



# California Regional Water Quality Control Board

## Santa Ana Region



Terry Tamminen  
Secretary for  
Environmental  
Protection

Internet Address: <http://www.swrcb.ca.gov/rwqcb8>  
3737 Main Street, Suite 500, Riverside, California 92501-3348  
Phone (909) 782-4130 - FAX (909) 781-6288

Arnold  
Schwarzenegger  
Governor

June 16, 2004

**CERTIFIED MAIL  
RETURN RECEIPT REQUESTED**

Jake Wager, City Manager  
City of Stanton  
7800 Katella Avenue  
Stanton, CA 90680

### **ADMINISTRATIVE CIVIL LIABILITY COMPLAINT NO. R8-2004-0057**

Dear Mr. Wager:

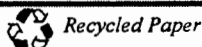
We are enclosing a certified copy of Complaint No. R8-2004-0057 proposing administrative civil liability of \$30,000 for violations Section 13376 of the Water Code. The City violated the Water Code by discharging untreated sanitary wastewater to surface waters without a NPDES permit. If necessary, a public hearing on this matter will be scheduled for the Regional Board meeting on August 13, 2004. The staff report regarding this complaint and the meeting agenda will be mailed to you not less than 10 days prior to the Board meeting. An invoice for this amount is also enclosed.

You have the option to waive your right to a hearing. Should you waive your right to a hearing and pay the proposed assessment, the Regional Board may not hold a public hearing on this matter. If you choose to waive your right to a hearing, please sign the enclosed waiver form and send it to Sacramento with a check for \$30,000. The check should be made payable to the State Water Resources Control Board and should be mailed to Sacramento in the enclosed preprinted envelope, with the bottom portion of the invoice and the waiver form.

If you do not wish to waive your right to a hearing, a pre-hearing meeting with Board staff is recommended. Should you wish to schedule a pre-hearing meeting, please call us prior to June 25, 2004. At that time, you may submit information that may not have been previously available to staff regarding this incident. The information should address the following:

1. Nature, circumstances, extent, and gravity of the violation;
2. Your ability to pay the proposed assessment;
3. Any prior history of violations;

*California Environmental Protection Agency*



4. Your degree of culpability;
5. Economic benefit or saving; and
6. Such other matters as justice may require.

If you have any questions regarding this complaint, you may contact Ken Theisen at 909-320-2028 or Mike Adackapara at 909-782-3238. All legal questions should be referred to our legal counsel, Jorge Leon, at 916-341-5180.

Sincerely,



Gerard J. Thibeault  
Executive Officer

Enclosures: Complaint No. R8-2004-0057, Waiver Form, Invoice, Preprinted Envelope

cc with enclosures:

Regional Board  
State Water Resources Control Board, OSI – John Norton  
State Water Resources Control Board, Office of the Chief Counsel – Jorge Leon  
U. S. Environmental Protection Agency, Region 9 (WTR-7) – Kathi Moore  
Orange County Public Facilities & Resources Dept.- Chris Crompton  
Orange County Health Care Agency – Larry Honeybourne  
Orange County Sanitation District – Bob Ghirelli



State of California  
Regional Water Quality Control Board  
Santa Ana Region

IN THE MATTER OF:

The City of Stanton	)	Complaint No. R8-2004-0057
7800 Katella Avenue	)	for
Stanton, CA 90680	)	Administrative Civil Liability
	)	
Attention: Jake Wager	)	

YOU ARE HEREBY GIVEN NOTICE THAT:

1. The City of Stanton (Stanton) is alleged to have violated provisions of law for which the California Regional Water Quality Control Board, Santa Ana Region (hereinafter Board), may impose administrative civil liability, pursuant to California Water Code Section 13385.
2. A hearing concerning this complaint will be held before the Board within 90 days of the date of issuance of this complaint, unless Stanton waives its right to a hearing. Waiver procedures are specified in Page 5 of this complaint. If the hearing on this matter is not waived, the hearing will be held during the Board's regular meeting on August 13, 2004 at the City Council Chambers, City of Santa Ana, California. The meeting begins at 9:00 a.m. Stanton or its representative will have the opportunity to appear and be heard and to contest the allegations in this complaint and the imposition of civil liability by the Board. An agenda for the meeting and the staff report pertaining to this item will be mailed to you not less than 10 days prior to the hearing date.
3. If a hearing is held on this matter, the Board will consider whether to affirm, reject, or modify the proposed administrative civil liability or whether to refer the matter to the Attorney General for recovery of judicial civil liability.
4. The sewage collection system owned and/or operated by Stanton is regulated under General Waste Discharge Requirements for Sewage Collection Agencies in Orange County, Order No. R8-2002-0014 (Order). Stanton violated Section A, Provision 1; Section C, Provision 7; and Section E, Provisions 2 & 3 of the Order.

