

STATE OF CALIFORNIA  
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
SAN FRANCISCO BAY REGION

EXECUTIVE OFFICER'S SUMMARY REPORT  
MEETING DATE: July 10, 2013

**ITEM:** 6

**SUBJECT:** **Stanforth Holding Company, LLC, Dublin Ranch Tract 8016 located off Cydonia Court, Dublin, Alameda County – Hearing to Consider Adoption of Resolution Authorizing Referral to Attorney General**

**CHRONOLOGY:** The Board has not previously considered this facility.

**DISCUSSION:** The Tentative Resolution (Appendix A) would refer enforcement of violations alleged against Stanforth Holding Company, LLC (Stanforth) to the Attorney General. The Board is not being asked to decide the merits of the case or determine any facts but only to consider whether a referral is appropriate. This matter may come before the Board in the future for enforcement (for example, if the Attorney General declines the referral) or for permitting, so the Board should not deliberate or make a decision on potential administrative enforcement.

Stanforth owns a 13.78-acre property, located off Cydonia Court in Dublin (Appendix B), known as Dublin Ranch Track 8016. Board staff inspected Dublin Ranch Track 8016 on March 25, 2013, and cited Stanforth for violations of the statewide Construction Stormwater General Permit and for causing unauthorized discharges to, and illegally filling, waters of the State. The California Department of Fish and Wildlife and the U.S. Fish and Wildlife Service are also investigating activities at Stanforth's property. Judicial enforcement by the Attorney General allows a better opportunity for inter-agency coordination of enforcement efforts.

Approval of the Tentative Resolution would authorize me to request that the Attorney General pursue judicially-imposed penalties and take other appropriate action in consultation with the Board Chair. We did not receive any comments on a tentative resolution that Board prosecution staff published for a 30-day public review period. I made non-substantive changes to the published tentative resolution, and staff shared the changes with Stanforth. All changes are reflected in the attached Tentative Resolution.

**RECOMMENDATION:** I will have a recommendation at the close of the hearing.

**WDID #:** 2 01C364043

**APPENDICES:** A. Tentative Resolution  
B. Vicinity Map

## **APPENDIX A**

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
SAN FRANCISCO BAY REGION

TENTATIVE RESOLUTION NO. R2-2013-XXXX

AUTHORIZING REFERRAL OF CIVIL ENFORCEMENT TO  
THE ATTORNEY GENERAL

STANFORTH HOLDING COMPANY, LLC  
DUBLIN RANCH TRACT 8016  
OFF CYDONIA COURT  
DUBLIN, ALAMEDA COUNTY

- A. WHEREAS, Stanforth Holding Company, LLC (hereinafter the Discharger), owns 13.78 acres of property located off Cydonia Court, at 37.73 degrees latitude and -121.86 degrees longitude, in Dublin, designated as Dublin Ranch Tract 8016 (the Site);
- B. WHEREAS, on July 10, 2012, the Discharger applied for and obtained coverage under the State Water Resources Control Board (State Water Board) Construction Storm Water Permit, Order No. 2009-0009-DWQ, for construction at the Site;
- C. WHEREAS, the Assistant Executive Officer of the San Francisco Bay Regional Water Quality Control Board (Regional Water Board) alleges that the Discharger caused or permitted the following violations at the Site:
- (1) Failure to implement appropriate best management practices for erosion and sediment control at the Site as required by the State Water Board Construction Storm Water Permit;
  - (2) Unauthorized discharges of sediment and alkaline stormwater from the Site to waters of the State; and
  - (3) Placement of fill material at the Site into waters of the State without the authorization of waste discharge requirements or a water quality certification from the Regional Water Board or a permit from the U.S. Army Corps of Engineers, pursuant to section 404 of the Clean Water Act;
- D. WHEREAS, the Discharger may be subject to civil liability for the alleged violations described herein pursuant to Water Code sections 13350 and/or 13385;
- E. WHEREAS, Water Code sections 13350 and 13385 allow the Regional Water Board to request that the Attorney General petition the superior court to impose, assess, and recover civil liabilities for violations in accordance with sections 13350 and/or 13385. Under the Water Code, civil liabilities imposed judicially may be higher than those imposed administratively;

- F. WHEREAS, the California Department of Fish and Wildlife and the U.S. Fish and Wildlife Service are also investigating activities at the Site with separate jurisdictions, including the enforcement authority to directly address the harm caused to endangered species;
- G. WHEREAS, the investigation of the violations alleged in Finding C is an ongoing investigation by Regional Water Board staff with the potential for additional violations at the Site to be alleged; and judicial enforcement by the Attorney General allows a better opportunity for inter-agency coordination of enforcement efforts relating to the alleged violations; and
- H. WHEREAS, Water Code section 13350(g) requires the Regional Water Board to hold a hearing, with due notice of the hearing given to all affected persons, prior to requesting the Attorney General to petition a court to impose and assess civil liability. On July 10, 2013, the Regional Water Board held such a hearing in compliance with section 13350(g) specific to violations alleged in Finding C.

NOW THEREFORE BE IT RESOLVED THAT:

- 1. Subject to available resources, the Regional Water Board hereby authorizes the Executive Officer to request that the Attorney General seek judicially-imposed civil penalties against the Discharger pursuant to Water Code section 13350 and/or 13385 and to file such other punitive causes of action and to seek other relief as may be permissible and appropriate. The Executive Officer shall confer with the State Water Board Office of Chief Counsel and/or Office of Enforcement on the availability of resources to support the referral to the Attorney General prior to making the referral.
- 2. If the referral is made and accepted by the Attorney General, the Regional Water Board hereby authorizes the Executive Officer to seek injunctive relief and judicial civil liability against the Discharger in an amount that he deems appropriate and report it to the Regional Water Board Chair.

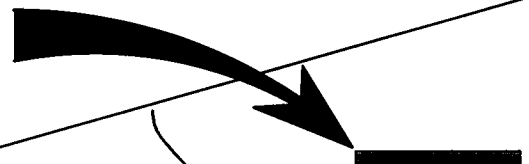
I, Bruce H. Wolfe, Executive Officer, hereby certify that the foregoing is a full, true, and correct copy of the Resolution adopted by the Regional Water Board at its regular meeting on July 10, 2013.

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BRUCE H. WOLFE  
Executive Officer

## **APPENDIX B**

# PROJECT AREA



CONTRA COSTA COUNTY  
ALAMEDA COUNTY



## DUBLIN

CYDONIA COURT

TASSAJARA ROAD

DUBLIN RANCH

GRAFTON STREET

GLEASON DRIVE

LOCKHART STREET

DUBLIN

BOULEVARD

CENTRAL PKWY

FALLON ROAD

I-580

I-580

I-680

DOUGHERTY ROAD

HOPYARD ROAD

ROAD

HACIENDA DRIVE

SANTA RITA ROAD

EL CHARRO ROAD

PLEASANTON

# VICINITY MAP

N.T.S.

Source: Stanforth Holding Company's Notice of Intent Application Package