

EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Colorado River Basin Regional Water Quality Control Board

CERTIFIED MAIL: 7011 2970 0002 0481 9957

July 1, 2015

Peter M. Ormond
Date Gardens MHP
496 Mountain Avenue
Piedmont, CA 94611

Dear Mr. Ormond:

SUBJECT: ADMINISTRATIVE CIVIL LIABILITY COMPLAINT R7-2015-0038; DATE GARDENS MOBILE HOME PARK WWTP, EL CENTRO

Enclosed please find Administrative Civil Liability Complaint (ACLC) R7-2015-0038 (Complaint) issued by the Assistant Executive Officer of the Colorado River Basin Regional Water Quality Control Board (Colorado River Basin Water Board), pursuant to California Water Code Section 13323, alleging violations by Peter M. Ormond (Discharger) of effluent limitations and monitoring and reporting requirements set forth in Waste Discharge Requirements (WDRs) Orders R7-2003-0054, R7-2008-0010, and R7-2013-0009 (National Pollutant Discharge Elimination System Permit CA0104841). The Complaint contains violations cited in ACLC R7-2015-0001 and the corresponding proposed Administrative Civil Liability Order (ACLO) R7-2015-0029, which the Colorado River Basin Water Board considered during its Hearing on May 13, 2015. The Board did not adopt proposed ACL Order R7-2015-0029 and directed the Prosecution Team to investigate the matter as justice may require to provide the Board with options to assess discretionary penalties, in addition to the mandatory minimum penalties identified therein. Through issuance of this Complaint, the Prosecution Team withdraws ACLC R7-2015-0001, and proposes that administrative civil liability be assessed against the Discharger in the amount of \$623,457 for the violations identified in the ACLC Exhibits "A" through "F" pursuant to California Water Code Section 13385.

The Colorado River Basin Water Board is tentatively scheduled to hold a Hearing to consider this matter on September 17, 2015. The Hearing will be held in the city of Palm Desert, California at the Board Room of the Colorado River Basin Water Board, located at 73-720 Fred Waring Drive, Suite 100. At this Hearing, the Colorado River Basin Water Board will consider whether to impose administrative civil liability as proposed in the Complaint or for a different amount up to the maximum penalty provided for by law, decline the administrative civil liability, or refer the matter to the Attorney General for judicial enforcement.

The Discharger may contest the proposed administrative civil liability at the Hearing or, in the alternative, may waive its right to the Hearing by signing the Waiver attached to the Complaint and pursuing one of the following options:

ELLEN WAY, CHAIR | ROBERT PERDUE, EXECUTIVE OFFICER

73-720 Fred Waring Drive, Suite 100, Palm Desert, CA 92260 | www.waterboards.ca.gov/coloradoriver

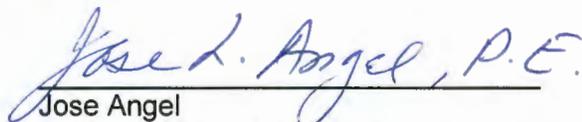
- a. Pay the proposed liability in full by submitting a check for **\$623,457** with the Waiver;
- b. Request that the Colorado River Basin Water Board postpone the date of the public hearing;
- c. Propose a supplemental environmental project (SEP), where partial payment of the penalty may be deferred towards completion of an environmental project (Please reference the State Water Board's SEP Policy at the following link for more information on such projects):
http://www.waterboards.ca.gov/water_issues/programs/enforcement/docs/rs2009_0013_sep_finalpolicy.pdf

The Waiver describes the process in further detail. If the Colorado River Basin Water Board staff does not receive the Discharger's Waiver within 30 days from the date of this letter, this matter will proceed to a Hearing before the Colorado River Basin Water Board on September 17, 2015. Because a 30-day public comment period is required under federal law for any proposed settlement of administrative civil liability, any payment or settlement proposal submitted will not be effective until this public comment period has ended.

Please refer to the enclosed Notice of Public Hearing for additional information about the Colorado River Basin Water Board's process, Hearing procedures, and important deadlines (for submitting comments or evidence, obtaining designated party status, waiving or postponing a Hearing, making objections or rebuttals to evidence, etc.).

If you have any questions please contact Maribel Jernegan at (760) 776-8941 or maribel.Jernegan@waterboards.ca.gov regarding this matter.

Sincerely,



Jose Angel
Assistant Executive Officer
Colorado River Basin
Regional Water Quality Control Board

MR/tab

Enclosures: Administrative Civil Liability Complaint R7-2015-0038 with Exhibits A to F
Waiver of Hearing Form
Public Notice 7-15-31 and Hearing Procedure

cc w/encl via email: Colorado River Basin Water Board Members
Robert Perdue, Executive Officer, Colorado River Basin Water Board
Tom Vandenberg, Office of Chief Counsel, SWRCB, Sacramento
Paul Ciccarelli, Office of Enforcement, SWRCB, Sacramento
Mark Bartson, Division of Drinking Water, SWRCB, Sacramento
David Heitz, Date Gardens MHP Representative

cc w/o encl: California Department of Water Resources, Glendale
California Department of Fish and Wildlife, Ontario
Imperial County Department of Environmental Health, El Centro

File: WDID No. 7A 13 1057 011, Date Gardens MHP WWTP, Board Order R7-2013-0009