

NEAL E. COSTANZO
MICHAEL G. SLATER

LAW OFFICES
COSTANZO & ASSOCIATES
A PROFESSIONAL CORPORATION
575 E. LOCUST AVENUE
SUITE 115
FRESNO, CALIFORNIA 93720-2928
(559) 261-0163

FAX (559) 261-0706
OUR FILE NO. 03024-005

May 23, 2012

RECEIVED

MAY 29 2012

Office of Enforcement

Mayumi E. Okamoto
Staff Counsel
Office of Enforcement
State Water Resources
Control Board
P.O. Box 100
Sacramento, CA 95812-0100

Re: Notice of Violation (NOV) Dated April 12, 2012

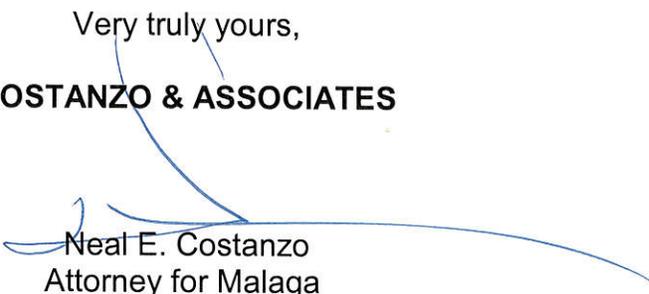
Dear Ms. Okamoto:

You are incorrect, I am not aware that a "NOV is not a formal enforcement action but rather a notice of an alleged instance of non-compliance with Central Valley Water Board Requirements". The only notices of violation authorized by statute or regulation are formal enforcement actions. Staff has no authority whatsoever to make a determination that a violation occurred, or to provide notice that he has made that determination to Malaga County Water District. Unfortunately, because we receive these NOV's constantly, always issued by the same individual, and noting purported violations that plainly never occurred, we always feel compelled and will continue to respond to the issuance of these NOV's by pointing out that they are premised entirely on the willingness of a staff person to make boldly false statements. We believe your agency is failing to act in accordance with the law. If we receive another NOV purporting to make determinations that some requirement was not complied with by Malaga County Water District, we will file a Petition for Writ of Mandate seeking an order enjoining you from continuing with this unauthorized practice.

Malaga County Water District will not sit idly by while staff members unlawfully make determinations of violations and publish those determinations to other persons or entities or agencies. We know what the agenda of the Central Valley Water Board is and it will not be permitted to rely on its unlawful and demonstrably false NOV's to advance that agenda.

Very truly yours,

COSTANZO & ASSOCIATES



Neal E. Costanzo
Attorney for Malaga
County Water District

NEC/js

cc: Russ Holcomb