



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
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<http://www.waterboards.ca.gov/sanfranciscobay>

Arnold Schwarzenegger
Governor

*Certified Mail No.
Return Receipt Requested*

September 15, 2010
CIWQS Place ID 630953 (MLZ)

Novato Sanitary District
Attn: Beverly James
500 Davidson Street,
Novato, California 94945

Also sent via email: BevJ@novatosan.com

**Subject: Administrative Civil Liability Complaint No. R2-2010-0102
under Water Code Section 13385 for sanitary sewer overflows (SSOs) that
occurred between September 24, 2007, and February 28, 2010.**

Dear Ms. James:

Complaint No R2-2010-0102 (Complaint) enclosed with this letter issues an administrative civil liability (ACL) against the Novato Sanitary District in the amount of \$287,500. This liability is based on allegations that the Novato Sanitary District violated the Clean Water Act by discharging 453,025 gallons of sanitary sewage to surface water from September 24, 2007, to February 28, 2010.

The Novato Sanitary District can respond to the Complaint by appearing before the Regional Water Board at a public hearing to contest the matter or by signing a waiver to pursue other options.

1. The Complaint can be contested before the Regional Water Board at the following meeting:

Date/Time: December 8, 2010, commencing at 9:00 a.m.
Place: First Floor Auditorium, Elihu Harris State Building
1515 Clay Street, Oakland

At this meeting, the Regional Water Board will consider whether to impose administrative civil liability (as proposed in the Complaint or for a different amount), decline the administrative civil liability, or refer the matter to the Attorney General for judicial enforcement at a public hearing.

Please refer to the enclosed Public Notice and Hearing Procedure for the Complaint and the ACL Fact Sheet for additional information about the Regional Water Board's process, hearing procedure, and important deadlines (for submitting comments or evidence, obtaining designated party status, waiving or postponing a hearing, making objections or rebuttals to evidence, etc.).

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

2. The public hearing that has been scheduled (above) can be waived to pursue one of the following options:
 - a. Pay the liability as proposed in the Complaint;
 - b. Request more time and postpone the date of the public hearing;
 - c. Promptly engage in settlement discussions with the Regional Water Board Prosecution Team;
 - d. Propose a Supplemental Environmental Project (SEP), where partial payment of the penalty may be deferred towards completion of an environmental project (see the enclosed SEP Policy for more information on such projects).

The Waiver, attached to the Complaint, describes these options in further detail, and it also provides the deadline for submitting an SEP proposal (if this option is selected). To pursue one of these options, **the Waiver must be signed, dated, and received by Sandia Potter of the Regional Water Board Advisory Team with a copy to the Prosecution Team contact listed below no later than 5:00 p.m. on October 18, 2010. It is at the discretion of the Regional Water Board Advisory Team to either accept or deny a waiver request.**

If you wish to communicate directly with the Prosecution Team regarding the Complaint, please contact Myriam Zech at (510) 622-5684 or mzech@waterboards.ca.gov.

Please refer to the letterhead for our mailing address and fax number.

Sincerely,

Thomas E. Mumley
Assistant Executive Officer

Enclosures: ACL Complaint No. R2-2010-0102
Waiver
Public Notice and Hearing Procedure for ACL Complaint No. R2-2010-0102
Administrative Civil Liability Fact Sheet
State Water Resources Control Board Policy on Supplemental Environmental
Projects, February 3, 2009.

cc: Regional Water Board Lyris Enforcement email list
Regional Water Board Advisory Team
Regional Water Board Prosecution Team
Reed Sato, State Water Board, Office of Enforcement