



California Regional Water Quality Control Board

Central Coast Region



Alan C. Lloyd Ph D
Secretary for
Environmental
Protection

Arnold Schwarzenegger
Governor

Internet Address: <http://www.waterboards.ca.gov/centralcast>
895 Aerovista Place, Suite 101, San Luis Obispo, California 93401
Phone (805) 549-3147 • FAX (805) 543-0397

November 21, 2005

Mr. Jeffery A. Gopp
Gilroy Unified School District
7810 Arroyo Circle.
Gilroy, CA 95020

Certified Mail 7004 2510 0002 5555 7633

HEARING NOTICE: ADMINISTRATIVE CIVIL LIABILITY COMPLAINT FOR FAILURE TO SUBMIT GENERAL INDUSTRIAL STORM WATER PERMIT ANNUAL REPORT; GILROY UNIFIED SCHOOL DISTRICT, GILROY, SANTA CLARA COUNTY, W DID# 3 43I019389

Dear Mr. Gopp:

Enclosed is an Administrative Civil Liability Complaint (Complaint No. R3-2006-0010) issued by the Executive Officer of the Central Coast Regional Water Quality Control Board for failure to submit an Annual Report as Required by the General Industrial Storm Water Permit.

Should Gilroy Unified School District choose to waive its right to a public hearing, an authorized agent must sign the waiver form attached to the Complaint, and return it to the Regional Board no later than February 10, 2006. Should a hearing be necessary, it will occur on February 10, 2006, in the City of Salinas. At that time the Regional Board will hear public testimony and decide whether to affirm the action of the Executive Officer as described in the Complaint, or refer the matter for judicial civil action.

Please note that comments and other written submissions are due by 5 pm on Friday, January 6, 2006. Written material received after the due date will not be provided to Board members or become part of the record, unless the Chair rules that exclusion would create a severe hardship and that no party (including Central Coast Water Board staff) will be prejudiced by the late submission. The Chair will rule at or before the hearing. Late submissions that consist of evidence (as opposed to policy statements or comments) will generally be deemed prejudicial unless all designated parties have time to consider the evidence before the meeting.

Should you have questions, please contact Todd Stanley at (805) 542-4769.

Sincerely,

Roger W. Briggs
Executive Officer

Enclosure: Complaint No. R3-2006-0010

cc: Lori Okun, State Water Resources Control Board, Office of Chief Counsel

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Item No. 26 Attachment No. 1
February 9-10, 2006 Meeting
ACL Order for Gilroy USD



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CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
 CENTRAL COAST REGION

In the matter of:

Gilroy Unified School District
 7810 Arroyo Circle
 Gilroy, CA 95020
 WDID# 3 43I019389

Complaint No. R3-2006-0010

Administrative Civil Liability

For

Violations of California Water Code

Section 13399.33

Storm Water Permit Violations

YOU ARE HEREBY GIVEN NOTICE THAT:

1. Gilroy Unified School District (8067 Swanston Lane, Gilroy, Monterey County), is alleged to have violated provisions of law for which the California Regional Water Quality Control Board, Central Coast Region (hereinafter, Water Board), may impose civil liability pursuant to Section 13399.33 of the California Water Code (CWC).
2. Unless waived, a hearing on this matter will be held before the Water Board during a public meeting on February 10, 2006, that begins at 8:30a.m., in Salinas, California. You and/or your representative(s) will have an opportunity to be heard and to contest the allegations in this Complaint and the imposition of civil liability by the Water Board. An agenda for the hearing will be mailed to you not less than ten days before the hearing date.
3. At the hearing, the Water Board will consider whether to affirm or increase the proposed administrative liability, or whether to refer the matter to the Attorney General for recovery of judicial civil liability, or any other action appropriate as a result of the hearing.
4. The State of California has adopted a General Permit for Storm Water Discharges Associated with Industrial Activity, Water Quality Order No. 97-03-DWQ, NPDES No. CA000001 (General Permit). The General Permit requires facilities to submit a Notice of Intent (NOI) to comply with the General Permit if the facility presents an exposure threat to storm water runoff as prescribed by the General Permit.
5. On January 18, 2005, Gilroy Unified School District (hereinafter Discharger) filed an NOI to comply with the terms of the General Permit. By filing an NOI, the Discharger agrees to comply with all terms of and conditions of the General Permit, which includes submittal of an annual report to the Water Board.

