Oakland v. Public Employees' Retirement System*, (2002) 95 Cal.App.4th 29, 48; 3 Witkin, Cal. Procedure (4th ed. 1996) Actions, §405(2), p. 510.) Further, the Permittee has not been substantially prejudiced by the passage of time between the date(s) that the Permittee reported the violations identified on Exhibit A and the date of this letter. The Permittee was aware of the violations at the time it reported them to the Regional Board. Regional Board staff's limited enforcement resources and competing enforcement priorities provide a rational explanation for the delay. In fact, the delay has actually benefited the Permittee because it extended the time before payment of the mandatory minimum penalties is due. For these reasons, any delay is not unreasonable.

before the due date specified above. The Regional Board staff will evaluate the contested violation and take one of two actions:

- 1) The Regional Board staff will determine that the violation is not supported, expunge the alleged violation from the CIWQS database, take no further action against the Permittee for the alleged violation, and notify the Permittee of that determination. The Permittee will be given thirty (30) days from the date of receipt of the Regional Board staff determination to complete and return the Acceptance and Waiver for the remainder of the violations; or
- 2) The Regional Board staff will determine that the alleged violation is meritorious, and will notify the Permittee of that determination. The Permittee will be given thirty (30) days from the date of receipt of the Regional Board staff determination to complete and return the Acceptance and Waiver.

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Federal regulations require the Regional Board to publish and allow the public thirty (30) days to comment on any settlement of an enforcement action addressing NPDES permit violations (40 C.F.R. section 123.27(d)(2)(iii)). Upon receipt of the Permittee's Acceptance and Waiver, the Regional Board staff will publish a notice of the proposed resolution of the violations.

If no comments are received within the 30-day comment period, and unless there are new material facts that become available to the Regional Board, the Regional Board Executive Officer will execute the Acceptance and Waiver as a stipulated order assessing the uncontested mandatory minimum penalty amount pursuant to Water Code sections 13385 and 13385.1.

If, however, significant comments are received in opposition to the settlement, this Offer may be withdrawn. In that case, the Permittee's waiver pursuant to the Acceptance and Waiver will also be treated as withdrawn. In that case, the violations will be addressed in a liability assessment proceeding. At the liability assessment hearing the Permittee will be free to make arguments as to any of the alleged violations, and the Permittee's agreement to accept this conditional offer will not in any way be binding or used as evidence against the Permittee. The Permittee will be provided with further information on the liability assessment proceeding.

In the event the Acceptance and Waiver is executed by the Regional Board Executive Officer, full payment of the assessed amount shall be due within ten (10) calendar days after the Permittee's receipt of the notice of the Regional Board Executive Officer's execution. In

Mr. Stephen R. Maguin  
County Sanitation Districts of Los Angeles County

- 4 -

December 23, 2008

accordance with California Water Code section 13385(n)(1), funds collected for violations of effluent limitations and reporting requirements pursuant to section 13385 shall be deposited in the State Water Pollution Cleanup and Abatement Account. Furthermore, in accordance with California Water Code section 13385.1(b)(1), funds collected pursuant to section 13385.1 for failure to timely file a report shall be deposited in the Waste Discharge Permit Fund. Accordingly, the \$33,000 liability shall be paid by cashiers or certified check for \$33,000 made out to the "State Water Pollution Cleanup and Abatement Account". Failure to pay the full penalty within the required time period may subject the Permittee to further liability.

Should you have any questions about this Conditional Offer or Notice of Violation, please contact Enforcement Unit staff Ms. Pansy Yuen at (213) 620-6367 regarding this matter.

Sincerely,



Deborah J. Smith  
Chief Deputy Executive Officer

Enclosures:

Exhibit "A" - Notice of Violation

Acceptance of Conditional Resolution and Waiver of Right to Hearing; (proposed) Order

cc: Taryn Stokell, Office of Enforcement, State Water Resources Control Board

Settlement Offer No. R4-2008-0122-M  
CI No. 0755, NPDES Permit No. CA0053619

ACCEPTANCE OF CONDITIONAL RESOLUTION  
AND WAIVER OF RIGHT TO HEARING; (proposed) ORDER

County Sanitation Districts of Los Angeles County  
Settlement Offer No. R4-2008-0122-M  
NPDES Permit No. CA0053619

By signing below and returning this Acceptance of Conditional Resolution and Waiver of Right to Hearing (Acceptance and Waiver) to the Los Angeles Regional Water Quality Control Board (Regional Board), County Sanitation Districts of Los Angeles County (Permittee) hereby accepts the "Offer to Participate in Expedited Payment Program" and waives the right to a hearing before the Regional Board to dispute the allegations of violations described in the Notice of Violation (NOV), which is attached hereto as Exhibit "A" and incorporated herein by reference.

The Permittee agrees that the NOV shall serve as a complaint pursuant to Article 2.5 of the California Water Code and that no separate complaint is required for the Regional Board to assert jurisdiction over the alleged violations through its Executive Officer. The Permittee agrees to pay the penalties required by California Water Code section 13385, in the sum of \$33,000 (Expedited Payment Amount), which shall be deemed payment in full of any civil liability pursuant to Water Code sections 13385 and 13385.1 that otherwise might be assessed for the violations described in the NOV. The Permittee understands that this Acceptance and Waiver waives the Permittee's right to contest the allegations in the NOV and the amount of civil liability for such violations.

The Permittee understands that this Acceptance and Waiver does not address or resolve liability for any violation that is not specifically identified in the NOV.

Upon execution by the Permittee, the completed Acceptance and Waiver shall be returned to:

Ms. Pansy Yuen, Enforcement Unit  
Expedited Payment Program  
Regional Water Quality Control Board, Los Angeles Region  
320 West 4<sup>th</sup> Street, Suite 200  
Los Angeles, California 90013

The Permittee understands that federal regulations set forth at title 40, Code of Federal Regulations, section 123.27(d)(2)(iii) require the Regional Board to publish notice of and provide at least 30 days for public comment on any proposed resolution of an enforcement action addressing NPDES permit violations. Accordingly, this Acceptance and Waiver, prior to execution by the Regional Board Executive Officer, will be published as required by law for public comment.

If no comments are received within the notice period that cause the Regional Board Executive Officer to question the Expedited Payment Amount, the Regional Board Executive Officer will execute the Acceptance and Waiver.

Settlement Offer No. R4-2008-0122-M  
CI No. 0755, NPDES Permit No. CA0053619

The Permittee understands that if significant comments are received in opposition to the Expedited Payment Amount, the offer on behalf of the Regional Board to resolve the violations set forth in the NOV may be withdrawn. In that circumstance, the Permittee will be advised of the withdrawal and an administrative civil liability complaint may be issued and the matter may be set for a hearing before the Regional Board. For such a liability hearing, the Permittee understands that this Acceptance and Waiver executed by the Permittee will be treated as a settlement communication and will not be used as evidence in that hearing.

