

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL VALLEY REGION

ORDER NO. R5-2005- \_\_\_\_

RATIFYING THE SETTLEMENT AGREEMENT  
BETWEEN  
CENTRAL VALLEY REGIONAL WATER QUALITY CONTROL BOARD  
AND  
HILMAR CHEESE COMPANY, INC., AND HILMAR WHEY PROTEIN, INC.  
MERCED COUNTY

Pursuant to California Water Code (CWC) Section 13323, 13350 and California Government Code Section 11415.60, the California Regional Water Quality Control Board, Central Valley Region (Regional Board) finds:

1. The Regional Water Quality Control Board, Central Valley Region, (Regional Board) has been presented with a proposed settlement of Administrative Civil Liability Complaint No. R5-2005-0501 (See Attachment I), negotiated between Regional Board's prosecution staff and Hilmar Cheese Company, Inc., and Hilmar Whey Protein, Inc (hereafter collectively "Discharger"); and
2. The Regional Board does not necessarily accept any of the assertions made in the settlement agreement, but wishes to finally resolve the matters covered therein; and
3. The Regional Board desires to conclude all disputes between the Discharger and the Regional Board; and
4. This action to adopt an Order Approving Settlement Agreement which resolves the ACL Complaint is exempt from the provisions of the California Environmental Quality Act, in accordance with Title 14, California Code of Regulations (CCR) (Enforcement Actions by Regulatory Agencies), Section 15321(a)(2), and in accordance with Title 14, CCR (Existing Facilities), Section 15301, because there is no expansion of an existing discharge; and
5. Any aggrieved person may petition the State Water Resources Control Board (State Board) to review the action in accordance with Water Code section 13320 and the State Board's regulations. The petition must be received by the State Board within 30 days of the date of this Order. Copies of the law and regulations applicable to filing petitions are available at [http://www.swrcb.ca.gov/water\\_laws/cawtrcde/wqpetition\\_instr.html](http://www.swrcb.ca.gov/water_laws/cawtrcde/wqpetition_instr.html) and will also be provided upon request.

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IT IS HEREBY ORDERED THAT:

1. The Regional Board hereby adopts Order No. R5-2005-\_\_\_\_ ratifying the Settlement Agreement, Attachment I, to be enforced according to its own terms.

I, THOMAS R. PINKOS, Executive Officer, do hereby certify that the foregoing is a full, true and correct copy of an Order adopted by the California Regional Water Quality Control Board, Central Valley Region, on \_\_ November 2005

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THOMAS R. PINKOS, Executive Officer

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ATTACHMENT I.

**SETTLEMENT AGREEMENT,  
24 October 2005**