

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL COAST REGION
895 Aerovista Place, Suite 101
San Luis Obispo, California**

**RESOLUTION NO. R3-2015-0026
July 30, 2015**

**Referral for Judicial Civil Enforcement to the California Attorney General
Regarding Refugio Oil Spill**

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

1. Plains Pipeline, LP owns and operates Line 901 (“Pipeline”) in the Central Coast Region, Santa Barbara County. Plains Marketing GP, Inc. is a general partner of Plains Pipeline, LP, and PAA GP Holdings LLC employs management and operational employees of Plains Pipeline, LP. Collectively these entities are referred to herein as “Dischargers.”
2. On May 19, 2015, a release of crude oil occurred from the Pipeline. Currently, it is estimated that approximately 100,000 gallons of crude oil released from the pipeline and approximately 20,000 gallons of that release discharged into the Pacific Ocean near Refugio State Beach in violation of California Water Code (“Water Code”) sections 13385 and/or 13350.
3. Water Code sections 13350 and 13385 allow the Water Board to request that the California Attorney General petition the superior court to impose, assess, and recover administrative civil liability for violations of Water Code sections 13385 and 13350. Under the Water Code, civil liabilities imposed judicially may be higher than those imposed administratively.
4. Judicial enforcement of the Water Code allows for the assessment of more appropriate maximum civil liability for the Dischargers’ violations of the Water Code in this case.
5. Judicial enforcement by the California Attorney General allows better inter-agency coordination of the responsible state agencies’ enforcement efforts relating to the Dischargers’ 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 Central Coast Water Board has provided the requisite notice to the public and to the Dischargers 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 the Dischargers and any other appropriate persons or entities for violations of and in accordance with California Water Code sections 13385, 13350, and all applicable law.

Any person affected by this action may petition the State Water Resources Control Board (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 Water 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, Kenneth A. Harris, Jr., 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 30, 2015.

Kenneth A. Harris, Jr., Executive Officer

Date: July 30, 2015

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