



EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Central Valley Regional Water Quality Control Board

APPROVED

Staff

Supervisor

9 March 2012

Teresa Tanaka
Deputy Director of Utilities/Operations
Calaveras County Water District & Saddle Creek Golf Course, L.P.
423 East St. Charles St.
P.O. Box 846
San Andreas, CA 95249

CERTIFIED MAIL
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ADMINISTRATIVE CIVIL LIABILITY COMPLAINT R5-2012-0521 FOR ASSESSMENT OF MANDATORY MINIMUM PENALTIES, CALAVERAS COUNTY WATER DISTRICT AND SADDLE CREEK GOLF COURSE, L.P., COPPER COVE WASTEWATER RECLAMATION FACILITY, CALAVERAS COUNTY

Enclosed is an Administrative Civil Liability Complaint (Complaint), issued pursuant to California Water Code section 13385, for violations of Waste Discharge Requirements Order R5-2006-0081 (NPDES No. CA0084620) by the Calaveras County Water District and Saddle Creek Golf Course, L.P. (Discharger) at its Copper Cove Wastewater Reclamation Facility. The Complaint charges the Discharger with administrative civil liability in the amount of **forty-eight thousand dollars (\$48,000)**, which represents the sum of accrued Mandatory Minimum Penalties for effluent limitation violations (identified in Attachment A of the Complaint) that occurred from 23 August 2006 through 31 December 2011.

On 23 February 2012, Central Valley Water Board staff issued a draft Record of Violations (ROV). The Discharger responded on 1 March 2012, did not dispute the dichlorobromomethane violations, but challenged the validity of the chlorine results. The Discharger stated that the reports by its certified laboratory and an independent engineering consultant document that the chlorine residual test results should not be identified as violations subject to MMPs. Staff considered the information submitted by the Discharger; however, the chlorine exceedances continue to be alleged as violations in the Complaint, as discussed in Attachment B.

Pursuant to CWC section 13323, the Discharger may:

- Pay the proposed administrative civil liability and waive its right to a hearing (Option #1 on the attached waiver form);
- Ask that the hearing be postponed to facilitate settlement discussions or for other reasons (Options #2 or #3 on the attached waiver form); or
- Contest the Complaint and/or enter into settlement discussions without signing the enclosed waiver.

If the Central Valley Water Board does not receive a signed waiver **by 9 April 2012**, a hearing will be scheduled for the **7/8 June 2012** Board meeting in Rancho Cordova. This hearing will be governed by the attached Hearing Procedures, which have been approved by the Board Chair for use in adjudicating matters such as this one. Any objections to the Hearing Procedures must be received by Patrick Pulupa, whose contact information is listed in the Hearing Procedures, by **5 p.m. on 19 March 2012**.

If the Discharger chooses to sign the waiver and pay the assessed civil liability, this will be considered a tentative settlement of the violations. The settlement will be considered final pending a 30-day comment period, starting from the date this Complaint is issued. Interested parties may comment on the proposed action during this period by submitting written comments to the Central Valley Water Board staff person listed below. Should the Central Valley Water Board receive new information or comments during this comment period, the Executive Officer may withdraw the complaint, return payment, and issue a new complaint. If the Central Valley Water Board does not hold a hearing on the matter, and if the terms of the final settlement are not significantly different from those proposed in the enclosed Complaint, then there will not be additional opportunities for public comment on the proposed settlement.

In order to conserve resources, this letter transmits paper copies of the documents to the Discharger only. Interested persons may download the documents from the Central Valley Water Board's Internet website at:

http://www.waterboards.ca.gov/centralvalley/tentative_orders/.

Copies of these documents can also be obtained by contacting or visiting the Central Valley Water Board's office weekdays between 8:00 AM and 5:00 PM.

If you have any questions or comments regarding the Administrative Civil Liability Complaint, please contact Barry Hilton at (916) 464-4762 or bhilton@waterboards.ca.gov.

Sincerely,

Original Signed by

WENDY WYELS, Supervisor
Compliance and Enforcement Section

Enclosure: ACLC R5-2012-0521
Hearing Procedures
Waiver Form

cc w/o encl: Kenneth Greenberg, USEPA, Region 9, San Francisco
Mayumi Okamoto, Office of Enforcement, SWRCB, Sacramento
Patrick Pulupa, Office of Chief Counsel, SWRCB, Sacramento
Ken Landau, Central Valley Water Board Advisory Team, Sacramento
Carol Oz, Department of Fish and Game, Region 2, Rancho Cordova
Calaveras County Environmental Management Agency, San Andreas
Mr. Bill Jennings, California Sportfishing Protection Alliance, Stockton
Jae Kim, Tetra Tech, Fairfax, VA