MEMORANDUM

TO: Eileen Sobeck
Executive Director
Eileen.Sobeck@waterboards.ca.gov

FROM: Alan B. Lilly
Presiding Hearing Officer
Administrative Hearings Office
AdminHrgOffice@waterboards.ca.gov

SUBJECT: Proposed Order on Sacramento County ACL Complaint
Water Right License 11844 (Application A025985)

DATE: August 5, 2020

On July 1, 2019, the State Water Board, Division of Water Rights ("Division"), issued an Administrative Civil Liability ("ACL") Complaint under Water Code section 1055, alleging that the Respondent, Sacramento County, failed to file an Annual Water Diversion and Use Report for 2018 diversions and use under the above water-right license by the April 1, 2019 deadline. The ACL Complaint alleged that the Respondent violated California Code of Regulations, title 23, section 929 and recommended the imposition of administrative civil liability in the amount of $2,000. The ACL Complaint stated that the maximum potential liability for the alleged violations was $45,000.

Information on the State Water Board's eWRIMS website indicates that, on July 9, 2019, Respondent submitted an annual report for diversions and use during 2018 under the above water-right license.

In a letter dated July 23, 2019, the Respondent requested a hearing in this matter. Water Code section 1112, subdivision (a)(1), provides that an AHO hearing officer shall preside over hearings of ACL Complaints issued under Water Code section 1055.

On April 9, 2020, the AHO issued a Notice of Public Hearing in this matter. The hearing was scheduled for June 19, 2020. The AHO hearing officer's proposed order in this matter would have been issued under Water Code section 1114, subdivision (c).

On June 17, 2020, the Division of Water Rights Prosecution Team ("PT") transmitted to the AHO a copy of the settlement agreement that the PT and the Respondent had signed, which resolved the ACL Complaint. On July 14, 2020, the PT transmitted to the AHO the proposed order approving the settlement agreement that the PT and the Respondent had prepared. Copies of the settlement agreement and proposed order are enclosed. (On page 2 of the proposed order, in the first sentence of section 3.0, I changed "June 16" to "June 17," because the settlement agreement is dated June 17, 2020. This is the only change I made to the proposed order.)

The issuance of a decision or order pursuant to a settlement agreement is authorized by Government Code section 11415.60. Section 5 of Board Resolution 2002-0104 authorizes the Executive Director to issue a decision or order by settlement of the parties under section 11415.60. Consistent with these legal authorities, I am transmitting the proposed order to you for your consideration, and, if it is acceptable to you, for your approval.

Encls:

2020-06-17 Sacramento County and Prosecution Team Settlement Agreement
2020-07-14 Sacramento County and Prosecution Team Proposed Order

Cc w/encls:

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