



# California Regional Water Quality Control Board

## San Francisco Bay Region



Linda S. Adams  
Agency Secretary

1515 Clay Street, Suite 1400, Oakland, California 94612  
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<http://www.waterboards.ca.gov/sanfranciscobay>

Arnold Schwarzenegger  
Governor

*Via Certified Mail – Return Receipt Requested*

April 8, 2009  
WDID No.: 2 01S017298  
CIWQS Place ID 240798  
CIWQS Party ID 15300  
File No. 2158.11 (LMM)

Miller Dismantler  
Attn: Edward Miller  
9835 Pearmain Street  
Oakland, CA 94603

**Subject: Administrative Civil Liability Complaint No. R2-2009-0023**

For the facility located at:

Miller Dismantler  
9835 Pearmain Street  
Oakland, Alameda County

Dear Mr. Miller:

Enclosed is a Complaint for Administrative Civil Liability in the amount of \$16,800. The Complaint alleges that Miller Dismantler has violated the requirements of the NPDES General Permit for Discharges of Storm Water Associated with Industrial Activities by failing to submit its 2007/2008 annual report by July 1, 2008, as required.

The Water Board's Prosecution Team is proposing that the Water Board consider Complaint No. R2-2009-0023 during a meeting that will commence at the time and place indicated below:

Date/Time: June 10, 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 typically 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 Laurent Meillier of the Board's Prosecution Team by May 8, 2009, at 5 p.m. Their contact information is shown below.

At this time, you have three options:

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

1. You can appear before the Water Board during the scheduled meeting to contest the Complaint. Written comments and evidence shall be submitted no later than **5 p.m. on May 8, 2009** and in accordance with the process set forth in the attached Public Notice. At the meeting, the 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 in accordance with the procedures and limitations set forth in the waiver attached to the Complaint.
3. You can waive your right to have 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 staff in settlement discussions to resolve the outstanding violation(s) 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](mailto:smpotter@waterboards.ca.gov) with a copy to Laurent Meillier of the Prosecution Team at [lmeillier@waterboards.ca.gov](mailto:lmeillier@waterboards.ca.gov). Please contact Laurent Meillier via email or phone at (510) 622-3277 if you have any questions regarding the Complaint.

Sincerely,

Thomas E. Mumley  
Assistant Executive Officer

Enclosures:

Complaint No. R2-2009-0023  
Hearing Notice

Cc (via email):

Bruce Wolfe, Water Board  
SWRCB, Office of the Chief Counsel – Dorothy Dickey  
SWRCB, Division of Water Quality – Bruce Fujimoto  
SWRCB, Office of Enforcement – Reed Sato  
Sejal Choksi, San Francisco BayKeeper  
Regional Water Board Standard Mailing List 1-E