



# California Regional Water Quality Control Board Central Valley Region

Karl E. Longley, Sc.D., PE, Chair



Linda S. Adams  
Secretary for  
Environmental Protection

Sacramento Main Office  
11020 Sun Center Drive #200, Rancho Cordova, California 95670-6114  
Phone (916) 464-3291 • FAX (916) 464-4645  
<http://www.waterboards.ca.gov/centralvalley>

Arnold  
Schwarzenegger  
Governor

18 March 2008

Mr. Dan Madden  
Municipal Services Director  
City of Turlock  
156 S. Broadway, Suite 270  
Turlock, CA 95380

CERTIFIED MAIL  
7007 1490 0001 7138 2279

## **ADMINISTRATIVE CIVIL LIABILITY COMPLAINT NO. R5-2008-0512 FOR ASSESSMENT OF MANDATORY MINIMUM PENALTIES, CITY OF TURLOCK WATER QUALITY CONTROL FACILITY, STANISLAUS COUNTY**

Enclosed is an Administrative Civil Liability Complaint, issued pursuant to California Water Code section 13385, for violations of Waste Discharge Requirements (WDRs) Order Nos. 95-059 and 5-01-122 (NPDES No. CA0078948) by the City of Turlock Water Quality Control Facility. The Complaint charges the City of Turlock with administrative civil liability in the amount of **two hundred sixteen thousand dollars (\$216,000)**, which represents the sum of the statutory Mandatory Minimum Penalties for effluent limitation violations that occurred at the City of Turlock's facility from 1 January 2000 through 31 December 2007. Please note that this Complaint adds two additional violations to the Attachment A draft previously sent to you to cover the time period from September through December 2007.

Pursuant to California Water Code section 13323, the City of Turlock may either pay the civil liability and waive its right to a hearing before the Regional Water Board, or may contest the complaint and exercise its right to a hearing. The City of Turlock has the right to a hearing before the Regional Water Board within 90 days of the service of this complaint. If the City of Turlock chooses to waive this right and settle the complaint without a hearing, then a duly authorized agent must sign the enclosed waiver and submit it to this office, along with a check payable to the "State Water Pollution Cleanup and Abatement Account" in the full amount of the civil liability. The waiver and payment will be considered effective pending a 30-day period, tolled from the date of this Complaint, during which time interested parties will be permitted to comment on this action.

If the Regional Water Board does not receive a waiver and a check for the full amount by **17 April 2008**, then a hearing will be scheduled for the **12/13 June 2008** Regional Water Board meeting in Rancho Cordova. If you intend to proceed to a hearing on this matter, you must submit written comments and evidence to the Regional Water Board by **17 April 2008**.

The Regional Water Board is willing to entertain proposals for Supplemental Environmental Projects (SEP) under California Water Code section 13385(l). If the City wishes to undertake an SEP in lieu of paying a portion of the penalty amount, then the City must set up a meeting

**California Environmental Protection Agency**

with the Regional Water Board **by 27 March 2008** to present the proposal for discussion. Any SEP proposal must meet the qualification criteria in the State Water Resource Control Board's Water Quality Enforcement Policy. Information on the qualification criteria can be found at <http://www.waterboards.ca.gov/plnspols/docs/wqep.doc>. Approval of any proposed SEP lies within the discretion of the Regional Water Board.

Persons wishing to comment on this action should submit written comments to the Regional Water Board **by 17 April 2008**.

If you have any questions or comments regarding the Administrative Civil Liability Complaint, please contact Barry Hilton at (916) 464-4762 or Patricia Leary at (916) 464-4623.

JACK E. DEL CONTE  
Assistant Executive Officer

Enclosure

cc: Regional Water Board Members, Rancho Cordova  
Ms. Pamela Creedon, Central Valley Water Board, Rancho Cordova  
Mr. Kenneth Greenberg, U.S. Environmental Protection Agency, Region IX, San Francisco  
Ms. Lisa Brown, CalEPA, Sacramento  
Mr. Reed Sato, Office of Enforcement, State Water Resources Control Board, Sacramento  
Ms. Lori Okun, Office of Chief Counsel, State Water Resources Control Board, Sacramento  
Ms. Carol Oz, Department of Fish and Game, Region 2, Rancho Cordova  
Stanislaus County Division of Environmental Health, Modesto  
Mr. Bill Jennings, California Sportfishing Protection Alliance, Stockton