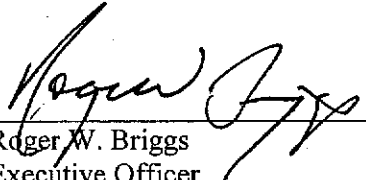
California Environmental Protection Agency



6. The General Permit requires the Discharger to submit an annual report to the Water Board by July 1st of each year. On August 10, 2005, the Water Board issued a Notice of Violation for failure to submit the annual report as required by California Water Code (CWC) Section 13399.31. On September 14, 2005, the Water Board issued a second Notice of Violation to the Discharger as required by CWC Section 13399.31. More than 30 days have passed since the second Notice of Violation.
7. The Discharger is in violation of the General Permit and California Water Code Section 13399.31 for failure to submit an annual report, and is subject to penalties put forth in California Water Code Section 13399.33
8. Section 13399.33(c) of the California Water Code provides that a person that fails to submit an annual report in accordance with Section 13399.31 shall be civilly liable in an amount that is not less than \$1,000.

Recommended Civil Liability: Based on the mandatory minimum liability requirement of California Water Code Section 13399.33(c), the Executive Officer recommends civil liability be imposed in the amount of \$1,000.

WAIVER OF A HEARING: The Discharger may waive the right to a hearing. If the Discharger wishes to waive the right to a hearing, please sign the attached waiver and return it, along with a check in the amount of \$1,000 (payable to the State Water Resources Control Board, Cleanup and Abatement Account). If you have any questions please contact Mr. Todd Stanley, at (805) 542-4769, or the Water Board counsel, Ms. Lori Okun, at (916) 341-5165.


Roger W. Briggs
Executive Officer

12-15-05
Date

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**PROCEDURAL INFORMATION
FOR
ADMINISTRATIVE CIVIL LIABILITY COMPLAINT
HEARING AND PAYMENT**

HEARING

Unless you waive your right to a hearing, a hearing on this matter will be held before the Water Board within 90 days of receipt of this administrative civil liability (ACL) complaint. You or your representatives will have the opportunity to be heard and to contest the allegations in the ACL complaint and the imposition of civil liability by the Water Board. A Water Board meeting is scheduled for:

February 10, 2006 at 8:30 a.m.
Salinas City Council Chambers
200 Lincoln Avenue
Salinas, CA 93901

The Water Board may conduct your hearing at any time during the meeting. At the hearing, the Water Board will consider whether to accept or increase the amount of the proposed administrative civil liability.

WAIVER OF HEARING AND PAYMENT OF CIVIL LIABILITY

You may waive your right to a hearing. If you wish to waive your right to the hearing, you or a duly authorized person must check and sign the attached WAIVER OF HEARING form and pay the civil liability amount specified on the ACL complaint. Make a check or money order payable to "Regional Water Quality Control Board" and write the ACL complaint number on your check to assure correct crediting of your account. Do not send cash. Send your PAYMENT and WAIVER OF HEARING form to:

California Regional Water Quality Control Board
Central Coast Region
895 Aerovista Place, Suite 101
San Luis Obispo, CA 93401-7906

A duly authorized person is defined as a principal executive officer of at least the level of vice president in a corporation, a general partner or the proprietor in a partnership or sole proprietorship, a principal executive officer or ranking elected official in a public agency, or a duly authorized representative.

If full PAYMENT and a signed WAIVER OF HEARING form are not received in this office within 21 days of the scheduled hearing, the matter will be placed on the Water Board's agenda for a hearing as stated above. If full PAYMENT and a signed WAIVER OF HEARING form are received in this office prior to the hearing, the hearing will not be held, and the violation will be resolved.

WAIVER OF HEARING

- By checking this box, I agree to waive my right for a hearing before the Regional Board with regard to the violations alleged in Administrative Civil Liability Complaint No. R3-2006-0010. Also, I agree to remit payment for the civil liability proposed. I understand that I am giving up my right to be heard, and to argue against the allegations made by the Executive Officer in this ACL complaint, and against the imposition of the amount of civil liability proposed.

Date

Discharger



California Regional Water Quality Control Board

Central Coast Region



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December 15, 2005

CERTIFIED MAIL 7004 1350 0002 2200 6983

Mr. Jeffery A. Gopp
Gilroy Unified School District
7810 Arroyo Circle
Gilroy, CA 95020

ADMINISTRATIVE CIVIL LIABILITY COMPLAINT FOR FAILURE TO SUBMIT GENERAL INDUSTRIAL STORM WATER PERMIT ANNUAL REPORT; GILROY UNIFIED SCHOOL DISTRICT, GILROY, SANTA CLARA COUNTY, WDID# 3 43I019389

Dear Mr. Gopp:

On November 21, 2005, staff mailed you a hearing notice regarding Administrative Civil Liability Complaint No. R3-2006-0010. This letter transmits the correct attachment to our November 21st letter.

If you have questions, please contact Todd Stanley at (805) 542-4769, or tstanley@waterboards.ca.gov, or Harvey Packard at 542-4639.

Sincerely,

Roger W. Briggs
Executive Officer

Enclosure: Administrative Civil Liability Complaint No. R3-2006-0010

cc: Lori Okun, State Water Resources Control Board, Office of Chief Counsel

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