

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

ORDER NO. R5-2006- ____

RATIFYING THE 10 FEBRUARY 2006 SETTLEMENT AGREEMENT
BETWEEN
CENTRAL VALLEY REGIONAL WATER QUALITY CONTROL BOARD
AND
HILMAR CHEESE COMPANY, INC., AND HILMAR WHEY PROTEIN, INC.
MERCED COUNTY

Pursuant to California Water Code (CWC) Section 13323, 13350 and California Government Code Section 11415.60, the California Regional Water Quality Control Board, Central Valley Region (Regional Board) finds:

1. The Regional Water Quality Control Board, Central Valley Region, (Regional Board) has been presented with a revised version of the proposed settlement of Administrative Civil Liability Complaint No. R5-2005-0501 (See Attachment I), negotiated between Regional Board's prosecution staff and Hilmar Cheese Company, Inc., and Hilmar Whey Protein, Inc (hereafter collectively "Discharger"); and
2. The 10 February 2006 Settlement Agreement supersedes the Settlement Agreement of 24 October 2005, and is intended to address the concerns raised by this Regional Board and the public at the Regional Board's public meeting on 29 November 2005; and
3. The Regional Board does not necessarily accept any of the assertions made in the 10 February 2006 Settlement Agreement, but wishes to finally resolve the matters covered therein; and
4. The Regional Board desires to conclude all existing disputes between the Discharger and the Regional Board; and
5. This action to adopt an Order ratifying the 10 February 2006 Settlement Agreement which resolves the ACL Complaint is exempt from the provisions of the California Environmental Quality Act, in accordance with Title 14, California Code of Regulations (CCR) (Enforcement Actions by Regulatory Agencies), Section 15321(a)(2), and in accordance with Title 14, CCR (Existing Facilities), Section 15301, because there is no expansion of an existing discharge; and
6. Any aggrieved person may petition the State Water Resources Control Board (State Board) to review the action in accordance with Water Code section 13320 and the State Board's regulations. The petition must be received by the State Board within 30

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days of the date of this Order. Copies of the law and regulations applicable to filing petitions are available at http://www.waterboards.ca.gov/wqpetitions/wqpetition_instr.html and will also be provided upon request.

IT IS HEREBY ORDERED THAT:

1. The Regional Board hereby ratifies the 10 February 2006 Settlement Agreement, Attachment II, to be enforced according to its own terms.

I, PAMELA CREEDON, Executive Officer, do hereby certify that the foregoing is a full, true and correct copy of an Order adopted by the California Regional Water Quality Control Board, Central Valley Region, on __ March 2005

PAMELA CREEDON, Executive Officer

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ATTACHMENT I.

**Administrative Civil Liability Complaint
No. R5-2005-0501**

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ATTACHMENT II.

**Settlement Agreement,
10 February 2006**