The Permittee further understands that once the Acceptance and Waiver is executed by the Regional Board Executive Officer, the full payment required by the deadline set forth below is a condition of this Acceptance and Waiver. In accordance with California Water Code section 13385(n)(1), funds collected for violations of effluent limitations and reporting requirements pursuant to section 13385 shall be deposited in the State Water Pollution Cleanup and Abatement Account. Furthermore, in accordance with California Water Code section 13385.1(b)(1), funds collected pursuant to section 13385.1 for failure to timely file a report shall be deposited in the Waste Discharge Permit Fund. Accordingly, the \$33,000 liability shall be paid by a cashier's or certified check for \$33,000 made out to the "State Water Pollution Cleanup and Abatement Account". The payment must be submitted to the Regional Board no later than ten (10) calendar days after the date the Permittee receives written notice that the Regional Board Executive Officer has executed this Acceptance and Waiver.

I hereby affirm that I am duly authorized to act on behalf of and to bind the Permittee in the making and giving of this Acceptance and Waiver.

County Sanitation Districts of Los Angeles County

By: \_\_\_\_\_  
(Signed Name) (Date)

\_\_\_\_\_

(Printed or typed name) (Title)

IT IS SO ORDERED PURSUANT TO WATER CODE SECTION 13385

Date: \_\_\_\_\_

By: \_\_\_\_\_  
Tracy J. Egoscue  
Executive Officer

**EXHIBIT "A" - NOTICE OF VIOLATION**  
 Amended Effluent Limit

Violations

Date	Monitoring Period	Violation Type	Parameter	Reported Value	Permit Limit	Units	Pollutant Category	% Exceeded	Serious/Chronic	Water Code Section 13385	Penalty
03/27/00	March 2000	Daily Maximum	MBAS	0.62	0.5	mg/L	1	24%	Chronic	(i)1	\$0
06/21/00	June 2000	Daily Maximum	MBAS	0.74	0.5	mg/L	1	48%	Serious	(h)1	\$3,000
08/09/00	August 2000	Daily Maximum	TDS	766	750	mg/L	1	2%	Chronic	(i)1	\$0
09/04/00	September 2000	Daily Maximum	MBAS	0.84	0.5	mg/L	1	68%	Serious	(h)1	\$3,000
12/18/00	December 2000	Daily Maximum	MBAS	0.8	0.5	mg/L	1	60%	Serious	(h)1	\$3,000
01/23/01	January 2001	Daily Maximum	MBAS	0.95	0.5	mg/L	1	90%	Serious	(h)1	\$3,000
11/05/01	November 2001	Daily Maximum	MBAS	0.8	0.5	mg/L	1	60%	Serious	(h)1	\$3,000
12/19/01	December 2001	Daily Maximum	Chloride	211	180	mg/L	1	17%	Chronic	(i)1	\$0
09/21/04	September 2004	Daily Maximum	Residual Chlorine	>0.3	0.1	mg/L	2	200%	Serious	(h)1	\$3,000
12/16/04	December 2004	Monthly Average	Ammonia Nitrogen*	1.85	1.24	mg/L	1	49%	Serious	(h)1	\$3,000
01/18/05	January 2005	Daily Maximum	Ammonia Nitrogen	1.5	0.94	mg/L	1	60%	Serious	(h)1	\$3,000
03/30/05	March 2005	Monthly Average	Ammonia Nitrogen*	1.73	1.53	mg/L	1	13%	Chronic	(i)1	\$0
04/30/05	April 2005	Monthly Average	Ammonia Nitrogen*	1.92	1.43	mg/L	1	34%	Chronic	(i)1	\$3,000
05/17/05	May 2005	Daily Maximum	Ammonia Nitrogen	2.45	1.72	mg/L	1	42%	Serious	(h)1	\$3,000
05/31/05	May 2005	Monthly Average	Ammonia Nitrogen*	1.77	0.66	mg/L	1	168%	Serious	(h)1	\$3,000
10/31/05	October 2005	Monthly Average	Ammonia Nitrogen*	1.29	1.16	mg/L	1	11%	Chronic	(i)1	\$0
03/31/06	March 2006	Monthly Average	Nitrite Nitrogen*	1.18	1	mg/L	1	18%	Chronic	(i)1	\$0
11/27/07	November 2007	Daily Maximum	Ammonia Nitrogen	1.76	1.54	mg/L	1	14%	Chronic	(i)1	\$0
11/30/07	November 2007	Monthly Average	Ammonia Nitrogen*	1.57	1.04	mg/L	1	51%	Serious	(h)1	\$3,000
03/31/08	March 2008	Monthly Average	Ammonia Nitrogen*	1.33	1.27	mg/L	1	5%	Chronic	(i)1	\$0
<b>Total</b>										<b>\$36,000</b>	

\* Staff Calculation



Linda S. Adams  
Secretary for  
Environmental Protection

# State Water Resources Control Board

## Office of Enforcement

1001 I Street • Sacramento, California 95814 • (916) 341-5277  
Mailing Address: P.O. Box 100 • Sacramento, California • 95812-0100  
Fax (916) 341-5284 • <http://www.waterboards.ca.gov>



Arnold Schwarzenegger  
Governor

December 9, 2008

JOHN COSULICH  
LOS ANGELES COUNTY SANITATION DISTRICTS  
1955 WORKMAN MILL RD.  
WHITTIER, CA 90607

VIA CERTIFIED MAIL  
7008 1140 0001 2332 2015

**No. SWB-2008-4-0053- OFFER TO PARTICIPATE IN EXPEDITED PAYMENT PROGRAM RELATING TO VIOLATIONS OF NPDES PERMIT 1965 SOUTH WORKMAN MILL RD, WHITTIER, CA, 90607 (NPDES Permit No. R4-2004-0097, WDID No. 4B190107020)**

Dear Facility Contact:

This letter is to notify LOS ANGELES COUNTY SANITATION DISTRICTS (hereinafter "PERMITTEE" or "you") of alleged violations of the California Water Code identified in the State Water Resources Control Board's (State Water Board) water quality data system and to allow the PERMITTEE to participate in the Water Boards' Expedited Payment Program for Effluent or Reporting Violations (Expedited Payment Program) to address liability which may be assessed pursuant to Water Code sections 13385 and 13385.1.

### NOTICE OF VIOLATION:

Based on information in the California Integrated Water Quality System (CIWQS) as of November 15, 2008, the State Water Board's Office of Enforcement alleges that the PERMITTEE has violated the effluent limitations, reporting violations, or Water Code provisions identified in the Notice of Violation (NOV) attached as Exhibit "A". The Permittee will have the opportunity to address the alleged violations as discussed below.

### STATUTORY LIABILITY:

Subdivisions (h) and (i) of California Water Code section 13385 require the assessment of a MANDATORY MINIMUM PENALTY of \$3,000 for specified serious and chronic effluent limit violations. The PERMITTEE is subject to discretionary administrative civil liabilities of up to TEN THOUSAND DOLLARS (\$10,000) for each day in which the violation occurs, plus TEN DOLLARS (\$10) for each gallon discharged but not cleaned up in excess of 1,000 gallons. These mandatory minimum penalties and discretionary administrative civil liabilities may be assessed by a Regional Water Quality Control

Board (Regional Water Board) or the State Water Board (collectively "the Water Boards"), beginning with the date that the violations first occurred<sup>47</sup>. The formal enforcement action which the Water Boards use to assess such liability is an administrative civil liability complaint although the Water Boards may instead refer such matters to the Attorney General's Office for prosecution. If referred to the Attorney General for prosecution, the Superior Court may assess up to TWENTY-FIVE THOUSAND DOLLARS (\$25,000) per violation. In addition, the Superior Court may assess up to TWENTY FIVE DOLLARS (\$25) per gallon discharged but not cleaned up in excess of 1,000 gallons.

