

NOTICE OF PUBLIC HEARING

**PROPOSED STIPULATED SETTLEMENT AGREEMENT AND
ADMINISTRATIVE CIVIL LIABILITY ORDER R7-2014-0040**

**REATA CATTLE FEEDERS, INC.
BRAWLEY, IMPERIAL COUNTY**

On November 14, 2013, the Assistant Executive Officer of the Colorado River Basin Regional Water Quality Control Board (Regional Water Board) issued Administrative Civil Liability (ACL) Complaint R7-2013-0078 (Complaint) to the Reata Cattle Feeders, Inc. (Discharger) scheduled to be heard at the January 2014 Board meeting. The Complaint alleged that the Discharger violated General Waste Discharge Requirements and General National Pollutant Discharge Elimination System (NPDES) Permit for Concentrated Animal Feeding Operations within the Colorado River Basin Region, Board Order No. R7-2008-0800 (General Order). The Complaint proposed to assess administrative civil liability in the amount of \$90,960.00. (California Water Code (Water Code), section 13385)

The Notice of Public Hearing and Hearing Procedure regarding the Complaint was provided on November 14, 2013. (Public Notice 7-13-82.) No comments were submitted to the Regional Water Board regarding the Complaint and/or potential settlement of the Complaint.

The Regional Water Board's Prosecution staff subsequently met with the Discharger (collectively, the Parties) to engage in settlement negotiations and pulled the Complaint from the January 2014 Board meeting agenda.

The Parties have agreed to settle the matter and intend to recommend at the May 8, 2014 Board meeting that the Regional Water Board adopt the proposed Stipulated Settlement Agreement as an Administrative Civil Liability Order. (Gov. Code, § 11415.60.) The Prosecution staff believes that the resolution of the alleged violations is fair and reasonable and fulfills the Prosecution staff's enforcement objectives, that no further action is warranted concerning the specific violations alleged in the Complaint except as provided in the Stipulated Settlement Agreement, and that this Stipulation is in the best interest of the people of the state of California. If the Regional Water Board adopts the proposed Stipulated Order, the Discharger will be liable for a total of \$60,000.00.

Accordingly, to resolve by consent and without further administrative proceedings all of the alleged violations set forth in the Complaint, the Discharger has agreed to pay the sum of \$30,000.00 in cash. Against the discharger's total liability of \$60,000.00, the Discharger will be credited \$30,000.00 for the costs incurred for an enhanced compliance action (ECA). The ECA qualifies as an action beyond those required by law. The Discharger is not required by the General Order or by statute or regulation to implement these more protective measures. Such improvements are an enhancement above and beyond current operations.

Additional details concerning this proposed settlement are described in the proposed Stipulated

Settlement Agreement and Order. The settlement is contingent on Regional Water Board approval. Copies of the proposed Stipulated Settlement Agreement and Order, Board Order R7-2014-0040, are available on the Regional Board's website: http://www.waterboards.ca.gov/coloradriver/board_decisions/adopted_orders/orders/2014/0040_reata_cattle.pdf

These documents are also available by request at the office of the Colorado River Basin Regional Water Board. You may also request a mailed copy of these documents by contacting Hilda Vasquez at 760-346-7491 or hilda.vasquez@waterboards.ca.gov.

The Regional Water Board will consider adopting the proposed Stipulated Settlement Agreement and Order during a Public Hearing that will commence at the time and place indicated:

Date: May 8, 2014
Time: 9:00 a.m.
Location: Colorado River Basin Regional Water Quality Control Board
73-720 Fred Waring Drive, Suite 100
Palm Desert, CA 92260

The Regional Water Board will accept written comments regarding this proposed Stipulated Settlement Agreement and Order during a thirty (30) day public comment period, which begins April 2, 2014, and ends May 1, 2014. Persons wishing to submit written comments on the proposed Stipulated Settlement Agreement and Order are requested to do so as soon as possible, but no later than May 1, 2014. Written comments may be emailed to Prosecution Staff member Jose Angel at Jose.Angel@waterboards.ca.gov or mailed to his attention at the Regional Water Board address shown above. Written comments may also be faxed to the Regional Water Board at (760) 341-6820.

Written comments submitted after May 1, 2014, will not be accepted into the record, unless allowed by the Chair of the Regional Water Board. Comments received by this date will be considered in preparation of staff recommendations to the Regional Water Board. Also, an opportunity for oral comments will be provided at the hearing, although time limits may be imposed by the Board. Please note that all exhibits, charts, graphs, and other testimony timely presented as evidence must be left with the Regional Water Board as part of the administrative record. If you have any questions regarding these documents or this matter, please contact Jon Rokke at 760-776-8959 or jrokke@waterboards.ca.gov.

Please bring this information to the attention of anyone you know to be interested in this issue.

Any person who is disabled and requires special accommodations to participate in this Public Hearing, please contact Hilda Vasquez at (760) 776-8950 no later than ten (10) days before the scheduled Public Hearing.