



Central Valley Regional Water Quality Control Board

27 January 2016

James Anderson, General Manager
Malaga County Water District
3580 South Frank Street
Fresno, CA 93720

CERTIFIED MAIL
7015 1730 0000 9937 2820

ADMINISTRATIVE CIVIL LIABILITY COMPLAINT R5-2016-0512 FOR MALAGA COUNTY WATER DISTRICT, 3749 SOUTH MAPLE AVENUE, FRESNO, FRESNO COUNTY

Enclosed is an Administrative Civil Liability Complaint (Complaint), issued by the Assistant Executive Officer of the Regional Water Quality Control Board, Central Valley Region (Central Valley Water Board) to Malaga County Water District (Discharger), pursuant to California Water Code (Water Code) section 13323. The Complaint is based on findings that the Malaga County Water District violated provisions of Waste Discharge Requirements ("WDRs") Order No. R5-2008-0033 (NPDES No. CA0084239) ("2008 Permit"), and Cease and Desist Order ("CDO") No. R5-2008-0032 ("2008 CDO").

The Complaint charges Malaga County Water District with administrative civil liability in the amount of one million thirty-six thousand seven hundred and twenty-eight dollars (**\$1,036,728**).

Pursuant to Water Code section 13323, the Discharger may:

- 1) Pay the assessed civil liability and waive its right to a hearing before the Central Valley Water Board by signing the enclosed waiver (checking off Option 1) and submitting it to this office by **16 February 2016**, along with payment for the full amount;
- 2) Waive the right to a 90-day hearing and agree to enter into settlement discussions with the Central Valley Water Board and request that any hearing on the matter be delayed by signing the enclosed waiver (checking off Option 2) and submitting it to this office by **16 February 2016**;
- 3) Waive the right to a 90-day hearing in order to extend the hearing deadlines (checking off Option 3); *or*

If the Discharger chooses to sign the waiver and pay the assessed civil liability, this will be considered a tentative settlement of the violations in the Complaint. This settlement will be considered final pending a 30-day period of public notice, during which time interested parties may comment on this action by submitting information to this office, attention Dale Harvey.

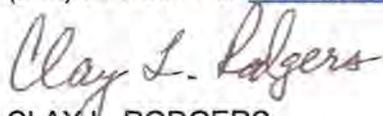
Should the Central Valley Water Board receive new information or comments during this comment period, the Central Valley Water Board's Assistant Executive Officer may withdraw the Complaint, return payment, and issue a new complaint.

If the Central Valley Water Board does not receive a signed waiver by **16 February 2016**, then a hearing on this matter will be scheduled for the **21/22 April 2016** regular meeting of the Central Valley Water Board to be held at 1685 E Street, Fresno, CA 93706. The Central Valley Water Board, after consideration of a signed waiver, may, at its discretion, determine to proceed with the hearing as scheduled.

If a hearing on this matter is held, the Central Valley Water Board will consider whether to issue, reject, or modify a proposed Administrative Civil Liability Order based on the enclosed Complaint, or whether to refer the matter to the Attorney General for recovery of judicial civil liability. Modification of a proposed Administrative Civil Liability Order may include increasing the dollar amount of the assessed civil liability. Specific notice about this hearing and its procedures are enclosed with this Complaint.

Payment of this assessed civil liability amount (**\$1,036,728**) does not absolve the Discharger from complying with the Water Code. Additional civil liability may be assessed in the future if the Discharger fails to comply with the Water Code.

If you have any questions or comments regarding the Complaint, please contact Melissa Hall at (916) 341-5773 or melissa.hall@waterboards.ca.gov, Dale Harvey at (559) 445-6190 or dale.harvey@waterboards.ca.gov or Naomi Kaplowitz, Staff Counsel, Office of Enforcement, at (916) 341-5677 or naomi.kaplowitz@waterboards.ca.gov.



CLAY L. RODGERS
Assistant Executive Officer

Enclosures: Administrative Civil Liability Complaint R5-2016-0512
Attachment A to Complaint R5-2016-0512 (Includes Exhibits 1 and 2)
Attachment B to Complaint R5-2016-0512
Hearing Procedures for Complaint R5-2016-0512
Fact Sheet
Waiver Form

cc: *By email only:*

Amelia Whitson, Region 9 EPA, San Francisco
Patrick Pulupa, Office of Chief Counsel, SWRCB, Sacramento
Adam Laputz, Central Valley Water Board, Rancho Cordova
Cris Carrigan, Office of Enforcement, SWRCB, Sacramento
David Boyers, Office of Enforcement, SWRCB, Sacramento
Naomi Kaplowitz, Office of Enforcement, SWRCB, Sacramento
Melissa Hall, Office of Enforcement, SWRCB, Sacramento
Pamela Creedon, Central Valley Water Board, Rancho Cordova
Clay Rodgers, Central Valley Water Board, Fresno

Warren Gross, Central Valley Water Board, Fresno
Dale Harvey, Central Valley Water Board, Fresno
Jill Walsh, Central Valley Water Board, Fresno
Andrew Altevogt, Central Valley Water Board, Rancho Cordova
Robert L'Heureux, Central Valley Water Board, Rancho Cordova
Fresno County Environmental Health, Fresno
Neal E. Costanzo, Costanzo & Associates PC