



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

April 15, 2010
CIWQS Place ID 241761 (HTK)

Alameda County Public Works Department
Attn: Mr. Daniel Woldesenbet, Ph.D., P.E., Director
399 Elmhurst Street
Hayward, CA 94544
Also sent via email: Daniel.Woldesenbet@acgov.org

Alameda County Community Development Agency
Attn: Mr. Chris Bazar, Director
224 W. Winton Avenue, Room 110
Hayward, CA 94544
Also sent via email: Chris.bazar@acgov.org

Alameda County General Services Agency
Attn: Mr. Aki Nakao, Director
1401 Lakeside Drive, 10th Floor
Oakland, CA 94612
Also sent via email: Aki.nakao@acgov.org

**Subject: Administrative Civil Liability Complaint No. R2-2010-0055
for Failure to Comply with NPDES Municipal Stormwater Requirements,
Order No. R2-2003-0021; Unincorporated County of Alameda**

Dear Messrs. Woldesenbet, Bazar, and Nakao:

Enclosed is a Complaint for administrative civil liability (ACL) against the County of Alameda in the amount of \$522,429. The Complaint alleges that the County of Alameda violated provisions of its NPDES Permit, Order No. R2-2003-0021, by failing to incorporate revised standards and guidelines and implement site design and source control measures within its jurisdiction.

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 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 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 Regional Board Prosecution Team regarding this matter, please contact Habte Kifle at hkifle@waterboards.ca.gov or (510) 622-2371. Please refer to the letterhead for our mailing address and fax number.

Sincerely,

Thomas E. Mumley
Assistant Executive Officer

Enclosures: ACL Complaint No. R2-2010-0055
Public Notice and Hearing Procedure for ACL Complaint No. R2-2010-0055
ACL Fact Sheet
State Water Resources Control Board Policy on Supplemental Environmental
Projects, February 3, 2009

cc: via email only:

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
Reed Sato, State Water Board, Office of Enforcement
Ann Carroll, State Water Board, Office of Enforcement

U.S. EPA Region 9
CWA Compliance Off.
Water Division (WTR-7)
75 Hawthorne Street
San Francisco, CA 94105
ATTN: Ken Greenberg, Chief
Greenberg.Ken@epamail.epa.gov

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

San Francisco BayKeeper
785 Market Street, Ste 850
San Francisco, CA 94103
ATTN: Sejal Choksi
Via email sejal@baykeeper.org