CALIFORNIA
Water Boards

EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIQUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Central Valley Regional Water Quality Control Board

APPROVED
author
senior CMH 6/11/12
TJM 6/11/12
RDB 6/11/12

11 June 2012

CERTIFIED MAIL NO.
7007 0710 0004 3787 5037

Henry J. Tosta
20662 San Jose Road
Tracy, CA 95304

CERTIFIED MAIL NO.
7007 0710 0004 3787 5044

Echeverria Brothers Dairy General Partnership
4403 Bear Mountain Boulevard
Bakersfield, CA 93313-9783

CLEANUP AND ABATEMENT ORDER R5-2012-0709, REEVE ROAD HEIFER RANCH, 21070 REEVE ROAD, TRACY, SAN JOAQUIN COUNTY

Enclosed is Cleanup and Abatement Order (CAO) R5-2012-0709 issued to Henry J. Tosta (operator) and the Echeverria Brothers Dairy General Partnership (Rosemary Bidart, Javier Echeverria, Ricardo Echeverria, Pablo and Josefina Echeverria Trust [Eduardo Echeverria, Trustee], and the Juan and Dolores Echeverria Trust [Juan and Dolores Echeverria, Trustees]) (owner of the Reeve Road Heifer Ranch) (hereafter collectively referred to as "Discharger").

This CAO is issued pursuant to California Water Code section 13304. This CAO requires the Discharger to clean up the waste and/or abate the effects of the waste or threat of waste to surface water or groundwater in accordance with the specified time schedule. The first remediation deadline is **18 June 2012** and the first documentation is due to the Central Valley Regional Water Quality Control Board (Central Valley Water Board) on **2 July 2012**. Please read the CAO carefully for a description of all required actions and the corresponding due dates.

Please note that if you do not comply with the requirements of the CAO, the Central Valley Water Board's Executive Officer may refer the matter to the state Attorney General for judicial enforcement, or may issue a complaint for penalties in an amount not to exceed **$5,000 per day** for each day in which you do not comply.

If you have any questions regarding the CAO please contact Charlene Herbst at (916) 464-4724 or cherbst@waterboards.ca.gov.

Robert D. Busby, Manager, P.G., C.E.G.
Permitting, Title 27 and Confined Animals Section

Enclosure: CAO R5-2012-0709

cc w/ enc: David Boyers, State Water Board, Office of Enforcement, Sacramento
Ellen Howard, State Water Board, Office of Enforcement, Sacramento
Rodney Estrada, Lead Senior REHS, San Joaquin County Environmental Health Department
David Irey, Supervising Deputy District Attorney, San Joaquin County
Richard Estes, CDFA, Sacramento

APPROVED
author
color CALH 6/11/12

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

CLEANUP AND ABATEMENT ORDER R5-2012-0709

FOR

HENRY J. TOSTA DBA REEVE ROAD HEIFER RANCH
AND
ECHEVERRIA BROTHERS DAIRY GENERAL PARTNERSHIP

SAN JOAQUIN COUNTY

This Order is issued to Henry J. Tosta (operator of the Reeve Road Heifer Ranch) and the Echeverria Brothers Dairy General Partnership, (Rosemary Bidart, Javier Echeverria, Ricardo Echeverria, Pablo and Josefina Echeverria Trust (Eduardo Echeverria, Trustee), Juan and Dolores Echeverria Trust (Juan and Dolores Echeverria, Trustees)) (owner of the Reeve Road Heifer Ranch) (hereafter collectively referred to as "Discharger"), pursuant to California Water Code ("Water Code") section 13304, which authorizes the California Regional Water Quality Control Board, Central Valley Region (hereafter "Central Valley Water Board" or "Board") to issue a Cleanup and Abatement Order ("CAO"), and Water Code section 13267, which authorizes the Central Valley Water Board to require the preparation and submittal of technical and monitoring reports.

