



EDMUND G. BROWN JR.  
GOVERNOR

MATTHEW RODRIGUEZ  
SECRETARY FOR  
ENVIRONMENTAL PROTECTION

**Santa Ana Regional Water Quality Control Board**

July 16, 2012

**CERTIFIED MAIL  
RETURN RECEIPT REQUESTED**

Mr. Art Venegas  
Art Venegas Dairy  
13835 Euclid Avenue  
Ontario, CA 91762

**MANDATORY PENALTY COMPLAINT ORDER NO. R8-2012-0033**

Mr. Venegas:

On June 5, 2012, you signed an Acceptance of Conditional Resolution and Waiver of Right to Hearing regarding mandatory minimum penalty assessment for violations of reporting requirements for your Concentrated Animal Feeding Operation. The settlement has been posted on our website for 30 days to provide the public an opportunity to comment on the proposed penalty assessment. We did not receive any public comment.

I have signed the acceptance on behalf of the Santa Ana Regional Water Quality Control Board, and it now serves as Mandatory Penalty Complaint Order No. R8-2012-0033. Please retain the enclosed copy for your records. Payment of the penalty assessments is due within 30 days. Please submit a check for \$9,000, made payable to the "State Water Pollution Cleanup and Abatement Account," by August 15, 2012.

If you have any questions about this letter, please contact Stephen D. Mayville of my staff at (951) 782-4992 or ([smayville@waterboards.ca.gov](mailto:smayville@waterboards.ca.gov)).

Sincerely,

Kurt Berchtold, Executive Officer  
Santa Ana Regional Water Quality Control Board

Enclosure: Order No. R8-2012-0033

cc: w\enclosures (by electronic mail only):

Board Members  
State Water Resources Control Board, Office of Chief Counsel – David Rice  
State Water Resources Control Board, Office of Enforcement – Reed Sato  
U.S. Environmental Protection Agency, Region 9 (WTR-7) – Ken Greenberg  
Robert Vandenheuvel, Milk Producers Council  
Pat Boldt, Milk Producers Council  
Jim Griffin, Western United Dairywomen

CAROLE H. BESWICK, CHAIR | KURT V. BERCHTOLD, EXECUTIVE OFFICER

3737 Main St., Suite 500, Riverside, CA 92501 | [www.waterboards.ca.gov/santaana](http://www.waterboards.ca.gov/santaana)



**Santa Ana Regional Water Quality Control Board**

**Attachment 1**

ACCEPTANCE OF CONDITIONAL RESOLUTION AND WAIVER OF RIGHT  
TO HEARING

Art Venegas Dairy  
Order No. R8-2012-0033

By signing and returning this Acceptance of Conditional Resolution and Waiver of Right to Hearing (Acceptance and Order), Art Venegas Dairy hereby accepts the resolution of the mandatory minimum penalty assessments for the violations cited in the Expedited Payment Option Notice, violations of NPDES Permit No. CAG018001, for which mandatory minimum penalties shall be assessed by the Regional Board. By signing the Acceptance and Order, Art Venegas Dairy also waives its right to a hearing before the Regional Board.

Art Venegas Dairy agrees that the Expedited Payment Option Notice and Attachment 1 together will serve as a Complaint pursuant to Article 2.5 of the California Water Code (CWC) and that no separate Complaint is required by the Regional Board to assert jurisdiction over the alleged violations. Art Venegas Dairy agrees to pay the mandatory minimum penalty of \$9,000 as shown in the Expedited Payment Option Notice dated April 19, 2012, which shall be deemed payment in full for the violations listed in the Notice, pursuant to CWC Section 13385.

Art Venegas Dairy understands that pursuant to 40 CFR Section 123.27(d)(2)(iii), the Regional Board is required to provide public notice for at least 30 days and seek comments of any settlement agreement with the Art Venegas Dairy related to the NPDES permit violations, prior to the Executive Officer executing any settlement agreements such as this Acceptance and Order. Art Venegas Dairy understands that if significant comments are received, this Acceptance and Order may not be executed and the offer for expedited payment and settlement may be withdrawn and the Regional Board may choose to take formal enforcement action.



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**MR. ART VENEGAS**  
**ART VENEGAS DIARY**  
**13835 EUCLID AVE**  
**ONTARIO, CA 91762**

PS Form 3800, A