California Regional Water Quality Control Board
San Francisco Bay Region

Linda S. Adams
Acting Secretary for Environmental Protection

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Edmund G. Brown, Jr.
Governor

Certified Mail
Return Receipt Requested

February 14, 2011
CIWQS Place ID 630966 (MTC)

City of Redwood City
Attn: Evan E. Boyd, Public Works Director
1400 Braodway
Redwood City, CA 94063

Also sent via email: eboyd@redwoodcity.org

Subject: Administrative Civil Liability Complaint No. R2-2011-0006 for violations of the California Water Code associated with the August 25, 2010, Redwood Shores sanitary sewer overflow (SSO) from the City of Redwood City's sanitary sewer collection system

Dear Mr. Boyd:

Complaint No. **R2-2010-0006** (Complaint) enclosed with this letter issues an administrative civil liability (ACL) against **City of Redwood City** (City) in the amount of $95,600. This liability is based on allegations that the City violated the Clean Water Act (Act), Section 301, and State Water Resources Control Board Order No. 2006-00-3-DWQ, Statewide General Waste Discharge Requirements for Sanitary Sewer Systems. The Complaint is issued to address alleged violations of the Act associated with the August 25, 2010, Redwood Shores SSO. The total volume discharged and not recovered due to this event was 57,107 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 is currently scheduled 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;
   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 attached Waiver 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 M. 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 16, 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 Michael Chee at mchee@waterboards.ca.gov or (510) 622-2333.

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

Sincerely,

Thomas E. Mumley
Assistant Executive Officer

Enclosures: ACL Complaint No. R2-2011-0006
Waiver
Public Notice and Hearing Procedure for ACL Complaint No. R2-2011-0006
Administrative Civil Liability Fact Sheet
State Water Resources Control Board Policy on Supplemental Environmental Projects, February 3, 2009

cc: Regional Water Board Lyris Enforcement email notification list
Regional Water Board Advisory Team
Regional Water Board Prosecution Team

WAIVER FORM
FOR ADMINISTRATIVE CIVIL LIABILITY COMPLAINT

By signing this waiver, I affirm and acknowledge the following:

I am duly authorized to represent City of Redwood City (hereinafter "Discharger") in connection with Administrative Civil Liability Complaint No. R2-2011-0006 (hereinafter the "Complaint"). I am informed that California Water Code section 13323, subdivision (b), states that, "a hearing before the regional board shall be conducted within 90 days after the party has been served [with the complaint]. The person who has been issued a complaint may waive the right to a hearing."

☐ ***OPTION 1: PAY THE CIVIL LIABILITY***

(Check here if the Discharger waives the hearing requirement and will pay the civil liability in full.)

a. I hereby waive any right the Discharger may have to a hearing before the Regional Water Board.

b. I certify that the Discharger will remit payment for the proposed civil liability in the full amount of **$95,600** by check that references "ACL Complaint No. R2-2011-0006" made payable to the "San Francisco Bay Regional Water Quality Control Board." Payment must be received by the Regional Water Board by **March 16, 2011** or the Regional Water Board may adopt an Administrative Civil Liability Order requiring payment.

c. I understand the payment of the above amount constitutes a proposed settlement of the Complaint, and that any settlement will not become final until after the 30-day public notice and comment period. Should the Regional Water Board receive significant new information or comments from any source (excluding the Regional Water Board Prosecution Team) during this comment period, the Regional Water Board's Assistant Executive Officer may withdraw the complaint, return payment, and issue a new complaint. I understand that this proposed settlement is subject to approval by the Regional Water Board or its Executive Officer, and that the Regional Water Board may consider this proposed settlement in a public meeting or hearing. I also understand that approval of the settlement will result in the Discharger having waived the right to contest the allegations in the Complaint and the imposition of civil liability.

d. I understand that payment of the above amount is not a substitute for compliance with applicable laws and that continuing violations of the type alleged in the Complaint may subject the Discharger to further enforcement, including additional civil liability.

