



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*

January 21, 2010
CIWQS Place ID 630790 (MLZ)

City of Sausalito
Attn: Mr. Jonathon Goldman, Director of Public Works, City of Sausalito
420 Litho Street
Sausalito, California 94965

Also sent via email: jgoldman@ci.sausalito.ca.us

Subject: Administrative Civil Liability Complaint No. R2-2009-0057 for penalties assessed pursuant to Water Code Section 13385 for Discharges in Violation of Waste Discharge Requirements to an unnamed creek located in the City of Sausalito, Marin County

Dear Mr Goldman:

Complaint No R2-2009-0057 (Complaint) enclosed with this letter issues an administrative civil liability (ACL) against the City of Sausalito in the amount of \$75,300. This liability is based on allegations that the City of Sausalito violated Section 301 of the Clean Water Act (33 U.S.C. § 1311) and the State Water Resources Control Board Order 2006-0003-DWQ by discharging approximately 31,045 gallons of untreated sewage to an unnamed creek during two Sanitary Sewer Overflows that occurred from July 7 to July 21, 2008, and on July 22, 2008, respectively.

The City of Sausalito 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: April 14, 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 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 (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.

The Waiver, attached to the Complaint, describes these options in further detail. To pursue one of these options, **the Waiver must be signed, dated, and received by the contacts listed below no later than 5:00 p.m. on February 22, 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 call or email Gina Kathuria. Her phone number is (510) 622-2378. Please refer to the letterhead for our mailing address and fax number.

Sincerely,

Dyan C. Whyte
Assistant Executive Officer

Enclosures: ACL Complaint No: R2-2009-0057 and Waiver
Public Notice and Hearing Procedure for ACL Complaint No: R2-2009-0057
Administrative Civil Liability Fact Sheet

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
Reed Sato, State Water Board, Office of Enforcement