

NOTICE OF PUBLIC HEARING

PROPOSED SETTLEMENT AGREEMENT AND ADMINISTRATIVE CIVIL LIABILITY ORDER R7-2015-0016

CITY OF EL CENTRO EL CENTRO WASTEWATER TREATMENT FACILITY El Centro – Imperial County

On October 30, 2014, the Assistant Executive Officer of the Colorado River Basin Regional Water Quality Control Board (Colorado River Basin Water Board or Regional Water Board) issued an Administrative Civil Liability Complaint R7-2014-0063 (Complaint) pursuant to California Water Code section 13323 to the City of El Centro (Discharger), alleging that the Discharger exceeded the effluent limitations for *E. Coli*, and fecal coliform set forth in Waste Discharge Requirements (WDRs) Order R7-2009-0022. The Complaint proposes that mandatory minimum penalties in the amount of \$21,000 be imposed as required by Water Code section 13385, subdivisions (h) and (i).

The Notice of Public Hearing and Hearing Procedure regarding the Complaint was provided on October 30, 2014 (Public Notice 7-14-54). During the 30-day period following the public notice, no comments were submitted to the Colorado River Basin Water Board regarding the Complaint. The Regional Water Board's Prosecution staff subsequently met with the Discharger (collectively referred to as "the Parties") to engage in settlement negotiations.

The Discharger and the Prosecution Staff have entered into a tentative settlement to resolve any and all claims for civil liability the Regional Board has or may have against the City of El Centro, arising from or relating to the violations of the WDRs Order R7-2009-0022 alleged in Complaint R7-2014-0063. As a result, the Parties have agreed to settle the matter and intend to recommend to the Colorado River Basin Water Board at the March 12, 2015 Board meeting that it adopt the proposed Stipulated 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 Order, and that the Stipulated Order 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 **\$21,000**.

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 **\$10,500** in monetary payment to the State Water Resources Control Board Cleanup and Abatement Account within 30 days of execution of the Stipulated Order. The remaining

\$10,500, which shall be treated as a suspended penalty, shall be dedicated to a Supplemental Environmental Project (SEP). The SEP proposed by the Discharger complies with the State Water Board SEP Policy. Details concerning the settlement are described in the proposed Stipulated Order. The settlement is contingent on Regional Water Board approval. Copies of the proposed Stipulated Order, Board Order R7-2015-0016, are available on the Regional Board's website at: http://www.waterboards.ca.gov/coloradoriver/board_decisions/adopted_orders/

Under the term of the settlement, the City will pay a total of **\$10,500** to the State Water Resources Control Board Cleanup and Abatement Account no later than 30 days following the Colorado River Basin Water Board's adoption of the Stipulated Order.

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 Order during a Public Hearing that will commence at the time and place indicated:

Date: March 12, 2015
Time: 10:00 a.m.
Location: City of Brawley
Council Chambers
383 Main Street
Brawley, California

The Regional Water Board will accept written comments regarding this proposed Stipulated Order during a thirty (30) day public comment period, which begins February 4, 2015, and ends March 6, 2015. Persons wishing to submit written comments on the proposed Stipulated Order are requested to do so as soon as possible, but no later than **5:00 p.m. on March 6, 2015**. Written comments may be emailed to Prosecution Staff member Maribel Rodriguez at Maribel.Rodriguez@waterboards.ca.gov or mailed to her attention at the Colorado River Basin Water Board address shown above. Written comments may also be faxed to the Colorado River Basin Water Board at (760) 341-6820.

Written comments submitted after March 6, 2015, will not be accepted into the record, unless allowed by the Chair of the Colorado River Basin Water Board. Comments received by this date will be considered in preparation of staff recommendations to the Colorado River Basin 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 Colorado River Basin Water Board as part of the administrative record.

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.