#### **OFFER TO PARTICIPATE IN EXPEDITED PAYMENT PROGRAM:**

The PERMITTEE can avoid the issuance of a formal enforcement action and settle the alleged violations identified in the attached NOV by participating in the Water Boards' Expedited Payment Program. Details of the proposed settlement are described below and addressed in the enclosed documents.

To promote resolution of these violations, the State Water Board makes this Conditional Offer. The PERMITTEE may accept this offer, waive the PERMITTEE'S right to a hearing, and pay the mandatory minimum penalty as indicated on Exhibit A, for the violations described in the NOV. If the PERMITTEE elects to do so, subject to the conditions below, the State Water Board will accept that payment in settlement of any enforcement action that would otherwise arise out of the violations identified in the Notice of Violation. Accordingly, the State Water Board will forego issuance of a formal administrative complaint, will not refer the violations to the Attorney General, and will waive its right to seek additional discretionary civil liabilities for the violations identified in the Notice of Violation. Resolution of these violations by the State Water Board will preclude Regional Water Board action for these same violations.

The Expedited Payment Program does not address liability for any violation that is not specifically identified in the Notice of Violation.

#### **PERMITTEE'S OPTIONS FOR RESPONSE TO OFFER:**

If you accept this offer, please complete and return the enclosed "Acceptance of Conditional Resolution and Waiver of Right to Hearing, (proposed) Order" (Acceptance and Waiver) on or before thirty (30) days from the date of this letter. The Acceptance and Waiver will be held, pending a 30-day public notice period, and then will be

<sup>47</sup> Please note that there are no statutes of limitation that apply to administrative proceedings to assess mandatory minimum penalties. See *City of Oakland v. Public Employees' Retirement System*, (2002) 95 Cal.App.4th 29, 48; 3 Witkin, Cal. Procedure (4th ed. 1996) Actions, §405(2), p. 510.) The Permittee has not been substantially prejudiced by the passage of time between the date(s) that Permittee reported the violations identified on Exhibit A and the date of this letter. The Permittee was aware of the violations at the time it reported them to the Regional Board. Regional Board staff's limited enforcement resources and competing enforcement priorities provide a rational explanation for the delay. In fact, the delay has actually benefited the Permittee because it extended the time before payment of the mandatory minimum penalties is due. For these reasons, any delay is not unreasonable.

counter-signed by the Executive Director and returned to you with an invoice for payment.

If you contest some but not all of the violations identified in the attached Notice of Violation, the PERMITTEE may elect to reserve the right to address the contested matters and resolve any uncontested violations through the payment of the mandatory minimum penalty for each uncontested violation. If the PERMITTEE chooses this option, please communicate with the staff contact identified below to discuss the mechanism for memorializing that election on or before the due date.

If the PERMITTEE chooses to contest any of the violations alleged in the Notice of Violation, please identify the specific violation and the basis for the challenge (factual error, affirmative defense, etc.) on or before the due date. The State Water Board staff will evaluate the contested violation and take one of two actions:

- 1) The State Water Board staff will determine that the violation is not supported, verify that determination with the Regional Water Board, expunge the alleged violation from the CIWQS data base once the Regional Water Board verifies the determination, take no further action against the PERMITTEE for the alleged violation, and notify the PERMITTEE of that determination;
- 2) The State Water Board staff, in consultation with the Regional Water Board staff, will determine that the alleged violation is meritorious, and will notify the PERMITTEE of that determination. The PERMITTEE will be given thirty (30) days from the date of receipt of the State Water Board staff determination, to submit a supplemental Expedited Payment for those violations. If the PERMITTEE chooses not to make a payment in response to the determination, the PERMITTEE should expect to be contacted regarding formal enforcement action that will be initiated with regard to the contested violations. In a formal enforcement action, the liability amount sought and/or imposed may exceed the liability amount set forth in this Conditional Offer. Moreover, the cost of enforcement is a factor which can be considered in assessing the liability amount.

#### **CONDITIONS FOR STATE WATER BOARD ACCEPTANCE OF RESOLUTION:**

Federal regulations require the State Water Board to publish and allow the public thirty (30) days to comment on any settlement of an enforcement action addressing NDPES permit violations (40 C.F.R. section 123.27(d)(2)(iii)). Upon receipt of the PERMITTEE's Acceptance and Waiver, the State Water Board staff will publish a notice the proposed resolution of the violations.

If no comments are received within the 30-day period, and unless there are new material facts that become available to the Water Boards, the Executive Director will

execute the Acceptance and Waiver as a stipulated order assessing the uncontested mandatory minimum penalty amount pursuant to Water Code section 13385.

If, however, significant comments are received in opposition to the settlement, this Offer may be withdrawn. In that case, the PERMITTEE's waiver pursuant to the Acceptance and Waiver will also be treated as withdrawn. In that case, the unresolved violations will be addressed in a liability assessment proceeding. At the liability assessment hearing the PERMITTEE will be free to make arguments as to any of the alleged violations, and the PERMITTEE's agreement to accept this conditional offer will not in any way be binding or used as evidence against the PERMITTEE. The PERMITTEE will be provided with further information on the liability assessment proceeding.

In the event the Acceptance and Waiver is executed by the Executive Director, payment of the assessed amount shall be due and payable to the State Water Board as specified on the invoice that will accompany the PERMITTEE's receipt of the notice of the Executive Director's execution. The payment period is thirty (30) days. Failure to pay the penalty within the required time period may subject the PERMITTEE to further liability.

Should you have any questions about the Notice of Violation or the Conditional Offer, please contact Taryn Stokell at (916) 327-4743 regarding this matter.

Sincerely,



REED SATO  
Director, Office of Enforcement

Encl. - Exhibit "A" - Notice of Violation  
Acceptance of Conditional Resolution  
and Waiver of Right to Hearing; (Proposed) Order



Linda S. Adams  
Secretary for  
Environmental Protection

# State Water Resources Control Board

## Office of Enforcement

1001 I Street • Sacramento, California 95814 • (916) 341-5277  
Mailing Address: P.O. Box 100 • Sacramento, California • 95812-0100  
Fax (916) 341-5284 • <http://www.waterboards.ca.gov>



Arnold Schwarzenegger  
Governor

SWB-2008-4-0053  
NPDES Permit No. R4-2004-0097

### ACCEPTANCE OF CONDITIONAL RESOLUTION AND WAIVER OF RIGHT TO HEARING: (proposed) ORDER

LOS ANGELES COUNTY SANITATION DISTRICTS  
SWB-2008-4-0053  
NPDES Permit No. R4-2004-0097

By signing below and returning this Acceptance of Conditional Resolution and Waiver of Right to Hearing (Acceptance and Waiver) to the Office of Enforcement of the State Water Resources Control Board (State Water Board), LOS ANGELES COUNTY SANITATION DISTRICTS (Permittee) hereby accepts the "Offer to Participate in Expedited Payment Program" and waives the right to a hearing before the Regional Water Board with jurisdiction over the facility to dispute the allegations of violations described in the Notice of Violation (NOV) which is attached hereto as Exhibit "A" and incorporated herein by reference.

