



California Regional Water Quality Control Board

San Francisco Bay Region



Arnold Schwarzenegger
Governor

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>

*Certified Mail No.
Return Receipt Requested*

May 19, 2009
CIWQS Place ID 732668 (HTK)

California Water Service Company
1720 North First Street
San Jose, CA 95112-4598
ATTN: Dale Gonzales, Environmental Affairs Manager
Via email dgonzales@calwater.com

**Subject: 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 Mr. Gonzales:

Enclosed is a Complaint for Administrative Civil Liability in the amount of \$199,350. The Complaint alleges that the California Water Service Company violated a discharge prohibition and discharged without a permit by its discharges of potable chloraminated water into Polhemus Creek on September 25 and 27, 2007. The discharges caused a fish kill, including steelhead, a federally-listed threatened species.

The Regional Water Board's Prosecution Team is proposing that the Regional Water Board consider Complaint No. R2-2009-0006 during a meeting that will commence at the time and place indicated below:

Date/Time: August 12, 2009, 9:00 a.m.
Place: Auditorium, Elihu Harris State Building
1515 Clay Street, Oakland

Enclosed you will find a Hearing Notice that sets forth the procedures the Regional Water Board typically follows in conducting the public hearing. Any objections to the hearing process set forth shall be sent to Sandia Potter of the Regional Water Board's Advisory Team with a copy to Habte Kifle of the Regional Water Board's Prosecution Team by June 19, 2009, at 5 p.m. Their contact information is shown below.

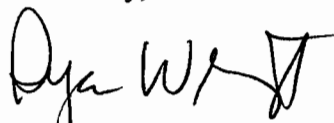
Preserving, enhancing, and restoring the San Francisco Bay Area's waters for over 50 years

At this time, you have three options:

1. You can appear before the Regional Water Board during the scheduled meeting to contest the Complaint; written comments and evidence are to be submitted no later than **5 p.m. on June 19, 2009**, in accordance with the process set forth in the attached Public Notice. At the meeting, the Regional Water Board may impose the Administrative Civil Liability in the amount proposed, 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 undertaking an acceptable supplemental environmental project of up to the amount indicated in the Complaint 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.
3. You can waive your right to a hearing within 90 days after service of the enclosed Complaint, but reserve your right to have a hearing in the future. You agree to promptly engage the Regional Water Board Prosecution Team in settlement discussions to resolve the outstanding violations in accordance with the procedures and limitations set forth in the waiver attached to the Complaint.

If you have any questions regarding the hearing procedures, please email or write to Sandia Potter of the Advisory Team at smpotter@waterboards.ca.gov with a copy to Habte Kifle of the Prosecution Team at hkifle@waterboards.ca.gov. Please contact Mr. Kifle via email or at (510) 622-2371 if you have any questions regarding the Complaint.

Sincerely,



Dyan C. Whyte
Assistant Executive Officer

Enclosures: Complaint No. R2-2009-0006
Public Notice

cc: Mailing List

Mailing List

SWRCB, Office of the Chief Counsel – Yuri Won
SWRCB, Office of Enforcement – Reed Sato
SWRCB, DWQ – Bruce Fujimoto
Bruce H. Wolfe, Executive Officer

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California Water Service Company
Agent for Service Process
1720 North First Street
San Jose, CA 95112
ATTN: Lynne McGhee

National Marine Fisheries Service
777 Sonoma Avenue
Santa Rosa, CA 95404-4731
ATTN: Norm Simons, Enforcement

California Water Service Company
3411 North Delaware Street
San Mateo, CA 94401-1727
ATTN: Tony Carrasco, District Manager

San Francisco Public Utilities Commission
Bureau of Environmental Management
1145 Market St., Suite 500
San Francisco, CA 94103
ATTN: Deborah Green

Michael Fawcett, Ecologist
P.O. Box 385
Bodega, CA 94922
ATTN: Michael Fawcett, Ph.D.

Mailing List (cont.):

U.S. EPA Region 9
Clean Water Act Compliance Office
Water Division (WTR-7)
75 Hawthorne Street
San Francisco, CA 94105
ATTN: Ken Greenberg, Chief
Via email Greenberg.Ken@epamail.epa.gov

San Francisco BayKeeper
785 Market Street, Ste 850
San Francisco, CA 94103
ATTN: Sejal Choksi
Via email sejal@baykeeper.org

Marine Science Institute
500 Discovery Parkway
Redwood City, CA 94063
ATTN: Marilou Seiff
Via email marilou@sfbaymsi.org

East Bay Municipal Utility District
Attn. Mr. John Schroeter
Manager of Environmental Compliance
East Bay Municipal Utility District
375 11th Street, Oakland, CA 94607-4240
Via email jschroet@ebmud.com