

Central Valley Regional Water Quality Control Board

May 25, 2016

Sent via electronic and U.S. Mail

Mr. Donald Struckmann
Department of Corrections and Rehabilitation
Office of Legal Affairs
1515 "S" Street, South, 3rd Floor, Room 301
Sacramento, CA 95811

SUBJECT: FORTHCOMING ASSESSMENT OF CIVIL LIABILITY FOR FAILURE TO COMPLY WITH CALIFORNIA WATER CODE SECTIONS 13268 & 13385, CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION, DEUEL VOCATIONAL INSTITUTION, SAN JOAQUIN COUNTY

Dear Mr. Struckmann:

This letter relates to the investigation by the Central Valley Regional Water Quality Control Board's (Central Valley Water Board) Prosecution Team and the State Water Resources Control Board's (State Water Board) Office of Enforcement regarding compliance with California's water quality laws.

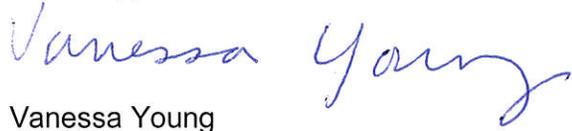
The Prosecution Team intends to issue an Administrative Civil Liability Complaint (Complaint), proposing that the Central Valley Water Board adopt a penalty for violations of Cleanup and Abatement Order R5-2015-0704 and Waste Discharge Requirements Order R5-2014-0014. Before doing so, the Prosecution Team extends the opportunity to negotiate and settle the assessment of monetary penalties.

Based on the Prosecution Team's review, and after conducting a preliminary penalty calculation pursuant to Porter-Cologne Water Quality Control Act, California Water Code, division 7, sections 13268 and 13385, the Assistant Executive Officer of the Central Valley Water Board intends to issue a Complaint for a penalty amounting to several million dollars. The proposed penalty amount was calculated considering the methodology in the State Water Board's Water Quality Enforcement Policy (Enforcement Policy) and is based on facts known to date. This proposed penalty amount is subject to modification should additional information come to light. A copy of the Enforcement Policy may be found here:
http://www.swrcb.ca.gov/water_issues/programs/enforcement/docs/enf_policy_final111709.pdf.

The Prosecution Team would like to invite the California Department of Corrections and Rehabilitation (CDCR) to meet and discuss the facts regarding the alleged violations, the specific penalty methodology factors applied, and the option of settlement. This meeting affords CDCR the opportunity to potentially reduce the proposed penalty amount if new information is presented to Central Valley Water Board staff, or other information is relevant to determining an appropriate monetary penalty. All settlement communications would be kept confidential subject to California Evidence Code sections 1152 and 1154.

To schedule a day and time to meet, please contact me on or before June 8, 2016, at (916) 327-8622, or by email at Vanessa.Young@waterboards.ca.gov. If you do not respond by this date, the Assistant Executive Officer will issue a Complaint and this matter will proceed to a formal enforcement hearing before the Central Valley Water Board.

Sincerely,



Vanessa Young
Attorney for the Prosecution Team

cc: *(via email only)*

Mr. Andrew Altevogt, Central Valley Water Board, Rancho Cordova
Ms. Wendy Wyels, Central Valley Water Board, Rancho Cordova