



Linda S. Adams
Secretary for
Environmental
Protection



Arnold Schwarzenegger
Governor

**STATE OF CALIFORNIA
REGIONAL WATER QUALITY CONTROL BOARD
LOS ANGELES REGION**

In the matter of:)	Stipulated Order on Complaint Nos.
)	R4-2009-0053 and R4-2009-0054
Donald Henderson)	
14500 W. Telegraph Road)	Administrative Civil Liability Pursuant to
Santa Paula, CA 93060)	California Water Code § 13261
)	For Violations of
)	California Water Code § 13260

The California Regional Water Quality Control Board, Los Angeles Region (“Regional Board”) finds:

- A. On May 5, 2009, the Regional Board’s Chief Deputy Executive Officer issued Administrative Civil Liability Complaint Nos. R4-2009-0053 and R4-2009-0054 (collectively, the “Complaints”) to Donald and Marlene Henderson.
- B. The Complaints allege that Donald and Marlene Henderson violated California Water Code section 13260 by failing to submit a Notice of Intent to comply with the Regional Board’s Conditional Waiver of Waste Discharge Requirements for Discharges from Irrigated Lands within the Los Angeles Region (Order No. R4-2005-0080) or, alternatively, by failing to submit a report of waste discharge for an individual waste discharge permit, despite at least two requests by the Regional Board. Collectively, the Complaints proposed to assess a total administrative civil liability of \$7,518 against Donald and Marlene Henderson for these violations.
- C. Subsequent to the issuance of the Complaints, a representative of Donald Henderson and the Prosecution Team (collectively, the “Parties”) entered into settlement negotiations because of a desire to resolve this matter and settle the allegations described herein without a formal hearing. The Prosecution Team learned at that time that Marlene Henderson passed away in November 2008.
- D. The Regional Board has been presented with a proposed settlement of the claims alleged in the Complaints that was developed during negotiations between the Parties. The proposed settlement represents a mutually agreed-upon resolution of the Prosecution Team’s claims through the payment of an administrative civil liability in the amount of \$5,000 for both parcels. The Parties’ settlement agreement is attached hereto as Attachment 1. The Parties recommend that the Regional Board adopt this Stipulated Order to effectuate the Parties’ proposed settlement.
- E. The Prosecution Team provided public notice of and an opportunity to comment upon the settlement agreement for at least 30 days.

- F. In adopting this Stipulated Order, the Regional Board has considered each of the factors prescribed in California Water Code section 13327. The Regional Board's consideration of these factors is based upon information and comments provided by the Parties and members of the public. In addition to these factors, the administrative civil liability recovers the costs incurred by the staff of the Regional Board in evaluating the incidents of violations and preparing the Complaints and related documents.
- G. This Stipulated Order and assessment of administrative civil liability in the amount of \$5,000 provides for the full and final resolution of the alleged violations in the Complaints.
- H. Issuance of this Order is exempt from the provisions of the California Environmental Quality Act (Public Resources Code section 21000 *et seq.*) in accordance with section 15321, Chapter 3, Title 14, California Code of Regulations.
- I. Any person aggrieved by this action of the Regional Board may petition the State Water Resources Control Board ("State 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 Board must *receive* the petition by 5:00 p.m., 30 days after the date of this Stipulated Order, except that if the thirtieth day following the date of this Stipulated Order falls on a Saturday, Sunday, or state holiday, the petition must be received by the State 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:

1. Pursuant to the settlement agreement executed by the Parties, administrative civil liability pursuant to California Water Code section 13261 is imposed upon Donald Henderson in the amount of \$5,000 for the violations alleged in the Complaints.
2. Donald Henderson shall pay \$5,000 by check that references "ACL Complaint Nos. R4-2009-0053 and R4-2009-0054" made payable to the "State Water Pollution Cleanup and Abatement Account." Full payment must be submitted to the Regional Board no later than 10 days after the date Donald Henderson receives written notice that this Stipulated Order has become effective.
3. In the event that Donald Henderson fails to comply with the requirements of this Order, the Executive Officer is authorized to refer this matter to the Office of the Attorney General for collection and/or enforcement.

IT IS SO ORDERED.

Tracy J. Egoscue
Executive Officer

Date