



# 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

June 25, 2009  
CIWQS place ID 645073 (MLZ)

CERTIFIED MAIL  
Receipt of Delivery Requested

East Bay Regional Park District  
Attn: Mr. Neal Fujita, Water Resources Manager  
2950 Peralta Oaks Court  
Oakland, California 94605

Subject: Administrative Civil Liability Complaint under Water Code Section 13385 for a Discharge to Lake Del Valle in Violation of Clean Water Act, Livermore, Alameda County

Dear Mr. Fujita:

Enclosed is Complaint No. R2-2009-0016 issued as an administrative civil liability in the amount of \$44,900. The Complaint alleges that the East Bay Regional Park District (District) violated the Federal Clean Water Act by discharging 22,260 gallons of sanitary sewage to Lake Del Valle from July 12 to 15, 2008. The Complaint describes the alleged violation in detail.

The Prosecution proposes that the Regional Water Board consider Complaint No. R2-2009-0016 for an administrative civil liability in the amount during a meeting that will commence at the time and place indicated below:

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

Enclosed you will find the Hearing Procedure for this matter. Any objections to the hearing process set forth shall be sent to the Regional Water Board's Advisory Team by **July 6, 2009**, or they will be waived. The Advisory Team contact information is included in the enclosed Hearing Procedure.

The District has the following options:

1. The District can appear before the Regional 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 Hearing Procedure. At the meeting, the Regional 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. The District can waive its right to the 90-day hearing requirement in order to engage in settlement discussions.
3. The District can waive the right to a hearing to contest the allegations contained in the Complaint by completing the waiver attached to the Complaint.

If the District waives its hearing rights, it must mail and fax a copy of the signed waiver by the time and date specified below to the attention of Sandia Potter of the Advisory Team with a copy to Myriam Zech of the Prosecution Team. Both faxes should be sent to (510) 622-2460.

The deadline for submittal of written comments and evidence to the Complaint and waiver is **July 27, 2009**, at 5 p.m.

The District may be allowed to spend up to \$13,950 on a supplemental environmental project (SEP). The deadline for submittal of an SEP proposal(s) is **August 10, 2009**, at 5 p.m.

A copy of the Complaint and Notice of Public Hearing are enclosed. If you have any questions regarding these matters, please email or write to Sandia Potter of the Advisory Team at [smpotter@waterboards.ca.gov](mailto:smpotter@waterboards.ca.gov) with a copy to Myriam Zech of the Prosecution Team at [mzech@waterboards.ca.gov](mailto:mzech@waterboards.ca.gov). If you wish to communicate directly with the Prosecution Team, please call or email Myriam Zech. Her phone number is (510) 622-5684.

Sincerely,

Dyan C. Whyte  
Assistant Executive Officer

Enclosures: ACL Complaint No. R2-2009-0016  
Hearing Procedure  
ACL Fact Sheet

Copy to (via email): Regional Water Board Advisory Team and Standard List R-1E