The Permittee agrees that the NOV shall serve as a complaint pursuant to Article 2.5 of the Water Code and that no separate complaint is required for the State Water Board to assert jurisdiction over the alleged violations through its Executive Director. The Permittee agrees to pay the penalties authorized by California Water Code section 13385, as indicated on the attached invoice (Expedited Payment Amount) which shall be deemed payment in full of any civil liability pursuant to the Water Code sections 13385 and 13385.1 that otherwise might be assessed for the violations described in the NOV.

The Permittee understands that once the Acceptance and Waiver is executed by the Executive Director of the State Water Board, the full payment required by the deadline set forth below is a condition of this Acceptance and Waiver. The Permittee shall pay the Expedited Payment Amount by check payable to SWRCB. The payment shall be submitted to the State Water Board as specified on the enclosed invoice.

The Permittee understands that this Acceptance and Waiver does not address or resolve liability for any violation that is not specifically identified in the Notice of Violation.

Upon execution by the Permittee, the Acceptance and Waiver shall be returned to:

Expedited Payment Program  
Office of Enforcement  
State Water Resources Control Board  
P.O. Box 100  
Sacramento, California 95812-0100

SWB-2008-4-0053  
NPDES Permit No. R4-2004-0097

The Permittee understands that federal regulations set forth at title 40, Code of Federal Regulations, section 123.27(d)(2)(iii) require the State Water Board to publish notice of and provide at least 30 days for public comment on any proposed resolution of an enforcement action. Accordingly, this Acceptance and Waiver, prior to execution by the Executive Director of the State Water Board, will be published as required by law for public comment.

If no comments are received within the notice period which causes the Executive Director of the State Water Board to reconsider the Expedited Payment Amount, the Executive Director will execute the Acceptance and Waiver. Resolution of these violations by the State Water Board will preclude Regional Water Board action for these same violations.

The Permittee understands that if significant comments are received in opposition to the Expedited Payment Amount, the offer on behalf of the Water Board to resolve the violations set forth in the NOV may be withdrawn. In that circumstance, the Permittee will be advised of the withdrawal and an administrative civil liability complaint may be issued and the matter may be set for a hearing before the Regional Water Quality Control Board with jurisdiction over the violations or the State Water Board. For such a liability hearing, the Permittee understands that this Acceptance and Waiver executed by the Permittee will be treated as a settlement communication and will not be used as evidence in that hearing.

The Permittee understands that once the Acceptance and Waiver is executed by the Executive Director of the State Water Board, the full payment required by the deadline set forth below is a condition of this Acceptance and Waiver. The Permittee shall pay the Expedited Payment Amount in full. The payment shall be submitted to the State Water Board no later than the date indicated on an invoice which will accompany the Acceptance and Waiver after execution by the Executive Director.

I hereby affirm that I am duly authorized to act on behalf of and to bind the Permittee in the making and giving of this Acceptance and Waiver.

\_\_\_\_\_  
(Name of Permittee)

By: \_\_\_\_\_

(Signed Name)

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Printed or typed name)

\_\_\_\_\_  
(Title)

IT IS SO ORDERED PURSUANT TO WATER CODE SECTION 13385

Date: \_\_\_\_\_

By: \_\_\_\_\_

DOROTHY R. RICE  
EXECUTIVE DIRECTOR  
State Water Resources Control Board

**Exhibit "A"**

**Los Angeles Cnty Sanitation Districts  
San Jose Creek WWRP**

**NOTICE OF VIOLATIONS (1 January 2000 – 15 November 2008)  
MANDATORY MINIMUM PENALTIES WITHOUT ENFORCEMENT**

The following table lists this facility's alleged violations of subdivisions (h) and (i) of California Water Code section 13385, from January 1, 2000 through November 15, 2008, which have not received mandatory minimum penalty assessment by the Water Boards. Final calculation of MMP amounts owed, and descriptions of the abbreviations that appear in the table are also listed below. For additional information about the alleged violations listed in the table, please refer to the SWRCB Public Reports webpage [http://www.waterboards.ca.gov/water\\_issues/programs/ciwqs/publicreports.shtml](http://www.waterboards.ca.gov/water_issues/programs/ciwqs/publicreports.shtml); choose the "MMP Report" link located under the "Enforcement Reports" category. Once in the Public Reports search page, enter the search criteria that correspond to your facility to access the list of violations.

Violation ID	Occurred Date	Type	MMP Type	Violation Description
197334	2/22/2000	CAT1	SIG	February 2000 effluent violation east outfall: MBAS.
197335	3/20/2000	CAT1	SIG	March 2000 effluent violation east outfall: MBAS.
197336	4/24/2000	CAT1	SIG	April 2000 effluent violation east outfall: MBAS.
197337	7/10/2000	CAT1	SIG	July 2000 effluent violation east outfall: MBAS.
197338	9/11/2000	CAT1	SIG	September 2000 effluent violation east outfall: MBAS.
197339	10/2/2000	CAT1	SIG	October 2000 effluent violation east outfall: MBAS.
197340	11/14/2000	CAT1	SIG	November 2000 effluent violation east outfall: MBAS.
774486	2/4/2002	CAT1	SIG	2M02: effluent violation (02/04/2002) East WRP: methylene blue active substances (MBAs) daily max (0.8 / 0.5 mg/L).
774455	8/14/2002	CAT2	SIG	2S02: effluent violation (8/14/02) East WRP: CN- monthly average (218 / 5.2 ug/L).
774204	5/20/2003	CAT1	SIG	5M03: effluent violation (5/20/03) East WRP: O&G monthly avg (20.8 / 10 mg/L).
774207	5/31/2003	CAT1	SIG	2Q03: effluent violation (5/31/03) East WRP: CN - monthly avg (6.5 / 5.2 ug/L).
774210	5/31/2003	CAT1	SIG	2Q03: effluent violation (5/31/03) West WRP: CN - monthly avg (8 / 5.2 ug/L).
255451	2/25/2004	CAT2	SIG	February 2004 effluent violation (2/25/04): Cyanide 30-day average (9 / 5.2 ug/L).
255452	3/8/2004	CAT2	SIG	March 2004 effluent violation (3/8/04): Cyanide 30-day average (12 / 5.2 ug/L).
774179	4/21/2004	CAT1	CHRON	4M04: effluent violation (4/21/04) West WRP: methylene blue active substances MBAs (0.054 / 0.05 mg/L).
266171	5/27/2004	CAT2	SIG	2Q05: effluent violation East WRP (5/27/04): Cyanide 30-day average (9.5 / 5.2 ug/L).
266174	5/27/2004	CAT2	SIG	2Q05: effluent violation West WRP (5/27/04): Cyanide 30-day average (6.5 / 5.2 ug/L).
242977	8/31/2004	CAT1	CHRON	8M04: effluent violation (8/31/04) outfall 001: Ammonia Monthly avg. (1.3 / 1.1 mg/L).
774166	8/31/2004	CAT1	CHRON	8M04: effluent violation (8/31/04) outfall 003: NH3 monthly avg. (1.2 / 1.1 mg/L).
186325	9/1/2004	OEV	CHRON	9M04: effluent violation (9/1/04) outfall 001: Temperature instantaneous maximum (88 / 86 oF).
774155	9/1/2004	OEV	CHRON	9M04: effluent violation (9/1/04) outfall 003: Temperature instantaneous maximum (88 / 86 oF).
774154	9/1/2004	OEV	CHRON	9M04: effluent violation (9/1/04) outfall 002: Temperature instantaneous maximum (88 / 86 oF).
186384	10/6/2004	CAT1	CHRON	10M04: effluent violation Outfall 001 (10/6/04): Ammonia monthly average (1.5 / 1.4 mg/L). pH = 7.81, temp = 27.3
186385	10/6/2004	CAT1	CHRON	10M04: effluent violation Outfall 002 (10/6/04): Ammonia monthly average (1.6 / 1.3 mg/L). pH = 8.07, temp = 22.8
774151	10/20/2004	CAT2	CHRON	10M04: effluent violation (10/20/04) outfall 003: Residual

