



California Regional Water Quality Control Board

San Francisco Bay Region



Linda S. Adams
Agency Secretary

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

October 15, 2009
CIWQS Place ID 738457
CIWQS Party ID 509034
CIWQS Party ID 509035
File No. 43S1102 (LMM)

Art Cleaners
Attn: Mr. Hyung Keun Sun and Mrs. Yeo Nam Sun
522 Providence Drive
Castle Rock, CO 80108

Subject: Administrative Civil Liability Complaint under Water Code Sections 13368 and 13351 for Failure to Submit Required Technical Reports Requested under Water Code Section 13267, Art Cleaners, 400 East Santa Clara Street, San Jose, Santa Clara County

Dear Mr. and Mrs. Sun:

Enclosed is Complaint No. R2-2009-0048 issued as an administrative civil liability in the amount of \$25,646. The Complaint alleges that Art Cleaners violated Water Code section 13267 by failing to submit two technical reports required by Regional Water Board letters sent via certified mail on February 21, 2008, and April 7, 2009.

The Prosecution Team proposes that the Regional Water Board consider Complaint No. R2-2009-0048 during a meeting that will commence at the time and place indicated below:

Date/Time: January 13, 2010, 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 **October 26, 2009**, or they will be waived. The Advisory Team contact information is included in the Hearing Procedure.

You have the following options:

1. You can appear before the Regional Water Board at the meeting to contest the matter. Written comments and evidence shall be submitted in accordance with the process set

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

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

If you waive your hearing rights, 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 Laurent Meillier of the Prosecution Team. Both faxes should be sent to (510) 622-2460.

The deadline for submittal of written comments and evidence to the Complaint and waiver is **November 16, 2009**, at 5 p.m. The deadline for submittal of a Supplemental Environmental Project proposal(s) is **November 30, 2009**, at 5 p.m.

If you have any questions regarding these matters, please email or write to Sandia Potter of the Advisory Team at SPotter@waterboards.ca.gov with a copy to Laurent Meillier of the Prosecution Team or LMeillier@waterboards.ca.gov. If you wish to communicate directly with the Prosecution Team, please call or email Laurent Meillier. His phone number is (510) 622-3277.

Sincerely,

Dyan C. Whyte
Assistant Executive Officer

Enclosures: Complaint No. R2-2009-0048
Hearing Procedure
Administrative Civil Liability Factsheet
Supplemental Environmental Project Policy

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 Lyris Enforcement email list

George Cook
Santa Clara Valley Water District
GCook@valleywater.org

Ms. Nicole Pullman
Santa Clara County Department of Environmental Health
Nicole.Pullman@deh.co.sci.ca.us

Napp Fukuda
City of San Jose
Napp.Fukuda@sanjoseca.gov