

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

ADMINISTRATIVE CIVIL LIABILITY ORDER R5-2015-XXXX

IN THE MATTER OF

JAMES G. AND AMELIA M. SWEENEY
SWEENEY DAIRY
TULARE COUNTY

This Order is issued to James G. and Amelia M. Sweeney (hereafter Discharger) pursuant to California Water Code (Water Code) section 13268, which authorizes the imposition of Administrative Civil Liability. This Order is based on findings that the Discharger violated provisions of Reissued Waste Discharge Requirements General Order for Existing Milk Cow Dairies, Order R5-2013-0122 (hereinafter Reissued General Order).

The Central Valley Regional Water Quality Control Board (Central Valley Water Board or Board) finds the following:

1. The Discharger owns and operates the Sweeney Dairy (Dairy) located at 30712 Road 170, Visalia, California, County of Tulare.
2. The Dairy is regulated by the 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 by the Central Valley Water Board on 3 October 2013. The Reissued General Order replaces the Waste Discharge Requirements General Order for Existing Milk Cow Dairies, Order R5-2007-0035 (hereinafter 2007 General Order) and accompanying MRP, which was issued by the Central Valley Water Board on 3 May 2007. The Reissued General Order and the MRP contain reporting requirements for dairies regulated by the Reissued General Order.
3. Water Code section 13267 authorizes the Regional Water Boards to require the submittal of technical and monitoring reports from any person who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge to waters of the state.
4. The Reissued General Order and the MRP required the Discharger to submit a 2013 Annual Report by 1 July 2014 pursuant to the Central Valley Water Board's authority in accordance with Water Code section 13267.
5. The Discharger violated Water Code section 13267 by failing to submit the 2013 Annual Report required by the Reissued General Order and Monitoring and Reporting Program by the required deadline of 1 July 2014.

6. On 29 August 2014, the Central Valley Water Board staff issued a Notice of Violation notifying the Discharger that the 2013 Annual Report had not been received. The Notice of Violation requested that the delinquent report be submitted as soon as possible to minimize potential liability.
7. On 5 December 2014, the Central Valley Water Board staff issued a courtesy pre-filing settlement letter notifying the Discharger that staff was in the process of assessing civil liability for failure to submit the 2013 Annual Report.
8. On 11 March 2015, the Assistant Executive Officer, lead prosecutor for the Prosecution Team, issued Administrative Civil Liability Complaint (Complaint) No. R5-2015-0506 to the Discharger recommending that the Central Valley Water Board assess the Discharger an administrative civil liability in the amount of \$34,650 pursuant to Water Code section 13268 for the failure to submit the 2013 Annual Report.
9. Issuance of this Administrative Civil Liability Order to enforce Water Code Division 7, Chapter 5.5 is exempt from the provisions of the California Environmental Quality Act (Pub. Resources Code § 21000 et seq.), in accordance with California Code of Regulations, title 14, section 15321(a)(2).
10. On 17 November 2008 the State Water Resources Control Board adopted Resolution No. 2009-0083 amending the Water Quality Enforcement Policy (Enforcement Policy). The Enforcement Policy establishes a methodology for assessing discretionary administrative civil liability. Use of the methodology addresses the factors used to assess a penalty under Water Code section 13327. The required factors under Water Code section 13327 have been considered using the methodology in the Enforcement Policy as explained in detail in Attachment A to this Order. Attachment A is attached hereto and incorporated herein by reference.
11. This Order is effective and final upon issuance by the Central Valley Water Board. Payment must be received by the Central Valley Water Board no later than thirty (30) days from the date on which this Order is issued.
12. In the event that the Discharger fails to comply with the requirements of this Order, the Executive Officer or her delegee is authorized to refer this matter to the Attorney General's Office for enforcement.
13. Any person aggrieved by this action of the Central Valley Water Board may petition the State Water Board to review the action in accordance with Water Code section 13320 and California Code of Regulations, title 23, sections 2050 and following. The State Water Board must receive the petition by 5:00 p.m., 30 days after the date that this Order becomes final, except that if the thirtieth day following the date that this Order becomes final falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Water Board by 5:00 p.m. on the next business day. Copies of the law and regulations applicable to filing petitions may be found on the Internet at:

http://www.waterboards.ca.gov/public_notices/petitions/water_quality or will be provided upon request.

IT IS HEREBY ORDERED that pursuant to section 13323 of the Water Code, the Discharger is assessed an administrative civil liability in the amount of thirty-four thousand six hundred and fifty dollars (\$34,650). Payment shall be made in the form of a check made payable to the State Water Pollution Cleanup and Abatement Account no later than thirty days from the date of issuance of this Order.

I, Pamela Creedon, Executive Officer, do hereby certify that the foregoing is a full, true, correct copy of an Order issued by the California Regional Water Quality Control Board, Central Valley Region, and that such action occurred on 4/5 June 2015.

Pamela Creedon
Executive Officer