				chlorine daily max (>0.3 8 minutes / 0.1 mg/L). peak was 0.5 mg/L.
186389	10/21/2004	CAT2	SIG	10M04: effluent violation (10/21/04) outfall 001: Residual chlorine daily max (>0.3 >112 minutes / 0.1). peak was 0.9 mg/L
168191	11/13/2004	CAT1	SIG	11M04 effluent violation (11/13/04) outfall 002: Ammonia daily max (1.7 / 1.1 mg/L).
168192	11/14/2004	CAT1	CHRON	11M04: effluent violation (11/14/04) outfall 002: Ammonia daily max (1.5 / 1.4 mg/L).
168193	1/19/2005	CAT1	SIG	1M05 effluent violation (1/19/05) outfall 002: Ammonia monthly average (0.2 / 0.1 mg/L).
773644	1/23/2005	CAT2	SIG	1M05: effluent viol (1/23/05) outfall 002: total residual chlorine (0.53 for 3 minutes / 0.1 < 1 minutes mg/L).
354392	4/11/2005	CAT2	SIG	5M05: effluent violation (04/11/05) outfall 001: residual chlorine daily max 0.25 102 minutes / 0.1 < 15 minutes mg/L)
438364	9/28/2005	CAT1	SIG	9M05: effluent viol (9/28/05) outfall 002: NH3-N daily max (1.9 / 1.3 mg/L).
438363	9/30/2005	CAT1	SIG	9M05: effluent viol (9/30/05) outfall 002: ammonia (NH3-N) monthly ave (1.5 / 0.9 mg/L).
438794	10/3/2005	CAT2	CHRON	10M05: effluent viol (10/3/05): residual chlorine daily outfall 002 (0.47 mg/L for 3 minutes / 0.3 mg/L < 1 minute).
438795	10/4/2005	CAT2	CHRON	10M05: effluent viol (10/4/05): residual chlorine daily outfall 002 (3.70 mg/L 34 minutes / 0.1 mg/L < 15 minutes).
438793	10/31/2005	CAT1	CHRON	10M05: effluent viol (10/31/05): NH3-N monthly ave outfall 002. (1.2/1.0 mg/L).
773274	11/27/2005	CAT1	CHRON	11M05: effluent viol (11/27/05) outfall 002: BOD 7-day avg (>31 / 30 mg/L).
438798	12/22/2005	CAT2	SIG	12M05: effluent viol (12/22/05): residual chlorine daily outfall 001 (1.7 mg/L 18 minutes / 0.3 mg/L < 15 minutes).
767296	1/17/2006	CAT2	SIG	1M06: effluent violation (1/17/06) Outfall 003: Residual chlorine daily max (0.5 / 0.1 mg/L). Exceeded limit for 41 minutes.
767300	3/15/2006	CAT2	SIG	3M06: effluent violation (03/15/06) Outfall 002: Residual chlorine daily max (0.367 / 0.1 mg/L). Exceeded 0.3 for 3 minutes.
767307	4/1/2006	CAT2	SIG	4M06: effluent violation (04/1/06): Outfall 002 Residual chlorine daily max (>0.3 / 0.1 mg/L). Exceeded 0.3 for 2 minutes.
767312	5/3/2006	CAT2	SIG	5M06: effluent violation (05/3/06) Outfall 002: Residual chlorine daily max (>0.3 / 0.1 mg/L). Exceeded 0.3 for 2 minutes.
687674	8/2/2006	CAT2	SIG	8M06: effluent violation (8/2/06) outfall 002: Residual chlorine daily max (2.09 / 0.1 mg/L). Exceeded 0.3 for 6.5 minutes.
687678	8/17/2006	OEV	CHRON	8M06: effluent violation (8/17/06) Outfall 002 Temperature instantaneous (87 / 86 degrees F).
687679	8/28/2006	OEV	CHRON	8M06: effluent violation (8/28/06) Outfall 002: Temperature instantaneous (87 / 86 degrees F).
687680	9/3/2006	OEV	CHRON	9M06: effluent violation (9/3/06) outfall 002 Temperature instantaneous (87 / 86 degrees F).
687681	9/10/2006	OEV	CHRON	9M06: effluent violation (9/10/06) Outfall 002 Temperature instantaneous (87 / 86 degrees F).
687683	2/27/2007	CAT2	SIG	2M07: effluent violation (2/27/07) Outfall 002: Residual chlorine daily max (0.4 / 0.1 mg/L). Exceeded 0.3 for 2 minutes.
767316	6/19/2007	CAT1	SIG	6M07: effluent violation (6/19/07): Outfall 002 oil and grease daily max (11,472 / 7840 lb/day).
766364	6/19/2007	CAT1	SIG	6M07: effluent violation (06/19/07) Outfall 002: oil & grease monthly average (43.6 / 10 mg/l).
687671	6/19/2007	CAT1	SIG	6M07: effluent violation (6/19/07): Outfall 002 oil and grease monthly avg (11,472 / 5230 lb/day).
766362	6/19/2007	CAT1	SIG	6M07: effluent violation (06/19/07) Outfall 002: oil & grease daily max(43.6 / 15 mg/l).
766360	6/19/2007	CAT1	SIG	6M07: effluent violation (06/19/07) Outfall 001: oil & grease

				monthly average (17.78 / 10 mg/l).
766361	6/19/2007	CAT1	SIG	6M07: effluent violation (06/19/07) Outfall 001: oil & grease daily max(17.78 / 15 mg/l).
438796	7/22/2007	CAT2	SIG	7M07: effluent viol (07/22/07) Outfall 002 temperature instantaneous max (87 / 86 oF).
774241	7/25/2007	CAT1	SIG	7M07: effluent violation (7/25/07): Outfall 002 NH3 monthly avg (1.15 / 0.66 mg/L).
774240	11/30/2007	CAT1	CHRON	11M07: effluent violation (11/30/07): Outfall 002 NH3 monthly avg (1.17 / 1.15 mg/L).

