

Central Valley Regional Water Quality Control Board

12 September 2016

John V. Pereira (owner/operator)
Pereira Family Dairy
21387 Road 152
Tulare, CA 93274

CERTIFIED MAIL
7016 0750 0000 7453 0869

ADMINISTRATIVE CIVIL LIABILITY COMPLAINT R5-2016-0564 FOR PERIERA FAMILY DAIRY, WDID 5C54NC00055, 21387 ROAD 152, TULARE, TULARE COUNTY

Enclosed is an Administrative Civil Liability Complaint (Complaint), issued pursuant to California Water Code section 13323, for violations of the Waste Discharge Requirements General Order for Existing Milk Cow Dairies, Order R5-2007-0035 (2007 General Order) and the Reissued Waste Discharge Requirements General Order for Existing Milk Cow Dairies, Order R5-2013-0122 (Reissued General Order). The Complaint charges John V. Pereira (Discharger) with administrative civil liability in the amount **sixty-four thousand five hundred and ninety-six dollars (\$64,596)**, for failure to submit technical reports, as required pursuant to Water Code section 13267, subdivision (b).

Pursuant to Water Code section 13323, the Discharger may:

- Pay the assessed administrative civil liability and waive its right to a hearing before the Central Valley Water Board by signing the enclosed waiver (checking off the box next to item #1) and submitting it to this office by **12 October 2016**, along with payment for the full amount;
- Waive the right to a hearing within 90 days and agree to enter into settlement discussions with the Central Valley Water Board and request that any hearing on the matter be delayed by signing the enclosed waiver (checking off the box next to item #2) and submitting it to this office by **12 October 2016**; or
- Waive the right to a hearing within 90 days in order to extend the hearing deadlines (checking off box next to item #3).

If the Discharger chooses to sign the waiver and pay the assessed civil liability, this will be considered a tentative settlement of the violations in the Complaint. This settlement will be considered final pending a 30-day period of public notice, during which time interested parties may comment on this action by submitting information to this office, attention Dale Essary. Should the Central Valley Water Board receive new information or comments during this comment period, the Central Valley Water Board's Assistant Executive Officer may withdraw the Complaint, return payment, and issue a new complaint.

If the Central Valley Water Board does not receive a signed waiver **by 12 October 2016**, then a hearing on this matter will be scheduled for the **5/6 December 2016** meeting of the Central Valley Water Board to be held at 11020 Sun Center Drive, Suite 200, in Rancho Cordova, California, 95670. If a hearing on this matter is held, the Central Valley Water Board will consider whether to issue, reject, or modify an Administrative Civil Liability Order based on the enclosed Complaint, or whether to refer the matter to the Attorney General for recovery of judicial civil liability. Modification of the proposed

Administrative Civil Liability Order may include increasing the amount of the proposed administrative civil liability. Specific notice about this hearing and its procedures are enclosed with this Complaint.

Payment of this proposed administrative civil liability amount (**\$64,596**) does not absolve the Discharger from complying with the Reissued General Order, the terms of which remain in effect. Additional civil liability may be assessed in the future if the Discharger fails to comply with the Reissued General Order in a timely manner.

If you have any questions or comments regarding the Administrative Civil Liability Complaint, please contact Dale Essary at (559) 445-5093.

Original signed by
CLAY L. RODGERS
Assistant Executive Officer

Enclosure: Administrative Civil Liability Complaint R5-2016-0564
Attachment A Specific Factors Considered
Attachment B Penalty Calculation
Hearing Procedure for Administrative Civil Liability Complaint R5-2016-0564
Hearing Waiver
Administrative Civil Liability Fact Sheet
Exhibits A through I

cc w/encl: Mr. Andrew Altevogt, Central Valley Water Board, Rancho Cordova
Ms. Susie Loscutoff, Office of Enforcement, SWRCB, Sacramento
Tulare County Health & Human Services Agency, Environmental Health, Visalia
Tulare County Resource Management Agency, Code Compliance, Visalia

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

ADMINISTRATIVE CIVIL LIABILITY COMPLAINT R5-2016-0564

IN THE MATTER OF

JOHN V. PEREIRA
PEREIRA FAMILY DAIRY
TULARE COUNTY

This Complaint is issued to John V. Pereira (Discharger) under the authority of California Water Code¹ section 13323 to assess administrative civil liability pursuant to Water Code section 13268 for failure to submit technical reports.

