



Central Valley Regional Water Quality Control Board

9 March 2020

Mr. David Waite, Managing Member
(And Agent for Service of Process)
Hanover Properties, LLC
702 Mangrove Ave #177
Chico, CA 95926

**CERTIFIED MAIL:
7017 3380 0000 2868 8634**

Hanover Properties, LLC
125 West Third Street, Suite 200
Chico, CA 95928

**CERTIFIED MAIL:
7017 3380 0000 2868 8641**

ADMINISTRATIVE CIVIL LIABILITY COMPLAINT R5-2020-0505, HANOVER PROPERTIES, LLC – ASSESSOR PARCEL NUMBER (APN) 061-540-052-000 & 061-540-060-000, BUTTE COUNTY

Enclosed is an Administrative Civil Liability Complaint (Complaint) issued to Hanover Properties, LLC (Discharger) pursuant to California Water Code (Water Code) sections 13268 and 13350, which authorize the imposition of administrative civil liability, and Water Code section 13323, which authorizes the Assistant Executive Officer to issue this Complaint. The Central Valley Regional Water Quality Control Board (Central Valley Water Board) Prosecution Team alleges that the Discharger violated Cleanup and Abatement Order R5-2015-0741 (CAO). In the Complaint, the Prosecution Team recommends administrative civil liability in the amount of **one hundred, ninety-three thousand, and eighty-eight dollars (\$193,088)**.

The Discharger has a right to a hearing before the Central Valley Water Board within 90 days of the issuance date of this Complaint. A hearing for this matter has been scheduled for the June Board meeting in Rancho Cordova, California on 4 June 2020 and 5 June 2020. Alternatively, the Discharger may waive its right to a hearing within 90 days of the issuance date of this Complaint by completing the attached Waiver Form. If the Discharger chooses to waive its right to a hearing within 90 days of this Complaint, the completed and signed Waiver Form must be received by the Central Valley Water Board by **5:00 p.m. on 7 April 2020**. The options included to waive the 90-day hearing requirement are as follows:

- 1) Pay the proposed administrative civil liability and waive your right to a hearing (Option #1 on the attached Waiver Form). If you choose to sign the waiver and pay the assessed civil liability, this will be considered a tentative settlement of the

KARL E. LONGLEY SCD, P.E., CHAIR | PATRICK PULUPA, ESQ., EXECUTIVE OFFICER

violations. The settlement will be considered in a 30-day public comment period, during which interested parties may comment on the proposed action by submitting written comments to the Central Valley Water Board staff person listed below. The Central Valley Water Board may choose to hold a hearing on the tentative settlement. Should the Central Valley Water Board receive new information or comments during this comment period and/or at the hearing, the Central Valley Water Board may return any payments received, and issue a final Administrative Civil Liability Order based on information and facts obtained during the comment period and/or hearing. If the Central Valley Water Board does not hold a hearing on the tentative settlement, 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.

- 2) Waive the 90-day hearing requirement in order to engage in settlement discussions (Option #2 on the attached Waiver Form). If this option is chosen, the Discharger certifies that the Discharger will promptly engage with the Central Valley Water Board Prosecution Team to enter into settlement discussions. The Discharger reserves the ability to request a hearing in the future. It remains within the discretion of the Central Valley Water Board to agree to delay the hearing, and any proposed settlement is subject the conditions described under Option 1.
- 3) Ask that the hearing be postponed for reasons that must be provided (Option #3 on the attached Waiver Form). If this option is chosen, the reasons provided by the Discharger to waive the 90-day hearing requirement will be considered, however it remains within the discretion of the Central Valley Water Board to approve the extension.

If the Central Valley Water Board does not receive a signed waiver by **5:00 p.m. 7 April 2020**, a hearing will be held during the 4 June 2020 and 5 June 2020 Board meeting. 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 the Primary Contacts for the Advisory Team and Prosecution Team, whose contact information is listed in the Hearing Procedure, by **5 p.m. on 7 April 2020**.

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](http://www.waterboards.ca.gov/centralvalley/board_decisions/tentative_orders/) (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 on weekdays between 8:00 AM and 5:00 PM.

If you have any questions or would like to discuss legal aspects of the Complaint, please contact Heather Jidkov, Attorney, State Water Resources Control Board, Office

of Enforcement at (916) 341-5163 or at heather.jidkov@waterboards.ca.gov. If you have technical questions regarding the Complaint, please contact Michael Parker, Engineering Geologist, Central Valley Water Board, at (530) 224-3216 or at michael.parker@waterboards.ca.gov.

Original signed by

Clint E. Snyder, P.G.
Assistant Executive Officer

MPP: ch

Enclosures:

Administrative Civil Liability Complaint R5-2020-0505
Attachment A: Penalty Calculations
Attachment B: Cleanup and Abatement Order R5-2015-0741
Attachment C: 4 May 2016 Notice of Violation and Associated 29 February 2016
Compliance Inspection
Attachment D: 3 May 2019 Notice of Violation
Waiver Form for Administrative Civil Liability Complaint
Hearing Procedures
ACL Fact Sheet

cc via email with attachments

Patrick Pulupa, Central Valley Water Board, Rancho Cordova
Bayley Toft-Dupuy, Office of Chief Counsel, SWRCB, Sacramento
Jessica Jahr, Office of Chief Counsel, SWRCB, Sacramento
Heather Jidkov, State Water Board, Office of Enforcement, Sacramento
Kari Holmes, Supervising Water Resources Control Engineer, Rancho Cordova
Jason Schroeder, Senior Engineering Geologist, Redding
Angela Wilson, Supervising Engineering Geologist, Redding