

ITEM: 21

SUBJECT: Oakwood Lake Water District and Beck Properties, Oakwood Lake Subdivision Mining Reclamation Project

BOARD ACTION: *Consideration of an Administrative Civil Liability Order for Mandatory Minimum Penalties*

BACKGROUND: The Assistant Executive Officer issued an Administrative Civil Liability (ACL) Complaint, pursuant to California Water Code (CWC) sections 13323 and 13385, to the Oakwood Lake Water District and Beck Properties (Discharger), alleging that the facility has violated effluent limits contained in its Waste Discharge Requirements. The Complaint proposed that mandatory minimum penalties in the amount of \$63,000 be imposed. The Discharger disputes the MMP calculation method.

ISSUES The Discharger contends that the amount of the MMPs should be reduced because a single weekly effluent monitoring sample should not be used to calculate both the daily maximum and weekly average effluent results. However, application of the results from a single sample to daily, weekly, and monthly effluent limitations is consistent with guidance provided by the State Water Board, and is supported by case law.

After issuance of the ACL Complaint, staff determined that the Discharger was subject to one additional penalty. The Discharger has not commented about the additional penalty. Therefore, this Order assesses \$66,000 in mandatory minimum penalties.

RECOMMENDATION: Prosecution staff recommends that the Central Valley Water Board adopt a \$66,000 Administrative Civil Liability Order for Mandatory Minimum Penalties to the Oakwood Lake Water District and Beck Properties. Consistent with the CWC, the Order requires that the \$66,000 be paid within 30 days of adoption.

Mgmt. Review \_\_\_\_\_  
Legal Review \_\_\_ PEP \_\_\_

23/24 April 2009 Central Valley Water Board Meeting  
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