The Assistant Executive Officer of the Regional Water Quality Control Board, Central Valley Region (Central Valley Water Board) alleges, with respect to the Discharger's acts, or failure to act, the following:

1. The Discharger owns and operates the Pereira Family Dairy (Dairy), located at 21387 Road 152, Tulare, California, County of Tulare.
2. The Dairy is regulated by the Reissued Waste Discharge Requirements General Order for Existing Milk Cow Dairies, Order R5-2013-0122 (Reissued General Order), which was adopted by the Central Valley Water Board on 3 October 2013. (Exhibit A.) The Reissued General Order replaces the Waste Discharge Requirements General Order for Existing Milk Cow Dairies, Order R5-2007-0035 (2007 General Order) and accompanying Monitoring and Reporting Program (MRP). (Exhibit B.) The 2007 General Order and the Reissued General Order and accompanying MRP contain reporting and monitoring requirements for dairies regulated by the Reissued General Order.
3. The 2007 General Order and the Reissued General Order and accompanying MRP require the submission of Annual Reports for the 2012, 2013, and 2014 calendar years for regulated facilities by 1 July 2013, 1 July 2014, and 1 July 2015, respectively.
4. Attachment A of the MRP accompanying the Reissued General Order requires dischargers to implement groundwater monitoring either on an individual basis or through joining a Representative Monitoring Program.

STATEMENT OF WATER CODE SECTIONS UPON WHICH LIABILITY IS BEING ASSESSED

5. An administrative civil liability may be imposed pursuant to the procedures described in Water Code section 13323. An administrative civil liability complaint alleges the act or failure to act that constitutes a violation of law, the provision of law authorizing administrative civil liability to be imposed, and the proposed administrative civil liability.

¹ All references are to the California Water Code unless otherwise noted.

6. Pursuant to Water Code section 13267, subdivision (b), a regional board may require that any person who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge waste within its region shall furnish, under penalty of perjury, technical or monitoring program reports which the regional board requires. The burden, including costs, of these reports shall bear a reasonable relationship to the need for the report and the benefits to be obtained from the reports. In requiring those reports, the regional board shall provide the person with a written explanation with regard to the need for the reports, and shall identify the evidence that supports requiring that person to provide the reports.
7. Pursuant to Water Code section 13268, subdivision (a), any person failing or refusing to furnish technical or monitoring program reports as required by subdivision (b) of section 13267, or failing or refusing to furnish a statement of compliance as required by subdivision (b) of section 13399.2, or falsifying any information provided therein, is guilty of a misdemeanor and may be liable civilly in accordance with subdivision (b).
8. Pursuant to Water Code section 13268, subdivision (b)(1), civil liability may be administratively imposed by a regional board in accordance with Article 2.5 (commencing with section 13323) of Chapter 5 for a violation of subdivision (a) in an amount which shall not exceed one thousand dollars (\$1,000) for each day in which the violation occurs.

ALLEGED VIOLATIONS

Annual Reports

9. On 22 August 2013, the Central Valley Water Board staff issued a Notice of Violation (NOV) notifying the Discharger that the 2012 Annual Report had not been received. (Exhibit C.) The Discharger received the NOV on 24 August 2013. The NOV also requested that the delinquent report be submitted as soon as possible to minimize potential liability.
10. On 19 June 2014, the Central Valley Water Board staff issued a courtesy pre-filing settlement letter notifying the Discharger that staff was preparing to issue an administrative civil liability complaint for failure to submit the 2012 Annual Report. (Exhibit D.) The Discharger received the letter on 15 July 2014. The letter included a calculation of the maximum penalty (\$353,000) and a recommended penalty amount (\$9,282) as of 19 June 2014 for the failure to submit the missing report. The Discharger was provided an opportunity to meet with the Central Valley Water Board staff to discuss the alleged violation and submit any information regarding the factors listed in Water Code section 13327 that would be deemed relevant to determining an appropriate monetary penalty. The letter requested that all responses be received by 3 July 2014.
11. A settlement meeting was held on 3 July 2014 with the Discharger following issuance of the 19 June 2014 pre-filing settlement letter.

