



EDMUND G. BROWN JR.  
GOVERNOR



MATTHEW RODRIGUEZ  
SECRETARY FOR  
ENVIRONMENTAL PROTECTION

**State Water Resources Control Board**

**MAR 26 2013**

CERTIFIED MAIL NO. 7004-2510-0003-9146-6752  
Return Receipt Requested

Ms. Carol Anderson-Ward  
14300 Jackson Road  
Rancho Murieta, CA 95683

Dear Ms. Anderson-Ward:

**ORDER ISSUING ADMINISTRATIVE CIVIL LIABILITY COMPLAINT FOR FAILURE TO FILE 2010 ANNUAL WATER USE REPORT FOR LICENSE 11117 BY JULY 1, 2011, COSUMNES RIVER IN SACRAMENTO COUNTY**

Enclosed is a copy of Administrative Civil Liability (ACL) Order WR 2013-0016-DWR issued to Carol Anderson-Ward, pursuant to California Water Code section 1845 and the authority granted to me by State Water Resources Control Board (State Water Board) Resolution 2012-0029. On September 13, 2012, the State Water Board sent a letter providing Carol Anderson-Ward notice and opportunity to request a hearing on the ACL Complaint alleging Carol Anderson-Ward's violation of Order WR 2012-0014-DWR and failure to file the 2010 annual water use report for License 11117 by July 1, 2011.

Carol Anderson-Ward did not submit a hearing request on the ACL Complaint or accept the conditional offer of settlement by returning the signed acceptance and waiver form and remitting the expedited payment amount. The period for doing so expired 20 days following receipt of the ACL Complaint. Therefore, Carol Anderson-Ward should immediately:

- 1) Remit full payment of \$5,000 within 30 days from the date of the ACL Order.

If you have any questions concerning this matter, please contact Mr. Andrew Tauriainen at (916) 341-5445 or at [Andrew.Tauriainen@waterboards.ca.gov](mailto:Andrew.Tauriainen@waterboards.ca.gov).

Sincerely,

James W. Kassel, Assistant Deputy Director  
Division of Water Rights

Enclosure:

- Administrative Civil Liability Order with Exhibit A

ec: Please see next page.

CHARLES R. HOPPIN, CHAIRMAN | THOMAS HOWARD, EXECUTIVE DIRECTOR

1001 I Street, Sacramento, CA 95814 | Mailing Address: P.O. Box 100, Sacramento, CA 95812-0100 | [www.waterboards.ca.gov](http://www.waterboards.ca.gov)

ec: John O'Hagan, Manager  
Enforcement Section  
Division of Water Rights

Cris Carrigan, Director  
Office of Enforcement

Andrew Tauriainen  
Senior Staff Counsel  
Office of Enforcement



STATE OF CALIFORNIA  
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY  
STATE WATER RESOURCES CONTROL BOARD

**DIVISION OF WATER RIGHTS**

**ORDER WR 2013-0016-DWR**

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**ADMINISTRATIVE CIVIL LIABILITY**

For Violation of Order WR 2012-0014 DWR and Violation of Annual Reporting Requirements by

**Carol Anderson-Ward**

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SOURCE: Cosumnes River, Unnamed Stream

COUNTY: Sacramento

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Assistant Deputy Director James W. Kassel, Division of Water Rights, through authority delegated by the State Water Resources Control Board (State Water Board), hereby issues an Administrative Civil Liability (ACL) Order against Carol Anderson-Ward. On September 13, 2012, the Division of Water Rights issued an ACL Complaint against Anderson-Ward (Exhibit A attached), which is hereby incorporated by reference as part of this Order.

