



# Enforcement News

Santa Ana Regional Water Quality Control Board

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## **SANTA ANA WATER BOARD FINES KIRKHILL ELASTOMERS OVER \$1.7 MILLION FOR WATER CODE VIOLATIONS**

Kirkhill Elastomers (formerly Kirkhill Rubber Company) has agreed to pay a civil penalty of \$1,589,000 and investigation and litigation costs of \$149,338.31 to settle allegations by the Santa Ana Regional Water Board that it violated the California Water Code by discharging pollutants to Fullerton Creek and Craig Lake in Orange County. The company's facility in Brea, California, was cited for unauthorized discharges that carried pollutants including hydrocarbons, oil, petroleum residuary products, grease, lead, copper, zinc and more to the creek and lake. The Regional Water Board believes that intermittent discharges of these pollutants occurred from as far back as 1990 and continued until 2008. The company admitted to a discharge of these pollutants in 2008, but disputes that there were discharges in prior years. In addition to payment of the penalties and costs described above, the company has agreed to an injunction prohibiting future discharges.

In determining the civil penalties, the Regional Water Board took into account the adverse environmental impacts and the firm's actions to control the discharge of pollutants from its facilities once they were identified. The proposed Consent Judgment was noticed for public comments from October 31 to November 30, 2011.

"The settlement is noteworthy because it allows the County of Orange to request a portion of the penalty (a maximum \$794,500) for a project to improve the environmental condition of Fullerton Creek and Craig Lake," said Kurt Berchtold, the Regional Water Board's Executive Officer.

The Santa Ana Regional Water Board is responsible for protecting and restoring water quality in portions of the Counties of Orange, Riverside and San Bernardino.

The Santa Ana Regional Water Board was represented by the California Attorney General's Office in this enforcement case. A copy of the Consent Judgment, which was entered by the Orange County Superior Court, can be found on the Regional Water Board's website at: [http://www.waterboards.ca.gov/santaana/public\\_notices/enforcement\\_actions.shtml](http://www.waterboards.ca.gov/santaana/public_notices/enforcement_actions.shtml) For more information about the Santa Ana Regional Water Board, please visit its homepage at: <http://www.waterboards.ca.gov/santaana/>