☐ ***OPTION 2: REQUEST A TIME EXTENSION***

(Check here if the Discharger waives the 90-day hearing requirement in order to extend the hearing date and/or hearing deadlines. Attach a separate sheet with the amount of additional time requested and the rationale.)

I hereby waive any right the Discharger may have to a hearing before the Regional Water Board within 90 days after service of the Complaint. By checking this box, the Discharger requests that the Regional Water Board delay the hearing and/or hearing deadlines so that the Discharger may have additional time to prepare for the hearing. It remains within the discretion of the Regional Water Board Advisory Team to approve the extension.

☐ ***OPTION 3: ENGAGE IN SETTLEMENT DISCUSSIONS***

(Check here if the Discharger waives the 90-day hearing requirement in order to engage in settlement discussions.)

I hereby waive any right the Discharger may have to a hearing before the Regional Water Board within 90 days after service of the Complaint, but I reserve the ability to request a hearing in the future. I certify that the Discharger will contact the Regional Water Board Prosecution Team within five business days of submittal of this waiver to request that the Prosecution Team engage in settlement discussions to attempt to resolve the outstanding violation(s). As part of a settlement discussion, the Discharger may propose a supplemental environmental project to the extent such a project is authorized by law. By checking this box, the Discharger requests that the Regional Water Board Advisory Team delay the hearing so that the Discharger and the Prosecution Team can discuss settlement. It remains within the discretion of the Regional Water Board Advisory Team to agree to delay the hearing. Any proposed settlement is subject to the conditions described above under "Option 1c and d."

☐ ***OPTION 4: SUBMIT A SUPPLEMENTAL ENVIRONMENTAL PROJECT***

(Check here if the Discharger waives the hearing requirement and will submit a proposed supplemental environmental project. If the proposal is rejected, the Discharger will pay the civil liability in full.)

a. I hereby waive any right the Discharger may have to a hearing before the Regional Water Board.

b. I certify that the Regional Water Board Prosecution Team has authorized the Discharger to submit a proposed supplemental environmental project that costs up to the amount specified in the Policy on Supplemental Environmental Projects, February 2, 2009, in lieu of payment of that amount of the proposed civil liability. I agree to submit the proposal [and the remainder of the proposed civil liability] within 60 days of the date of the Complaint. I understand that the proposal must conform to the requirements specified in the State Water Resources Control Board's Water Quality Enforcement Policy. If I receive written notice from the Prosecution Team that the Discharger has failed to timely submit a proposal or that the Prosecution Team has rejected the proposal, I certify that the Discharger will remit payment of the proposed civil liability in full by check that references "ACL Complaint No. R2-2011-0006" made payable to the "San Francisco Bay Regional Water Quality Control Board" within ten days of the notice. If payment is not timely received, the Regional Water Board may adopt an Administrative Civil Liability Order requiring payment.

c. I understand the acceptance or rejection of the proposed supplemental environmental project and payment of the remainder of the proposed civil liability constitutes a proposed settlement of the Complaint, and that any settlement will not become final until after the 30-day public notice and comment period. Should the Regional Water Board receive significant new information or comments from any source (excluding the Regional Water Board Prosecution Team) during this comment period, the Regional Water Board's Assistant Executive Officer may withdraw the Complaint, return payment, and issue a new complaint. I understand that this proposed settlement is subject to approval by the Regional Water Board or its Executive Officer, and that the Regional Water Board may consider this proposed settlement in a public meeting or hearing. I also understand that approval of the settlement will result in the Discharger having waived the right to contest the allegations in the Complaint and the imposition of civil liability.

d. I understand that payment of the above amount is not a substitute for compliance with applicable laws and that continuing violations of the type alleged in the Complaint may subject the Discharger to further enforcement, including additional civil liability.

_____
(Print Name and Title)

_____
(Signature)

_____
(Date)