



State Water Resources Control Board

Please save this letter for your records. The Identification Code and Password are required to log in and complete the Online Informational Order Form.

December 15, 2015

<p>Identification Code(s):</p> <p>Password:</p>
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Certified Mail No.

NOTICE OF ADMINISTRATIVE CIVIL LIABILITY COMPLAINT FOR FAILURE TO PROVIDE INFORMATION REQUIRED UNDER ORDER WR 2015-0026-DWR

Please note this letter and the associated enforcement action are from the State Water Resources Control Board’s (State Water Board) Division of Water Rights (Division), not the North Coast Regional Water Quality Control Board. Enclosed is an Administrative Civil Liability Complaint (ACL Complaint). This letter serves as notice of the intent of the Division to proceed with formal enforcement against you. Specifically, the Division intends to impose the Administrative Civil Liability (fine of \$2,500) proposed in the ACL Complaint.

Immediate action can allow you to avoid the proposed fine. Inaction will result in a fine of \$2,500, and potentially subject you to additional fines in the future. You have 20 days from receipt of this letter to act. A summary of your options is provided at the bottom of this letter.

VIOLATION DESCRIPTION

On August 24, 2015 the State Water Board’s Deputy Director for the Division of Water Rights issued Order WR 2015-0026-DWR¹ (Order), which requires landowners in and suppliers of water from Dutch Bill Creek, Green Valley Creek, portions of Mark West Creek, and Mill Creek watersheds to complete an Online Informational Order Form and provide information on their sources and uses of water. Landowners are required to provide this information for each parcel they own in the four watersheds. Water suppliers are required to provide this information for water sourced from the four watersheds. The Order and a personalized letter that included an Identification Code(s), Password, and instructions on how to comply with the Order were mailed to all landowners and water suppliers in late August and September 2015. All landowners and water suppliers were required to submit the requested information within 30 days.

¹ Order WR 2015-0026-DWR, Order for Additional Information in the Matter of Diversion of Water from Dutch Bill Creek, Green Valley Creek, Portions of Mark West Creek, and Mill Creek Watersheds, as defined in California Code of Regulations, title 23, section 876(c)(1), dated August 24, 2015.

Reminder letters were sent after the 30 day deadline, in late October 2015, to all landowners and water suppliers who had not submitted information. The reminder letters provided notice that if individuals did not complete the Online Informational Order Form by November 10, 2015 (Dutch Bill Creek and Green Valley Creek watersheds due date) and November 13, 2015 (Mark West Creek and Mill Creek watersheds due date), the State Water Board will begin issuing Administrative Civil Liability penalties of up to \$500 per day for each day that the information required by the Order is overdue. You were among the landowners and water suppliers who were sent the Order and reminder letter. As of December 13, 2015, the State Water Board has no record of your compliance with the Order for the Identification Code(s) (assessor's parcel number(s) or water system number(s)) listed at the top right of this letter.

ADMINISTRATIVE CIVIL LIABILITY

California Water Code section 1846, subdivision (a), provides that the State Water Board may administratively impose civil liability pursuant to Water Code section 1055 for violation of State Water Board regulations in an amount not to exceed five hundred dollars (\$500) per day of violation. The State Water Board will issue a final ACL Order for the amount of \$2,500 for violations through December 10, 2015 if you do not within 20 days of receipt of this complaint either: (1) electronically file the requested information and remit a signed Acceptance of Conditional Settlement Offer and Waiver of Right to Hearing or Reconsideration (Acceptance and Waiver) (Attachment A); or (2) request a hearing before the State Water Board. Continued failure to submit the requested information electronically via the web through the Online Informational Order Form may result in additional penalties or enforcement action.

To promote resolution of the alleged reporting violation(s), the Assistant Deputy Director for Water Rights has attached a conditional settlement offer. The conditional settlement offer requires the Recipient to: (1) comply with the Order by submitting the requested information electronically via the web through the Online Informational Order Form (available online at: http://www.waterboards.ca.gov/waterrights/water_issues/programs/drought/rrtribs.shtml); and (2) waive the right to a hearing and reconsideration of the alleged violation(s) by returning a completed and signed Attachment A within 20 days. **No fine for lack of submission of information will be levied against you if you accept and comply with the settlement terms within the 20 days, and you provide complete information that is accurate to the best of your knowledge.**

To request a hearing, you must provide a **written** request for a hearing on the ACL Complaint, signed by you or on your behalf. The written request must be received by the State Water Board or postmarked no later than 20 days after receipt of this notice. If you request a hearing, it will likely be scheduled for one of the following dates: February 22, February 23, March 3, or March 4, 2016. At any hearing, the State Water Board may reexamine and adjust the proposed ACL Complaint amount higher or lower, not to exceed the maximum allowed by statute. The hearing process is detailed in Attachment B, Information You Need to Know if You are Going to Request a Hearing.

SUMMARY OF OPTIONS

1. Agree to comply with the terms of the Conditional Offer, and sign and return a completed Acceptance and Waiver (Attachment A) within 20 days of receipt of this letter. This option will resolve the current violation with no penalty, as long as the information provided is complete and accurate to the best of your knowledge.

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2. Submit a written request for hearing within 20 days of receiving this letter. All hearings will be held in Sacramento. Please note that this option may result in higher or lower penalties, and does not preclude additional potential enforcement action for failure to file information after December 10, 2015. Your Hearing ID number is:
3. Do nothing, and receive a final ACL Order as described above, with a fine of \$2,500. Please note that this option may result in additional penalties or enforcement action for failure to file information after December 10, 2015.

If you believe you have complied with the Order, have additional information that you think the State Water Board should consider as part of this process, need assistance in completing the Online Informational Order Form, or have questions regarding the ACL Complaint, hearing or settlement, please contact staff by email as soon as possible, but no later than within 20 days of receipt of this letter at: **rr_tribs_emergency_reg@waterboards.ca.gov** or by phone at: **(916) 322-8422**. Please leave a message and your contact information. Staff will respond to your inquiry on the same day or on the next business day.

Sincerely,

ORIGINAL SIGNED BY

John O'Hagan, Assistant Deputy Director
Division of Water Rights

- Enclosures:
- 1) Administrative Civil Liability Complaint (ACL Compliant)
 - 2) Acceptance of Conditional Settlement Offer and Waiver of Right to Hearing or Reconsideration (Attachment A)
 - 3) ACL Complaint Attachment B – Information You Need to Know If You Are Going To Request A Hearing (Attachment B)