**THE STATE WATER BOARD, OR ITS DELEGEE, FINDS AS FOLLOWS:**

1. On September 13, 2012, the Assistant Deputy Director of the Division of Water Rights issued an ACL Complaint against Carol Anderson-Ward, which proposes to collect \$25,000 from Carol Anderson-Ward for the alleged violation of Order WR 2012-0014-DWR, a Cease and Desist Order (CDO) issued on July 3, 2012, by the Assistant Deputy Director for Water Rights, pursuant to California Water Code section 1834 and authority delegated pursuant to State Water Resources Control Board Resolution 2012-0029, for violation of annual reporting requirements and failure to file the required report of water use for 2010 by the requested deadline.
2. Pursuant to California Water Code section 7, the State Water Board is authorized to delegate authority to the Deputy Director of Water Rights. State Water Resources Control Board Resolution No. 2012-0029 (Resolution) delegates some of the State Water Board's authority to the Deputy Director for Water Rights. Section 4.9.2 of the Resolution authorizes the Deputy Director to issue an Order imposing administrative civil liability when a complaint has been issued and no hearing has been requested in the period provided by California Water Code section 1055. Section 4.9.2 of the Resolution allows this authority to be redelegated to the Assistant Deputy Director for Water Rights.
3. No hearing was requested within 20 days of issuance of the ACL Complaint in accordance with California Water Code section 1055(b). California Water Code section 1055(c) and Resolution No. 2012-0029 authorize the Assistant Deputy Director to issue an ACL Order for \$25,000, the amount proposed in the September 13, 2012, ACL Complaint. However, following issuance of the Complaint, Carol Anderson-Ward submitted information to the Division of Water Rights describing the unique circumstances which led to her failure to file, namely, the fact that most other water rights in the area are managed by a third party and the oversight which led to the



failure to file here. That information, coupled with Ms. Anderson-Ward's prompt filing, leads the Assistant Deputy Director to conclude that \$5,000 is a more appropriate penalty here. Accordingly, the Assistant Deputy Director hereby issues this final ACL Order imposing liability of \$5,000.

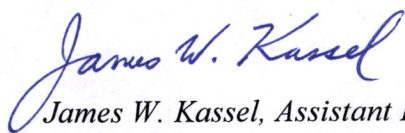
**IT IS HEREBY ORDERED THAT:**

1. The ACL Complaint attached hereto as Exhibit A is fully incorporated herein and made part of this Order.
2. In adopting this Order, the State Water Board, or its delegee, has considered all relevant circumstances, including but not limited to those specifically identified in the ACL Complaint, as required by California Water Code section 1055.3, in determining that Anderson-Ward shall be assessed the civil liability of \$5,000.
3. Carol Anderson-Ward shall remit, within 30 days of the date of this Order, a cashier's check or money order payment of the full penalty of \$5,000 to:

State Water Resources Control Board  
Division of Water Rights  
Enforcement Section  
P.O. Box 2000  
Sacramento, CA 95812-2000

4. Fulfillment of Carol Anderson-Ward's obligations under this Order will constitute full and final satisfaction of any and all liability for each of the alleged violations specifically identified in this Order. The State Water Board reserves the right to take further future enforcement for any future violations.
5. The Assistant Deputy Director is authorized to seek recovery of the liability imposed as authorized by California Water Code section 1055.4, or refer this matter to the Office of Attorney General for further enforcement action if Carol Anderson-Ward fails to comply with remitting payment of the full penalty within 30 days of the date of this Order.

STATE WATER RESOURCES CONTROL BOARD



*James W. Kassel, Assistant Deputy Director  
Division of Water Rights*

Dated:

**MAR 26 2013**



# EXHIBIT A

STATE OF CALIFORNIA  
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY  
STATE WATER RESOURCES CONTROL BOARD

## ADMINISTRATIVE CIVIL LIABILITY COMPLAINT

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In the Matter of Violation of Annual Reporting Requirements by

**Carol Anderson-Ward**

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SOURCE: Consumes River, Unnamed Stream

COUNTY: Sacramento

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### YOU ARE HEREBY GIVEN NOTICE THAT:

1. Carol Anderson-Ward (referred to herein as Licensee) is alleged to have violated Order WR 2012-0014-DWR, a Cease and Desist Order (CDO) issued on July 3, 2012, by the Assistant Deputy Director for Water Rights pursuant to California Water Code section 1834 and authority delegated pursuant to State Water Resources Control Board (State Water Board) Resolution 2012-0029.
2. Water Code section 1845, subdivision (b)(1), provides that the State Water Board may administratively impose civil liability in an amount not to exceed \$1,000 for each day in which the violation occurs. Water Code section 1845, subdivision (b)(3) provides that civil liability may be imposed administratively by the State Water Board pursuant to Water Code section 1055.
3. Water Code section 1055, subdivision (a), provides that the Executive Director for the State Water Board may issue a complaint to any person or entity to whom administrative civil liability (ACL) may be imposed. On June 5, 2012, the Executive Director delegated this authority to the Deputy Director for Water Rights. Pursuant to State Water Board Resolution 2012-0029, the Deputy Director for Water Rights is authorized to issue an order imposing an ACL when a complaint has been issued and no hearing has been requested within 20 days of receipt of the complaint. State Water Board Resolution 2012-0029 also authorizes redelegation of this authority from the Deputy Director for Water Rights to the Assistant Deputy Director for Water Rights. This authority has been redelegated.