The Executive Officer of the Central Valley Water Board finds, with respect to the Discharger's acts or failure to act, the following:

FINDINGS

PROPERTY OWNERSHIP AND OPERATIONS

1. Henry J. Tosta (hereinafter "operator") operates the Reeve Road Heifer Ranch (WDID 5B39NC00152) located at 21070 Reeve Road, Tracy, San Joaquin County (hereafter "Heifer Ranch"). The Heifer Ranch and associated cropland are located on APN 209-300-015 and APN 209-300-016 and are owned by the Echeverria Brothers Dairy General Partnership. Rosemary Bidart, Javier Echeverria, Ricardo Echeverria, the Pablo and Josefina Echeverria Trust (Eduardo Echeverria, Trustee) and the Juan and Dolores Echeverria Trust (Juan and Dolores Echeverria, Trustees) are the General Partners of the Echeverria Brothers Dairy General Partnership.

LEGAL AND REGULATORY AUTHORITY

2. This Order conforms to, and implements policies and requirements of, the Porter-Cologne Water Quality Control Act (Division 7, commencing with Water Code section 13000) including: (1) Water Code sections 13267 and 13304; (2) applicable state and federal regulations; (3) the 2007

Central Valley Regional Water Quality Control Board Waste Discharge Requirements for Existing Milk Cow Dairies General Order R5-2007-0035 (Dairy General Order); (4) all applicable provisions of Statewide Water Quality Control Plans adopted by the State Water Resources Control Board (State Board) and the *Water Quality Control Plan for the Sacramento River and San Joaquin River Basins*, Fourth Edition, revised October 2011, (hereafter "Basin Plan") adopted by the Regional Board; (5) State Board policies and regulations, including State Board Resolution No. 68-16 (Statement of Policy with Respect to Maintaining High Quality of Waters in California), and Resolution No. 92-49 (Policies and Procedures for Investigation and Cleanup and Abatement of Discharges under Water Code section 13304) ("Resolution 92-49"); California Code of Regulations (CCR) Title 23, Chapter 16, Article 11; CCR Title 23, Section 3890 et. seq., and (6) relevant standards, criteria, and advisories adopted by other state and federal agencies.

3. **Waste Discharge Requirements:** Water Code section 13263(a) allows a regional board to prescribe requirements as to the nature of any proposed discharge, existing discharge, or material change in discharge of waste to waters of the state. The Central Valley Water Board has determined that the discharge of nitrates, salts, and other waste from many dairies in the Central Valley region have impacted groundwater, a water of the state. The Central Valley Water Board may prescribe general waste discharge requirements to a category of discharges, such as those from ongoing dairy operations, if the discharges are produced by the same or similar operations, the discharges involve the same or similar types of waste, the discharges require the same or similar treatment standards, and the discharges are more appropriately regulated under general requirements than individual requirements.

The Dairy General Order is a set of general waste discharge requirements that apply to owners and operators of existing milk cow dairies that (1) submitted a Report of Waste Discharge in response to the Central Valley Water Board's August 8, 2008 request and (2) have not expanded operations since October 17, 2005. Dairy farms covered by the Dairy General Order are subject to the general waste discharge requirements for discharges of waste from existing milk cow dairies. The Discharger is required to file a Report of Waste Discharge with the Central Valley Water Board at least 140 days before making any material change in the character, location, or volume of the discharge including, but not limited to the addition of new waste water that results in a change in the character of the waste; significantly changing the disposal or waste application method or location; significantly changing the method of treatment; increasing the discharge flow beyond that specified in the Dairy General Order, and/or expanding the existing herd size beyond 15 percent.

Reeve Road Heifer Ranch is currently enrolled under the Dairy General Order. The facility is in the process of seeking closure. Since the facility is currently covered independently by the Dairy General Order it is subject to the prohibitions in the Dairy General Order.

In addition, the cropland located on APN 209-300-16 is also listed by the Henry Tosta Dairy as a Land Application Area for manure application under its Nutrient Management Plan. Land Application Areas that are under a dairy operator's control are considered to be part of the Dairy Facility for purposes of coverage under the Dairy General Order and are subject to the prohibitions in the Dairy General Order. Parcel APN 209-300-16 is regulated under the Dairy

General Order as a Land Application Area for the Henry Tosta Dairy and for the Reeve Road Heifer Ranch.

