



EDMUND G. BROWN, JR.  
GOVERNOR



MATTHEW RODRIGUEZ  
SECRETARY FOR  
ENVIRONMENTAL PROTECTION

## State Water Resources Control Board

May 17, 2012

*Via US Mail Only*

Mr. Neal Costanzo  
Costanzo & Associates  
575 E. Locust Avenue, Suite 115  
Fresno, California 93720-2928

**SUBJECT: NOTICE OF VIOLATION DATED APRIL 12, 2012**

Dear Mr. Costanzo,

The State Water Resources Control Board's Office of Enforcement represents the Central Valley Regional Water Quality Control Board (Central Valley Water Board) enforcement staff who issued Malaga County Water District the April 12, 2012, Notice of Violation (NOV). We are in receipt of your bumptious May 10, 2012, letter in response to the NOV. As you know, a NOV is not a formal enforcement action but rather a notice of an alleged instance of noncompliance with Central Valley Water Board requirements.

The cited instances of noncompliance in the April 12, 2012, NOV were identified by the staff after a comprehensive review of the file to determine whether Malaga County Water District complied with the terms of Waste Discharge Requirement Order No. R5-2008-0033 (Permit) and Cease and Desist Order No. R5-2008-0032 (CDO). The staff identified discrete categories of violation where Malaga County Water District did not comply with Central Valley Water Board directives in the Permit or the CDO. If the Central Valley Water Board staff, in consultation with the Executive Officer, decides to propose a penalty for any alleged violations, then Malaga County Water District will receive notice of an administrative civil liability hearing and an opportunity to be heard by the Central Valley Water Board that comports with all procedural due process requirements.

Please direct all legal correspondence pertaining to Malaga County Water District to my attention and to my colleague, Staff Counsel Ellen Howard, by U.S. Postal Service to the State Water Resources Control Board, Office of Enforcement, 1001 I Street, 16<sup>th</sup> Floor, Sacramento, California, 95816. You may also send correspondence via electronic mail to the following addresses: [MOkamoto@waterboards.ca.gov](mailto:MOkamoto@waterboards.ca.gov) and [EHoward@waterboards.ca.gov](mailto:EHoward@waterboards.ca.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Mayumi E. Okamoto".

Mayumi E. Okamoto  
Staff Counsel  
**Office of Enforcement**

cc: See next page.

CHARLES R. HOPPIN, CHAIRMAN | THOMAS HOWARD, EXECUTIVE DIRECTOR

1001 I Street, Sacramento, CA 95814 | Mailing Address: P.O. Box 100, Sacramento, CA 95812-0100 | [www.waterboards.ca.gov](http://www.waterboards.ca.gov)

cc: *(via email only)*

**Central Valley Regional Water Quality Control Board**

Mr. Clay Rodgers  
Assistant Executive Officer  
[CRodgers@waterboards.ca.gov](mailto:CRodgers@waterboards.ca.gov)

Mr. Lonnie Wass, Supervisor  
Non-15, NPDES, UST, Stormwater & Cleanup Section  
[LWass@waterboards.ca.gov](mailto:LWass@waterboards.ca.gov)

Mr. Warren Gross  
Senior Engineering Geologist  
Non-15, NPDES, UST, Stormwater & Cleanup Section  
[WGross@waterboards.ca.gov](mailto:WGross@waterboards.ca.gov)

Ms. Jill Walsh  
Compliance/Enforcement Monitoring Data Unit  
Non-15, NPDES, UST, Stormwater & Cleanup Section  
[JWalsh@waterboards.ca.gov](mailto:JWalsh@waterboards.ca.gov)

**State Water Resources Control Board**

Ms. Ellen Howard  
Staff Counsel  
Office of Enforcement  
[EHoward@waterboards.ca.gov](mailto:EHoward@waterboards.ca.gov)

**Maher, Renae@Waterboards**

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**From:** Maher, Renae@Waterboards  
**Sent:** Thursday, May 17, 2012 5:20 PM  
**To:** Rodgers, Clay@Waterboards; Wass, Lonnie@Waterboards; Gross, Warren@Waterboards; Walsh, Jill@Waterboards  
**Cc:** Okamoto, Mayumi@Waterboards; Howard, Ellen@Waterboards  
**Subject:** Notice of Violation dated April 12, 2012  
**Attachments:** Malaga 3-2012 NOV\_FINAL.pdf

Please find attached, a cc: of the response letter to Neal Costanzo re: Notice of Violation dated April 12, 2012.

Regards,

*Renae D. Maher*

Office of Enforcement  
State Water Resources Control Board  
1001 I Street, 16<sup>th</sup> Floor  
Sacramento, CA 95814  
916.341.5273  
[rmaher@waterboards.ca.gov](mailto:rmaher@waterboards.ca.gov)