Section A, Provision 1 states:

"The discharge of untreated sewage to any surface water stream, natural or man-made, or to any drainage system intended to convey storm water runoff to surface water streams, is prohibited."

Stanton violated this provision by discharging untreated sewage to the storm drain.

Section C, Provision No. 7 states:

"The discharger shall properly fund, manage, operate and maintain, with adequately trained staff and/or contractors possessing adequate knowledge skills and abilities as demonstrated through a validated program at all times, all parts of the sewage collection system owned and/or operated by the discharger."

Stanton violated this provision by its failure to properly operate and maintain its sewage collection systems.

Section E, Provision 2 states:

"Pursuant to California Water Code Section 13267(b), the discharger shall comply with the attached Monitoring and Reporting Program No.R8-2002-0014 and future revisions thereto, as specified by the Executive Officer. Monitoring results shall be reported at the intervals specified in Monitoring and Reporting Program No. R8-2002-0014.

Stanton violated this provision by its failure to submit monitoring reports.

Section E, Provision 3 states:

"Any person who, without regard to intent or negligence, causes or permits any sewage or other waste to be discharged in or on any waters of the State, or discharged in or deposited where it is, or probably will be, discharged in or on any surface waters of the State, as soon as that person has knowledge of the discharge, shall immediately notify the local health officer and the Regional Board of the discharge. Discharges of sewage to storm drains and drainage channels, whether man made or natural or concrete lined, shall be reported as required above. All SSOs greater than 1,000 gallons shall also be reported to the Office of Emergency Services. The discharger shall propose, as part of it's SSMP, a plan and schedule for reporting and evaluating subsurface discharges of sewage from its sewage collection system."

Stanton violated this provision by failing to report in a timely manner to the Regional Board office a sewage spill that occurred on March 23, 2004.

The Order prohibits the discharge of untreated sewage to surface waters, and is not an NPDES permit. By discharging untreated sewage to storm drains and thence to surface waters without a NPDES permit, Stanton also violated Section 13376 of the California Water Code. Section 13376 of the Water Code states:

"Any person discharging pollutants or proposing to discharge pollutants to the navigable waters of the United States within the jurisdiction of this state or any person discharging dredged or fill material or proposing to discharge dredged or fill material into the navigable waters of the United States within

the jurisdiction of this state shall file a report of the discharge in compliance with the procedures set forth in Section 13260, except that no report need be filed under this section for discharges that are not subject to the permit application requirements of the Federal water Pollution Control Act, as amended.”


5. This complaint is based on the following facts:
  - a) On March 23, 2004, the City of Stanton reported a 30,000 gallon sewage spill, from its pump station located at 12924 Beach Blvd., to the Orange County Health Care Agency (OCHCA). Stanton staff informed OCHCA staff on scene that the sewage was fully contained and did not result in a discharge to the storm drain system. Stanton staff did not report this sewage spill to the Regional Board office as required under the Order and as specified in Stanton's Sewage Spill Emergency Response Plan.
  - b) On March 30, 2004 Stanton submitted a written report of the March 23, 2004 sewage spill to the OCHCA. The OCHCA forwarded the report to the Regional Board office. This March 30, 2004 report from Stanton states that 3,000 gallons of the 30,000 gallons of sewage spilled on March 23, 2004 had actually not been contained and were discharged to a storm drain tributary to Huntington Harbour. OCHCA staff informed Board staff that they would have closed a portion of the Harbour to body contact recreation to protect public health had they known 3,000 gallons of sewage were not contained and were discharged to the storm drain system tributary to the Harbour.
  - c) The March 30, 2004 spill report also noted that the cause of the spill was a failure of the lift station. The supports for the legs of the pump had broken loose, causing the pump to drop down further into the wet well, where the inlet to the pump was blocked by a piece of asphalt. Stanton failed to properly operate and maintain this pump station, which caused this sewage discharge to surface waters of the State.
  - d) Stanton is alleged to have violated the reporting requirements of the Order by failing to report the March 23, 2004 sewage spill and by failing to submit monthly reports of all sewage spills within its jurisdiction for 22 months since the adoption of the Order in April 2002. Board staff has repeatedly notified Stanton of these violations, issued a Notice of Violation on March 15, 2004, and met with Stanton representatives on April 21, 2004 to discuss these violations. Despite written and oral assurances from Stanton officials, it has repeatedly failed to submit the monthly reports.
8. The discharge occurred from sewage collection facilities owned and operated by Stanton and Stanton is strictly liable for the unauthorized discharge of wastes from its facilities. Stanton is also liable for the other violations cited above. Pursuant to Water Code Section 13385, the Board can administratively assess civil liability in an amount not to exceed the following, either on a daily basis or a per gallon basis:
  - A.) Ten thousand dollars (\$10,000) for each day in which the violation occurs;
  - B.) Where there is a discharge, any portion which is not susceptible to clean up 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) times the number of gallons by which the volume discharged but not cleaned up exceeds 1,000 gallons.

