



California Regional Water Quality Control Board

San Francisco Bay Region



Linda S. Adams
Agency Secretary

1515 Clay Street, Suite 1400, Oakland, California 94612
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<http://www.waterboards.ca.gov/sanfranciscobay>

Arnold Schwarzenegger
Governor

Via Certified Mail – Return Receipt Requested
7007 2560 0001 7506 5166

July 15, 2010
CIWQS Place ID: 717192

California Department of Transportation
Attn.: Mr. Bijan Sartipi, District Director
111 Grand Avenue
Oakland, California 94612-3717

Subject: Administrative Civil Liability Complaint No. R2-2010-0071

Dear Mr. Sartipi:

Enclosed is Complaint No. R2-2010-0071 for Administrative Civil Liability in the amount of \$664,400. The Complaint alleges that at its Interstate 680 Sunol/Fremont Roadway Rehabilitation Project (Project), the California Department of Transportation (Caltrans) violated the requirements of its statewide NPDES stormwater permit and the Project's April 16, 2008, Clean Water Act (CWA) Section 401 Water Quality Certification. The violations occurred from October 7, 2009, through March 3, 2010.

Caltrans 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: October 13, 2010, commencing at 9 a.m.
Place: First Floor Auditorium, State of California 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.
 - 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, enclosed with this letter, 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 pm on August 14, 2010. It is at the discretion of the Regional Water Board Advisory Team to either accept or deny a waiver request.** The Waiver must be received by: Sandia Potter of the Water Board Advisory Team and David Elias of the Water Board Prosecution Team (see Hearing Procedure for contact information).

If you wish to communicate directly with the Prosecution Team regarding the Complaint, please contact David Elias of the Prosecution Team at (510) 622-2509 or DElias@waterboards.ca.gov.

Please refer to the letterhead for our mailing address and fax number.

Sincerely,

Thomas Mumley
Assistant Executive Officer

Enclosures: A - Complaint No. R2-2010-0071
B - Public Notice for ACL Complaint No. R2-2010-0071
C - Hearing Procedure for ACL Complaint No. R2-2010-0071
D - Administrative Civil Liability Fact Sheet
E - State Water Resources Control Board Policy on Supplemental Environmental Projects, February 3, 2009.
F - Waiver Form

cc (via email):

Bruce H. Wolfe, Regional Water Board
SWRCB, Office of the Chief Counsel – Yuri Won
SWRCB, Office of the Chief Counsel – Dorothy Dickery0
SWRCB, Division of Water Quality – Bruce Fujimoto
SWRCB, Office of Enforcement – Cris Carrigan
Water Board Lyris Enforcement Email List

California Department of Transportation
Attn. Mr. James Richards
Deputy District Director Env. Planning & Engineering
111 Grand Avenue
Oakland, California 94612-3717

California Department of Transportation
Attn. Mr. Bob Finney
Deputy District Director - Construction
111 Grand Avenue
Oakland, California 94612-3717

California Department of Transportation
Attn. Steve Whipple, District Division Chief
111 Grand Avenue
Oakland, California 94612-3717

California Department of Transportation
Attn. David Ambuehl, Construction Manager
111 Grand Avenue
Oakland, California 94612-3717