



Central Valley Regional Water Quality Control Board

9 March 2020

Mr. Kyle Terborg
911 Lakeville St #127
Petaluma CA 94952

**CERTIFIED MAIL:
7017 3380 0000 2868 8658**

ADMINISTRATIVE CIVIL LIABILITY COMPLAINT R5-2020-0510, KYLE TERBORG – ASSESSOR PARCEL 041-430-049-000, SHASTA COUNTY

Enclosed is an Administrative Civil Liability Complaint (Complaint) issued to Mr. Kyle Terborg (Discharger) pursuant to California Water Code (Water Code) sections 13268 and 13350, which authorize the imposition of administrative civil liability, and Water Code section 13323, which authorizes the Assistant Executive Officer to issue this Complaint. The Central Valley Regional Water Quality Control Board (Central Valley Water Board) Prosecution Team alleges that the Discharger violated Cleanup and Abatement Order R5-2016-0716 (CAO). In the Complaint, the Prosecution Team recommends administrative civil liability in the amount of **one hundred ninety eight thousand, three hundred and fifty two dollars (\$198,352)**.

The Discharger has a right to a hearing before the Central Valley Water Board within 90 days of the issuance date of this Complaint. A hearing for this matter has been scheduled for the June Board meeting in Rancho Cordova, California on 4 June 2020 and 5 June 2020. Alternatively, the Discharger may waive its right to a hearing within 90 days of the issuance date of this Complaint by completing the attached Waiver Form. If the Discharger chooses to waive its right to a hearing within 90 days of this Complaint, the completed and signed Waiver Form must be received by the Central Valley Water Board by **5:00 p.m. on 7 April 2020**. The options included to waive the 90-day hearing requirement are as follows:

- 1) Pay the proposed administrative civil liability and waive your right to a hearing (Option #1 on the attached Waiver Form). If you choose to sign the waiver and pay the assessed civil liability, this will be considered a tentative settlement of the violations. The settlement will then be considered in a 30-day public comment period, where the interested parties may comment on the proposed action by submitting written comments to the Central Valley Water Board staff person listed below. The Central Valley Water Board may choose to hold a hearing on the tentative settlement. Should the Central Valley Water Board receive new information or comments during this comment period and/or at the hearing, the

KARL E. LONGLEY SCD, P.E., CHAIR | PATRICK PULUPA, ESQ., EXECUTIVE OFFICER

Central Valley Water Board may return any payments received, and issue a final Administrative Civil Liability Order based on information and facts obtained during the comment period and/or hearing. If the Central Valley Water Board does not hold a hearing on the tentative settlement, 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.

- 2) Waive the 90-day hearing requirement in order to engage in settlement discussions (Option #2 on the attached Waiver Form). If this option is chosen, the Discharger certifies that the Discharger will promptly engage with the Central Valley Water Board Prosecution Team to enter into settlement discussions. The Discharger reserves the ability to request a hearing in the future. It remains within the discretion of the Central Valley Water Board to agree to delay the hearing, and any proposed settlement is subject the conditions described under Option 1.
- 3) Ask that the hearing be postponed for reasons that must be provided (Option 3 on the attached Waiver Form). If this option is chosen, the reasons provided by the Discharger to waive the 90-day hearing requirement will be considered, however it remains within the discretion of the Central Valley Water Board to approve the extension.

If the Central Valley Water Board does not receive a signed waiver by **5:00 p.m. 7 April 2020**, a hearing will be held during the 4 June 2020 and 5 June 2020 Board meeting. This hearing will be governed by the attached Hearing Procedure, which has been approved by the Board Chair for use in adjudicating matters such as this one. Any objections to the Hearing Procedure must be received by the Primary Contacts for the Advisory Team and Prosecution Team, whose contact information is listed in the Hearing Procedure, by **5 p.m. on 7 April 2020**.

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](http://www.waterboards.ca.gov/centralvalley/board_decisions/tentative_orders/) (http://www.waterboards.ca.gov/centralvalley/board_decisions/tentative_orders/).

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

If you have any questions or would like to discuss legal aspects of the Complaint, please contact Daniel S. Kippen, Attorney, State Water Resources Control Board, Office of Enforcement at (916) 323-6848, Dan.Kippen@waterboards.ca.gov, or Heather Jidkov, Attorney, State Water Resources Control Board, Office of Enforcement at (916) 341-5163, Heather.Jidkov@waterboards.ca.gov. If you have technical questions regarding the Complaint, please contact Nathan Cullen, Environmental Scientist, Central Valley Water Board, at (530) 224-4847 or at nathan.cullen@waterboards.ca.gov.

Original signed by
Clint E. Snyder, P.G.
Assistant Executive Officer

NJC: ch

Enclosures:

Administrative Civil Liability Complaint R5-2020-0510
Attachment A: Penalty Calculations
Attachment B: Cleanup and Abatement Order R5-2016-0716
Attachment C: 20 December 2014 Inspection Report
Attachment D: 21 December 2015 Inspection Report
Attachment E: Notices of Violation (NOVs)
20 February 2015 NOV
1 February 2016 NOV
21 March 2016 NOV
26 April 2019 NOV
Waiver Form for Administrative Civil Liability Complaint
Hearing Procedure for Administrative Civil Liability Complaint
Administrative Civil Liability Fact Sheet

cc via email with attachments

Patrick Pulupa, Central Valley Water Board, Rancho Cordova
Bayley Toft-Dupuy, Office of Chief Counsel, SWRCB, Sacramento
Jessica Jahr, Office of Chief Counsel, SWRCB, Sacramento
Daniel Kippen, State Water Board, Office of Enforcement, Sacramento
Kari Holmes, Supervising Water Resources Control Engineer, Rancho Cordova
Jason Schroeder, Senior Engineering Geologist, Redding
Angela Wilson, Supervising Engineering Geologist, Redding