



California Regional Water Quality Control Board

San Francisco Bay Region



Linda S. Adams
Secretary for
Environmental Protection

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Arnold Schwarzenegger
Governor

June 11, 2009
CIWQS place ID 255802 (CEV)

CERTIFIED MAIL
Receipt of Delivery Requested

Sausalito-Marin City Sanitary District
1 Fort Baker Road/P.O. Box 39
Sausalito, CA 94966-0039

Attn: Mr. Robert Simmons, District Manager

Subject: Administrative Civil Liability Complaint under Water Code Section 13385 for
Unauthorized Discharge Violations from the Sanitary Sewer Collection System and
the Wastewater Treatment Plant in Sausalito, Marin County

Dear Mr. Simmons:

Enclosed is Complaint No. R2-2009-0043 issued as an administrative civil liability in the amount of \$332,000. The Complaint alleges that the Sausalito-Marin City Sanitary District (District) violated Order No. R2-2003-0109 (NPDES Permit No. CA0038067).

A 9,000-gallon sanitary sewer overflow occurred on August 10, 2008, from the District's sanitary sewer collection system near 215 Main Street. A 764,500-gallon discharge of partially treated wastewater occurred on February 15-21, 2009 from a bypass pipeline at the District's Wastewater Treatment Plant (Plant). Additionally, a 2,700-gallon discharge of partially treated wastewater occurred on February 27, 2009 from the same bypass pipeline at the Plant. The Complaint describes the alleged violations in detail. The District may be allowed to spend up to \$155,000 on a supplemental environmental project (SEP).

The Prosecution proposes that the Regional Water Board consider Complaint No. R2-2009-0043 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 that the Regional Water Board typically follows in conducting the public hearing. Any objections to this hearing process set forth shall be sent to

the Regional Water Board's Advisory Team by **July 13, 2009**, or they will be waived. The Advisory Team contact information is included in the 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 Claudia Villacorta 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 13, 2009**, at 5 p.m. The deadline for submittal of an SEP proposal(s) is **July 31, 2009**, at 5 p.m.

A copy of the Complaint and Hearing Procedure 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 with a copy to Claudia Villacorta of the Prosecution Team or cvillacorta@waterboards.ca.gov. If you wish to communicate directly with the Prosecution Team, please call or email Claudia Villacorta. Her phone number is (510) 622-2485.

Sincerely,

Dyan C. Whyte
Assistant Executive Officer

Enclosures: ACL Complaint No. R2-2009-0043
Hearing Procedure

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