



# California Regional Water Quality Control Board

## San Francisco Bay Region



Linda S. Adams  
Secretary for  
Environmental Protection

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Arnold Schwarzenegger  
Governor

April 15, 2010  
CIWQS Place ID: 241761 (LMT)

County of Alameda  
399 Elmhurst Street  
Hayward, CA 94544-1395  
Attn: Mr. Daniel Woldesenbet, Director  
Public Works Agency

County of Alameda  
1401 Lakeside Drive, Suite 800  
Oakland, CA 94612-4305  
Attn: Aki K. Nakao, Director  
General Services Agency

**Subject: Administrative Civil Liability Complaint No. R2-2010-0061 for Discharges in Violation of the Alameda Countywide NPDES Municipal Storm Water Permit and NPDES General Permit for Storm Water Discharges Associated with Construction Activity, Castro Valley Library Project and Fairview Avenue Pathway Project, Alameda County**

Dear Mr. Woldesenbet and Mr. Nakao:

Enclosed is a Complaint for administrative civil liability in the amount of \$102,600. The Complaint alleges that the County of Alameda, violated the Alameda Countywide NPDES Municipal Storm Water Permit, for its Fairview Avenue Pathway Project, by failing to properly implement and maintain an effective combination of erosion and sediment controls, including material/waste management Best Management Practices, in order to reduce and/or minimize the discharge of pollutants to waters of the State. It further alleges that the County of Alameda failed to file an NOI to obtain permit coverage prior to the start of the Castro Valley Library Project, and failed to develop and implement an updated site-specific Storm Water Pollution Prevention Plan prior to commencing construction activities in violation of the NPDES General Permit for Storm Water Discharges Associated with Construction Activity.

The County of Alameda 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: July 14, 2010, commencing at 9:00 a.m.  
Place: First Floor Auditorium, Elihu Harris State Building  
1515 Clay Street, Oakland, California

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 procedures, and important deadlines (for submitting comments or evidence, obtaining designated party status, waiving or postponing a hearing, making objections or rebuttals to evidence, etc.).

2. The public hearing that has been scheduled for July 14, 2010 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 May 17, 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 Keith Lichten at (510) 622-2380 or [klichten@waterboards.ca.gov](mailto:klichten@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. R2-2010-0061 and Waiver  
Public Notice and Hearing Procedure for ACL Complaint No. R2-2010-0061  
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  
Sandia Potter, Regional Water Board Advisory Team  
Bruce H. Wolfe, Regional Water Board Advisory Team  
Yuri Won, State Water Board, Office of the Chief Counsel  
Ann Carroll, State Water Board, Office of Enforcement