

## **NOTICE OF PUBLIC HEARING**

### **PROPOSED STIPULATED SETTLEMENT AGREEMENT AND ADMINISTRATIVE CIVIL LIABILITY ORDER R7-2015-0017**

#### **SALTON COMMUNITY SERVICES DISTRICT Salton City – Imperial County**

On November 3, 2014, the Assistant Executive Officer of the Colorado River Basin Regional Water Quality Control Board (Colorado River Basin Water Board) issued an Administrative Civil Liability (ACL) Complaint pursuant to California Water Code (CWC) section 13323 to the Salton Community Services District (Discharger), alleging that the Discharger caused a discharge of untreated wastewater to waters of the United States in violation of: (1) Prohibition C.1 of State Water Resources Control Board Order No. 2006-0003-DWQ, *Statewide General Waste Discharge Requirements for Sanitary Sewer Systems*; or, in the alternative, (2) Section 301 of the Clean Water Act (33 U.S.C. § 1311) and CWC Section 13376. The Complaint proposes that administrative civil liability in the amount of \$19,810 be imposed as authorized by Water Code section 13350 or, in the alternative, section 13385.

The Notice of Public Hearing and Hearing Procedure regarding the Complaint was provided on November 3, 2014 (Public Notice 7-14-53). During the 30-day period following the public notice, no comments were submitted to the Colorado River Basin Water Board regarding the Complaint.

The Colorado River Basin Water Board's Prosecution Staff subsequently met with the Discharger (collectively, the Parties) to engage in settlement negotiations. As a result, the Parties have agreed to settle the matter and intend to recommend to the Colorado River Basin Water Board at the March 12, 2015 Board meeting that it adopt the proposed Stipulated Settlement Agreement as an Administrative Civil Liability Order (Gov. Code, § 11415.60.) The Prosecution Staff believes that the resolution of the alleged violations is fair and reasonable and fulfills the Prosecution Staff's enforcement objectives, that no further action is warranted concerning the specific violations alleged in the Complaint except as provided in the Stipulated Settlement Agreement, and that this Stipulation is in the best interest of the people of the state of California.

Accordingly, to resolve by consent and without further administrative proceedings all of the alleged violations of the California Water Code set forth in the Complaint, the Parties have agreed to the final imposition of \$19,810 in liability against the District pursuant to Government Code section 11415.60. Prosecution Staff calculated liability in accordance with the Water Quality Enforcement Policy as outlined in Attachment A of R7-2015-0017.

Further, consistent with the Water Quality Enforcement Policy, up to 50 percent of the total adjusted monetary assessment (i.e. total amount assessed excluding investigative and enforcement costs) can be dedicated to an Enhanced Compliance Action (ECA). The Parties have agreed that \$9,405 of the total liability will be allocated to an ECA, as described below. The District shall pay a total of \$10,405 to the State Water Resources Control Board Cleanup and Abatement Account, consisting of \$1,000 in staff costs and the balance in stipulated penalties, no later than 30 days following the Colorado River Basin Water Board's adoption of this Order. The remainder of the penalty shall be suspended and dismissed upon completion of the ECA as described below and in Attachment A. Additional details concerning this proposed settlement are described in the proposed Stipulated Settlement Agreement and Order. The settlement is contingent on Colorado River Basin Water Board approval. Copies of the proposed Stipulated Settlement Agreement and Order, Board Order R7-2014-0050, are available on the Regional Board's website at: [http://www.waterboards.ca.gov/coloradoriver/board\\_decisions/adopted\\_orders/](http://www.waterboards.ca.gov/coloradoriver/board_decisions/adopted_orders/)

These documents are also available by request at the office of the Colorado River Basin Water Board. You may also request a mailed copy of these documents by contacting Hilda Vasquez at 760-346-7491 or [hilda.vasquez@waterboards.ca.gov](mailto:hilda.vasquez@waterboards.ca.gov)

The Colorado River Basin Water Board will consider adopting the proposed Stipulated Settlement Agreement and Order during a Public Hearing that will commence at the time and place indicated:

Date: March 12, 2015  
Time: 10:00 a.m.  
Location: City of Brawley  
Council Chambers  
383 Main Street  
Brawley, CA 92227

The Colorado River Basin Water Board will accept written comments regarding this proposed Stipulated Settlement Agreement and Order during a thirty (30) day public comment period, which begins February 9, 2015, and ends March 11, 2015. Persons wishing to submit written comments on the proposed Stipulated Settlement Agreement and Order are requested to do so as soon as possible, but no later than March 11, 2015. Written comments may be emailed to Prosecution Staff member Doug Wylie at [doug.wylie@waterboards.ca.gov](mailto:doug.wylie@waterboards.ca.gov), or mailed to his attention at the Colorado River Basin Water Board address shown above. Written comments may also be faxed to the Colorado River Basin Water Board at (760) 341-6820.

Written comments submitted after March 11, 2015 will not be accepted into the record, unless allowed by the Chair of the Colorado River Basin Water Board. Comments received by this date will be considered in preparation of staff recommendations to the Colorado River Basin Water Board. Also, an opportunity for oral comments will be provided at the hearing, although time limits may be imposed by the Board. Please note that all exhibits, charts, graphs, and other testimony timely presented as evidence must be left with the Colorado River Basin Water Board as part of the administrative record. If

you have any questions regarding these documents or this matter, please contact Doug Wylie, at(760) 776-8960.

Please bring this information to the attention of anyone you know to be interested in this issue.

Any person who is disabled and requires special accommodations to participate in this Public Hearing, please contact Hilda Vasquez at (760) 776-8950 no later than ten (10) days before the scheduled Public Hearing.