

California Regional Water Quality Control Board  
North Coast Region  
5550 Skylane Boulevard, Suite A  
Santa Rosa, CA 95403

NOTICE OF PUBLIC HEARING  
AND ISSUANCE  
OF A COMPLAINT  
FOR

ADMINISTRATIVE CIVIL LIABILITY  
IN THE MATTER OF

STATE OF CALIFORNIA  
DEPARTMENT OF FISH AND GAME  
TRINITY RIVER SALMON AND STEELHEAD HATCHERY  
WDID NO. 1A80077OTRI

Trinity County

On August 29, 2005, the California Regional Water Quality Control Board, North Coast Region (Regional Water Board), Executive Officer issued Administrative Civil Liability Complaint No. R1-2005-0090 (Complaint) to the California Department of Fish and Game (Permittee), proposing mandatory minimum penalties in the amount of \$15,000 for alleged violations of Waste Discharge Requirements Order No. R1-2000-0018 (NPDES No. CA0006696). The Complaint was issued for failure to timely submit two discharge monitoring reports required pursuant to Section 13383 of the California Water Code (CWC). This violation is subject to a mandatory minimum penalty of \$3,000 for each 30 days the report is late, pursuant to CWC Sections 13385(h) and 13385.1. The Complaint proposes to assess the minimum potential Administrative Civil Liability of \$15,000.

**Opportunity for Settlement Without a Public Hearing**

A 30-day public comment period has commenced beginning on the date of this notice. If no significant comments are received during the comment period, the Permittee will have the opportunity to settle this enforcement matter without a hearing, by paying the proposed Administrative Civil Liability.

**Public Hearing Procedures**

If the Permittee expresses intent to contest the Complaint by not waiving the hearing, the Regional Water Board will hold a public hearing on this matter on **October 12, 2005**, at 9:00 a.m., or as announced in the Regional Water Board's agenda to be mailed on or about **September 15, 2005**. The meeting is scheduled to be held in the Regional Water Quality Control Board Hearing Room located at 5550 Skylane Boulevard, Suite A in Santa Rosa, California. At the hearing, the Regional Water Board will consider whether to affirm, reject, or modify the proposed Civil Liability, or take other enforcement action.

The Permittee and interested persons must submit to the Regional Water Board office at 5550 Skylane Boulevard, Suite A, Santa Rosa, California, 95403, written copies of all technical reports, testimony, and other evidentiary material concerning this issue by 5:00 p.m. on **September 29, 2005**. This written material will be made available to the Regional Water Board members and all interested persons.

Written material received after the above date will not be accepted, except at the discretion of the Regional Water Board Chair. Untimely written material will not be accepted or incorporated into the administrative record if doing so would prejudice the Discharger or the Regional Water Board staff. The Chair may choose to modify this rule upon a showing of severe hardship (California Code of Regulations, Title 23, Sections 648.1 and 648.4).

All those who plan to testify at the hearing must submit written statements to the Regional Water Quality Control Board by **September 29, 2005**. The statements should provide the name of the witness, their qualifications (if an expert), and the scope of their intended testimony. Testimony at the above-scheduled hearing may summarize or explain timely submitted or late-accepted written evidence, but shall not add new evidence. The time constraints for oral testimony or comments will be set by Regional Water Board Chair and usually will allow no more than 10 minutes for Regional Water Board staff and the Discharger and three minutes for other interested persons. A timer may be used and speakers are expected to honor the time limits. Where speakers can be grouped by affiliation or interest, such groups will be expected to select a spokesperson and not be repetitive.

### **Document Review**

The Complaint is available for review on the Regional Water Board web site at <http://www.waterboards.ca.gov/northcoast/agenda/pending.html>. The draft staff report will be available for review no later than September 2, 2005. That document as well as the other evidentiary documents and file may be inspected or copied at the Regional Water Board office on Mondays from 1:30 p.m. to 4:30 p.m., Tuesday through Thursday from 8:30 a.m. to 11:30 a.m. and from 1:30 p.m. to 4:30 p.m., and Fridays from 8:30 a.m. to 11:30 p.m. Appointments are recommended for file review. Appointments can be made by calling (707) 576-2220. For further information, please contact Regional Water Board staff member Tom Dunbar at (707) 576-2701 or at [tdunbar@waterboards.ca.gov](mailto:tdunbar@waterboards.ca.gov).

Catherine E. Kuhlman  
Executive Officer

August 29, 2005