4. **Basin Plan:** The Heifer Ranch is located in the San Joaquin River Watershed, San Joaquin Delta subarea, in the Sacramento and San Joaquin River Basin. The Basin Plan covers the San Joaquin River Watershed. Chapter IV of the Basin Plan also contains a policy for the *Investigation and Cleanup of Contaminated Sites.* The strategy generally outlines a process that includes site investigation, source removal or containment, information requirements for the consideration of establishing cleanup levels, and a basis for establishing soil and groundwater cleanup levels. Pursuant to Water Code section 13263(a), the Dairy General Order implements the Basin Plan. Henry J. Tosta and Reeve Road Heifer Ranch are both covered by the Dairy General Order and are also subject to the prohibitions and requirements of the Basin Plan.

5. **State Board Policies**: The State Water Resources Control Board ("State Water Board") has adopted Resolution 92-49, *Policies and Procedures for Investigation and Cleanup and Abatement of Discharges under Water Code Section 13304* ("Resolution 92-49"). Resolution 92-49 sets forth the policies and procedures to be used during an investigation and cleanup of a polluted site, and requires that cleanup levels be consistent with State Water Board Resolution 68-16, the *Statement of Policy With Respect to Maintaining High Quality of Waters in California.* ("Resolution 68-16"). Resolution 92-49 requires the waste to be cleaned up in a manner that promotes attainment of either background water quality, or the best water quality which is reasonable if background levels of water quality cannot be restored. Any alternative cleanup level to background must: (1) be consistent with the maximum benefit to the people of the state; (2) not unreasonably affect present and anticipated beneficial use of such water; and (3) not result in water quality less than that prescribed in the Basin Plan and applicable Water Quality Control Plans and Policies of the State Water Board.

BACKGROUND

6. The Reeve Road Heifer Ranch at 21070 Reeve Road, Tracy, has been owned by the Echeverria Brothers Dairy since at least 1979. It has been operated by Henry Tosta since at least 1994. It has housed dry stock since at least 2005. The facility is permitted under the Dairy General Order to house up to 127 mature dairy cows, and currently houses 800 support stock. The Heifer Ranch's production area occupies approximately 18 acres, with support stock housed in corrals. Solid manure is stockpiled in an area south of the unused wastewater storage lagoon. There are a total of 118 acres of cropland associated with the Heifer Ranch, but no solid manure or manure wastewater is applied to the cropland.

7. The Reeve Road Heifer Ranch is surrounded by cropland farmed by Henry Tosta on the north and east, by several homes on large lots immediately east of the production area, by Reeve Road on the west, and by West Middle Road on the south. The cropland is bisected by the Main Drain canal of Naglee-Burk Irrigation District. Groundwater in the area is very shallow. Groundwater monitoring wells installed in 1996 at the Henry Tosta Dairy one-half mile northeast of the Heifer Ranch encountered groundwater at depths of three to five feet below the ground surface.

8. On 21 October 2011, Staff received correspondence from Juan Echeverria, owner of the Reeve Road Heifer Ranch, requesting removal of the Heifer Ranch from the Dairy General Order. In the closure plan submitted with the correspondence, it was indicated that the corrals would continue to be used for heifers and that cleanout of the lagoon would be complete by June 2012. On 24 April 2012, Central Valley Water Board staff ("Staff") scheduled an appointment with the operator, Henry Tosta, to conduct a closure inspection of the Heifer Ranch. On 1 May 2012, Central Valley Water Board staff conducted the inspection of the facility. During the 1 May 2012 inspection (hereinafter "the Inspection"), staff identified **onsite violations for the Reeve Road Heifer Ranch. (See Attachment 1).**

VIOLATIONS

9. **Onsite violations of Dairy General Order:** Staff identified onsite violations including the burial of dead cows on the property of the Heifer Ranch and well maintenance issues.

   a. Burial of dead cows in cropland at the Reeve Road Heifer Ranch on Parcel 209-300-16 – Parcel APN 209-300-016 is listed as a Land Application Area under the Existing Conditions Reports for both the Henry Tosta Dairy and the Reeve Road Heifer Ranch. At the time of the Inspection, dead animals were being buried in cropland adjacent to the Main Drain canal of Naglee Burk Irrigation District (see Attachment 1, Photos 8 and 9). Staff observed two dead cows in an excavation which appeared to be filled with groundwater.

