

## Central Valley Regional Water Quality Control Board

20 November 2015

### CERTIFIED MAIL

91 7199 9991 7035 8363 2568

Chris Rufer  
The Morning Star Packing Company, L.P.  
712 Main Street  
Woodland, CA 95695

### **ADMINISTRATIVE CIVIL LIABILITY COMPLAINT R5-2015-0549, THE MORNING STAR PACKING COMPANY, L.P., MORNING STAR TOMATO PACKING PLANT, COLUSA COUNTY**

Enclosed is an Administrative Civil Liability Complaint (Complaint), issued pursuant to California Water Code section 13350. The Complaint alleges that The Morning Star Packing Company, L.P. (Discharger) violations of Waste Discharge Requirements (WDRs) Order R5-2013-0144 by increasing the size of its Cooling Pond and its Settling Pond at its Williams facility. The Prosecution Team recommends an administrative civil liability in the amount of **one million five hundred thousand dollars (\$1,500,000)**.

Pursuant to Water Code section 13323, 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.

If Morning Star wishes to discuss settlement, then please contact me **immediately**. However, if the Central Valley Water Board does not receive a signed waiver and check by **10 December 2015**, or if an agreement in principle is not reached by **10 December 2015**, then a hearing will be scheduled for the **18 February 2016** Board meeting 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 Patrick Pulupa, whose contact information is listed in the Hearing Procedures, by **5 p.m. on 1 December 2015**.

If the Discharger chooses to sign the waiver and pay the assessed civil liability, this will be considered a tentative settlement of the violations. Payment must be received by **10 December 2015**. The Discharger shall indicate on the check the number of this Complaint and send it to

the State Water Resources Control Board, Accounting Office, Attn: ACL Payment, PO Box 1888, Sacramento, California, 95812-1888. The check shall be made payable to the *Waste Discharge Permit Fund*. The waiver and a copy of the check must also be mailed to the Central Valley Water Board at 11020 Sun Center Drive #200, Rancho Cordova, CA 95670 attention to Wendy Wyels by **10 December 2015**.

The settlement will be considered final pending a 30-day 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 Assistant 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.

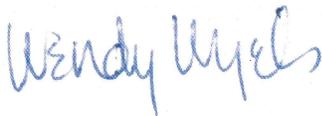
Included with this Administrative Civil Liability Complaint is a subpoena commanding The Morning Star Packing Company, L.P. to produce the papers, books, records and documents in your possession or under your control in connection with this Complaint. Documents must be sent to: Mayumi E. Okamoto, Senior Staff Counsel, Office of Enforcement, State Water Resources Control Board, P.O. Box 100, Sacramento, CA 95812-0100, no later than **18 December 2015**.

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/tentative\\_orders/](http://www.waterboards.ca.gov/centralvalley/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 me at (916) 464-4835 or at [wwyels@waterboards.ca.gov](mailto:wwyels@waterboards.ca.gov).



WENDY WYELS, Supervisor  
Compliance and Enforcement Section

Enclosures (3):    ACLC R5-2015-0549  
                          Hearing Procedures  
                          Waiver Form  
                          Subpoena for Records and Documents

cc list: see page 3

cc w/o encl:

Mayumi Okamoto, Office of Enforcement, SWRCB, Sacramento  
Nickolaus Knight, Office of Enforcement, SWRCB, Sacramento  
Patrick Pulupa, Office of Chief Counsel, SWRCB, Sacramento  
Andrew Deeringer, Office of Chief Counsel, SWRCB, Sacramento  
Pamela Creedon, Central Valley Water Board Advisory Team, Sacramento  
Deborah Rich, City of Williams Building Department, Williams  
Suzie Dawley, Colusa County Environmental Health, Colusa  
Kuljeet Mundi, Colusa County Environmental Health, Colusa