

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION**

NOTICE OF PUBLIC HEARING AND OPPORTUNITY TO COMMENT

**TENTATIVE CEASE AND DESIST ORDER NO. R5-2023-XXXX
AND**

**SETTLEMENT AGREEMENT AND STIPULATION FOR ENTRY OF
ADMINISTRATIVE CIVIL LIABILITY ORDER NO. R5-2023-0505**

**IN THE MATTER OF
DAVID BARROSO
MARK BARROSO
JOE AND RENEE BARROSO DAIRY, LP
MERCED COUNTY**

The Central Valley Regional Water Quality Control Board (Central Valley Water Board) is considering the adoption of both a tentative stipulated Cease and Desist Order (CDO) R5-2023-XXXX and a Settlement Agreement and Stipulation for Entry of Administrative Civil Liability Order R5-2023-0505 (ACLO) for the Joe and Renee Barroso Dairy (Dairy), which is currently regulated under the Reissued Dairy General Order No. R5-2013-0122 (Reissued General Order). The Central Valley Water Board is accepting written comments on the two tentative Orders, as described below, and is scheduled to consider adoption of the two tentative Orders at its regularly scheduled Board Meeting on 22/23 June 2023.

The tentative CDO describes multiple violations of the Reissued General Order and requires immediate compliance with the Reissued General Order. The tentative CDO requires the Dairy to take actions to address deficiencies, including, the submittal of technical reports, according to a prescribed time schedule. These actions are necessary to achieve compliance with the Reissued General Order and prevent further violations.

The tentative ACLO consists of a settlement agreement between the Dairy and the Central Valley Water Board's Prosecution Team to address liability associated with the failure to submit annual reports as required pursuant to the Reissued General Order. To resolve the violations described in the tentative ACLO without formal administrative proceedings, the parties have agreed to settle the matter and agreed to the imposition of forty-two thousand three hundred and fifty-three dollars (\$42,353). This penalty was calculated in accordance with the State Water Resources Control Board's Water Quality Enforcement Policy and its penalty calculation methodology, which is described in Attachment A to the tentative ACLO. The penalty calculations are reliant upon the adoption of the tentative ACLO.

Document Availability

A copy of the tentative Orders, and all attachments are available for download and review from the Central Valley Water Board's website at:

[Tentative Orders | California State Water Resources Control Board](https://www.waterboards.ca.gov/centralvalley/board_decisions/tentative_orders/#mercedco)

(https://www.waterboards.ca.gov/centralvalley/board_decisions/tentative_orders/#mercedco)

In the alternative, interested persons may contact Bryan Botsford to obtain a copy of the tentative Order and related documents. Copies of these documents can also be obtained by contacting or visiting the Central Valley Water Board's office at 11020 Sun Center Drive, #200, Rancho Cordova, California, 95670-6114, (916) 464-3291, weekdays between 8:00 a.m. and 5:00 p.m.

Submission of Written Comments

The Central Valley Water Board is accepting written comments on the tentative Orders. Any written comments or evidence you have concerning the tentative CDO or ACLO must be submitted to this office by **5:00 p.m. on 22 May 2023**. Absent a showing of good cause and lack of prejudice to other parties, the Board Chair may exclude comments and evidence received after this deadline. (Cal. Code of Regs., tit. 23, § 648.4.)

Interested persons may submit written comments on either or both tentative Orders during the public comment period by e-mail to the attention of Bryan Botsford at bryan.botsford@waterboards.ca.gov. All comments timely received will be provided to the Central Valley Water Board, or its delegate, for consideration as part of the adoption process.

Notice of Public Hearing

A public hearing concerning this matter will be held during the Central Valley Water Board meeting at the following date, time, and location:

DATE: 22/23 June 2023
TIME: 9:00AM
PLACE: Regional Water Quality Control Board
11020 Sun Center Drive, Suite 200
Rancho Cordova, CA 95670

During the hearing, the Central Valley Water Board will accept public comment and consider whether to accept or reject the tentative Orders.

ANY PERSON DESIRING TO RECEIVE FUTURE NOTICES ABOUT CHANGES TO THE DATE, TIME, LOCATION, OR FORMAT OF THE PUBLIC HEARING SHOULD SIGN UP FOR THE [LYRIS E-MAIL LIST](https://www.waterboards.ca.gov/resources/email_subscriptions/reg5_subscribe.html) AT

(https://www.waterboards.ca.gov/resources/email_subscriptions/reg5_subscribe.html)

Additional information on participating in the public hearing can be found on the [Regional Board Meeting Calendar webpage](https://www.waterboards.ca.gov/centralvalley/board_info/meetings/)

(https://www.waterboards.ca.gov/centralvalley/board_info/meetings/).

[The final meeting agenda](http://www.waterboards.ca.gov/centralvalley/board_info/meetings/)

(http://www.waterboards.ca.gov/centralvalley/board_info/meetings/) will be available at least 10 days before the meeting. The agenda will provide the specific date the Board Meeting will be held for this item, indicate the anticipated order of all agenda items, and may include staff revisions to the proposed order.

[The Procedures Governing Central Valley Water Board Meetings](http://www.waterboards.ca.gov/laws_regulations/)

(http://www.waterboards.ca.gov/laws_regulations/) may be found at Title 23, California Code of Regulations, Section 647 et seq. and are available upon request. Hearings before the Central Valley Water Board are not conducted pursuant to Government Code section 11500 et seq.

[Information on Meeting and Hearing Procedures](http://www.waterboards.ca.gov/centralvalley/board_info/meetings/mtgprocd.shtml)

(http://www.waterboards.ca.gov/centralvalley/board_info/meetings/mtgprocd.shtml) is available on the Central Valley Water Board's website or by contacting any one of the Central Valley Water Board's offices. Questions regarding such procedures should be directed to Ms. Janelle Brown at (916) 464-4745.

The hearing facilities will be accessible to persons with disabilities. Individuals requiring special accommodation are requested to contact Ms. Maria Lovato at (916) 464-4620 at least 5 working days prior to the meeting. TTY users may contact the California Relay Service at 1-800-735-2929 or voice line at 1-800-735-2922.

Please bring the above information to the attention of anyone you know who would be interested in this matter.

Contact Information

Anyone having questions regarding the hearing item should contact Bryan Botsford at (916) 464-4739 or bryan.botsford@waterboards.ca.gov .

ROBERT BUSBY, M.S., P.G., C.E.G

Supervising Engineering Geologist