   After burial, the decomposition of animal carcasses releases fluids. The burial of animal carcasses in soils immediately above the water table or directly in groundwater permits waste to be discharged and/or threatens a discharge of waste to waters within the San Joaquin River Basin.. When asked by Staff about this burial practice, Mr. Tosta replied that he had been burying dead cows in this area for the last 5-6 years and estimated that 4-6 dead cows were buried like this every month. Based on Mr. Tosta's admissions, it is estimated that 240 to 436 cows have been buried in or directly above groundwater at this location.

   Additionally, the burial of dead animals at a dairy facility is a violation of Prohibition A6 of the Dairy General Order, which prohibits the disposal of dead animals at a dairy facility except under certain narrowly-defined emergency conditions.

   b. Burial of dead cows in the Production Area of the Reeve Road Heifer Ranch – At the time of the Inspection, a significant number of cow bones were observed immediately south of the wastewater storage lagoon at the Reeve Road Heifer Ranch. When Board Staff asked Mr. Tosta about the origin of these bones he admitted he buried his dead cows in this area when the facility was in operation as a Dairy. As stated previously, burial of dead animals at a dairy facility is a violation of Prohibition A6.

c. Well Maintenance Issues at the Reeve Road Heifer Ranch –Domestic and agricultural wells at the Reeve Road Heifer Ranch require installation or repair of well pads as identified in Attachment 1, page 1. Improperly maintained wells can cause degradation of groundwater in violation of Prohibition A4 of the Dairy General Order by allowing the wells to serve as conduits to groundwater for any waste or manure-contaminated surface water that collects around the well .

d. Storage and Disposal of Waste–The onsite waste management operations exhibited at the Heifer Ranch violates Prohibition A4 of the Dairy General Order, prohibiting the collection, treatment, storage, discharge or disposal of wastes at an existing milk cow dairy that results in (1) the discharge of waste constituents in a manner which could cause degradation of surface water or groundwater, (2) contamination or pollution of surface water or groundwater or (3) a condition of nuisance .

LEGAL AUTHORITY

10. CWC section 13304(a) states, in relevant part:

Any person who has discharged or discharges waste into waters of this state in violation of any waste discharge requirement or other order or prohibition issued by a regional board or by the state board, or who has caused or permitted, causes or permits, or threatens to cause or permit any waste to be discharged or deposited where it is, or probably will be, discharged into the waters of the state and creates, or threatens to create, a condition of pollution or nuisance, shall upon order of the regional board clean up the waste or abate the effects of the waste, or, in the case of threatened pollution or nuisance, take other necessary remedial action, including but not limited to, overseeing cleanup and abatement efforts…Upon failure of any person to comply with the cleanup or abatement order, the Attorney General, at the request of the regional board, shall petition the superior court for that county for the issuance of an injunction requiring the person to comply with the order…

11. CWC section 13304(c)(1) states, in relevant part:

The *person or persons who discharged the waste, discharges the waste, or threatened to cause or permit the discharge of the waste within the meaning of subdivision (a), are liable to that government agency to the extent of the reasonable costs actually incurred in cleaning up the waste, abating the effects of the waste, supervising cleanup or abatement activities, or taking other remedial actions.*

12. CWC section 13267(b)(1) states, in relevant part:

In conducting an investigation specified in subdivision (a), the regional board may require that any person who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge waste within its region, or any citizen or

domiciliary, or political agency or entity of this state who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge, waste outside of its region that could affect the quality of waters within its region shall furnish, under penalty of perjury, technical or monitoring program reports which the regional board requires. The burden, including costs, of these reports shall bear a reasonable relationship to the need for the report and the benefits to be obtained from the reports. In requiring those reports, the regional board shall provide the person with a written explanation with regard to the need for the reports, and shall identify the evidence that supports requiring that person to provide the reports.

13. Pursuant to Water Code section 13267, subdivision (b), this Order requires the Discharger to submit technical and monitoring reports, including but not limited to work plans, to Central Valley Water Board Staff. The Central Valley Water Board requires technical and monitoring reports to determine the extent of the impacts of the discharge of waste and to assess additional cleanup and/or remediation measures at Reeve Road Heifer Ranch.

