

03/08/23 BD MEETING – ITEM # 8
CHANGE SHEET # 2 (CIRCULATED 03/06/23)

**Administrative Hearings Office's recommended edits to proposed order on
Administrative Civil Liability Complaint against Stephen Griset**

On page 1, first paragraph, edit the last sentence as follows:

Pursuant to Water Code section 1114, subdivision (c)(2)(A), the Board adopts the AHO's proposed order, with the AHO's recommended edits, in its entirety.

On page 16, at the end of section 2.12.3 (after the third paragraph), edit the following new paragraph in Change Sheet # 1 as follows:

The AHO transmitted its proposed order to the Clerk of the Board on January 17, 2023. The AHO transmitted change sheets to the Clerk of the Board with recommended edits before the Board adopted this Order.

On page 34, edit paragraph 1.b. of the order as follows:

- b. The second installment is for \$4,000. If Respondent meets all the requirements of subparagraph 1.a. and files the curtailment certification forms described in the first subparagraph of paragraph 2 of this order within 30 days after the date on which the Board adopted this order, paragraph 2. of this order by the specified deadlines, then the \$4,000 second installment will be permanently suspended. If Respondent fails to timely pay the first installment described in subparagraph 1.a. or fails to file the curtailment certification forms within 30 days after the date on which the Board adopted this order, meet any of the requirements of paragraph 2 by the specified deadlines, then the Assistant Deputy Director shall notify ~~issue a written order directing~~ Respondent in writing that Respondent must pay to immediately pay the second installment within 30 days of Respondent's receipt of that notice. If all or any portion of the second installment is unpaid 30 days after the date of delivery of the Assistant Deputy Director's written notice ~~order~~ to Respondent, then the Assistant Deputy Director shall seek recovery of the administrative civil liability of the second installment pursuant to Water Code section 1055.4.

On pages 34-35, edit paragraph 2 of the order as follows:

2. Respondent shall file with the Division of Water Rights Enforcement Section (Enforcement Section), within 30 days after the date on which the Board adopted this order, ~~for the Enforcement Section's review~~, compliance certification forms for Water Right IDs SG005923 and SG005924 for Respondent's well pumping during the period covered by Specific Order WR 2021-0082-DWR (Stephen Griset). These forms, as completed by Respondent, shall be consistent with all provisions of this order and Specific Order WR 2021-0082-DWR (Stephen Griset).

Within 30 days after the Enforcement Section's receipt of these compliance certification forms, the Enforcement Section shall advise Respondent whether or not the Enforcement Section believes these forms are consistent with all provisions of this order and Specific Order WR 2021-0082-DWR (Stephen Griset).

If the Enforcement Section advises Respondent that the Enforcement Section believes these forms are consistent with all provisions of these orders, then Respondent shall be deemed to have complied with this paragraph 2.

If the Enforcement Section advises Respondent that the Enforcement Section believes that there are any inconsistencies, then, within 30 days after the date on which the Enforcement Section advises the Respondent of any such inconsistencies, representatives of Respondent and the Enforcement Section shall meet and confer regarding any disputed issues associated with these curtailment certification forms and shall attempt to resolve the disputes and agree to amended curtailment certification forms. If they reach such agreement, then Respondent shall file the amended curtailment certification forms within 10 days.

If the Respondent and the Enforcement Section do not resolve these disputes and agree to amended curtailment certification forms within 30 days after the date on which the Enforcement Section advises Respondent of any such inconsistencies, then the Enforcement Section may bring a new enforcement action or actions against Respondent for violations of this order or any applicable statutes or regulations, including violations based on failures to file proper curtailment certification forms. ~~shall advise the Board's Deputy Director for Water Rights (Deputy Director). The Deputy Director then shall consider the arguments of the Respondent and the Enforcement Section and, within 30 days, issue a written order resolving the relevant issues in a manner that is consistent with this order. Respondent then shall file amended curtailment certification forms that are consistent with the Deputy Director's order within 30 days after Respondent's receipt of that order.~~

On page 35, edit paragraph 3 of the order as follows

3. Fulfillment by Respondent of his obligations under this ~~Order~~ will constitute full and final satisfaction of Respondent's liability for the violations described in this ~~Order~~ through the date of the Board's adoption of this order. The State Water Board retains its right to take further enforcement actions for any other or future violations, including violations of this order and violations of any applicable statutes or regulations that occur any time after the date on which the Board adopted this order.