



EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Santa Ana Regional Water Quality Control Board

June 18, 2012

Mr. Wade P. Carrigan, President
American Beef Packers
13677 Yorba Avenue
Chino, CA 91710

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

MANDATORY PENALTY COMPLAINT ORDER NO. R8-2012-0034

Mr. Carrigan:

On May 2, 2012, you signed an Acceptance of Conditional Resolution and Waiver of Right to Hearing regarding mandatory minimum penalty assessments 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 assessments. 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. R8-2012-0034. Please retain the enclosed copy for your records. Payment of the penalty assessments is due within 30 days. Please submit a check for \$3,000, made payable to the "State Water Pollution Cleanup and Abatement Account," by July 18, 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.

Sincerely,

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

Enclosure: Order No. R8-2012-0034

cc: wenclosures (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 Dairymen

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

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CRWQCB-REGION 8
KVB
EGL 5-11-12 EA

MAY 04 2012

Santa Ana Regional Water Quality Control Board

Attachment 1

ACCEPTANCE OF CONDITIONAL RESOLUTION AND WAIVER OF RIGHT
TO HEARING

American Beef Packers
Order No. R8-2012-0034

By signing and returning this Acceptance of Conditional Resolution and Waiver of Right to Hearing (Acceptance and Order), American Beef Packers 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, American Beef Packers also waives its right to a hearing before the Regional Board.

American Beef Packers 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. American Beef Packers agrees to pay the mandatory minimum penalty of \$3,000 as shown in the Expedited Payment Option Notice dated May 1, 2012, which shall be deemed payment in full for the violations listed in the Notice, pursuant to CWC Section 13385.

American Beef Packers 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 American Beef Packers related to the NPDES permit violations, prior to the Executive Officer executing any settlement agreements such as this Acceptance and Order. American Beef Packers 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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Sent To **MR. WADE P. CARRIGAN**

Street, or PO **AMERICAN BEEF PACKERS**

City, State, ZIP+4 **13677 YORBA AVE.**

CHINO, CA. 91710

PS Form 3849, June 2002 Instructions