



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

Notice of Public Hearing To Consider Administrative Civil Liability for Dr. Collin Mbanugo Alameda County

Complaint Amount and Allegations

The San Francisco Bay Regional Water Board (Regional Water Board) Assistant Executive Officer has issued an administrative civil liability complaint (Complaint) proposing a civil liability of \$200,000 against Dr. Collin Mbanugo (Discharger) for failing to submit technical reports required in a letter from the Executive Officer dated December 16, 2005.

Hearing to be Held

The Regional Water Board will hold a hearing on the Complaint as follows:

Date and Time: September 10, 2008, 9:00 a.m.

Place: Auditorium, 1515 Clay Street, Oakland

Discharger May Waive Hearing

No hearing will be held if the Discharger waives its right to a hearing and agrees to pay the proposed civil liability as set forth in the Complaint, provided no significant public comments are received during the public comment period. At the hearing, the Regional Water Board may affirm, reject, or modify the proposed civil liability, or refer the matter to the Attorney General for judicial enforcement.

Hearing Procedures are Legally Determined

This will be an adjudicatory hearing before the Regional Water Board. The procedures governing such hearings are located in Title 23 of the California Code of Regulations, § 648 et seq.

Any persons objecting to the hearing procedures set forth herein must do so in writing by August 11, 2008, to Alan D. Friedman at 1515 Clay Street, Suite 1400, Oakland, CA 94612.

Participation in the Hearing

The Board staff members who will be involved in this matter have been separated into two groups. One group consists of members of the Groundwater Protection Division to the Board (the "prosecution team") together with Dorothy Dickey, an attorney with the State Water Board's Office of Chief Counsel and who advises the Board on unrelated matters. The prosecution team will appear as a party before the Board. They have had (and will have had) no communication with Board members on this matter outside of the public hearing.

A separate group of staff will advise the Board on this matter. That group (the “advisory team”) consists of a technical staff member to be determined, as well as an attorney from the State Water Board’s Office of Chief Counsel. Both the staff member and the attorney have had no contact with the prosecution team on this matter.

Other than prosecutorial staff, participants at the hearing are either designated as “parties” or “interested persons”. Designated parties to the hearing may present evidence and cross-examine witnesses. Designated parties are subject to cross-examination. Interested persons may make any comments to the Board, but may not offer factual evidence. Interested persons will not be subject to cross-examination, nor may they cross examine parties.

The following participants are hereby designated as parties at the hearing:

- **Dr. Collin Mbanugo**
- **Advisory team**

To ensure that all participants have an opportunity to participate in the hearing, the prosecution team will recommend that the chair establish the following deadlines:

- 20 minutes for each of the prosecutorial staff and Discharger to testify, present evidence, and cross examine witnesses,
- 3 minutes for interested persons to make statements to the Board.

Written Comment and Evidence Deadline

The deadline to submit any and all written comments and evidence to be offered at the hearing is **5 p.m.** on August 11, 2008. Persons shall submit **14 copies** to Alan D. Friedman at 1515 Clay Street, Suite 1400, Oakland, CA 94612.

Questions

Questions concerning this matter may be addressed to prosecutorial staff Alan Friedman at 510-622-2347 or by email at afriedman@waterboards.ca.gov.

Evidentiary Documents are on File at Regional Water Board Office

The Complaint and related documents are on file, and may be inspected or copied at the Regional Water Board’s offices during weekdays between 8 a.m. and 5:00 p.m. The Complaint is also available on the Regional Water Board’s website at www.waterboards.ca.gov/sanfranciscobay.

July 9, 2008

Dated

Dyan C. Whyte

Assistant Executive Officer