



California Regional Water Quality Control Board

San Francisco Bay Region



Linda S. Adams
Acting 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>

Edmund G. Brown, Jr.
Governor

*Certified Mail No.
Return Receipt Requested*

February 18, 2011
CIWQS Place IDs: 757928 and
757934 (HTK)

East Bay Municipal Utility District
Attn.: Mr. John H. Schroeter
375 – 11th Street
Oakland, CA 94607-4240
Also sent via email: jschroet@ebmud.com

**Subject: Administrative Civil Liability Complaint No. R2-2011-0005
for Discharging without Permits to Sausal Creek, Oakland, Alameda County
and Reliez Valley Creek, Lafayette, Contra Costa County**

Dear Mr. Schroeter:

Complaint No R2-2011-0005 (Complaint) enclosed with this letter issues an administrative civil liability (ACL) against East Bay Municipal Utility District in the amount of \$76,600. This liability is based on allegations that East Bay Municipal Utility District (EBMUD) violated California Water Code (CWC) Section 13376 for illicit discharge of partially treated chlorinated water into Sausal Creek and Reliez Valley Creek and imposed under the authority of CWC Sections 13323 and 13385.

EBMUD 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 11, 2011, 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 procedure, 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 SEP Policy for more information on such projects available at http://www.waterboards.ca.gov/water_issues/programs/enforcement/docs/rs2009_0013_sep_finalpolicy.pdf).

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 March 21, 2011. 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 contact Habte Kifle at (510) 622-2371 or hkifle@waterboards.ca.gov.

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

Sincerely,

Thomas E. Mumley
Assistant Executive Officer

Enclosures: ACL Complaint No. R2-2011-0005
Waiver Form for ACL Complaint No. R2-2011-0005
Public Notice and Hearing Procedure for ACL Complaint No. R2-2011-0005
Administrative Civil Liability Fact Sheet

cc: Regional Water Board Lyris Enforcement email list
Regional Water Board Advisory Team
Regional Water Board Prosecution Team
Ms. Lesley C. Estes, Public Works Agency, City of Oakland