### ALLEGATIONS

4. Senate Bill X7-8, which was signed into law in 2009, authorized the State Water Board to adopt regulations requiring online reporting of water diversions. Consistent with the Senate Bill, the State Water Board has adopted regulations requiring annual reporting of water diversion and use under permits and licenses, and developed a new online Report Management System (RMS) as a component of the enhanced Water Right Information Management System (eWRIMS). The regulation specifying annual permittee and licensee reporting requirements is codified at Title 23, Chapter 2.7, Article 2, sections 925 and 929 of the California Code of Regulations.



5. In February 2011, the Division mailed out an initial notice to the Licensee notifying of: the recent annual use reporting change, instructions on how to access the RMS system and submit, at a minimum, the 2010 use report online. The Licensee was also notified that if they had any questions on the new reporting process, they could contact the Division by phone or email. The deadline to submit the 2010 use report online was July 1, 2011.
6. In September 2011, the Division started to mail delinquency letters, which also included a copy of the February 2011 letter, to all the Licensees who had not submitted the 2010 use report by July 1, 2011. The delinquency letter provided notice that failure to submit the annual use report was a violation of the terms and conditions of the applicable license and/or Chapter 2, Article 20, section 847 of the California Code of Regulations, and that continued failure to submit the annual use report may result in enforcement action by the State Water Board.
7. On May 23, 2012, the Division, having not received the Licensee's 2010 annual use report, issued a draft CDO requiring Licensee to submit the 2010 annual use report within 20 days of receipt of the draft CDO, and/or request a hearing to contest the notice as provided by Water Code section 1834(a).
8. The United States Postal Service confirmed receipt of the draft CDO on June 12, 2012 at 3:33 p.m. via certified mail (Certificate No. 70042510000391460064). The deadline to submit the 2010 annual use report and/or request a hearing was 11:59 p.m. on July 3, 2012.
9. As of July 3, 2012, 21 days after confirmed receipt of the draft CDO, the Division had not received the 2010 annual use report or a request for hearing, and proceeded with finalizing the draft CDO by way of Order WR 2012-0014-DWR.
10. Order WR 2012-0014-DWR was mailed on July 3, 2012 by certified mail (Certificate No. 70042510000391465410) with reported delivery on July 17, 2012 at 2:28:00 p.m.
11. As of September 7, 2012, 65 days after the July 3, 2012 final CDO was issued, the Division has not received Licensee's 2010 annual use report.

#### PROPOSED CIVIL LIABILITY

12. Licensee failed to submit the required 2010 Annual Use report by July 1, 2011. The Division issued a draft CDO on May 23, 2012 requesting compliance within 20 days of receipt. Having not received the 2010 annual use report within the 20-day period, the Division issued the final CDO on July 3, 2012. California Water Code section 1845(b)(1) provides that the State Water Board may administratively impose civil liability in an amount not to exceed \$1,000 for each day in which the violation occurs.
13. As of September 7, 2012, Licensee has been in violation of the Final CDO for 65 days.
14. Based on the days of violation described in the previous paragraph, the potential maximum liability for the violations alleged is \$65,000 (65 days at \$1000/day).
15. In determining the appropriate amount of a civil liability, California Water Code section 1845, subdivision (c), requires that the State Water Board consider all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the nature and persistence of the violation, the length of time over which the violation occurs, and the corrective action, if any, taken by the violator.



16. In this case, no annual use report was filed despite three notifications (one in February 2011, one in September 2011, and the third through the May 23, 2012 draft CDO).
17. Having taken into consideration all relevant circumstances, including but not limited to those specifically recited above, the Division recommends the imposition of \$25,000 in administrative civil liability (Proposed Liability).

