



# 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

Date: July 9, 2008  
File No. 2199.9279 (ADF)

SENT VIA CERTIFIED MAIL

Dr. Collin Mbanugo  
Leona Heights Sulfur Mine  
3300 Webster Street, Suite 900  
Oakland, CA 94609

NOTICE: Administrative Civil Liability (ACL) assessed under California Water Code Section 133268 for the Leona Heights Sulfur Mine, Oakland, Alameda County

Dear Dr. Mbanugo:

Enclosed is ACL Complaint No. R2-2008-0002. The Complaint alleges that you have violated Section 13267 of the California Water Code by failing to submit technical reports for the Mine, as required in a letter from the Water board Executive Officer dated December 16, 2005. The Complaint describes the alleged violations in detail, and proposes a liability of \$200,000. The deadline for submittal of written comments, evidence, and waivers is **August 11, 2008, at 5 p.m.**

I plan to bring this matter to the Water Board at its September 10, 2008, meeting. You have the following options:

1. You can appear before the Water Board at the meeting to contest the matter. Written comments and evidence shall be submitted by the deadline indicated above, 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. You can waive the right to a hearing to contest the allegations contained in the Complaint by paying the civil liability in full or by undertaking an acceptable SEP of up to \$100,000 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*

If you waive your right to a hearing, please mail and fax a copy of the signed waiver to the attention of Alan Friedman of my staff. If you have any questions regarding this matter, please contact Mr. Friedman at (510) 622-2347, or by email at [afriedman@waterboards.ca.gov](mailto:afriedman@waterboards.ca.gov) .

Sincerely,

Dyan C. Whyte  
Assistant Executive Officer

Enclosure: Complaint No. R2-2008-0002

Copy to: Standard R-1E List  
Mailing List  
Bruce H. Wolfe, Executive Officer