

**STATE OF CALIFORNIA
REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL COAST REGION**

STAFF REPORT FOR REGULAR MEETING OF DECEMBER 4-5, 2008

Prepared on November 12, 2008

ITEM NUMBER: 13

SUBJECT: Administrative Civil Liability Order No. R3-2008-0030, Gilroy Unified School District, Santa Clara County

KEY INFORMATION

Discharger: Gilroy Unified School District
Location: 850 Day Road, Gilroy
Discharge Type: Stormwater Associated with Construction Activity
Existing Order: State Water Resources Control Board Order No. 99-08-DWQ, National Pollutant Discharge Elimination System (NPDES) Permit No. CAS000002, *Waste Discharge Requirements for Discharges of Stormwater Runoff Associated with Construction Activity (Permit)*
This Action: Consider Administrative Civil Liability Order

SUMMARY

On June 25, 2008, the Assistant Executive Officer, on behalf of the Central Coast Water Board's prosecution team, issued Administrative Civil Liability Complaint No. R3-2008-0030 (Complaint) to the Gilroy Unified School District (Discharger). The Complaint alleged that the Discharger violated its waste discharge requirements by discharging large but unknown quantities of sediment-laden stormwater from its construction site to Lions Creek (tributary to Llagas Creek and the Pajaro River). The prosecution team contended the discharger did not use appropriate Best Management Practices (BMPs) to control, reduce, or eliminate the flow of sediment from the site to waters of the state, and did not develop a site-specific Storm Water Pollution Prevention Plan (SWPPP). The Complaint proposed that the Discharger be assessed civil liability in the amount of \$250,000.

On September 18, 2008, the Water Board's advisory team circulated a notice of public hearing and no parties objected to the terms of the hearing notice. (Attachment 2). The hearing notice requires that the designated parties—the Discharger, the Gilbane Company, and the Water Board's prosecution staff—submit their written documentary evidence and exhibits and all legal and technical arguments or analysis to the advisory staff by November 14, 2008. Those materials will be provided to the Water Board in a supplemental mailing.

Attached to this staff report are the Complaint, the notice of public hearing, a draft ACL order, and a letter from California State Assembly Member Anna Caballero.

The advisory staff will present its evaluation and recommendation at the hearing.

ATTACHMENTS

1. ACL Complaint No. R3-2008-0030
2. Notice of Public Hearing
3. Draft Administrative Civil Liability Order No. R3-2008-0030
4. July 3, 2008 letter from Assembly Member Anna Caballero to Advisory Staff Counsel, Frances McChesney

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