#### **CONDITIONAL SETTLEMENT OFFER**

18. To promote resolution of the alleged annual use filing violations, the Division makes the following conditional settlement offer (Conditional Offer). Carol Anderson-Ward can avoid further enforcement action and settle the alleged failure to file the annual use violations by agreeing to comply with the terms of the Conditional Offer, provided below, as well as in the *Acceptance of Conditional Settlement Offer and Waiver of Right to Hearing or Reconsideration (Acceptance and Waiver)* enclosed hereto as Exhibit "A."
19. The Conditional Offer requires Carol Anderson-Ward to pay an expedited payment amount (Expedited Payment Amount) of \$2,000, simultaneously file the required 2010 annual use report electronically and waive the right to a hearing and reconsideration of the alleged violations.
20. To accept the Conditional Offer, Carol Anderson-Ward must sign and return the Acceptance and Waiver along with the Expedited Payment Amount and electronically file the required annual use report for 2010 within 20 days of receipt of this complaint.
21. If there are extenuating circumstances that Carol Anderson-Ward would like to discuss, such as an inability to pay the Expedited Payment Amount, then Carol Anderson-Ward may contact the Division's Enforcement Section Manager with that information as soon as possible but no later than the 20 days from receipt of this complaint.

#### **RIGHT TO HEARING**


22. Carol Anderson-Ward may request a hearing on this matter before the State Water Board. Any such request for hearing must be received or postmarked within 20 days of the date that this notice is received. (Water Code, sec. 1055, subd. (b).)
23. If Carol Anderson-Ward requests a hearing, Carol Anderson-Ward will have an opportunity to be heard and to contest the allegations in this complaint and the imposition of an ACL by the State Water Board. If a hearing is requested, separate notice setting the time and place for the hearing will be mailed not less than 10 days before the hearing date. The Division may convene a settlement conference prior to noticing a hearing date.
24. If Carol Anderson-Ward requests a hearing, the State Water Board will consider at the hearing whether to impose the civil liability, and if so, whether to adjust the proposed liability within the amount authorized by statute. Based on the evidence received at the hearing, the State Water Board may take any appropriate action in accordance with sections 100, 275, and 1050 et seq. of the Water Code and/or its responsibilities under the public trust doctrine. Any State Water Board order imposing an ACL shall be final and effective upon issuance.
25. If Carol Anderson-Ward does not wish to request a hearing within 20 days of receipt of this complaint, Carol Anderson-Ward shall electronically file the 2010 annual use report using the State Water Board's website, waive her rights to a hearing and reconsideration of this matter, and remit a cashier's check or money order for the Expedited Payment Amount set forth in paragraph 19 above, to:



State Water Resources Control Board  
Division of Water Rights  
Attn : Enforcement Section  
P.O. Box 2000  
Sacramento, CA 95812-2000

- 26. If Carol Anderson-Ward does not remit the Acceptance and Waiver, the Expedited Payment Amount, electronically file the 2010 annual use report using the State Water Board's website, nor request a hearing within 20 days of the date this complaint is received, then the State Water Board will issue a final ACL Order and seek recovery of the liability imposed as authorized by Water Code section 1055.4.

STATE WATER RESOURCES CONTROL BOARD

  
James W. Kassel, Assistant Deputy Director  
Division of Water Rights

Dated:

RIGHT TO HEARING

Carol Anderson-Ward may request a hearing on this matter before the State Water Board. Any such request for hearing must be received or postmarked within 20 days of the date that the notice is received. (Water Code section 1055.4(d).)

If Carol Anderson-Ward requests a hearing, Carol Anderson-Ward will have an opportunity to be heard and to controvert the allegations in this complaint and the imposition of an ACL. If the State Water Board, if a hearing is requested, separate notice setting the time and place for the hearing will be mailed not less than 10 days before the hearing date. The Division may convene a settlement conference prior to holding a hearing date.

If Carol Anderson-Ward requests a hearing, the State Water Board will consider at the hearing whether to impose the civil liability, and so whether to seek the expedited liability within the amount authorized by statute. Based on the evidence received at the hearing, the State Water Board may take any appropriate action in accordance with sections 100.1, 100.2, and 100.3 of the Water Code under its responsibilities under the public trust doctrine. Any State Water Board order imposing an ACL shall be final and effective upon issuance.

If Carol Anderson-Ward does not wish to request a hearing within 20 days of the date of this complaint, Carol Anderson-Ward shall electronically file the 2010 annual use report using the State Water Board's website, with a request for a hearing and reconsideration of this matter, and request a cashier's check or money order for the Expedited Payment Amount set forth in paragraph 19 above, to