



California Regional Water Quality Control Board  
Central Coast Region



Linda S. Adams,  
Secretary for

Environmental Protection

895 Aerovista Place, Suite 101, San Luis Obispo, California 93401-7906  
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Arnold Schwarzenegger  
Governor

July 13, 2009

Ms. Susan Whalen  
Greka Oil & Gas, Inc.  
1660 Sinton Road  
Santa Maria, California 93458

**Certified Mail 7008 1140 0003 4708 6052**  
**Return Receipt Requested**

Dear Ms. Whalen:


**RE: REFERRAL OF FORMAL CIVIL ENFORCEMENT TO ATTORNEY GENERAL; GREKA OIL & GAS, INC., SANTA MARIA, SANTA BARBARA COUNTY**

On July 10, 2009, the Regional Water Quality Control Board, Central Coast Region (Water Board) adopted Resolution No. R3-2009-0054 (attached) requesting that the California Attorney General seek civil enforcement in state superior court against Greka Oil & Gas, Inc. (Greka) based on allegations of multiple waste discharges to waters of the State and/or waters of the United States.

Water Board staff will now implement the Board's action by formally referring this matter to the Attorney General, after which either Water Board staff or the Attorney General will contact you with information regarding forthcoming proceedings.

If you have questions concerning this action, please contact Frances McChesney, Senior Staff Counsel, State Water Resources Control Board, P.O. Box 100, Sacramento, CA, 95812; tel. (916) 341-5174 or at [fmcchesney@waterboards.ca.gov](mailto:fmcchesney@waterboards.ca.gov).

Sincerely,

  
for Roger W. Briggs  
Executive Officer

Enclosure: Resolution No. R3-2009-0054, Referral of Greka Oil & Gas, Inc., to Attorney General

**cc via electronic mail:**

Frances McChesney  
Senior Staff Counsel  
State Water Resources Control Board  
Office of Chief Counsel  
P.O. Box 100  
Sacramento, CA 95812



Christian Carrigan  
Senior Staff Counsel  
Office of Enforcement  
State Water Resources Control Board  
P.O. Box 100  
Sacramento, CA 95812

**cc via mail:**

Assembly Member Pedro Nava  
Office of Assembly Member Pedro Nava  
101 W. Anapamu St. Ste. A  
Santa Barbara, CA 93101

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U.S. Environmental Protection Agency, Region 9  
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John Holland  
Department of Fish and Game  
Office of Spill Prevention & Response  
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Santa Barbara County Planning and  
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**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL COAST REGION  
895 Aerovista Place, Suite 101  
San Luis Obispo, California**

**RESOLUTION NO. R3-2009-0054  
July 10, 2009**

**Referral of Formal Civil Enforcement to the California Attorney General  
Greka Oil & Gas, Inc.**

The Regional Water Quality Control Board, Central Coast Region ("Water Board" or "Central Coast Water Board") hereby finds:

1. Greka Oil & Gas, Inc. ("Greka") has owned, operated and/or leased oil production facilities in the Central Coast Region, Santa Barbara County, for over ten (10) years.
2. The Prosecution Staff alleges that, within the last three years, Greka has caused and/or permitted the unpermitted discharge of wastes, including, but not limited to, crude oil, produced water and residuary products of petroleum from its facilities in the Central Coast Region to waters of the State and/or waters of the United States, in violation of California Water Code ("CWC") sections 13350, 13385, and all applicable law.
3. CWC sections 13350 and 13385, respectively, allow the Water Board to request that the California Attorney General petition the superior court to impose, assess, and recover administrative civil liabilities for violations of sections 13350, 13385, and all applicable law. Under the CWC, civil liabilities imposed judicially may be higher than those imposed administratively.
4. Judicial enforcement of the CWC allows for the assessment of more appropriate maximum civil liability for Greka's violations of the CWC in this case.
5. Judicial enforcement by the California Attorney General allows a better opportunity for inter-agency coordination of enforcement efforts relating to Greka's unpermitted discharge of wastes in this case.
6. The complex factual and legal issues presented by this case are better suited for development and presentation by the California Attorney General and for judicial resolution.

7. The Water Board has provided the requisite notice to the public and to Greka so that each has had adequate opportunity to be heard at the public hearing at which this Resolution is adopted.

**THEREFORE, BE IT RESOLVED THAT:** The Central Coast Water Board hereby requests that the California Attorney General petition the superior court for an assessment of civil liability, for appropriate injunctive and declaratory relief, if any, and for any other form of relief the superior court deems necessary and proper against Greka Oil & Gas, Inc. for alleged violations of and in accordance with California Water Code sections 13350, 13385, and all applicable law.

Any person affected by this action may petition the State Water Board to review the action in accordance with section 13320 of the California Water Code and Title 23, California Code of Regulations, Section 2050. The State Board must receive the petition within 30 days of the date of this Resolution. Copies of the law and regulations applicable to filing petitions will be provided upon request.

I, Roger W. Briggs, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of a Resolution adopted by the California Regional Water Quality Control Board, Central Coast Region, on July 10, 2009.

  
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Roger W. Briggs, Executive Officer