**Mandatory Minimum Penalty Amount Owed for Effluent Violations**

(38 Serious Violations + 19 Chronic Violations) × \$3,000 = \$171,000 to the Cleanup & Abatement Account

**Mandatory Minimum Penalty Amount Owed for Reporting Violations**

(0 Late Reporting Violations + 0 Deficient Reporting Violations) × \$3,000 = \$0,000 to the Waste Discharge Permit Fund

## Definition of Acronyms & Abbreviations

CIWQS	California Integrated Water Quality System database used by the Water Boards to manage violation and enforcement activities.
Violation ID	Identification number assigned to a violation in CIWQS.
Occurrence Date	Date that a violation actually occurred. For continuing violations, such as a monthly average, the last day of the reporting period is used. If the occurrence date is unknown, the date is entered as the day it was first discovered by staff, the Discharger, or a third party. For deficient or late reports, the occurrence date is the day after the report was due.
Type	Classification of a violation. Two types of violations relate to MMPs: 1) Late Reporting Violations (LREP, DREP) 2) Effluent Violations (ATOX, CTOX, CAT1, CAT2, OEV)
LREP	Late reporting violation. Every 30 days a report is late counts as one late reporting violation.
DREP	Deficient reporting violation. This will only result in an MMP if the report is so deficient as to make determination of compliance impossible for that reporting period.
ATOX	Violation of an acute toxicity effluent limitation.
CTOX	Violation of a chronic toxicity effluent limitation.
CAT1	Violation of an effluent limitation for a Group I pollutant by more than 40%.
CAT2	Violation of an effluent limitation for a Group II pollutant by more than 20%.
OEV	Violation of any constituent-specific effluent limitation not included in Group I or Group II.
MMP Type	Classification of the type of MMP violation.
CHRON	Chronic violation as defined by California Water Code section 13385 (i). To be counted as a chronic violation, there must be 3 preceding violations within a 180 day period. The fourth non-serious violation that occurs within the 180 period is an MMP violation.
SIG	Serious violation as defined by California Water Code section 13385 (h). Waste discharge exceeds the effluent limitation for a Group I pollutant by 40% or more (CAT1), or a Group II pollutant by 20% or more (CAT2). Also defined by California Water Code section 13385.1 as a failure to file a discharge monitoring report pursuant to Section 13383 for each period of 30 days following the deadline for submitting the report, if the report is designed to ensure compliance with limitations contained in waste discharge requirements that contain effluent limitations.
Violation Description	Narrative description of the violation.
M	Effluent exceeds limit for monthly reporting period.
Q	Effluent exceeds limit for quarterly reporting period.
S	Effluent exceeds limit for semi-annual reporting period.
A	Effluent exceeds limit for annual reporting period.
IM	Effluent exceeds instantaneous maximum limitation.
DM	Effluent exceeds daily maximum limitation.
AW	Effluent exceeds average weekly limitation.
AM	Effluent exceeds average monthly limitation.

Attachment 1 – Dismissed Violations

Violation ID	Violation Type	Date	Violation Status	Description
774455	CAT2	8/14/2002	Dismissed	2S02: effluent violation (8/14/02) East WRP: CN- monthly average (218 / 5.2 ug/L). *** Dismissed: Sampling method unreliable and likely produced false positives. Facility's lab became ELAP certified to conduct a new analysis without the pH adjustment.
774210	CAT1	5/31/2003	Dismissed	2Q03: effluent violation (5/31/03) West WRP: CN - monthly avg (8/ 5.2 ug/L). *** Dismissed: Sampling method unreliable and likely produced false positives. Facility's lab became ELAP certified to conduct a new analysis without the pH adjustment.
774207	CAT1	5/31/2003	Dismissed	2Q03: effluent violation (5/31/03) East WRP: CN - monthly avg (6.5 / 5.2 ug/L). *** Dismissed: Sampling method unreliable and likely produced false positives. Facility's lab became ELAP certified to conduct a new analysis without the pH adjustment.
255451	CAT2	2/25/2004	Dismissed	February 2004 effluent violation (2/25/04): Cyanide 30-day average (9 / 5.2 ug/L). *** Dismissed: Sampling method unreliable and likely produced false positives. Facility's lab became ELAP certified to conduct a new analysis without the pH adjustment.
255452	CAT2	3/8/2004	Dismissed	March 2004 effluent violation (3/8/04): Cyanide 30-day average (12 / 5.2 ug/L). *** Dismissed: Sampling method unreliable and likely produced false positives. Facility's lab became ELAP certified to conduct a new analysis without the pH adjustment.
774179	CAT1	4/21/2004	Dismissed	4M04: effluent violation (4/21/04) West WRP: methylene blue active substances MBAs (0.054 / 0.05 mg/L) *** Dismissed: The limit for MBAS is 0.5 mg/L, not 0.05.
266174	CAT2	5/27/2004	Dismissed	2Q04: effluent violation West WRP (5/27/04): Cyanide 30-day average (6.5 / 5.2 ug/L). *** Dismissed: Sampling method unreliable and likely produced false positives. Facility's lab became ELAP certified to conduct a new analysis without the pH adjustment.
266171	CAT2	5/27/2004	Dismissed	2Q04: effluent violation East WRP (5/27/04): Cyanide 30-day average (9.5 / 5.2 ug/L). *** Dismissed: Sampling method unreliable and likely produced false positives. Facility's lab became ELAP certified to conduct a new analysis without the pH adjustment.
242977	CAT1	8/31/2004	Dismissed	8M04: effluent violation (8/31/04) outfall 001: Ammonia Monthly avg. (1.3 / 1.1 mg/L). *** Dismissed: Limit should be 1.5 based on an average pH of 7.62 and average temperature of 29.3.
774166	CAT1	8/31/2004	Dismissed	8M04: effluent violation (8/31/04) outfall 003: NH3 monthly avg. (1.2 / 1.1 mg/L). *** Dismissed: Discharger submitted amended monitoring data. Limit should be 1.6 based on an average pH of 7.66 and average temperature of 27.5. The average ammonia concentration was really 1.3.
773274	CAT1	11/27/2005	Dismissed	11M05: effluent-viol (11/27/05) outfall 002: BOD 7-day avg (>31 / 30 mg/L). *** Dismissed: Likely sampling error: COD concentration was 17mg/L on the same date, which would indicate a low BOD. BOD was sampled daily during November with no additional exceedances, indicating that the plant was operating normally.
774240	CAT1	11/30/2007	Dismissed	11M07: effluent violation (11/30/07): Outfall 002 NH3 monthly avg (1.17 / 1.15 mg/L). *** Dismissed: The average ammonia limit should have been 2.9 based on a average pH of 7.03 and average temperature of 25.6. The average of the 4 samples, which should read 1.6, is well below the limit.



# California Regional Water Quality Control Board Los Angeles Region



Recipient of the 2001 Environmental Leadership Award from Keep California Beautiful

Linda S. Adams  
Agency Secretary

320 W. 4th Street, Suite 200, Los Angeles, California 90013  
Phone (213) 576-6600 FAX (213) 576-6640 - Internet Address: <http://www.waterboards.ca.gov/losangeles>

Arnold Schwarzenegger  
Governor

October 24, 2008

Mr. Stephen R. Maguin  
Chief Engineer and General Manager  
County Sanitation Districts  
1955 Workman Mill Road  
Whittier, CA 90607

VIA CERTIFIED MAIL  
RETURN RECEIPT REQUESTED  
Claim No. 7003 3110 0003 3258 2420

**SETTLEMENT OFFER NO. R4-2008-0109-M: OFFER TO PARTICIPATE IN EXPEDITED PAYMENT PROGRAM RELATING TO VIOLATIONS OF THE NPDES PERMIT FOR COUNTY SANITATION DISTRICTS OF LOS ANGELES COUNTY, WHITTIER NARROWS WWRP, 301 NORTH ROSEMEAD, ELMONTE, CA (ORDER NOS. 95-082 AND R4-2002-0142, NPDES PERMIT NO. CA0053716, CI NO. 2848)**

Dear Mr. Maguin:

This letter is to notify County Sanitation Districts of Los Angeles County (hereinafter "Permittee or "you") of alleged violations of the California Water Code identified in the State Water Resources Control Board's water quality data system and to allow the Permittee to participate in the Los Angeles Regional Water Quality Control Board's (Regional Board) Expedited Payment Program for Effluent and/or Reporting Violations (Expedited Payment Program) to address liability that may be assessed pursuant to California Water Code sections 13385 and 13385.1.

