



**California Regional Water Quality Control Board**  
**Central Coast Region**



Alan C. Lloyd Ph D  
 Secretary for  
 Environmental  
 Protection

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 895 Acrovista Place, Suite 101, San Luis Obispo, California 93401  
 Phone (805) 549-3147 • FAX (805) 543-0397

Arnold Schwarzenegger  
 Governor

November 21, 2005

Mr. Jon Lorensen  
 Alisal Union School District  
 1205 E. Market Street  
 Salinas, CA 93905

Certified Mail 7004 2510 0002 5555 7640

**HEARING NOTICE: ADMINISTRATIVE CIVIL LIABILITY COMPLAINT FOR FAILURE TO SUBMIT GENERAL INDUSTRIAL STORM WATER PERMIT ANNUAL REPORT; ALISAL UNION SCHOOL DISTRICT, SALINAS, MONTEREY COUNTY, WDID# 3 27I017971**

Mr. Lorensen:

Enclosed is an Administrative Civil Liability Complaint (Complaint No. R3-2004-0011) issued by the Executive Officer of the Central Coast Regional Water Quality Control Board (Water Board) for failure to submit an Annual Report as required by the General Industrial Storm Water Permit.

Should Alisal Union 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 Water 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 Water 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. R3-2006-0011

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

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*California Environmental Protection Agency*



Item No. 27 Attachment No. 1  
 February 9-10, 2006 Meeting  
 ACL Order for Alisal USD



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Protection

# California Regional Water Quality Control Board

## Central Coast Region



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### CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD

#### CENTRAL COAST REGION

In the matter of:

Alisal Union School District

1205 E. Market Street

Salinas, CA 93905

WDID# 3 27I017971

Complaint No. R3-2006-0011

Administrative Civil Liability

For

Violations of California Water Code

Section 13399.33

Storm Water Permit Violations

#### YOU ARE HEREBY GIVEN NOTICE THAT:

1. Alisal Union School District (1205 E. Market Street, Salinas, 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 Regional Board during a public meeting on February 10, 2006 that begins at 8:30 a.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 March 6, 2003, Alisal Union 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 this General Permit, which includes submittal of an annual report to the Water Board.

*California Environmental Protection Agency*



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6. The General Permit requires the Discharger to submit an annual report to the Water Board by July 1 of each year. On August 10, 2005 the Water Board issued a Notice of Violation for failure to submit this report as required by California Water Code (CWA) 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

11-24-05  
Date

**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 Regional 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 Regional Board. A hearing is tentatively scheduled for:

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

At the hearing, the Regional 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. R3-2006-0011. 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