12. On 14 August 2014, the Central Valley Water Board staff received annual reports for calendar years 2012 and 2013. Both annual reports were deemed materially deficient, as they did not contain supply well monitoring, nutrient monitoring and other data required by the MRP.
13. On 23 July 2015, the Central Valley Water Board staff issued a NOV notifying the Discharger of the 2013 Annual Report deficiencies. (Exhibit E.) The Discharger received the NOV on 30 July 2015. The 23 July 2015 NOV also notified the Discharger that the 2014 Annual Report had not been received. The NOV requested that the delinquent reports be submitted as soon as possible to minimize potential liability.
14. On 5 October 2015, the Central Valley Water Board staff informed the Discharger by letter that the submitted 2012 and 2013 annual reports were materially deficient, as they did not contain nutrient monitoring and other data required by the MRP. (Exhibit F.) The Discharger received the letter on 15 October 2015. In addition, the 5 October 2015 letter informed the Discharger that the Dairy's enrollment under the Reissued General Order may be terminated due to violations of its terms or conditions, pursuant to Standard Provisions and Reporting Requirement B.11 of the Reissued General Order.
15. On 7 April 2016, the Assistant Executive Officer issued a letter informing the Discharger that, despite numerous attempts on the part of Central Valley Water Board staff to assist him in compliance with the Reissued General Order, he remained out of compliance as exhibited by the outstanding 2014 Annual Report. (Exhibit G.) The 7 April 2016 letter also informed the Discharger that staff was drafting an Administrative Civil Liability Complaint for the Discharger's failure to comply with the Reissued General Order annual reporting requirements for 2012, 2013, and 2014, to be considered before the Central Valley Water Board. The letter also offered the Discharger the opportunity to meet with staff prior to the issuance of a complaint by contacting staff by 9 May 2016. However, the 7 April 2016 registered letter was returned unclaimed.

Groundwater Directive

16. On 23 June 2011, the Central Valley Water Board staff received a letter from the Discharger and Livingston Dairy Consulting, Inc. stating that the Dairy had joined the Central Valley Dairy Representative Monitoring Program (CVDRMP), a groundwater monitoring coalition group. Included with the 23 June 2011 letter was a Letter of Intent addressed to the CVDRMP indicating that the Dairy had joined the CVDRMP on 21 December 2010. On 18 August 2011, staff notified the Discharger that enrollment in a recognized groundwater monitoring coalition group had satisfied the requirement to submit a Monitoring Well Installation and Sampling Plan (MWISP). (Exhibit H.)
17. On 18 February 2015, the Central Valley Water Board staff issued a NOV notifying the Discharger that staff had been informed on 26 August 2014 by the CVDRMP that the Discharger's participation as a member of the CVDRMP had been cancelled. (Exhibit I.) The 18 February 2015 letter provided the Discharger with an opportunity to re-join the CVDRMP and pay any past-due membership fees prior to the Executive Officer issuing a

13267 Order that would require the Discharger to conduct individual groundwater monitoring at the Dairy. The 18 February 2015 letter requested confirmation that the Discharger had re-joined the CVDRMP by 31 March 2015. To date, the Discharger has not responded to the 18 February 2015 NOV.

18. The Central Valley Water Board's compliance tracking system and case files indicate that to date the Board has not received from the Discharger any addendums to the 2012 or 2013 annual reports; the 2014 Annual Report; or any information pertaining to compliance with the groundwater monitoring requirements of the Reissued General Order and the MRP.
19. The Discharger violated the following sections of the 2007 General Order and of the Reissued General Order and the MRP:
 - A) Provision E.3 of the 2007 General Order, which states:

“The Discharger shall comply with the attached Monitoring and Reporting Program No. R5-2007-0035 which is part of this Order, and future revisions thereto or with an individual monitoring and reporting program, as specified by the Central Valley Water Board or the Executive Officer.”
 - B) Provision G.3 of the Reissued General Order, which states:

“The Discharger shall comply with the attached Monitoring and Reporting Program R5-2013-0122 which is part of this Order, and future revisions thereto or with an individual monitoring and reporting program, as specified by the Central Valley Water Board or the Executive Officer.”
 - C) Provision E.13 of the 2007 General Order and Provision G.13 of the Reissued General Order, which states in part:

“The Discharger must comply with all conditions of this Order, including timely submittal of technical and monitoring reports as directed by the Executive Officer.”
 - D) The MRP of the 2007 General Order and Reissued General Order, which state in part:

“An annual monitoring report is due by 1 July of each year [T]he annual report shall cover information on crops harvested during the previous calendar year”
 - E) Attachment A of the MRP of the Reissued General Order, which requires the implementation of groundwater monitoring by either joining a representative groundwater monitoring coalition or installing an individual groundwater monitoring well network.

