

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

EXECUTIVE OFFICER SUMMARY REPORT
(Michael Montgomery)
MEETING DATE: September 8, 2021

ITEM: 7

Param and Amandeep Dhillon, Assessor's Parcel No. 0052-160-090, Solano County Hearing to Consider Resolution Authorizing Referral to Attorney General

DISCUSSION:

This Tentative Resolution (Appendix A) would refer enforcement against Param and Amandeep Dhillon (jointly, the Dischargers) to the Attorney General. Water Code section 13350, subd. (g), allows the Regional Water Board to request the Attorney General to petition the superior court to impose, assess, and recover civil liabilities for violations of cleanup and abatement orders. In addition, Water Code section 13304 authorizes the Attorney General, at the request of the Board, to seek injunctive relief requiring a person to comply with a cleanup and abatement order. Approval of the Tentative Resolution would authorize the Executive Officer to request that the Attorney General pursue judicially imposed civil liabilities and injunctive relief against the Dischargers under Water Code sections 13350 and 13304, as well to seek other relief as may be appropriate.

This hearing is for the Board to consider whether a referral is appropriate, not to determine any facts related to the enforcement case or decide its merits. Executive Officer Michael Montgomery and counsel Yuri Won will advise the Board. Matters concerning the property owned by the Dischargers, Assessor's Parcel No. 0052-160-090, Solano County (Property), may come before the Board in the future for enforcement (for example, if the Attorney General declines the referral), so the Board will not now deliberate or make a decision on potential administrative enforcement.

The Dischargers' Property comprises 7.6 acres of open space in the City of Vallejo. The Property is zoned as wetlands, with approximately five acres identified as the East Lagoon, which is a water of the State that is tributary to the Napa River and part of the White Slough. In the fall of 2019, the Dischargers authorized about 7,000 cubic yards of dirt fill to be imported and graded at their property. The Board issued the Administrative Civil Liability Order R2-2020-0030 (Appendix B) in November 2020 and the Executive Officer issued the Cleanup and Abatement Order R2-2021-1011 (Appendix C; "CAO") in May 2021. According to enforcement staff, the Dischargers have not complied with the CAO's requirements to cleanup and abate the fill discharged to waters of the State. Specifically, they did not submit an acceptable technical report (due July 1, 2021) and failed to submit a corrective action plan (due August 16, 2021). The Dischargers have also not paid their civil liability.

Enforcement staff are proposing referral to the Attorney General for judicial enforcement because it can result in coordinated enforcement, increased compliance, and higher civil liabilities. In addition, it can facilitate inter-agency

coordination of enforcement efforts with the Bay Conservation and Development Commission (BCDC), which has referred the Dischargers' failure to comply with its cease and desist order to the Attorney General.

Under Water Code section 13350, subd. (g), in order to seek judicial civil liabilities for violations of cleanup and abatement orders, the Board is required to hold a hearing, with due notice to all affected person, prior to requesting the Attorney General seek judicial civil liabilities.

We received one comment letter on the Tentative Resolution from BCDC, which supports adoption (Appendix D).

The Tentative Resolution's Recital C has been revised to fix a grammatical mistake after it was released for public comment.

APPENDICIES:

- A. Tentative Resolution
- B. Administrative Civil Liability Order No. R2-2020-0030
- C. Cleanup and Abatement Order No. R2-2021-1011
- D. Comments Received

APPENDIX A
TENTATIVE RESOLUTION

APPENDIX B

ADMINISTRATIVE CIVIL LIABILITY ORDER NO. R2-2020-0030

APPENDIX C

CLEANUP AND ABATEMENT ORDER NO. R2-2021-1011

APPENDIX D

COMMENTS RECEIVED

In accordance with Section 11546.7 of the California Government Code, an electronic version of the comment letters received has not been posted online as the letters do not meet specified accessibility standards. For an electronic copy of the comments, please contact Cleet Carlton via email to Cleet.Carlton@waterboards.ca.gov or at (510) 622-2374.