



# California Regional Water Quality Control Board

## San Francisco Bay Region



Linda S. Adams  
Secretary for  
Environmental Protection

1515 Clay Street, Suite 1400, Oakland, California 94612  
(510) 622-2300 • Fax (510) 622-2460  
<http://www.waterboards.ca.gov/sanfranciscobay>

Arnold Schwarzenegger  
Governor

September 19, 2008  
CIWQS place ID 720722 (LMT)

*Personal Delivery to Discharger Representative*

California Department of Transportation  
Attn: Mr. Bijan Sartipi  
District 4 Director  
P.O. Box 23360  
Oakland, CA 94612

**Subject: Administrative Civil Liability under Water Code Section 13385 and 13271**

Dear Mr. Sartipi:

Enclosed is Complaint No. R2-2008-0064 for an administrative civil liability in the amount of \$248,000. The Complaint alleges that the California Department of Transportation (Caltrans) violated general discharge prohibitions contained in the Caltrans Statewide Storm Water Permit Order No. 99-06-DWQ, NPDES No. CAS000003 (Statewide Permit) by discharging raw sewage and turbid water to waters of the State and Waters of the United States.

Caltrans also violated discharge prohibitions of the San Francisco Bay Basin Water Quality Control Plan, by discharging raw sewage and turbid water to waters of the State and Waters of the United States.

The Complaint describes the alleged violations in detail. As discussed below, you may be allowed to spend up to \$124,000 on a supplemental environmental project (SEP) that is acceptable to the Assistant Executive Officer.

We plan to bring this matter to the Water Board at its November 12, 2008, meeting. Caltrans has the following options:

1. Caltrans can appear before the Water Board at the meeting to contest the matter. Written comments and evidence shall be submitted by the deadline indicated below and in accordance with the process set forth in the attached Public Notice. At the meeting, the Water Board may impose an administrative civil liability in the amount proposed or for a different amount, decline to seek civil liability, or refer the case to the Attorney General for judicial enforcement.
2. Caltrans can waive the right to a hearing to contest the allegations contained in the Complaint by paying the civil liability in full or undertaking an acceptable SEP of up to the amount indicated above and paying the remainder of the civil liability, all in accordance with the procedures and limitations set forth in the waiver attached to the Complaint.

*Preserving, enhancing, and restoring the San Francisco Bay Area's waters for over 50 years*

The deadline for submittal of a waiver or written comments is October 20 2008, at 5 p.m. If Caltrans waives its right to a hearing, Caltrans must mail and fax to 510 622-2460 a copy of the signed waiver to the attention of Laurie Taul. If you chose the option of undertaking an acceptable SEP, the SEP proposal must be received by October 31, 2008. If you have any questions regarding the ACL Complaint, please contact Ms. Taul at 510 622-2508 or [ltaul@waterboards.ca.gov](mailto:ltaul@waterboards.ca.gov).

Also as described in the attached draft hearing notice, to help ensure the fairness and impartiality of this proceeding, the functions of Water Board staff who will act in a prosecutorial role by presenting evidence for consideration by the Regional Water Board (Prosecution Staff) have been separated from those who will provide advice to the Water Board (Advisory Staff). Comments on the draft notice including the proposed procedures are due on October 3, 2008 to Bruce Wolfe, the Water Board's advisor on this matter. If you have any questions about or objections to the hearing procedures presented in the hearing notice, please contact Yuri Won, Advisory Staff Counsel at (510) 622-2491 or [ywon@waterboards.ca.gov](mailto:ywon@waterboards.ca.gov).

Sincerely,

Thomas E. Mumley  
Assistant Executive Officer

Enclosures: ACL Complaint No. R2-2008-0064  
SEP Information  
Proposed Public Hearing Notice

Copy to: interested parties and standard list R-1E