

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION**

IN THE MATTER OF:)	COMPLAINT NO. R9-2009-0040
)	FOR
CITY OF LAGUNA BEACH)	ADMINISTRATIVE CIVIL LIABILITY
SANITARY SEWER SYSTEM)	
ORANGE COUNTY)	
)	
PLACE ID: 631920)	August 18, 2009
REG MSR: 213937)	

THE CITY OF LAGUNA BEACH, SANITARY SEWER SYSTEM, IS HEREBY GIVEN NOTICE THAT:

1. The City of Laguna Beach (Discharger) is alleged to have violated provisions of law for which the California Regional Water Quality Control Board, San Diego Region (Regional Board) may impose civil liability pursuant to Section 13385 of the California Water Code (CWC).
2. This Administrative Civil Liability Complaint is issued under authority of CWC Section 13323.
3. The Discharger owns and operates approximately 99.5 miles of sewer lines, including the Bluebird SOCWA Lift Station, located near the intersection of Calliope Street and Glenneyre Street, Laguna Beach, California. The Discharger is required to operate and maintain its sewage collection systems to prevent sanitary sewer overflows (SSOs) in compliance with requirements of both the State Board Order No. 2006-0003-DWQ, *Statewide General Waste Discharge Requirements for Sanitary Sewer Systems* (hereinafter the "State Board Order") and the Regional Board Order No. R9-2007-0005, *Waste Discharge Requirements for Sewage Collection Systems San Diego Region* (hereinafter the "Regional Board Order").
4. State Board Order Prohibition C.1 states "Any SSO that results in a discharge of untreated or partially treated wastewater to waters of the United States is prohibited." State Board Order Prohibition C.2 states "Any SSO that results in a discharge of untreated or partially treated wastewater that creates a nuisance as defined in California Water Code Section 13050(m) is prohibited."
5. Section 301 of the Clean Water Act (33 U.S.C. § 1311) and CWC Section 13376 prohibit the discharge of pollutants to surface waters except in compliance with a National Pollutant Discharge Elimination System (NPDES) permit. State Board Order No. 2006-0003-DWQ is not an NPDES permit.

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ALLEGATIONS

5. The Discharger violated Prohibition C.1 and C.2 of the State Board Order, Section 301 of the Clean Water Act, and CWC section 13376 by discharging a total of 590,000 gallons of untreated sewage on October 29, 2008, from the Bluebird SOCWA Lift Station to the Pacific Ocean, a water of the State of California and a water of the United States, without authorization under an NPDES permit.
6. The details of these violations are set forth in full in the accompanying Staff Report, which is incorporated herein by this reference as if set forth in full.
7. Pursuant to CWC Section 13385(a), any person who violates CWC Section 13376 or any requirements of Section 301 of the Clean Water Act is subject to administrative civil liability pursuant to CWC Section 13385(c), in an amount not to exceed the sum of both the following: (1) ten thousand dollars (\$10,000) for each day in which the violation occurs; and (2) where there is a discharge, any portion of which is not susceptible to cleanup or is not cleaned up, and the volume discharged but not cleaned up exceeds 1,000 gallons, an additional liability not to exceed ten dollars (\$10) multiplied by the number of gallons by which the volume discharged but not cleaned up exceeds 1,000 gallons.
8. The alleged violation, set forth in full in the accompanying Staff Report, constitutes a violation under CWC Section 13385. The maximum liability that the Regional Water Board may assess pursuant to CWC Section 13385(e) is **\$5,900,000** (589,000 [gallons discharged but not cleaned up in excess of 1,000 gallons] X \$10 [per gallon]) + (1 [days of violation] X (\$10,000 [per day of violation]) = \$5,900,000)

PROPOSED CIVIL LIABILITY

7. It is recommended that pursuant to CWC Section 13385(c), the Regional Board should impose a civil liability of seventy thousand, six hundred eighty dollars (\$70,680) on the City of Laguna Beach for the discharge of 590,000 gallons of untreated sewage on October 29, 2008.

Dated this 18th Day of August 2009



MICHAEL P. McCANN
Assistant Executive Officer

Signed pursuant to the authority
delegated by the Executive Officer to
the Assistant Executive Officer