



# 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*

May 25, 2010  
CIWQS Place ID 732668 (HTK)

California Water Service Company  
1720 North First Street  
San Jose, CA 95112-4598  
ATTN: Dale Gonzales, Environmental Affairs Manager  
Via email [dgonzales@calwater.com](mailto:dgonzales@calwater.com)

**Subject: Administrative Civil Liability Revised Complaint No. R2-2009-0006  
for Unpermitted Water Discharges from a Water Storage Tank, 1452 Bel  
Aire Road, City of San Mateo, San Mateo County**

Dear Mr. Gonzales:

Enclosed is a Revised Complaint for Administrative Civil Liability in the amount of \$200,000. The Revised Complaint alleges that the California Water Service Company violated a discharge prohibition and discharged without a permit by discharging potable water into Polhemus Creek on September 25 and 27, 2007, and November 2-3, 2009. The 2007 discharges caused a fish kill, including steelhead, a federally-listed threatened species.

This Revised Complaint is intended to supercede the original Complaint No. R2-2009-0006 issued May 19, 2009. As you know, this Revised Complaint is the product of both California Water Service Company and the Prosecution Team working together to reach a resolution in this matter. The Revised Complaint adds the November 2009 discharge, considers California Water Service Company's improvements and cooperation, and increases the total penalty amount.

In light of this negotiated Revised Complaint, the Prosecution Team expects California Water Service Company to return electronically on May 25, 2010, the signed waiver form agreeing to waive the hearing and pay the \$200,000 recommended penalty. Please submit your check for the full penalty amount no later than June 28, 2010, to the State Water Pollution Cleanup and Abatement Account, c/o Regional Water Quality Control Board at 1515 Clay Street, Suite 1400, Oakland, CA 94612.

The Revised Complaint and waiver will be published on the Regional Water Board's website for 30 days to allow for public comment. In the event objections are raised during the public comment period, the Regional Water Board or the Executive Officer may, under certain circumstances, require a public hearing for this matter. In that event, the parties may meet and confer concerning any such objections and reinstate settlement negotiations or request a hearing.

Please contact Staff Counsel Laura Drabandt at (916) 341-5180 or via e-mail at [ldrabandt@waterboards.ca.gov](mailto:ldrabandt@waterboards.ca.gov) if you have any questions regarding the Revised Complaint.

Sincerely,

Dyan C. Whyte  
Assistant Executive Officer

Enclosures: Revised Complaint No. R2-2009-0006  
Public Notice

cc: Mailing List

**Mailing List**

**Via E-mail**

SWRCB, Office of the Chief Counsel – Yuri Won  
SWRCB, Office of Enforcement – Laura Drabandt  
Bruce H. Wolfe, Executive Officer  
Sandia Potter, Advisory Team  
Regional Water Board Lyris Enforcement email list

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California Water Service Company  
Agent for Service Process  
1720 North First Street  
San Jose, CA 95112  
ATTN: Lynne McGhee

**U.S. Mail**

California Water Service Company  
3411 North Delaware Street  
San Mateo, CA 94401-1727  
ATTN: Tony Carrasco, District Manager