20. The Discharger violated the 2007 General Order and the Reissued General Order and accompanying MRP by failing to submit materially sufficient 2012 and 2013 annual reports and by failing to submit the 2014 Annual Report.
21. The Discharger violated the Reissued General Order and accompanying MRP by failing to maintain membership with the Central Valley Dairy Representative Monitoring Program and failing to implement individual groundwater monitoring as required by the MRP.

SUMMARY OF ALLEGED VIOLATIONS

1. **Violation No. 1:** The Discharger failed to submit a materially sufficient annual report for 2012 by 1 July 2013 as required by the 2007 General Order and the MRP. As of the date of this Complaint this report is now 1,169 days late.
2. **Violation No. 2:** The Discharger failed to submit a materially sufficient annual report for 2013 by 1 July 2014 as required by the 2007 General Order, the Reissued General Order, and the MRP. As of the date of this Complaint this report is now 804 days late.
3. **Violation No. 3:** The Discharger failed to submit an annual report for 2014 by 1 July 2015 as required by the Reissued General Order and the MRP. As of the date of this Complaint this report is now 439 days late.
4. **Violation No. 4:** The Discharger failed to comply with the groundwater monitoring requirements of Attachment A to the MRP of the Reissued General Order. The Discharger has been out of compliance since the date of notification by the Central Valley Dairy Representative Monitoring Program (CVDRMP) that the Discharger's membership with the CVDRMP had been cancelled (26 August 2014). As of the date of this Complaint, the Discharger has been in violation of this requirement for a total of 749 days.

The Discharger has been out of compliance for a total of 3,161 days.

FACTORS CONSIDERED IN DETERMINING ADMINISTRATIVE CIVIL LIABILITY

22. On 17 November 2009, the State Water Resources Control Board adopted Resolution No. 2009-0083 amending the Water Quality Enforcement Policy (Enforcement Policy). The Enforcement Policy was approved by the Office of Administrative Law and became effective on 20 May 2010. The Enforcement Policy establishes a methodology for assessing administrative civil liability. The use of this methodology addresses the factors that are required to be considered when imposing a civil liability. This policy can be found at: http://www.waterboards.ca.gov/water_issues/programs/enforcement/docs/enf_policy_final_111709.pdf.
23. The administrative civil liability was derived from the use of the penalty methodology in the Enforcement Policy. In summary, this penalty assessment is based on a consideration of the failure to respond to requests made pursuant to Water Code section 13267, subdivision (b), for the alleged violations. The proposed administrative civil liability takes

into account such factors as the Discharger's culpability, history of violations, ability to pay and continue in business, and other factors as justice may require.

The required factors have been considered using the methodology in the Enforcement Policy, as explained in detail in Attachment A and shown in the Penalty Calculation for Civil Liability (Attachment B).

24. The maximum penalty for the violations described above is \$3,161,000 based on a calculation of the total number of per-day violations times the statutory maximum penalty allowed under Water Code section 13268, subdivision (b) (3,161 total days of violation X \$1,000). However, based on consideration of the above facts and after applying the penalty methodology, the Assistant Executive Officer of the Central Valley Water Board proposes that civil liability be imposed administratively on the Discharger in the amount of **sixty-four thousand five hundred and ninety-six dollars (\$64,596)** for the violations cited above. The specific factors considered in this penalty are detailed in Attachment A.

PROPOSED ADMINISTRATIVE CIVIL LIABILITY

The Assistant Executive Officer proposes that the Discharger be assessed an administrative civil liability pursuant to Water Code sections 13323 and 13268 in the amount of **sixty-four thousand five hundred and ninety-six dollars (\$64,596)** for failure to submit materially sufficient 2012 and 2013 annual reports by the 1 July 2013 and 1 July 2014 deadlines as required by the 2007 General Order and the Reissued General Order and the MRP; for failure to submit the 2014 Annual Report by the 1 July 2015 deadline as required by the Reissued General Order and the MRP; and for failure to comply with the groundwater monitoring requirements of the Reissued General Order and the MRP as of 26 August 2014.

If the Central Valley Water Board holds a hearing, it may choose to impose an administrative civil liability in the amount proposed or for a different amount, decline to seek civil liability, or refer the matter to the Attorney General to have a Superior Court consider enforcement. If this matter proceeds to hearing, the Prosecution Team reserves the right to seek an increase in the civil liability amount to cover the costs of enforcement incurred subsequent to the issuance of this administrative civil liability complaint through hearing.

