
Central Valley Regional Water Quality Control Board

7 September 2016

Timothy Shaw, General Manager
Olivehurst Public Utility District
P.O. Box 670
Olivehurst, CA 95961

CERTIFIED MAIL
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ADMINISTRATIVE CIVIL LIABILITY COMPLAINT R5-2016-0559 FOR ASSESSMENT OF MANDATORY MINIMUM PENALTIES, OLIVEHURST PUBLIC UTILITY DISTRICT, WASTEWATER TREATMENT FACILITY, YUBA COUNTY

Enclosed is an Administrative Civil Liability Complaint (Complaint), issued pursuant to California Water Code section 13385, for violations of Waste Discharge Requirements Order R5-2010-0074 and R5-2016-0001 (NPDES CA0077836) by the Olivehurst Public Utility District (Discharger) at its wastewater treatment facility. The Complaint charges the Discharger with administrative civil liability in the amount of **three thousand dollars (\$3,000)**, which represents the sum of accrued Mandatory Minimum Penalties (MMPs) for effluent limitation violations (identified in Attachment A of the Complaint) that occurred from 1 January 2013 through 30 June 2016.

On 1 August 2016, Central Valley Water Board staff sent the Discharger a Notice of Violation and draft Record of Violations (ROV) for the period of 1 January 2013 through 31 May 2016. On 23 August 2016, the Discharger responded to the ROV and agreed with the violations. Board staff has extended the period through 30 June 2016 and has found one additional violation.

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 the Central Valley Water Board does not receive a signed waiver **by 30 September 2016**, a hearing will be scheduled for the **5/6 December 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 Stephanie Yu, whose contact information is listed in the Hearing Procedures, by **5 p.m. on 16 September 2016**.

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 **30 September 2016**. 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 *State Water Pollution Cleanup and Abatement Account*. 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 **30 September 2016**.

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.

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/.

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 Kari Holmes at (916) 464-4623 or kari.holmes@waterboards.ca.gov.

WENDY WYELS, Supervisor
Compliance and Enforcement Section

Enclosures: ACLC R5-2016-0559
Hearing Procedures
Waiver Form

cc w/o encl: Kenneth Greenberg, USEPA, Region 9, San Francisco
David Boyers, Office of Enforcement, SWRCB, Sacramento
Stephanie Yu, Office of Chief Counsel, SWRCB, Sacramento
Pamela Creedon, Central Valley Water Board Advisory Team, Rancho Cordova
Adam Laputz, Central Valley Water Board Advisory Team, Rancho Cordova
Carol Oz, Department of Fish and Game, Region 2, Rancho Cordova
Yolo County Environmental Management Agency, City of Davis
Bill Jennings, California Sportfishing Protection Alliance, Stockton
Jae Kim, Tetra Tech, Fairfax, VA