



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



Matthew Rodriguez
Secretary for
Environmental Protection

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<http://www.waterboards.ca.gov/centralvalley>

Edmund G. Brown Jr.
Governor

APPROVED

Staff

Supervisor

1 February 2012

Mr. Tom Smythe
President, Riviera West Mutual Water Company
8475 Harbor View Drive
Kelseyville, CA 95451

Certified Mail
7007 2560 0001 7475 5167

***REISSUANCE OF PROPOSED ADMINISTRATIVE CIVIL LIABILITY ORDER,
RIVIERA WEST MUTUAL WATER COMPANY, DOMESTIC WATER TREATMENT PLANT,
LAKE COUNTY***

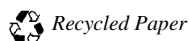
The Riviera West Mutual Water Company owns and operates a domestic water treatment plant which provides potable water for the Riviera West area of Lake County near Knociti Bay. Until it expired in June 2007, Waste Discharge Requirements (“WDRs”) Order R5-2002-0130 (NPDES No. CA0083925) permitted the intermittent discharge of backwash supernatant to Clear Lake.

As required by California Water Code (“CWC”) section 13385 and 13385.1, the Central Valley Water Board must assess mandatory minimum liabilities (“MMPs”) against the Riviera West Mutual Water Company for violations of the effluent limits found in the WDRs and for failure to submit monitoring reports. A draft Administrative Civil Liability Order (Order) to assess MMPs was originally issued on 9 November 2011 for consideration by the Board at its 2-3 February 2012 meeting. However, based on comments and additional information received since issuance of the draft Order, it is necessary to reissue the draft Order with revisions. Therefore, ***the Board will be asked to consider adoption of the enclosed revised Administrative Civil Liability Order at its hearing on 29-30 March 2012 meeting.*** The Prosecution Team is proposing a revised penalty amount of \$2,844,000. The revisions to the original draft Order are highlighted in yellow in the revised draft Order. Only comments regarding the revisions highlighted in yellow may be submitted at this time for consideration by the Board.

Also enclosed is the revised Hearing Procedure proposed by the Prosecution Team with revised dates, which have been approved by the Advisory Team. While your attorney Ms. Thorne participated in creating the new schedule, Riviera West reserved all of its rights regarding the revised Hearing Procedure, and objections, if any, should be directed to the Advisory Team attorney, David Coupe (whose contact information is included in the Hearing Procedure), by **8 February 2012**. As described in the proposed revised Hearing Procedure, any comments or evidence you may have concerning the text in yellow highlighting in the enclosed Tentative Order must be submitted to this office by 5:00 p.m. on **24 February 2012**.

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

California Environmental Protection Agency



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 proposed Order, please contact Victor Vasquez at (916) 464-4623 or vvasquez@waterboards.ca.gov, or contact Barry Hilton at (916) 464-4762 or bhilton@waterboards.ca.gov. Please also contact Victor or Barry if you would like to arrange a meeting to discuss the draft Order.

--original signed by--

WENDY S. WYELS, Supervisor
Compliance and Enforcement Section

Enclosure: Proposed Administrative Civil Liability Order
Hearing Procedures

cc w enc: Ken Landau, Central Valley Water Board, Sacramento
David Coupe, Office of Chief Counsel, State Water Board, Sacramento
Julie Macedo, Office of Enforcement, State Water Board, Sacramento
Ray Ruminski, Lake County Environmental Health Department, Lakeport
Richard Coel, Lake County Community Development Department, Lakeport
Melissa Thorne, Downey Brand, Sacramento
Bill Jennings, California Sportsfishing Protection Alliance, Stockton
Valentino Jack, Chairperson, Big Valley Rancheria of Pomo Indians, Lakeport
Chairperson, Elem Indian Colony of Pomo, Clearlake Oaks
Sherry Treppa, Chairperson, Habematolel Pomo of Upper Lake, Upper Lake
Carl Rivera, Chairperson Middletown Rancheria of Pomo Indians, Middletown
Donald Arnold, Chairperson, Scotts Valley Band of Pomo Indians, Lakeport
Tracy Avila, Chairperson, Robinson Rancheria of Pomo Indians, Nice