

ITEM: 14
SUBJECT: Frank Pimentel, Fialho & Sons Dairy, San Joaquin County
BOARD ACTION: *Consideration of Issuance of Administrative Civil Liability Order*

BACKGROUND: Frank Pimentel (Discharger) operates the Fialho & Sons Dairy under the Existing Milk Cow Dairy General Order No. R5-2007-0035. A \$11,400 Administrative Civil Liability Complaint was issued against the Discharger for failure to submit documents required by the General Order.

A Hearing Panel composed of three members of the Central Valley Water Board held a hearing on this matter in Rancho Cordova on 20 July 2011. Additional evidence, testimony and policy statements will not be accepted at the October 2011 hearing, unless allowed by the Board Chair.

Attached is a report by the Hearing Panel on this case that provides the findings and recommendations of the Hearing Panel.

The Hearing Panel recommended that civil liability should be imposed upon the Discharger in the amount of \$11,400.

A proposed Administrative Civil Liability Order implementing the Hearing Panel's recommendation is attached for consideration of adoption. The Board may adopt the Order in the recommended amount, modify the amount, or decide that imposition of administrative civil liability is not warranted.

Documents for the 20 July 2011 Panel Hearing may be found at: http://www.waterboards.ca.gov/centralvalley/board_decisions/tentative_orders/1107/index.shtml

RECOMMENDATION: Review the Hearing Panel Report and consider adoption of the proposed Administrative Civil Liability Order.

Mgmt. Review _____
Legal Review _____ AM _____

13 October 2011
11020 Sun Center Dr. #200
Rancho Cordova, CA 95670