
State Water Resources Control Board

MEMORANDUM

TO: Eileen Sobeck
Executive Director
Eileen.Sobeck@waterboards.ca.gov

FROM: Megan S. Knize
Hearing Officer
Administrative Hearings Office
AdminHrgOffice@waterboards.ca.gov

SUBJECT: Proposed Order Approving Settlement Agreement for Administrative Civil Liability Complaint Against Ciro Toma for Failure to File 2019 Annual Report (Water Right License 13783 (Application A025528) and Water Right License 455 (Application A002575))

DATE: July 7, 2021

On January 15, 2021, the State Water Board, Division of Water Rights, issued two Administrative Civil Liability Complaints (ACL Complaints) to the Respondent, Ciro Toma, for failing to file the Annual Reports associated with Water Right License 13783 (Application A025528) and Water Right License 455 (Application A002575).

Each ACL Complaint alleged the Respondent violated California Code of Regulations, title 23, section 929, by failing to file his report for 2019 diversions and use for each of his water right licenses by the April 1, 2020 deadline. Each ACL Complaint recommended the imposition of administrative civil liability in the amount of \$2,000 per violation, with the maximum potential liability for the alleged violations of \$144,500 (for a total of \$289,000).

Information on the State Water Board's eWRIMS website indicates that, on January 21, 2021, the Respondent submitted the Annual Reports for 2019 for License 13783 (A025528) and License 455 (A002575).

On February 2, 2021, the Respondent timely requested a hearing in this matter. Water Code section 1112, subdivision (a)(1), provides that an AHO hearing officer shall preside over hearings of ACL Complaints issued under Water Code section 1055.

On April 21, 2021, the AHO issued a Notice of Public Hearing in this matter. The hearing was scheduled for June 8, 2021. The AHO hearing officer's proposed order in this matter would have been issued under Water Code section 1114, subdivision (c).

On May 21, 2021, the Prosecution Team (PT) transmitted to the AHO a copy of the settlement agreement that representatives of the PT and the Respondent signed on May 20, 2021, which resolved each ACL Complaint. The PT also transmitted to the AHO the proposed order approving the settlement agreement that the PT and the Respondent had prepared. Copies of the proposed order and settlement agreement are enclosed.

Government Code section 11415.60 authorizes issuance of a decision or order pursuant to a settlement agreement. Section 5 of Board Resolution 2002-0104 authorizes the Executive Director to issue a decision or order by settlement of the parties under section 11415.60. Consistent with these legal authorities, I am transmitting the proposed order to you for your consideration, and, if it is acceptable to you, for your approval.

Encls:

2021-05-20 Toma Settlement Agreement for Water Right Licenses 13783 and 455

2021-05-20 Exhibit 1 to Toma Settlement Agreement for Water Right Licenses 13783 and 455

2021-07-07 Toma Proposed Order Approving Settlement Agreement

Cc w/encls:

Ciro Toma, Respondent
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