



California Regional Water Quality Control Board
Central Valley Region
Katherine Hart, Chair



Matthew Rodriguez
Secretary for
Environmental Protection

11020 Sun Center Drive, #200, Rancho Cordova, California 95670-6114
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<http://www.waterboards.ca.gov/centralvalley>

Edmund G. Brown Jr.
Governor

20 January 2012

Antonio & Mary Bettencourt,
Trustees of the 1993
Antonio P and Mary R
Bettencourt Living Trust
25771 Marsh Creek Rd.
Brentwood, CA 94513

Tom Bloomfield
501 Payne Avenue
Brentwood, CA 94513

F.A. Maggiore & Sons, LLC
820 Quiet Gable Court
Brentwood, CA 94513

CERTIFIED MAIL
7006 2150 0000 7132 6932

CERTIFIED MAIL
7006 2150 0000 7132 6949

CERTIFIED MAIL
7006 2150 0000 7132 6925

***ADMINISTRATIVE CIVIL LIABILITY COMPLAINT R5-2011-0599, ANTONIO P AND
MARY R BETTENCOURT, TRUSTEES OF THE 1993 ANTONIO P AND
MARY R BETTENCOURT LIVING TRUST, OWNER, TOM BLOOMFIELD, LESSEE, AND
F.A. MAGGIORE & SONS, LLC, SUBLESSEE, OF 25771 MARSH CREEK ROAD,
BRENTWOOD, CALIFORNIA, CONTRA COSTA COUNTY***

Enclosed is an Administrative Civil Liability Complaint (Complaint), issued pursuant to California Water Code (CWC) sections 13323 and 13350. The Complaint alleges Antonio P and Mary R Bettencourt, as Trustees of the 1993 Antonio P and Mary R Bettencourt Living Trust, owner, Tom Bloomfield, lessee, and F.A. Maggiore & Sons, LLC, sub-lessee, of 25771 Marsh Creek Road, Brentwood, California (hereinafter collectively referred to as "Discharger") violated the Coalition Group Conditional Waiver of Waste Discharge Requirements from Irrigated Lands (the "Conditional Waiver") by discharging sediment-laden waters to Kellogg Creek (tributary to the Sacramento/San Joaquin Delta) and recommends an administrative civil liability in the amount of **ten thousand dollars (\$10,000)**.

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.

California Environmental Protection Agency



If the Regional Water Quality Control Board, Central Valley Region (hereafter Central Valley Water Board or Board) does not receive a signed waiver by **21 February 2012**, a hearing will be scheduled for the Board meeting tentatively scheduled for **29/30 March 2012**, 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 Alex Mayer, whose contact information is listed in the Hearing Procedures, by **5 p.m. on 6 February 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 public 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/board_decisions/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 Wesley Ouimette at (916) 464-4667 or via e-mail at wouimette@waterboards.ca.gov.

Original signed by

JOE KARKOSKI
Chief, Irrigated Lands Regulatory Program

Enclosure: ACL Complaint R5-2011-0599
Waiver Form
Hearing Procedures

cc w/o enc: Kenneth Landau, Central Valley Water Board, Rancho Cordova
Cris Carrigan, Office of Enforcement, SWRCB, Sacramento
Andrew Tauriainen, Office of Enforcement, SWRCB, Sacramento
Alex Mayer, Office of Chief Counsel, SWRCB, Sacramento
Vincent L. Guise, Contra Costa County Agricultural Commissioner
Mike Wackman, San Joaquin County and Delta Water Quality Coalition