California Regional Water Quality Control Board
San Francisco Bay Region

Linda S. Adams
Secretary for
Environmental Protection

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Arnold Schwarzenegger
Governor

Certified Mail No.
Return Receipt Requested

February 16, 2010
CIWQS Place ID 254881,
630985(CV)

City of San Bruno
Attn: Connie Jackson
City Manager's Office
567 El Camino Real
San Bruno, CA 94066

Also sent via email: kfabry@sanbruno.ca.gov

Subject: Administrative Civil Liability Complaint No. R2-2010-0004 for violations of the Water Code associated with 148 sanitary sewer overflows from the City of San Bruno sanitary sewer collection system

Dear Ms. Jackson:

Complaint No **R2-2010-0004** (Complaint) enclosed with this letter issues an administrative civil liability (ACL) against the City of San Bruno (City) in the amount of $633,600. This liability is based on allegations that the City violated California Regional Water Quality Control Board (Regional Water Board) Order No. R2-2008-0094 (National Pollution discharge Elimination System (NPDES) Permit No. CA0038130), and Regional Water Board Order No. R2-2003-0010 (NPDES Permit No. CA0038130). The Complaint is issued to address alleged violations of the Water Code associated with 148 sanitary sewer overflows that occurred from the City's collection system at various locations between December 1, 2004 and December 31, 2009. The total volume discharged and not recovered due to these events was 1,953,225 gallons.

The City 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: May 12, 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; or
   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 Claudia Villacorta of the Regional Water Board Prosecution Team) no later than 5:00 p.m. on March 18, 2010. It is at the discretion of the Regional Water Board Advisory Team to either accept or deny a waiver request.**

If you have any questions regarding these matters, please contact Claudia Villacorta of the Prosecution Team at cvillacorta@waterboards.ca.gov or (510) 622-2485. Please refer to the letterhead for our mailing address and fax number.

Sincerely,

Dyan C. Whyte
Assistant Executive Officer

Enclosures: ACL Complaint No. R2-2010-0004 and Waiver
Public Notice and Hearing Procedure for ACL Complaint No. R2-2010-0004
Administrative Civil Liability Fact Sheet
State Water Resources Control Board Policy on Supplemental Environmental Projects, February 3, 2009

Cc (by email): Regional Water Board Lyris Enforcement email list
Regional Water Board Advisory Team
Regional Water Board Prosecution Team
David Boyers, State Water Board, Office of the Chief Counsel
Reed Sato, State Water Board, Office of Enforcement