### NOTICE OF VIOLATION:

Based on information in the California Integrated Water Quality System (CIWQS) as of October 21, 2008, the Regional Board alleges that the Permittee has violated the effluent limitations, reporting violations, or California Water Code provisions identified in the Notice of Violation (NOV) attached as Exhibit "A". The Permittee will have the opportunity to address the alleged violations as discussed below.

### STATUTORY LIABILITY:

Subdivisions (h) and (i) of California Water Code section 13385 require the assessment of a mandatory minimum penalty of three thousand dollars (\$3,000) for specified serious and chronic effluent limit and reporting violations. For the purposes of subdivision (h) of section 13385, failure to file a discharge monitoring report required pursuant to sections 13383 for each complete period of 30 days following the deadline for submitting the report constitutes a serious violation. The Permittee is subject to discretionary administrative civil liabilities of up to ten

October 24, 2008

thousand dollars (\$10,000) for each day in which the violation occurs, plus ten dollars (\$10) for each gallon discharged but not cleaned up in excess of 1,000 gallons. These mandatory minimum penalties and discretionary administrative civil liabilities may be assessed by the Regional Board beginning with the date that the violations first occurred.<sup>1</sup> The formal enforcement action that the Regional Board uses to assess such liability is an administrative civil liability complaint, although the Regional Board may instead refer such matters to the Attorney General's Office for prosecution. If referred to the Attorney General for prosecution, the Superior Court may assess up to twenty-five thousand dollars (\$25,000) per violation. In addition, the Superior Court may assess up to twenty-five dollars (\$25) per gallon discharged but not cleaned up in excess of 1,000 gallons.

#### **OFFER TO PARTICIPATE IN EXPEDITED PAYMENT PROGRAM:**

The Permittee can avoid the issuance of a formal enforcement action and settle the alleged violations identified in the attached NOV by participating in the Regional Board's Expedited Payment Program. Details of the proposed settlement are described below and addressed in the enclosed documents.

To promote resolution of these violations, the Regional Board makes this Conditional Offer. The Permittee may accept this offer, waive the Permittee's right to a hearing, and pay the mandatory minimum penalty of \$21,000 for the violations described in the NOV. If the Permittee elects to do so, subject to the conditions below, the Regional Board will accept that payment in settlement of any enforcement action that would otherwise arise out of the violations identified in the NOV. Accordingly, the Regional Board will forego issuance of a formal administrative complaint, will not refer the violations to the Attorney General, and will waive its right to seek additional discretionary civil liabilities for the violations identified in the NOV.

The Expedited Payment Program does not address liability for any violation that is not specifically identified in the NOV.

#### **PERMITTEE'S OPTIONS FOR RESPONSE TO OFFER:**

If you accept this offer, please complete and return the enclosed "Acceptance of Conditional Resolution and Waiver of Right to Hearing; (proposed) Order" (Acceptance and Waiver) on or before November 24, 2008.

If the Permittee chooses to contest any of the violations alleged in the NOV, please identify the specific violation and the basis for the challenge (factual error, affirmative defense, etc.) on or

<sup>1</sup> Please note that there are no statutes of limitation that apply to administrative proceedings to assess mandatory minimum penalties. See *City of Oakland v. Public Employees' Retirement System*, (2002) 95 Cal.App.4th 29, 48; 3 Witkin, Cal. Procedure (4th ed. 1996) Actions, §405(2), p. 510.) Further, the Permittee has not been substantially prejudiced by the passage of time between the date(s) that the Permittee reported the violations identified on Exhibit A and the date of this letter. The Permittee was aware of the violations at the time it reported them to the Regional Board. Regional Board staff's limited enforcement resources and competing enforcement priorities provide a rational explanation for the delay. In fact, the delay has actually benefited the Permittee because it extended the time before payment of the mandatory minimum penalties is due. For these reasons, any delay is not unreasonable.

before the due date specified above. The Regional Board staff will evaluate the contested violation and take one of two actions:

- 1) The Regional Board staff will determine that the violation is not supported, expunge the alleged violation from the CIWQS database, take no further action against the Permittee for the alleged violation, and notify the Permittee of that determination. The Permittee will be given thirty (30) days from the date of receipt of the Regional Board staff determination to complete and return the Acceptance and Waiver for the remainder of the violations; or
- 2) The Regional Board staff will determine that the alleged violation is meritorious, and will notify the Permittee of that determination. The Permittee will be given thirty (30) days from the date of receipt of the Regional Board staff determination to complete and return the Acceptance and Waiver.

If the Permittee chooses not to make a payment in response to the Regional Board staff's determination, the Permittee should expect to be contacted regarding formal enforcement action that will be initiated with regard to the contested violations. In a formal enforcement action, the liability amount sought and/or imposed may exceed the liability amount set forth in this Conditional Offer. Moreover, the cost of enforcement is a factor that can be considered in assessing the liability amount.

#### **CONDITIONS FOR REGIONAL BOARD ACCEPTANCE OF RESOLUTION:**

Federal regulations require the Regional Board to publish and allow the public thirty (30) days to comment on any settlement of an enforcement action addressing NPDES permit violations (40 C.F.R. section 123.27(d)(2)(iii)). Upon receipt of the Permittee's Acceptance and Waiver, the Regional Board staff will publish a notice of the proposed resolution of the violations.

If no comments are received within the 30-day comment period, and unless there are new material facts that become available to the Regional Board, the Regional Board Executive Officer will execute the Acceptance and Waiver as a stipulated order assessing the uncontested mandatory minimum penalty amount pursuant to Water Code sections 13385 and 13385.1.

If, however, significant comments are received in opposition to the settlement, this Offer may be withdrawn. In that case, the Permittee's waiver pursuant to the Acceptance and Waiver will also be treated as withdrawn. In that case, the violations will be addressed in a liability assessment proceeding. At the liability assessment hearing the Permittee will be free to make arguments as to any of the alleged violations, and the Permittee's agreement to accept this conditional offer will not in any way be binding or used as evidence against the Permittee. The Permittee will be provided with further information on the liability assessment proceeding.

