

ITEM: 8

SUBJECT: James G. Sweeney and Amelia M. Sweeney, Sweeney Dairy, Tulare County

BOARD ACTION: Consideration of an Administrative Civil Liability Order

BACKGROUND: James G. Sweeney and Amelia M. Sweeney (Discharger) own and operate the Sweeney Dairy (Dairy) in Tulare County. The Dairy is regulated by Reissued Waste Discharge Requirements General Order for Existing Milk Cow Dairies, Order R5-2013-0122 (Reissued General Order) and accompanying Monitoring and Reporting Program (MRP), which was adopted in October 2013. The Reissued General Order replaces the Waste Discharge Requirements General Order for Existing Milk Cow Dairies, Order R5-2007-0035 and accompanying MRP. The Reissued General Order and accompanying MRP contain reporting requirements for dairies regulated by the Reissued General Order, including timely submission of technical reports. The reports are required to document that the dairies are operating in compliance with the Reissued General Order and are not unreasonably affecting groundwater and/or surface water quality. The Discharger failed to submit an Annual Report for the calendar year 2013, which was due by 1 July 2014. Central Valley Water Board staff issued a notice of violation to the Discharger for failure to submit the required report. To date, the Discharger has not submitted the report.

ISSUES: On 11 March 2015, the Assistant Executive Officer issued Administrative Civil Liability (ACL) Complaint R5-2015-0506 pursuant to California Water Code section 13268, proposing that the Discharger be assessed monetary penalties in the amount of \$34,650 for failure to submit the technical report. The ACL Complaint was accompanied by Hearing Procedures which describe the process that must be followed if the matter proceeds to a hearing. The Discharger did not submit a signed form by the 1 April 2015 deadline provided in the Hearing Procedures to waive its right to a hearing within 90 days of being served with the ACL Complaint. The Discharger submitted evidence and argument by the 30 April 2015 deadline provided in the Hearing Procedures.

RECOMMENDATION: Prosecution Team recommends that the Central Valley Water Board adopt the Administrative Civil Liability Order as proposed.

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