There are no statutes of limitations that apply to administrative proceedings. The statutes of limitations that refer to "actions" and "special proceedings" and are contained in the California Code of Civil Procedure apply to judicial proceedings, not an administrative proceeding. See *City of Oakland v. Public Employees' Retirement System* (2002) 95 Cal. App. 4th 29, 48; 3 Witkin, Cal. Procedure (4th ed. 1996) Actions, §405(2), p. 510.

Notwithstanding the issuance of this Complaint, the Central Valley Water Board retains the authority to assess additional penalties for violations of the requirements of the Discharger's waste discharge requirements for which penalties have not yet been assessed or for violations that may subsequently occur.

Issuance of this Complaint is an enforcement action and is therefore exempt from the provisions of the California Environmental Quality Act (Pub. Res. Code § 21000 et seq.) pursuant to title 14, California Code of Regulations sections 15308 and 15321 subsection (a) (2).

Payment of the assessed liability amount does not absolve the Discharger from complying with the Reissued General Order or the MRP, the terms of which remain in effect. Additional civil liability may be assessed in the future if the Discharger fails to comply with the Reissued General Order, the MRP, and/or future orders issued by the Central Valley Water Board.

12 September 2016

Date

Original signed by

Clay L. Rodgers
Assistant Executive Officer
Central Valley Water Board Prosecution Team

**WAIVER OF 90-DAY HEARING REQUIREMENT FOR
ADMINISTRATIVE CIVIL LIABILITY COMPLAINT**

By signing this waiver, I affirm and acknowledge the following:

I am duly authorized to represent **John V. Pereira** (Discharger) in connection with Administrative Civil Liability Complaint R5-2016-0564 (Complaint). I am informed that California Water Code section 13323, subdivision (b), states that, "a hearing before the regional board shall be conducted within 90 days after the party has been served. The person who has been issued a complaint may waive the right to a hearing."

1. (**OPTION 1: Check here if the Discharger waives its right to a hearing and will pay the proposed liability amount of sixty-four thousand five hundred and ninety-six dollars (\$64,596) in full.**)

I hereby waive any right the Discharger may have to a hearing before the Central Valley Regional Water Quality Control Board (Central Valley Water Board) within ninety (90) days of service of the Complaint; and

- a. I certify that the Discharger will remit payment for the proposed civil liability in the full amount of **sixty-four thousand five hundred and ninety-six dollars (\$64,596)** by check that contains a reference to "ACL Complaint R5-2016-0564" and made payable to the "*State Water Resources Control Board Cleanup and Abatement Account*". Payment must be received by the Central Valley Water Board by **12 October 2016** or this matter will be placed on the Central Valley Water Board's agenda for consideration of adoption at the **5/6 December 2016** Central Valley Water Board meeting. Payment must be received at the following address: State Water Resources Control Board, Accounting Office, Attn: ACL Payment, P.O. Box 1888, Sacramento, CA 95812-1888. A copy of the check must also be received by the Central Valley Water Board.
- b. I understand the payment of the above amount constitutes a proposed settlement of the Complaint, and that any settlement will not become final until after a 30-day public notice and comment period. Should the Central Valley Water Board receive significant new information or comments during this comment period, the Central Valley Water Board's Assistant Executive Officer may withdraw the Complaint, return payment, and issue a new complaint. I also understand that approval of the settlement will result in the Discharger having waived the right to contest the allegations in the Complaint and the imposition of administrative civil liability.
- c. I understand that payment of the above amount is not a substitute for compliance with applicable laws and that continuing violations of the type alleged in the Complaint may subject the Discharger to further enforcement, including additional civil liability.

2. (**OPTION 2: Check here if the Discharger waives the 90-day hearing requirement, but wishes to engage in settlement negotiations.**)

I hereby waive any right the Discharger may have to a hearing before the Central Valley Water Board within 90 days after service of the Complaint but reserve the ability to request a hearing in the future. I certify that the Discharger will promptly engage the Central Valley Water Board staff in discussions to resolve the outstanding violation(s). By checking this box, the Discharger is *not* waiving its right to a hearing on this matter. By checking this box, the Discharger requests that the Central Valley Water Board delay the hearing so that the Discharger and Central Valley Water Board Prosecution Team can discuss settlement. It remains within the discretion of the Central Valley Water Board to agree to delay the hearing. A hearing on the matter may be held before the Central Valley Water Board if these discussions do not resolve the liability proposed in the Complaint. Any proposed settlement is subject to the conditions described above under "Option 1."

