

Central Valley Regional Water Quality Control Board

5 March 2018

David Melilli
Public Works Director
City of Rio Vista
One Main Street
Rio Vista, CA 94571

CERTIFIED MAIL
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ADMINISTRATIVE CIVIL LIABILITY COMPLAINT R5-2018-0511 FOR ASSESSMENT OF MANDATORY MINIMUM PENALTIES, CITY OF RIO VISTA, BEACH WASTEWATER TREATMENT FACILITY, SOLANO COUNTY

Enclosed is an Administrative Civil Liability Complaint (Complaint), issued pursuant to California Water Code section 13385, for violations of Waste Discharge Requirements (WDRs) Order R5-2014-0012-01 by the City of Rio Vista (Discharger), from its Beach Wastewater Treatment Plant (Facility). The Complaint charges the Discharger with an administrative civil liability in the amount of **three thousand dollars (\$3,000)**, which represents the sum of the statutory Mandatory Minimum Penalties (MMPs) for effluent limitation violations (identified in Attachment A of the Complaint) that occurred between 1 May 2016 and 30 November 2017. This Complaint alleges one total coliform organism violation.

On 26 January 2018, Central Valley Water Board staff issued a draft Record of Violations (ROV) for the period of 1 May 2016 through 30 November 2017. On 22 February 2018, the Discharger verbally agreed with the violations in the ROV and the proposed administrative civil liability. This Complaint extends the ROV period through 31 December 2017; no additional violations were found.

Pursuant to Water Code section 13323, the Discharger may:

- Pay the proposed administrative civil liability and waive its right to a hearing (Option #1 on the attached waiver form);
- Ask that the hearing be postponed to facilitate settlement discussions or for other reasons (Options #2 or #3 on the attached waiver form); or
- Contest the Complaint and/or enter into settlement discussions without signing the enclosed waiver.

If the Central Valley Water Board does not receive a signed waiver by **29 March 2018**, a hearing will be scheduled for the **31 May 2018/ 1 June 2018** Board meeting in Rancho Cordova. This hearing will be governed by the attached Hearing Procedures, which have been approved by the Board Chair for use in adjudicating matters such as this one. Any objections to the Hearing Procedures must be received by Stephanie Yu, whose contact information is listed in the Hearing Procedures, by **5:00 p.m. on 15 March 2018**.

If the Discharger chooses to sign the waiver and pay the assessed civil liability, this will be considered a tentative settlement of the violations. Payment must be received by the State Water Resource Control Board, Accounting Office at PO Box 1888 Sacramento, California, 95812-1888 by **29 March 2018**. The check shall be made payable to the State Water Pollution Cleanup and Abatement Account. The waiver and a copy of the check must be mailed to the Central Valley Water Board at 11020 Sun Center Drive #200, Rancho Cordova, CA, 95670 attention to Howard Hold by **29 March 2018**.

The settlement will be considered final pending a 30-day comment period, starting from the date this Complaint is issued. Interested parties may comment on the proposed action during this period by submitting written comments to the Central Valley Water Board staff person listed below. Should the Central Valley Water Board receive new information or comments during this comment period, the Assistant Executive Officer may withdraw the complaint, return payment, and issue a new complaint. If the Central Valley Water Board does not hold a hearing on the matter, and if the terms of the final settlement are not significantly different from those proposed in the enclosed Complaint, then there will not be additional opportunities for public comment on the proposed settlement.

In order to conserve resources, this letter transmits paper copies of the documents to the Discharger only. Interested persons may download the documents from the Central Valley Water Board's Internet website at:

http://www.waterboards.ca.gov/centralvalley/tentative_orders/

Copies of these documents can also be obtained by contacting or visiting the Central Valley Water Board's office weekdays between 8:00 AM and 5:00 PM.

If you have any questions or comments regarding the Administrative Civil Liability Complaint, please contact Kari Holmes at (916) 464-4623 or Kari.Holmes@waterboards.ca.gov.



HOWARD HOLD, Acting Supervisor
Compliance and Enforcement Section

Enclosures (3): ACLC R5-2018-0511
Waiver Form
Hearing Procedures

cc w/o encl: Kenneth Greenberg, USEPA, Region 9, San Francisco
David Boyers, Office of Enforcement, SWRCB, Sacramento
Stephanie Yu, Office of Chief Counsel, SWRCB, Sacramento
Pamela Creedon, Central Valley Water Board Advisory Team, Rancho Cordova
Adam Laputz, Central Valley Water Board Advisory Team, Rancho Cordova
Carol Oz, Department of Fish and Game, Region 2, Rancho Cordova
Bill Jennings, California Sportfishing Protection Alliance, Stockton
Jae Kim, Tetra Tech, Fairfax, VA