14. The 1 May 2012 Inspection found that ongoing operations at the Reeve Road Heifer Ranch are discharging waste into waters of the state in violation of the Dairy General Order, as demonstrated in Finding 9. Operations at the Reeve Road Heifer Ranch have also caused or permitted and threatens to cause or permit waste to be discharged or deposited where it is, or probably will be, discharged into the waters of the state and creates or threatens to create, a condition of pollution or nuisance, as demonstrated in Finding 9.

15. The Water Board has considered the financial and technological resources available to the Discharger, and has determined that the cleanup directives required by this Order are feasible to implement and will be effective and necessary to protect the water quality of waters of the state. Therefore, the Executive Officer is authorized to issue this Cleanup and Abatement Order in accordance with Water Code sections 13304 and 13267 to the Discharger to cleanup and abate the effects of the discharge of waste from the Reeve Road Heifer Ranch.

DIRECTIVES

IT IS HEREBY ORDERED that, pursuant to CWC sections 13304 and 13267 that the Discharger shall take the following actions to comply with this Order:

1. **Immediately stop** any further on-site burials of dead animals. Dead cows must be disposed of properly as required under the Dairy General Order.

2. **By 18 June 2012**, begin removal of dead animals buried on APN 209-300-016 adjacent to the Main Drain canal of the Naglee-Burk Irrigation District. Complete removal of dead

animals **by 25 June 2012**. Submit proof of legal disposal[1] of the carcasses to the Central Valley Water Board **by 2 July 2012**.

3. **By 23 July 2012,** using a hydropunch or other similar method, collect one-time groundwater samples in the vicinity of the dead animal burial area adjacent to the Main Canal of the Naglee-Burk Irrigation District and submit the results to the Central Valley Water Board. Depth to water in the area shall be measured, and the groundwater tested for total dissolved solids, pH, nitrate-nitrogen, ammonia-nitrogen, total and fecal coliform, and standard minerals (calcium, magnesium, sodium, bicarbonate, carbonate, sulfate, and chloride). A sample of the water in the Main Drain canal shall be collected at the same time and tested for the same constituents.

4. If groundwater samples in the vicinity of the dead animal burial area indicate that waste disposal has caused pollution of groundwater, by **27 August 2012** submit a plan for the remediation of the groundwater. **By 29 June 2012,** remove all wastewater and manure solids from the wastewater lagoon at the Reeve Road Heifer Ranch, remove the manure and bones in the area south of the wastewater lagoons, and complete any additional actions required to remove the Heifer Ranch from coverage under the Dairy General Order. Bones must be exported to a landfill and documentation of proper disposal provided to the Central Valley Water Board.

5. **By 29 June 2012,** fill holes underneath the well pad at Well #1, repair the cracked well pad at Well #2,and clean vegetation and dirt from the well pad at Well #3.

GENERAL REQUIREMENTS

The Discharger shall:

6. As required by the California Business and Professions Code sections 6735, 7835, and 7835.1, have reports prepared by, or under the supervision of, a registered professional engineer or geologist and signed by the registered professional. All technical reports submitted by the Discharger shall include a cover letter signed by an authorized representative of the Discharger, certifying under penalty of law that the signer has examined and is familiar with the report and that to their knowledge, the report is true, complete, and accurate. The Discharger shall also state if it/they agree with any recommendations/proposals and whether it/they approved implementation of said proposals.

7. The Discharger will obtain all local and state permits and access agreements necessary to fulfill the requirements of this Order prior to beginning the work. The Discharger will continue any remediation or monitoring activities until such time as the Executive Officer determines that sufficient assessment and/or remediation has been accomplished to fully comply with this Order and this Order has been either amended or rescinded in writing.

[1] Legal disposal means disposal at a landfill permitted to accept animal carcasses.

8. If, for any reason, the Discharger is unable to perform any activity or submit any document in compliance with the schedule set forth herein, or in compliance with any work schedule submitted pursuant to this Order and approved by the Executive Officer, the Discharger may request, in writing, an extension of the time specified. The extension request shall include justification for the delay. Any extension request shall be submitted as soon as the situation is recognized and no later than the compliance date. An extension may be granted by revision of this Order or by a letter from the Executive Officer. Extension requests not approved in writing by the Executive Officer with reference to this Order are denied.

9. Reimburse the Central Valley Water Board for reasonable costs associated with oversight of the investigation and remediation of the Site, as provided in Water Code section 13304(c) (1). Failure to reimburse the Central Valley Water Board's reasonable oversight costs shall be considered a violation of this Order.

