



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

*Certified Mail No.
Return Receipt Requested*

July 17, 2009
CIWQS Place No. 724134 (DCE)

Garda
Attn. Mr. Robert Buckley
1333 8th Street
Oakland, California 94607

**Subject: Administrative Civil Liability Complaint No. R2-2009-0028 for Garda,
Oakland, Alameda County**

Dear Mr. Buckley:

Enclosed is Complaint No. R2-2009-0028 (Complaint) issued as an administrative civil liability in the amount of \$37,300 against Garda (Company). The Complaint alleges that the Company discharged industrial storm water to Waters of the State and Waters of the United States without a permit in violation of California Water Code Section 13376.

The Prosecution proposes that the Regional Water Board consider the Complaint during a meeting that will commence at the time and place indicated below:

Date/Time: **October 14, 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 shall be sent to the Regional Water Board's Advisory Team by **July 27, 2009, at 5:00 p.m.**, or they will be waived. The Advisory Team contact information is included in the Hearing Procedure.

The Company has the following options:

1. The Company 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

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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 Company can waive its right to the 90-day hearing requirement in order to engage in settlement discussions.
3. The Company can waive its right to a hearing to contest the allegations contained in the Complaint by completing the waiver attached to the Complaint.

If the company waives its hearing rights, it must submit a copy of the signed waiver by the time and date specified below to the attention of Sandia Potter of the Regional Water Board Advisory Team with a copy to David Elias of the Prosecution Team.

The deadline for submittal of a waiver and for submittal of written comments and evidence on the Complaint is **August 17, 2009, at 5 p.m.** The deadline for submittal of a Supplemental Environmental Project proposal(s) is **August 26, 2009, at 5 p.m.**

Please direct correspondence and questions regarding the enclosed documents to Sandia Potter (Advisory Team for the Regional Water Board) with a copy to David Elias (Prosecution Team). David Elias may be contacted for direct communication with the Prosecution Team.

- Sandi Potter, smpotter@waterboards.ca.gov, (510) 622-2426
- David Elias, delias@waterboards.ca.gov, (510) 622-2509

Our mailing address and fax number are provided above (see letterhead).

Sincerely,

Dyan C. Whyte
Assistant Executive Officer

Enclosures: ACL Complaint No. R2-2009-0028
SEP Information
Public Hearing Notice

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Cc: Regional Water Board, Bruce H. Wolfe, Executive Officer
State Water Board, Office of Chief Counsel, Attn. Dorothy Dickey
Regional Water Board Lyris Enforcement Email List (*via email*)

City of Oakland
Attn. Keith Matthews
250 Frank H. Ogawa Plaza, Suite 5301
Oakland, California 94612

U.S. EPA Region 9
Clean Water Act Compliance Office
Water Division (WTR-7)
Attn. Ken Greenberg, Chief
75 Hawthorne Street
San Francisco, CA 94105

San Francisco BayKeeper
Attn. Sejal Choksi
785 Market Street, Ste 850
San Francisco, CA 94103

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

U.S. Fish and Wildlife Service
Habitat Conservation Division
2800 Cottage Way, #W2605
Sacramento, CA 95825-1888

Office of Enforcement
State Water Resources Control Board
Attn. Mark Bradley
P.O. Box 100
Sacramento, CA 95812-0100

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Cc (cont.):

Natural Resources Defense Council
Attn. Michael Wall
111 Sutter Street, 20th Floor
San Francisco, California 94104