9. In accordance with Water Code Section 13385(c), the maximum liability for the violation cited is \$30,000. This liability has been calculated as follows:
  - A) \$10,000 for one day of discharge.
  - B) \$20,000 at \$10 per gallon for each gallon over 1,000 gallons discharged but not cleaned up.
  - C) The sum of \$10,000 and \$20,000 is \$30,000.
10. Section 13385 (e) specifies factors that the Board shall consider in establishing the amount of civil liability. After consideration of these factors, the Executive Officer proposes that civil liability be imposed on Stanton in the amount of \$30,000 for the violation cited above.
11. Stanton may waive its right to a hearing in this matter. If Stanton waives its right to a hearing, Stanton shall sign the waiver, which is page 5 of this Complaint, and return it, together with a check payable to the State Water Resources Control Board and the bottom portion of the enclosed invoice to the State Board office in Sacramento in the enclosed, preprinted, envelope.

If you have any questions concerning this complaint, contact the undersigned at 909-782-3284, Ken Theisen at 909-320-2028, or Jorge Leon, the Board's Staff Counsel, at 916-341-5180.

6-16-04  
Date

  
Gerard J. Thibeault  
Executive Officer

California Regional Water Quality Control Board  
Santa Ana Region

IN THE MATTER OF:

The City of Stanton	)	Complaint No. R8-2004-0057
7800 Katella Avenue	)	for
Stanton, CA 90680	)	Administrative Civil Liability
	)	
Attention: Jake Wager	)	

Waiver of Hearing

On behalf of the City of Stanton, I agree to waive its right to a hearing before the Santa Ana Regional Water Quality Control Board with regard to the violations alleged in Complaint No. R8-2004-0057. A check payable to the State Water Resources Control Board for the amount of the liability proposed in Paragraph 10 of Complaint No. R8-2004-0057 is enclosed. I understand that I am giving up the right of Stanton to be heard and to argue against the allegations made in the Complaint No. R8-2004-0057, and against the imposition of, and amount of, civil liability.

\_\_\_\_\_  
Date

\_\_\_\_\_  
for The City of Stanton



# State Water Resources Control Board



**Terry Tamminen**  
Secretary for  
Environmental  
Protection

*The energy challenge facing California is real.  
Every Californian needs to take immediate action to reduce energy consumption.  
For a list of simple ways you can reduce demand and cut your energy costs, see our website at <http://www.swrcb.ca.gov>*

**Arnold Schwarzenegger**  
Governor

**To:**  
STANTON, CITY OF  
7800 KATELLA AVE  
STANTON, CA 90680  
ATTN: JAKE WAGER

**Invoice No:** 46041  
**Invoice Date:** 06/16/2004  
**Enforcement Action ID:** 88745  
**Enforcement Order No:** R8-2004-0057

## INVOICE

ACLCOMP

Milestone ID	Description	Amount	Due Date
58717	LIABILITY AMOUNT	\$30,000.00	
<b>TOTAL AMOUNT DUE</b>		<b>\$30,000.00</b>	

RECEIVED  
2004 JUN 17 AM 11:00  
OCCSD  
Mail Room

### California Environmental Protection Agency



Retain above portion for your records

Please return bottom portion with your payment

STANTON, CITY OF  
7800 KATELLA AVE  
STANTON, CA 90680  
ATTN: JAKE WAGER

Make your check payable to:

State Water Resources Control Board

Milestone ID	Description	Amount	Due Date
58717	LIABDUE	\$30,000.00	
<b>TOTAL AMOUNT DUE</b>		<b>\$30,000.00</b>	

Mail payment to:

