



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



**Matthew Rodriguez**  
Secretary for  
Environmental Protection

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**Edmund G. Brown Jr.**  
Governor

<b>APPROVED</b>
_____
Staff
_____
Supervisor

9 November 2011

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

**Certified Mail**  
7010 3090 0000 5044 5806

***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 they 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, 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. Therefore, ***the Board will be asked to consider adoption of the enclosed Administrative Civil Liability Order at its hearing on 2-3-February 2012 meeting.*** The Prosecution Team is proposing a penalty amount of \$2,586,000.

Enclosed is the Hearing Procedure proposed by the Prosecution Team. Objections to this Hearing Procedure should be directed to the Advisory Team attorney, David Coupe (whose contact information is included in the Hearing Procedure), by **23 November 2011**. As described in the proposed Hearing Procedure, any comments or evidence you may have concerning the substance of the enclosed Tentative Order must be submitted to this office by 5:00 p.m. on **6 January 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 Water Board’s Internet website at:

[http://www.waterboards.ca.gov/centralvalley/board\\_decisions/tentative\\_orders/](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](mailto:vvasquez@waterboards.ca.gov), or contact Barry Hilton at (916) 464-4762 or [bhilton@waterboards.ca.gov](mailto:bhilton@waterboards.ca.gov). Please also contact Victor or Barry if you would like to arrange a meeting to discuss the draft Order.

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