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CALIFORNIA REGIONAL WATER

JUN 03 2009

QUALITY CONTROL BOARD

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June 2, 2009

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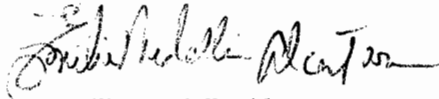
Dyan C. Whyte
Assistant Executive Officer
California Regional Water Quality Control Board
San Francisco Bay Region
1515 Clay Street, Suite 1400
Oakland, CA 94612

Re: Administrative Civil Liability Complaint No. R2-2009-0006
For Unpermitted Potable Chloraminated Water Discharges from a Water
Storage Tank, 1452 Bel Aire Road, City of San Mateo, San Mateo County

Dear Ms. Whyte:

At the request of Zack Walton, enclosed is the executed original of Waiver of Hearing.

Sincerely,

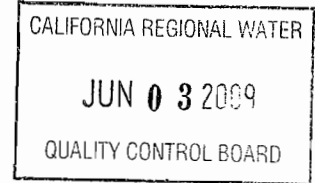


Emilie Medalle-Alcantara
Assistant to Zachary R. Walton

LEGAL_US_W # 61901729.1

In the Matter of:)
)
California Water Service Company)
1452 Bel Aire Road)
San Mateo, San Mateo County)
)

COMPLAINT NO. R2-2009-0006
for
ADMINISTRATIVE
CIVIL LIABILITY



WAIVER OF HEARING

If you waive your right to a hearing, the matter will be included on the agenda of a Regional Water Board meeting but there will be no hearing on the matter, unless a) the Regional Water Board staff receives significant public comment during the comment period, or b) the Regional Water Board determines it will hold a hearing because it finds that new and significant information has been presented at the meeting that could not have been submitted during the public comment period. If you waive your right to a hearing but the Regional Water Board holds a hearing under either of the above circumstances, you will have a right to testify at the hearing notwithstanding your waiver. **Your waiver is due no later than June 19, 2009, by 5 p.m.**

- Waiver of the right to a hearing and agreement to make payment in full.

By checking the box, I agree to waive my right to a hearing before the Regional Water Board with regard to the violations alleged in Complaint No. R2-2009-0006 and to remit the full penalty payment of \$199,350 to the State Water Pollution Cleanup and Abatement Account, c/o Regional Water Quality Control Board at 1515 Clay Street, Suite 1400, Oakland, CA 94612, within 30 days after the scheduled Hearing date. I understand that I am giving up my right to be heard, and to argue against the allegations made by the Assistant Executive Officer in this Complaint, and against the imposition of, or the amount of, the civil liability proposed unless the Regional Water Board holds a hearing under either of the circumstances described above. If the Regional Water Board holds such a hearing and imposes a civil liability, such amount shall be due 30 days from the date the Regional Water Board adopts the order imposing the liability.

- Waiver of right to a hearing and agree to make payment and undertake an SEP.

By checking the box, I agree to waive my right to a hearing before the Regional Water Board with regard to the violations alleged in Complaint No. R2-2009-0006, and to complete a supplemental environmental project (SEP) in lieu of the suspended liability up to \$93,000 and to pay the balance of the fine to the State Water Pollution Cleanup and Abatement Account (CAA) within 30 days after the scheduled Hearing date. The SEP proposal shall be submitted no later than **July 3, 2009 at 5 p.m.** I understand that the SEP proposal shall conform to the requirements specified in Section IX of the Water Quality Enforcement Policy, which was adopted by the State Water Resources Control Board on February 3, 2009, and be subject to approval by the Assistant Executive Officer. If the SEP proposal, or its revised version, is not acceptable to the Assistant Executive Officer, I agree to pay the suspended penalty amount within 30 days of the date of the letter from

the Assistant Executive Officer rejecting the proposed/revised SEP. I also understand that I am giving up my right to argue against the allegations made by the Assistant Executive Officer in the Complaint, and against the imposition of, or the amount of, the civil liability proposed unless the Regional Water Board holds a hearing under either of the circumstances described above. If the Regional Water Board holds such a hearing and imposes a civil liability, such amount shall be due 30 days from the date the Regional Water Board adopts the order imposing the liability. I further agree to satisfactorily complete the approved SEP within a time schedule set by the Assistant Executive Officer. I understand failure to adequately complete the approved SEP will require immediate payment of the suspended liability to the CAA.

Waiver of right to a hearing within 90 days.

By checking this box, I hereby waive my right to have a hearing within 90 days after service of the Complaint, but I reserve the right to have a hearing in the future. I agree to promptly engage the Regional Water Board prosecution staff in discussions to resolve the outstanding violations. By checking this box, the Discharger requests that the Regional Water Board delay the hearing so the Discharger and Regional Water Board Prosecution Team can discuss settlement. It remains within the discretion of the Regional Water Board to agree to delay the hearing.

ZACHARY WALTON
Name (print)

[Signature]
Signature

6/02/09
Date

Attorney for Cal Water
Title/Organization
Paul Hastings, Janofsky, Walker