



Enforcement News

Central Valley Water Board Executive Officer Issues \$330,000 Penalty To The Napa Berryessa Resort Improvement District

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SACRAMENTO – The Napa Berryessa Resort Improvement District in Napa County faces penalties of \$330,000 for violations of the California Water Code and the Federal Clean Water Act. The proposed penalty has been issued because, over the last two years, the District's wastewater treatment facilities have spilled more than 10.5 million gallons of treated wastewater into Lake Berryessa.

The Executive Officer of the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has issued the \$330,000 Administrative Civil Liability (ACL) Complaint to the Napa Berryessa Resort Improvement District for violating the California Water Code and Federal Clean Water Act, as well as for violations of the Waste Discharge Requirements (WDRs) and three Cease and Desist Orders.

During the winters of 2010 and 2011, the District's facilities spilled approximately 10.5 million gallons of treated wastewater to Lake Berryessa over a period of 224 days. The spills occurred because the District does not have enough winter storage or disposal capacity. The Central Valley Water Board has issued three Cease and Desist Orders (in 1996, 2006, and 2010) requiring the District to construct upgraded facilities to ensure that it can store and dispose of all its wastewater on land, and prevent all wastewater from entering surface waters.

The maximum penalty that could be assessed under the California Water Code for the violations is more than \$107 million. The minimum penalty that may be assessed under the California Water Code is estimated to be \$285,000.

The California Water Code allows discretion in the assessment of penalties. The Executive Officer based the penalty amount on the District's ability pay the penalty and still construct upgrades to the facility.

The Central Valley Water Board is a California state agency responsible for the preservation and enhancement of quality in water resources. The Board may consider the complaints at its regular public meeting on November 30 through December 2, 2011.

This complaint is available for public review on the Central Valley Water Board's website at http://www.waterboards.ca.gov/centralvalley/board_decisions/tentative_orders/. Public comments are due by October 6, 2011.