



Central Valley Regional Water Quality Control Board

9 March 2012

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Karl Kurka
Environmental Program Manager
Department of General Services
City of Sacramento
5730 24th Street
Sacramento, CA 95822

Certified Mail
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Douglas Daggs, Trustee
Sylvia Dellar Survivor's Trust
P.O. Box 971
925 North Lake Boulevard, Suite B-301
Tahoe City, CA 96145-0987

ADMINISTRATIVE CIVIL LIABILITY COMPLAINT R5-2012-0516, DELLAR TRUST PROPERTY, SACRAMENTO COUNTY

Enclosed is an Administrative Civil Liability Complaint (Complaint), issued pursuant to California Water Code (CWC) sections 13350 and 13268. The Complaint alleges that the Sylvia Dellar Survivor's Trust and the City of Sacramento (Dischargers) violated Cleanup and Abatement Order R5-2008-0705 by failing to submit technical reports and complete construction of the closure cover of the Dellar Trust Property, and recommends an administrative civil liability in the amount of **one hundred sixty four thousand seven hundred ninety six dollars (\$164,796)**.

The Discharger may:

- Pay the proposed administrative civil liability and waive its right to a hearing (Option #1 on the attached waiver form);
- Ask that the hearing be postponed to facilitate settlement discussions or for other reasons (Options #2 or #3 on the attached waiver form); or
- Contest the Complaint and/or enter into settlement discussions without signing the enclosed waiver.

If the Central Valley Water Board does not receive a signed waiver by **9 April 2012**, a hearing will be scheduled for the **7/8 June 2012** Board meeting in Rancho Cordova. This hearing will be governed by the attached Hearing Procedure, which has been approved by the Board Chair for use in adjudicating matters such as this one. Any objections to the Hearing Procedure must be received by David Coupe, whose contact information is listed in the Hearing Procedure, by **5 p.m. on 19 March 2012**.

If the Discharger chooses to sign the waiver and pay the assessed civil liability, this will be considered a tentative settlement of the violations. The settlement will be considered final pending a 30-day public comment period, starting from the date this Complaint is issued.

KARL E. LONGLEY ScD, P.E., CHAIR | PAMELA C. CREEDON, EXECUTIVE OFFICER

11020 Sun Center Drive #200, Rancho Cordova, CA 95670 | www.waterboards.ca.gov/centralvalley

Interested parties may comment on the proposed action during this period by submitting written comments to the Central Valley Water Board staff person listed below. Should the Central Valley Water Board receive new information or comments during this comment period, the Executive Officer may withdraw the Complaint, return payment, and issue a new complaint. If the Central Valley Water Board does not hold a hearing on the matter, and if the terms of the final settlement are not significantly different from those proposed in the enclosed Complaint, then there will not be additional opportunities for public comment on the proposed settlement.

In order to conserve resources, this letter transmits paper copies of the documents to the Discharger only. Interested persons may download the documents from the Central Valley Water Board's Internet website at:

http://www.waterboards.ca.gov/centralvalley/board_decisions/tentative_orders/.

Copies of these documents can also be obtained by contacting or visiting the Central Valley Water Board's office weekdays between 8:00 AM and 5:00 PM.

If you have any questions or comments regarding the Administrative Civil Liability Complaint, please contact Todd Del Frate at (916) 464-4737 or tdelfrate@waterboards.ca.gov.

WENDY S. WYELS, Supervisor
Compliance and Enforcement Section

Enclosure: ACL Complaint R5-2012-0516
Hearing Procedure
Waiver Form

cc w/o enc: Kenneth Landau, Central Valley Water Board, Rancho Cordova
David Coupe, Office of Chief Counsel, SWRCB, Sacramento
David Boyers, Office of Enforcement, SWRCB, Sacramento
Gerald R. Hicks, City Attorney's Office, City of Sacramento, Sacramento
Jeffory J. Scharff, Esq., Sacramento

tad/wsw: 9 Mar-12