



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

Via Certified Mail
Return Receipt Requested

May 19, 2009
CIWQS Place ID 201157

OG Property Owner, LLC
Attn: Mr. Michael Olson
900 Walnut Avenue, Quarters D
Vallejo, California 94592

Subject: Administrative Civil Liability Complaint No. R2-2009-0017 for Discharges in Violation of the Construction Storm Water General Permit and Waste Discharge Requirements, Wilder Project, Orinda, Contra Costa County

Dear Mr. Olson:

Enclosed is a Complaint for administrative civil liability in the amount of \$982,350. The Complaint alleges that OG Property Owner, LLC discharged 37,373 gallons of sediment-laden storm water and 55,000 gallons of polluted non-stormwater, violating the Construction Storm Water General Permit, its Waste Discharge Requirements / Clean Water Act Section 401 Water Quality Certification, and the Basin Plan. It further alleges that OG Property Owner, LLC also failed to prepare and implement an adequate Storm Water Pollution Prevention Plan prior to and during the 2007-08 rainy season.

The Complaint describes the alleged violations in detail. OG Property Owner may be allowed to spend up to \$472,100 on a supplemental environmental project (SEP) in accordance with the procedures and limitations set forth in the SEP polices and guidelines attached.

The Water Board's Prosecution Team is proposing that the Water Board consider Complaint No. R2-2009-0017 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 Water Board follows in conducting the public hearing. Any objections to the hearing process set forth shall be sent to Sandia Potter of the Water Board's Advisory Team with a copy to Keith Lichten of the Board's Prosecution Team by 5 pm on June 18, 2009. Their contact information is shown below.

OG Property Owner, LLC has 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 below and in accordance with the process set forth in the attached Public Notice. At the meeting, the Water Board may impose an

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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 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 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 waive your right to a hearing, you 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 Keith Lichten of the Prosecution Team. Both faxes should be sent to (510) 622-2460.

The deadline for submittal of written comments and evidence, and/or a completed waiver is **June 18, 2009, at 5 p.m.**

The deadline for submittal of an SEP proposal(s) is **July 2, 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 with a copy to Keith Lichten of the Prosecution Team or klichten@waterboards.ca.gov. If you wish to communicate directly with the Prosecution Team, please call or email Keith Lichten. His phone number is (510) 622-2380.

Sincerely,

Thomas E. Mumley
Assistant Executive Officer

Enclosures: ACL Complaint No. R2-2009-0017
SEP Information
Notice of Public Hearing

cc (via email):
Water Board Advisory Team
Water Board Standard Mailing List R-1E
Interested Party List