In the event the Acceptance and Waiver is executed by the Regional Board Executive Officer, full payment of the assessed amount shall be due within ten (10) calendar days after the Permittee's receipt of the notice of the Regional Board Executive Officer's execution. In

Mr. Stephen Maguin  
County Sanitation Districts of Los Angeles County

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October 24, 2008

accordance with California Water Code section 13385(n)(1), funds collected for violations of effluent limitations and reporting requirements pursuant to section 13385 shall be deposited in the State Water Pollution Cleanup and Abatement Account. Furthermore, in accordance with California Water Code section 13385.1(b)(1), funds collected pursuant to section 13385.1 for failure to timely file a report shall be deposited in the Waste Discharge Permit Fund. Accordingly, the \$21,000 liability shall be paid by cashiers or certified check made out to the "State Water Pollution Cleanup and Abatement Account". Failure to pay the full penalty within the required time period may subject the Permittee to further liability.

Should you have any questions about this Conditional Offer or Notice of Violation, please contact Enforcement Unit staff Ms. Kristie Kao at (213) 620-6368 regarding this matter.

Sincerely,



Deborah J. Smith  
Chief Deputy Executive Officer

Enclosures:

Exhibit "A" - Notice of Violation

Acceptance of Conditional Resolution and Waiver of Right to Hearing; (proposed) Order

cc: Taryn Stokell, Office of Enforcement, State Water Resources Control Board

Settlement Offer No. R4-2008-0109-M  
CI No. 2848, NPDES Permit No. CA0053716

ACCEPTANCE OF CONDITIONAL RESOLUTION  
AND WAIVER OF RIGHT TO HEARING; (proposed) ORDER

County Sanitation Districts of Los Angeles County  
Settlement Offer No. R4-2008-0109-M  
NPDES Permit No. CA0053716

By signing below and returning this Acceptance of Conditional Resolution and Waiver of Right to Hearing (Acceptance and Waiver) to the Los Angeles Regional Water Quality Control Board (Regional Board), County Sanitation Districts of Los Angeles County (Permittee) hereby accepts the "Offer to Participate in Expedited Payment Program" and waives the right to a hearing before the Regional Board to dispute the allegations of violations described in the Notice of Violation (NOV), which is attached hereto as Exhibit "A" and incorporated herein by reference.

The Permittee agrees that the NOV shall serve as a complaint pursuant to Article 2.5 of the California Water Code and that no separate complaint is required for the Regional Board to assert jurisdiction over the alleged violations through its Executive Officer. The Permittee agrees to pay the penalties required by California Water Code section 13385, in the sum of \$21,000 (Expedited Payment Amount), which shall be deemed payment in full of any civil liability pursuant to Water Code sections 13385 and 13385.1 that otherwise might be assessed for the violations described in the NOV. The Permittee understands that this Acceptance and Waiver waives the Permittee's right to contest the allegations in the NOV and the amount of civil liability for such violations.

The Permittee understands that this Acceptance and Waiver does not address or resolve liability for any violation that is not specifically identified in the NOV.

Upon execution by the Permittee, the completed Acceptance and Waiver shall be returned to:

Kristie Kao, Enforcement Unit  
Expedited Payment Program  
Regional Water Quality Control Board, Los Angeles Region  
320 West 4<sup>th</sup> Street, Suite 200  
Los Angeles, California 90013

The Permittee understands that federal regulations set forth at title 40, Code of Federal Regulations, section 123.27(d)(2)(iii) require the Regional Board to publish notice of and provide at least 30 days for public comment on any proposed resolution of an enforcement action addressing NPDES permit violations. Accordingly, this Acceptance and Waiver, prior to execution by the Regional Board Executive Officer, will be published as required by law for public comment.

If no comments are received within the notice period that cause the Regional Board Executive Officer to question the Expedited Payment Amount, the Regional Board Executive Officer will execute the Acceptance and Waiver.

Settlement Offer No. R4-2008-0109-M  
CI.No. 2848, NPDES Permit No. CA0053716

The Permittee understands that if significant comments are received in opposition to the Expedited Payment Amount, the offer on behalf of the Regional Board to resolve the violations set forth in the NOV may be withdrawn. In that circumstance, the Permittee will be advised of the withdrawal and an administrative civil liability complaint may be issued and the matter may be set for a hearing before the Regional Board. For such a liability hearing, the Permittee understands that this Acceptance and Waiver executed by the Permittee will be treated as a settlement communication and will not be used as evidence in that hearing.

The Permittee further understands that once the Acceptance and Waiver is executed by the Regional Board Executive Officer, the full payment required by the deadline set forth below is a condition of this Acceptance and Waiver. In accordance with California Water Code section 13385(n)(1), funds collected for violations of effluent limitations and reporting requirements pursuant to section 13385 shall be deposited in the State Water Pollution Cleanup and Abatement Account. Furthermore, in accordance with California Water Code section 13385.1(b)(1), funds collected pursuant to section 13385.1 for failure to timely file a report shall be deposited in the Waste Discharge Permit Fund. Accordingly, the \$21,000 liability shall be paid by a cashiers or certified check made out to the "State Water Pollution Cleanup and Abatement Account". The payment must be submitted to the Regional Board no later than ten (10) calendar days after the date the Permittee receives written notice that the Regional Board Executive Officer has executed this Acceptance and Waiver.

I hereby affirm that I am duly authorized to act on behalf of and to bind the Permittee in the making and giving of this Acceptance and Waiver.

County Sanitation Districts of Los Angeles County

By:

\_\_\_\_\_  
(Signed Name)

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Printed or typed name)

\_\_\_\_\_  
(Title)

IT IS SO ORDERED PURSUANT TO WATER CODE SECTION 13385

Date: \_\_\_\_\_

By: \_\_\_\_\_

Tracy J. Egoscue  
Executive Officer

**EXHIBIT "A" - NOTICE OF VIOLATION**  
Amended Effluent Limit Violations

Date	Monitoring Period	Violation Type	Parameter	Reported Value	Permit Limit	Units	Pollutant Category	% Exceeded	Serious/Chronic	Water Code Section 13385	Penalty
02/24/03	February 2003	Daily Maximum	Residual Chlorine	0.49 mg/L (6 mins.)	0.1	mg/L	2	390%	Serious	(h)1	\$3,000
08/22/03	August 2003	Daily Maximum	Residual Chlorine	0.43 mg/L (2 mins.)	0.1	mg/L	2	330%	Serious	(h)1	\$3,000
09/22/03	September 2003	Daily Maximum	Residual Chlorine	0.47 mg/L (2 mins.)	0.1	mg/L	2	370%	Serious	(h)1	\$3,000
11/26/03	November 2003	Daily Maximum	Residual Chlorine	0.64 mg/L (2.25 mins.)	0.1	mg/L	2	540%	Serious	(h)1	\$3,000
02/24/04	February 2004	Daily Maximum	Residual Chlorine	0.72 mg/L (2 mins.)	0.1	mg/L	2	620%	Serious	(h)1	\$3,000
01/14/05	January 2005	Daily Maximum	Residual Chlorine	0.69 mg/L (4 mins.)	0.1	mg/L	2	590%	Serious	(h)1	\$3,000
05/31/06	May 2006	Monthly Average	Chloride	190	180	mg/L	1	6%	Chronic	(i)1	\$0
09/09/06	September 2006	Daily Maximum	Residual Chlorine	2.12 mg/L (11 mins.)	0.1	mg/L	2	2020%	Serious	(h)1	\$3,000
10/27/08	October 2008	Monthly Average	Fluoride	3.23	1.6	mg/L	1	102%	Serious	(h)1	\$3,000
							<b>Total</b>			<b>Total</b>	<b>\$24,000</b>