**SWRCB ACCOUNTING**  
**ATTN: ENFORCEMENT**  
**P. O. Box 100**  
**SACRAMENTO, CA 95812-0100**

**Amount Enclosed: \$** \_\_\_\_\_

PLEASE PRINT THE FOLLOWING INVOICE NUMBER ON YOUR CHECK: **46041**

**Invoice Date:** 06/16/2004  
**Enforcement Action ID:** 88745  
**Enforcement Order No.:** R8-2004-0057





# California Regional Water Quality Control Board

## Santa Ana Region



Winston H. Hickox  
Secretary for  
Environmental  
Protection

3737 Main Street, Suite 500, Riverside, California 92501-3348  
Phone (909) 782-4130 - FAX (909) 781-6288

Gray Davis  
Governor

**TO:** FILE- City of Stanton, ACL Order No. R8-2004-0057  
**FROM:** Ken Theisen *Ken Theisen*  
Staff Environmental Scientist

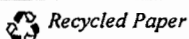
**DATE:** June 15, 2004  
**SUBJECT:** ACLC No. R8-2004-0057

The CWC requires that amounts of administrative civil liability be determined after consideration of several factors, listed below. Following is an analysis of these factors and their bearing on the liability proposed in ACLC No. R8-2004-0057.

1. Nature, circumstances, extent, and gravity of the violations;
  2. Ability to pay the proposed assessments;
  3. Any prior history of violations;
  4. Degree of culpability;
  5. Economic benefit or saving, if any, resulting from the violations: and,
  6. Such other matters as justice may require.
1. The nature and circumstances of the violation are outlined in the complaint. The complaint alleges that untreated sewage spilled from a City of Stanton sewer pump station, and that this spill resulted in the discharge of raw sewage to waters of the State.  

The violation occurred because of damage to the pump support mounts from lack of maintenance.
  2. The violator, the City of Stanton, is a fiscally sound public agency, and has the ability to pay the proposed assessment.
  3. Stanton has had other spills from its sewage collection system. There was a spill on February 9, 2004 from the same pump station. Had city staff pumped down the wet well in the pump station during any of their daily inspections it would have been obvious the pump supports were corroding and needed replacement.
  4. Stanton is strictly liable for the violation. Furthermore, Stanton's culpability for the spill includes its ability to prevent the discharge of sewage into storm drains tributary to Huntington Harbor and failure to properly maintain and operate the pump station.
  5. Stanton realized an economic benefit from not maintaining the collection system properly.

*California Environmental Protection Agency*



6. Stanton responded to the spilled sewage in an appropriate manner. However, Stanton failed to report the incident to the Regional Board office and provided inaccurate information to the Orange County Health Care Agency.

The maximum liability for this spill is \$30,000 (\$10/gallon x 2,000 gallons plus \$10,000 for the one day of discharge. After considering the above factors, Board staff recommends an administrative civil liability of \$30,000, for violations of Water Code Section 13376.

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
SANTA ANA REGION  
3737 MAIN STREET, SUITE 500  
RIVERSIDE, CALIFORNIA 92501-3348**

**NOTICE OF PUBLIC COMMENT PERIOD AND POSSIBLE PUBLIC HEARING**

**Administrative Civil Liability Complaint NO. R8-2004-0057  
FOR  
The City of Stanton  
Orange County, California**

The City of Stanton (Stanton) is alleged to have violated provisions of law for which the California Regional Water Quality Control Board, Santa Ana Region (hereinafter Regional Board), may impose administrative civil liability, pursuant to California Water Code Sections 13385. On March 23, 2004, Stanton discharged approximately 30,000 gallons of untreated sewage from its collection facilities in Orange County. Of this volume, approximately 3,000 gallons were discharged into the storm drain system tributary to Huntington Harbor. This is a violation of Section 13376 of the Water Code and the General Waste Discharge Requirements for Sewage Collection Agencies in Orange County, Order No. R8-2002-0014.

On the basis of preliminary staff review and application of lawful standards and regulations, the Executive Officer issued Complaint No. R8-2004-0057 for administrative civil liability to Stanton, proposing a civil liability of \$30,000. Persons wishing to comment on this matter are invited to submit written comments to the Regional Board office at the address shown above no later than July 6, 2004. Written comments received by that date will be given consideration in determining the final resolution of this matter.

The Complaint and related documents may be inspected and copied at the Regional Board Office at 3737 Main Street, Suite 500, Riverside, California, by appointment between the hours of 9:00 a.m. and 3:00 p.m., Monday through Friday. Appointments may be scheduled by calling the Regional Board office at (909) 782-4130. For information concerning the Complaint, please contact Ken Theisen of Regional Board staff at (909) 320-2028, or [ktheisen@rb8.swrcb.ca.gov](mailto:ktheisen@rb8.swrcb.ca.gov).

Please bring the foregoing to the attention of any persons known to you who may have an interest in this matter.