



EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

San Francisco Bay Regional Water Quality Control Board

November 17, 2014
CIWQS Place ID 732668 (HTK)

*Certified Mail No.
Return Receipt Requested*

California Water Service Company
Attn: Mr. Dale Gonzales, Environmental
Affairs Manager
1720 North First Street
San Jose, CA 95112-4598

Email: dgonzales@calwater.com

**Subject: Administrative Civil Liability Complaint R2-2014-1030
for Unauthorized Chlorinated Water Discharge to Polhemus and San Mateo
Creeks, San Mateo, San Mateo County**

Dear Mr. Gonzales:

The enclosed Complaint R2-2014-1030 (Complaint) proposes to assess a \$3,060,700 administrative civil liability (ACL) against California Water Service Company (Cal Water). This liability is based on the allegation that Cal Water discharged 8,207,560 gallons of chlorinated potable water from October 25 through October 29, 2013, to waters of the State and the United States in violation of Water Code sections 13376 and 13243.

Cal Water can respond to the Complaint by appearing before the Regional Water Board at a public hearing to contest the matter or by signing a waiver to pursue other options.

1. The Complaint can be contested before the Regional Water Board at the following meeting:

Date/Time: February 11, 2015, commencing at 9:00 a.m.
Place: First Floor Auditorium, Elihu Harris Building
1515 Clay Street, Oakland

At this meeting, the Regional Water Board will consider whether to impose administrative civil liability (as proposed in the Complaint or for a different amount), decline the administrative civil liability, or refer the matter to the Attorney General for judicial enforcement at a public hearing.

Please refer to the enclosed Public Notice and Hearing Procedure for the Complaint and the ACL Fact Sheet for additional information about the Regional Water Board's process, hearing procedure, and important deadlines (for submitting comments or evidence, obtaining

designated party status, waiving or postponing a hearing, making objections or rebuttals to evidence, etc.).

2. The public hearing that has been scheduled (above) can be waived to pursue one of the following options:
 - a. Pay the liability as proposed in the Complaint;
 - b. Request more time and postpone the date of the public hearing;
 - c. Promptly engage in settlement discussions with the Regional Water Board Prosecution Team;
 - d. Propose a Supplemental Environmental Project (SEP), where partial payment of the penalty may be deferred towards completion of an environmental project (see the enclosed SEP Policy for more information on such projects).

The enclosed Waiver Form describes these options in further detail, and it also provides the deadline for submitting an SEP proposal (if this option is selected). To pursue one of these options, **the Waiver must be signed, dated, and received by Ms. Yuri Won (a representative of the Regional Water Board Advisory Team) with a copy to the Prosecution Team contact listed below no later than 5:00 p.m. on December 17, 2014. It is at the discretion of the Regional Water Board Advisory Team to either accept or deny a waiver request.**

For more information about SEPs and the project selection and proposal approval process, please contact Athena Honore of the San Francisco Estuary Project (SFEP) at (510) 622-2325 or ahonore@waterboards.ca.gov. To see examples of current and completed projects, visit SFEP's website <http://www.sfestuary.org/projects/list.php>.

If you wish to communicate directly with the Prosecution Team regarding the Complaint, please contact Habte Kifle at (510) 622-2371 or hkifle@waterboards.ca.gov.

Please refer to the letterhead for our mailing address and fax number.

Sincerely,



Dyan C. Whyte
Assistant Executive Officer

Enclosures: ACL Complaint R2-2014-1030
Waiver Form for ACL Complaint R2-2014-1030
Public Notice and Hearing Procedure for ACL Complaint R2-2014-1030
Administrative Civil Liability Fact Sheet
State Water Resources Control Board Policy on Supplemental Environmental
Projects, February 3, 2009.

Copy to: Regional Water Board Lyris Enforcement email list
 Regional Water Board Advisory and Prosecution Teams
 Cris Carrigan, State Water Board, Office of Enforcement
 Zack Walton, Cal Water Legal Counsel, zack@sslawfirm.com
 Lori Schectel, SFPUC, lschectel@sflower.org
 James Ober, CDFW, jober@wildlife.ca.gov
 Nicholas Call, NOAA, Nicholas.call@noaa.gov