

**California Water Board Proposes  
Massive Civil Penalty For Discharge Of Fire Suppression Water**

*Administrative Civil Liability Complaint No. R4-2022-0218*

In early July 2022, the Los Angeles Regional Water Quality Control Board proposed to levy a historically large civil penalty – more than \$15 million – on the owners and operators of a beauty supply warehouse in Carson, California, for discharging 6.8 million gallons of water containing hazardous substances to nearby waterways without a permit.

The amount of the civil penalty is notable because, if ultimately adopted by the regional board, it would be the largest civil penalty imposed by a regional board in California history. Perhaps more interesting, however, is the nature of the discharge. According to the complaint, the discharge was composed of “fire suppression” water used to bring a large fire at the warehouse under control over a three-day period. That water mixed with onsite chemicals then flowed to storm drains and local waterways. Chemicals in the discharge created aerobic conditions in these waterways and “rotten egg” odors for weeks that required residents to relocate.

The imposition of civil penalties by a regional board for discharging fire-suppression water is novel, to our knowledge, and raises questions. In practice, of course, landowners do not get permits to discharge water used to fight unexpected fires; thus, virtually all such discharges will be “unpermitted.” The rationale offered by the regional board in support of civil penalties could be applied to almost any fire-fighting effort, and the amount of penalties will depend upon the volume of water which the fire department chooses to employ. For a variety of reasons, this complaint is sure to draw attention as it moves through the administrative process.

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