

NOTICE OF PUBLIC HEARING

REVISED PROPOSED STIPULATED SETTLEMENT AGREEMENT AND ADMINISTRATIVE CIVIL LIABILITY ORDER R7-2016-0022

IMPERIAL IRRIGATION DISTRICT GRASS CARP HATCHERY El Centro – Imperial County

On April 13, 2016, the Interim Assistant Executive Officer of the Colorado River Basin Regional Water Quality Control Board (Colorado River Basin Water Board) issued an Administrative Civil Liability Complaint R7-2016-0021 (Complaint) pursuant to California Water Code (CWC) section 13323 to the Imperial Irrigation District (Discharger), alleging that the Discharger exceeded the effluent limitations for total suspended solids set forth in Waste Discharge Requirements (WDRs) Order R7-2010-0023. The Complaint proposes that administrative civil liability in the amount of \$111,000 be imposed as authorized by Water Code section 13385, subdivisions (h) and (i).

The Notice of Public Hearing and Hearing Procedure regarding the Complaint was provided on April 13, 2016 (Public Notice 7-16-16). During the 30-day period following the public notice, no comments were submitted to the Colorado River Basin Water Board regarding the Complaint.

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 Imperial Irrigation District, arising from or relating to the violations of the WDRs Order R7-2010-0023 alleged in Complaint R7-2016-0021. As a result, the Parties have agreed to settle the matter and intend to recommend to the Colorado River Basin Water Board at the **September 15, 2016** Board meeting that it 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.

Accordingly, to resolve by consent and without further administrative proceedings all of the alleged violations set forth in the Complaint, the Parties have agreed to the final imposition of **\$111,000** in liability against the Imperial Irrigation District pursuant to Government Code section 11415.60. The Parties have agreed that **\$63,000** of the total liability will be allocated to **three (3) SEPs as follows: SEP No. 1: IID proposes to expend \$32,000 in support of operation and maintenance activities at the Brawley constructed wetland site; SEP No. 2: IID proposes to provide funds of \$6,000 to Desert Wildlife Unlimited, Inc., to enable it to implement wetland operation and maintenance activities at the Brawley wetland site, as necessary, and to support implementation of the New River Wetlands Project education and outreach program; and SEP No. 3: IID proposes to expend \$25,000 of internal resources to support the New River Improvement Project, Calexico Area – Phase 1.** Additional details concerning this proposed settlement and these three SEPs are described in the proposed Stipulated Settlement Agreement and Order, and Attachment B, respectively. The settlement is contingent on Regional Water Board approval.

Copies of the proposed Stipulated Settlement Agreement and Order, Board Order R7-2016-0022, are available on the Regional Board's website at: http://www.waterboards.ca.gov/coloradriver/board_decisions/tentative_orders/

The parties have tentatively agreed that the Discharger shall pay a total of **\$48,000** 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 Settlement Agreement.

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: **September 15, 2016**
Time: 9:00 a.m.
Location: City of Palm Desert
Colorado River Basin Region Board Room
73-720 Fred Waring Drive, Suite 100
Palm Desert, California

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 **August 12, 2016**, and ends **September 12, 2016**. 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 **5:00 p.m. on September 12, 2016**. Written comments may be emailed to Prosecution Staff member Maribel Jernegan at Maribel.Jernegan@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 **September 12, 2016**, 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.