

**STATE OF CALIFORNIA
REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL COAST REGION**

ADVISORY STAFF REPORT FOR REGULAR MEETING OF DECEMBER 10, 2009
Prepared on November 19, 2009

ITEM NUMBER: 7

**SUBJECT: Administrative Civil Liability Order No. R3-2009-0064,
Pacifico Azul, Inc., Watsonville, Monterey County**

KEY INFORMATION

Discharger: Pacifico Azul, Inc.
Location: Farming Operation near Watsonville, Monterey County
Discharge Type: Discharge Associated with Irrigated Agriculture
Existing Order: Regional Water Board Order No. R3-2004-0117, *Conditional Waiver of Waste Discharge Requirement for Discharges from Irrigated Lands (Irrigated Ag Order)*
This Action: Consider Administrative Civil Liability Order

SUMMARY

On December 11, 2007, the Assistant Executive Officer, on behalf of the Central Coast Water Board's enforcement staff, issued Administrative Civil Liability Complaint No. R3-2007-0101 (Complaint) to Pacifico Azul (Discharger), owned and/or operated by Ms. Rebecca Bozarth. The Complaint alleged that the Discharger violated the Irrigated Agriculture Order by failing to submit a report of waste discharge or notice of intent to comply with the Order. The Complaint recommended that the Water Board assess civil liability in the amount of \$9,136 against the Discharger. Attached to this report are documents submitted to the advisory staff by the enforcement staff, including an enforcement staff report and their brief with attachments; Discharger's comments, arguments, and evidence (if submitted in time); and a draft Administrative Civil Liability Order. At the hearing the Water Board will consider whether to adopt an Administrative Civil Liability Order and may increase or decrease the amount or decline to adopt the Order. The advisory staff will present its evaluation and recommendation at the hearing.

Note that this item is an adjudicatory proceeding subject to separation of functions of Water Board staff. Roger Briggs, Executive Officer, and Frances McChesney, Senior Staff Counsel, are on the Advisory Staff. Michael Thomas, Assistance Executive Officer, Harvey Packard, Todd Stanley, and Yvonne West are on the Enforcement Staff. The Enforcement Staff and Pacifico Azul are parties to this matter. Communications between the Advisory Staff or Water Board members and the parties to this matter are prohibited unless they involve matters of procedure or practice not in controversy.

ATTACHMENTS

1. Draft Administrative Civil Liability Order No. R3-2009-0064
2. Enforcement Staff Brief w/attachments
3. Discharger's Written Comments, Arguments, and Evidence (if provided)