

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

RESOLUTION R5-2017-XXXX

INSTRUCTING THE CALIFORNIA ATTORNEY GENERAL'S OFFICE TO FILE AN ACKNOWLEDGEMENT OF SATISFACTION OF JUDGEMENT FOR *LAKE BERRYESSA RESORT IMPROVEMENT DISTRICT V. CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD, CENTRAL VALLEY REGION, AND PEOPLE OF THE STATE OF CALIFORNIA EX REL. ATTORNEY GENERAL EDMUND G. BROWN AND REGIONAL WATER QUALITY CONTROL BOARD, CENTRAL VALLEY REGION V. LAKE BERRYESSA RESORT IMPROVEMENT DISTRICT, ET AL.* (SACRAMENTO COUNTY SUP. CT. CONSOLIDATED CASE NOS. 06CS00256 AND 06AS01602)

LAKE BERRYESSA RESORT IMPROVEMENT DISTRICT
NAPA COUNTY

I, Adam Laputz, acting pursuant to authority delegated by the California Regional Water Quality Control Board, Central Valley Region (Central Valley Water Board or Board) by Resolution R5-2009-0027, hereby resolve on behalf of the Central Valley Water Board that:

1. The Central Valley Water Board issued ACL Order R5-2005-0072, ACL Order R5-2011-0538, and ACL Complaint R5-2012-0522 to Lake Berryessa Resort Improvement District pursuant to Water Code sections 13350 and 13385 due to unauthorized discharges of partially treated wastewater and sewage at Lake Berryessa Resort Improvement District's facilities.
2. In resolving the alleged violations described in ACL Order R5-2005-0072, ACL Order R5-2011-0538, and ACL Complaint R5-2012-0522, the Central Valley Water Board placed a priority on having Lake Berryessa Resort Improvement District upgrade its facilities, rather than imposing punitive fines. In prioritizing facility upgrades over the payment of civil liabilities, the Central Valley Water Board was recognizing that Lake Berryessa Resort Improvement District is a disadvantaged community that pays very high water and wastewater fees.
3. As recounted in the declarations of Pamela C. Creedon and Helene Franchi, attached hereto and incorporated by reference as Attachments A and B, respectively, during the 2012-13 discussions involving the settlement of the alleged violations in ACL Complaint R5-2012-0522, the Board's Prosecution Team made representations to Lake Berryessa Resort Improvement District that were understood to mean that ACL Complaint R5-2012-0522 would be withdrawn and liability owed by Lake Berryessa Resort Improvement District pursuant to a 2007 Stipulated Judgment entered into between the Board and Lake Berryessa Resort Improvement District would be permanently suspended, provided that Lake Berryessa Resort Improvement District committed to making significant upgrades to its facilities.
4. Lake Berryessa Resort Improvement District completed all upgrades requested by the Board following the issuance of ACL Order R5-2005-0072, ACL Order R5-2011-0538, and ACL Complaint R5-2012-0522 as of July 1, 2015, but additional work is required to bring all of the Lake Berryessa Resort Improvement District's facilities into compliance with applicable regulatory requirements.
5. In late 2016, Lake Berryessa Resort Improvement District brought to the Board's attention that the outstanding liability owed by Lake Berryessa Resort Improvement District pursuant

to the 2007 Stipulated Judgment was never addressed, and that Lake Berryessa Resort Improvement District was continuing to make payments pursuant to the 2007 Stipulated Judgment.

6. The issuance of a Resolution instructing the California Attorney General's Office to file an Acknowledgement of Satisfaction of Judgement for *Lake Berryessa Resort Improvement District v. California Regional Water Quality Control Board, Central Valley Region, and People of the State of California ex rel. Attorney General Edmund G. Brown and Regional Water Quality Control Board, Central Valley Region v. Lake Berryessa Resort Improvement District, Et Al.* (Sacramento County Sup. Ct. Consolidated Case Nos. 06CS00256 and 06AS01602) represents the best interests of water quality, the Central Valley Water Board, and the Lake Berryessa Resort Improvement District. No payments would be due after 31 December 2016.
7. Permanently suspending the outstanding civil liability owed by the Lake Berryessa Resort Improvement District is considered a settlement of violations of the federal Clean Water Act and thus the Central Valley Water Board has provided at least 30 days for public comment on this proposed Resolution in accordance with 40 C.F.R. § 123.27, subd. (d)(2)(iii).
8. The Central Valley Water Board may, at its election, adopt further measures in support of Lake Berryessa Resort Improvement District's efforts to upgrade its facilities. These may include the adoption of a resolution or resolutions supporting Lake Berryessa Resort Improvement District's requests for funding from the State Water Board's Water Pollution Cleanup and Abatement Account.

Therefore **IT IS FURTHER RESOLVED** that the Central Valley Water Board shall direct the Office of the California Attorney General to file an Acknowledgement of Satisfaction of Judgement for *Lake Berryessa Resort Improvement District v. California Regional Water Quality Control Board, Central Valley Region, and People of the State of California ex rel. Attorney General Edmund G. Brown and Regional Water Quality Control Board, Central Valley Region v. Lake Berryessa Resort Improvement District, Et Al.* (Sacramento County Sup. Ct. Consolidated Case Nos. 06CS00256 and 06AS01602).

This Resolution is adopted under authority delegated by the Central Valley Water Board pursuant to Resolution R5-2009-0027 and is effective upon signature.

Adam Laputz
Assistant Executive Officer
Central Valley Regional Water Quality Control Board

Date