

**STATE OF CALIFORNIA
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION**

**EXECUTIVE OFFICER SUMMARY REPORT
MEETING DATE: NOVEMBER 18, 2020**

ITEM: 5

SUBJECT: **Param Dhillon and Amandeep Dhillon, Property at Assessor's Parcel Number 0052-160-090, Vallejo, Solano County –**
Hearing to Consider Adoption of Order Imposing Administrative Civil Liability for Failure to Submit Reports Required Pursuant to California Water Code Section 13267

CHRONOLOGY: The Board has not previously considered this item.

DISCUSSION: This is an enforcement action to impose civil liability for failing to submit technical reports. If adopted, the Tentative Order (Appendix A) would impose an administrative civil liability of \$80,100 against Param and Amandeep Dhillon (the Dhillons) for failing to submit two technical reports as required under Water Code section 13267: (1) a report on unauthorized activities (filling wetlands) conducted at Solano County Assessor's Parcel Number 0052-160-090 (the Property) in Vallejo due February 21, 2020; and (2) a report on delineation of the extent of wetlands at the Property due by May 8, 2020.

The Board staff have separated staff functions on this matter. Executive Officer Michael Montgomery is the head of the Advisory Team, which will advise the Board. The Advisory Team also includes Xavier Fernandez and attorney Yuri Won. Assistant Executive Officer Lisa McCann is the head of the Prosecution Team. The Prosecution Team also includes Thomas Mumley, Keith Lichten, Bill Johnson, Brian Thompson, Cleet Carlton, and Agnes Farres. They are represented by attorneys Dan Kippen and Vaneeta Chintamaneni from the State Water Resources Control Board's Office of Enforcement.

The Board's Prosecution Team proposed liability for the alleged violations using the Enforcement Policy penalty methodology as described in Administrative Civil Liability Complaint R2-2020-1028 (Complaint, Appendix B). The Complaint was sent to the Dhillons and other interested parties and posted for public comment on August 28, 2020. At the time the Prosecution Team issued its

Complaint, the report describing unauthorized activities was 190 days past due and the report delineating the extent of wetlands was 113 days past due. The proposed liability includes penalties for not submitting these reports and for costs incurred to investigate and prepare the Complaint. Since issuing the Complaint, the Prosecution Team notified the Advisory Team and the Dhillons that they propose civil liability of \$80,100 (instead of \$81,700) to correct the days of violation subject to civil liability in the Complaint. The proposed Tentative Order reflects this correction.

The Prosecution Team submitted timely evidence supporting the Complaint in Appendix C. The Prosecution Team alleges that Param and Amandeep Dhillon failed to submit the technical reports in connection with placing and grading fill in waters of the state at the Property. The Board did not issue any permits for the activity. Water Code section 13267 order required the Dhillons to submit information on the fill activities and a wetlands delineation to inform regulatory actions regarding permitting and wetland restoration.

Param and Amandeep Dhillon submitted timely evidence (Appendix D). They did not provide any written statement on the Complaint. From the evidentiary submittals from both designated parties, it appears the Dhillons believe there are no wetlands on the Property and any waters thereon are from rain or stormwater runoff from neighboring properties. (See Exhibit B of Appendix D and Exhibit 21 of Appendix C.)

Rebuttal evidence is included in Appendix E. The Prosecution Team submitted a rebuttal brief and evidence regarding Water Board authority to require technical reports and the basis for requiring technical reports from the Dhillons. The Dhillons did not submit a rebuttal.

At the hearing, the Board will hear testimony and evidence from the Prosecution Team and the Dhillons, after which the Board may affirm, reject, or modify the proposed civil liability, or refer the matter to the Office of the Attorney General.

**RECOMMEND-
ATION:**

I will have a recommendation at the close of the hearing.

SMARTS

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CIWQS Place ID:

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APPENDICES:

Attached:

- A. Tentative Order for Administrative Civil Liability
- B. Administrative Civil Liability Complaint No. R2-2020-1028 Package

Available on FTP site:***

- C. Prosecution Team Witness List and Evidence Submittal (Exhibits 1-26)
- D. Param and Amandeep Dhillon's Evidence Submittal (Exhibits A-E)
- E. Prosecution Team Rebuttal Brief and Evidence Submittal (Exhibits 27-31)

******To access these appendices on the FTP, go to:***

<https://ftp.waterboards.ca.gov/>

Login by entering the following information:

Username: rb2-ftp

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Go to folder entitled "Dhillon ACL Complaint R2-2020-1028"