3. (**OPTION 3: Check here if the Discharger waives the 90-day hearing requirement in order to extend the hearing date and/or hearing deadlines. Attach a separate sheet with the amount of additional time requested and the rationale.**)

I hereby waive any right the Discharger may have to a hearing before the Central Valley Water Board within 90 days after service of the Complaint. By checking this box, the Discharger requests that the Central Valley Water Board delay the hearing and/or hearing deadlines so that the Discharger may have additional time to prepare for the hearing. It remains within the discretion of the Central Valley Water Board to approve the extension.

(Print Name and Title)

(Signature)

(Date)

EXHIBIT A

Reissued Waste Discharge Requirements General Order for Existing Milk Cow Dairies
Order R5-2013-0122

can be viewed at:

http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2013-0122.pdf

EXHIBIT B

Waste Discharge Requirements General Order for Existing Milk Cow Dairies
Order R5-2007-0035

can be viewed at:

http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2007-0035.pdf

EXHIBIT C

Notice of Violation Issued 22 August 2013
For Failure to Submit 2012 Annual Report

EXHIBIT D

Letter Issued 19 June 2014

Forthcoming Assessment of Civil Liability for Failure to Submit 2012 Annual Report

EXHIBIT E

Notice of Violation Issued 23 July 2015

For 2013 Annual Report Deficiencies and Failure to Submit 2014 Annual Report

EXHIBIT F

Letter Issued 5 October 2015
2012 and 2013 Annual Report Deficiencies

EXHIBIT G

Letter Issued 7 April 2016

Potential for Assessment of Civil Liability for Failure to Submit Annual Reports

EXHIBIT H

Letter Issued 18 August 2011
Acknowledgment of Enrollment in
Central Valley Dairy Representative Monitoring Program

EXHIBIT I

Notice of Violation Issued 18 February 2015

Failure to Retain Central Valley Dairy Representative Monitoring Program Membership



EDMUND G. BROWN JR.
GOVERNOR



MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Central Valley Regional Water Quality Control Board

30 November 2016

John V. Pereira (owner/operator)
Pereira Family Dairy
21387 Road 152
Tulare, CA 93274

RESCISSION OF ADMINISTRATIVE CIVIL LIABILITY COMPLAINT R5-2016-0564, FOR PEREIRA FAMILY DAIRY, WDID 5C54NC00055, 21387 ROAD 152, TULARE, TULARE COUNTY

On 12 September 2016, the Assistant Executive Officer for the Regional Water Quality Control Board, Central Valley Region (Central Valley Water Board) issued John V. Pereira (Pereira Family Dairy) an Administrative Civil Liability Complaint (ACL Complaint) in the amount of sixty four thousand five hundred and ninety-five dollars (\$64,596). The ACL Complaint was issued for violations of Water Code section 13267 for failure to submit technical reports and comply with groundwater monitoring requirements, as required under the Waste Discharge Requirements General Order for Existing Milk Cow Diaries, Order R5-2007-0035 (2007 General Order) and Reissued Waste Discharge Requirements General Order for Existing Milk Cow Diaries, Order R5-2013-0122 (Reissued General Order).

Upon review, the Assistant Executive Office has decided to rescind ACL Complaint R5-2016-0564 and resolve any outstanding violations with Mr. Pereira through settlement. The Central Valley Water Board reserves the right to reissue an ACL Complaint in the future and to take any other enforcement actions allowed by law for the violations described in the ACL Complaint.

ACL Complaint R5-2016-0564 is hereby rescinded.

If you have any questions regarding this matter, please contact Dale Essary at (559) 445-5093 or by email at Dale.Essary@waterboards.ca.gov.

Clay L. Rodgers
Assistant Executive Officer

cc via email: Pamela Creedon, Central Valley Water Board, Rancho Cordova
Patrick Pulupa, State Water Board, Sacramento
Andrew Altevogt, Central Valley Water Board, Rancho Cordova
Susie Loscutoff, State Water Board, Sacramento

KARL E. LONGLEY ScD, P.E., CHAIR | PAMELA C. CREEDON P.E., BCEE, EXECUTIVE OFFICER

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