



# 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

August 2, 2010  
Place ID 254881, 630985(GK)

CERTIFIED MAIL  
Receipt of Delivery Requested

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](mailto:kfabry@sanbruno.ca.gov)

Subject: Transmittal of Tentative Cease and Desist Order under California Water Code Section 13301 for the City of San Bruno and Notice of Public Comment Period

Dear Ms. Jackson:

The Water Board intends to consider a Tentative Cease and Desist Order (Tentative Order) for the City of San Bruno (City) during a meeting that will commence at a time and place to be determined. The Water Board is currently undergoing negotiations with the City to settle related matters in the Administrative Civil Liability Complaint No. R2-2010-0004. Accordingly, the Prosecution Team will recommend a hearing date based on the progress of these negotiations. Until a hearing date is set, this letter provides additional information on the procedures in place to maintain separation of functions. The same separation of function procedures detailed below have been in place and implemented for the ACL Complaint since its issuance

### ***Tentative Order Comment Period***

The Tentative Order requires the City to take actions to reduce and eliminate sanitary sewer overflows from its sanitary sewer collection system. The deadline for submittal of written comments on the Tentative Order is **September 1, 2010, at 5 p.m.** Please submit written comments to Gina Kathuria via email at [gkathuria@waterboards.ca.gov](mailto:gkathuria@waterboards.ca.gov), mail or fax. Please refer to the letterhead for mailing address and fax number.

### ***Separation of Functions***

To help ensure the fairness and impartiality of this proceeding, the functions of those who will act in a prosecutorial role by presenting evidence for consideration by the Water Board (Prosecution Team) have been separated from those who will provide advice to the Water Board (Advisory Team). Members of the Advisory Team and the Prosecution Team are:

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

Advisory Team:

Bruce H. Wolfe, Executive Officer, bwolfe@waterboards.ca.gov, 510-622-2314  
Sandia Potter, Technical Staff, smpotter@waterboards.ca.gov, 510-622-2426  
Yuri Won, Attorney, ywon@waterboards.ca.gov, 510-622-2491

Address: 1515 Clay Street, Suite 1400, Oakland, CA 94612

Primary Contact: Sandia Potter

Prosecution Team:

Dyan C. Whyte, Assistant Executive Officer, dwhyte@waterboards.ca.gov, 510-622-2441  
Thomas Mumley, Assistant Executive Officer, tmumley@waterboards.ca.gov, 510-622-2395  
Lila Tang, NPDES Division Chief, ltang@waterboards.ca.gov, 510-622-2425  
Dorothy Dickey, Legal Counsel, ddickey@waterboards.ca.gov, 510-622-2490  
Gina Kathuria, Section Leader, gkathuria@waterboards.ca.gov, 510-622-2378  
Claudia Villacorta, Staff Engineer, cvillacorta@waterboards.ca.gov, 510-622-2485

Address: 1515 Clay Street, Suite 1400, Oakland, CA 94612

David Boyers, Staff Counsel, Office of Enforcement, dboyers@waterboards.ca.gov,  
916-341-5445

Address: 1001 "I" Street, 16th Floor, P.O. Box 100, Sacramento, CA 95814

Primary Contact: David Boyers

Any members of the Advisory Team who normally supervise any members of the Prosecution Team are not acting as their supervisors in this proceeding, and vice versa. Members of the Prosecution Team may have acted as advisors to the Water Board in other, unrelated matters, but they are not advising the Water Board in this proceeding. Members of the Prosecution Team have not had any ex parte communications with the members of the Water Board or the Advisory Team regarding this proceeding.

***Ex Parte Communications***

Representatives of the City, members of the Water Board's Prosecution Team, and interested persons are forbidden from engaging in ex parte communications regarding this matter with members of the Advisory Team or members of the Water Board. An ex parte contact is any written or verbal communication pertaining to the investigation, preparation or prosecution of the Tentative Cease and Desist Order between a representative of the City, a member of the Prosecution Team, or an interested person on the one hand, and a Water Board member or an Advisory Team member on the other hand, unless the communication is copied to all other parties (if written) or made in a manner open to all other parties (if verbal). Communications regarding non-controversial procedural matters are not ex parte contacts and are not restricted. Communications among the City and the Prosecution Team and interested persons themselves are not ex parte contacts.

A copy of the Tentative Order and Notice of Public Comment Period are enclosed. If you have any questions regarding this matter, please contact Gina Kathuria at (510) 622-2378.

Sincerely,

Dyan C. Whyte  
Assistant Executive Officer

Enclosures: Tentative Cease and Desist Order  
Notice of Public Comment Period

cc (by email):

Water Board Lyris Enforcement email list  
Water Board Advisory Team  
Water Board Prosecution Team  
David Boyers, State Water Board, Office of the Chief Counsel  
Ken Greenberg, USEPA Region 9  
Kent Alm, Meyers Nave Riback Silver & Wilson  
Christopher Sproul, Environmental Advocates  
Jason Flanders, San Francisco Baykeeper