10. This Order does not limit the authority of the Water Board to institute additional enforcement actions or to require additional investigation and cleanup of the site consistent with the Water Code. This Order may be revised by the Executive Officer as additional information becomes available. **Failure to comply with the terms or conditions of this Cleanup and Abatement Order will result in additional enforcement action**, which may include the imposition of administrative civil liability pursuant to CWC including sections 13350, 13385 and 13268 or referral to the Attorney General of the State of California for civil enforcement.

REPORTING REQUIREMENTS

1. **Signatory Requirements**. All reports required under this Cleanup and Abatement Order shall be signed and certified by the Discharger or by a duly authorized representative of the Discharger and submitted to the Water Board staff. A person is a duly authorized representative of the Discharger only if: (1) the authorization is made in writing by the Discharger and (2) the authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility of activity. (A duly authorized representative may thus be either a named individual or any individual occupying a named position).

2. **Certification**. Include the following signed certification with all reports submitted pursuant to this Order:

> *I certify under penalty of perjury under the laws of the State of California that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the*

person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

3. **Report Submittals**. All monitoring and technical reports required under this Order shall be submitted to:

California Regional Water Quality Control Board
Central Valley Region - Sacramento Office
11020 Sun Center Drive, Suite 200
Rancho Cordova, CA 95670
Attn: Charlene Herbst, Chief, Confined Animal Unit
Email: cherbst@waterboards.ca.gov
Phone: (916) 464-4724

Notifications:

4. **Cost Recovery**. Pursuant to Water Code section 13304, the Water Board is entitled to, and may seek, reimbursement for all reasonable costs actually incurred by the Water Board to investigate unauthorized discharges of wastes and to oversee cleanup of such waste, abatement of the effects thereof, or other remedial action required by this Order.

5. **Applicability of Other Orders**. This Order does not affect the Discharger's obligation to comply with any previously issued Orders, including the 2007 Dairy General Order (R5-2007-0035). The requirements and legal enforceability of these Orders are not superseded or affected upon issuance of this Order.

6. **California Environmental Quality Act (CEQA) Compliance**. The issuance of this Order is an enforcement action taken by a regulatory agency and is exempt from the provisions of the California Environmental Quality Act (Pub. Resources Code § 21000 et seq.), pursuant to California Code of Regulations (CCR), title 14, section 15321(a)(2). The issuance of this Order may also be considered an action by a regulatory agency for the protection of the environment, exempt pursuant to CCR, title 14, section 15308. This action is also exempt from the provisions of CEQA in accordance with section 15061(b)(3) of Chapter 3, Title 14 of the California Code of Regulations because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

7. **Requesting Administrative Review by the State Water Board**. Any person aggrieved by an action of the Water Board that is subject to review as set forth in Water Code section 13320, subdivision (a), may petition the State Water Resources Control Board (State Water Board) to review the action. Any petition must be made in accordance with Water Code section 13320 and California Code of Regulations, title 23, section 2050 and following. The

State Water Board must receive the petition within 30 days of the date the action was taken, except that if the thirtieth day following the date the action was taken falls on a Saturday, Sunday, state holiday, then the State Water Board must receive the petition by 5:00 p.m. on the next business day. Copies of the law and regulation applicable to filing petitions may be found on the internet at: http://www.waterboards.ca.gov/publicnotices/petitions/waterquality or will be provided upon request.

8. **Enforcement Notification.** If, in the opinion of the Executive Officer, the Discharger fail to comply with the provisions of this Order, the Executive Officer may refer this matter to the Attorney General for judicial enforcement or may issue a complaint for administrative civil liability. Failure to comply with the terms or conditions of this Cleanup and Abatement Order may result in additional enforcement action, which may include the imposition of administrative civil liability pursuant to Water Code section 13350 and/or section 13268, in an amount not to exceed **$5,000 for each day in which the violation occurs** under Water Code section 13304 or 13350, or referral to the Attorney General of the State of California for injunctive relief or civil or criminal liability.

This Order is effective upon the date of signature.

Frederick S. Moss
for PAMELA C. CREEDON, Executive Officer

11 June 2012
(Date)