

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

TENTATIVE RESOLUTION NO. R2-2013-XXXX

AUTHORIZING REFERRAL OF CIVIL ENFORCEMENT TO
OFFICE OF ATTORNEY GENERAL

DUBLIN RANCH TRACT 8016
OFF CYDONIA COURT
DUBLIN, ALAMEDA COUNTY

- A. WHEREAS, Stanforth Holding Company, LLC (hereinafter the “Discharger”), owns 13.78 acres property located off Cydonia Court, at 37.73 degrees latitude and -121.86 degrees longitude, in Dublin, Alameda County (designated as “Dublin Ranch Tract 8016”);
- 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.
- C. WHEREAS, the Assistant Executive Officer of the California Regional Water Quality Control Board, San Francisco Bay Region (“Regional Water Board”) alleges that the Discharger caused or permitted the following violations:
- (1) Failure to implement appropriate best management practices for erosion and sediment control as required by State Water Board Construction Storm Water Permit, Order No. 2009-0009-DWQ;
 - (2) Unauthorized discharges of sediment and alkaline storm water from Dublin Ranch Tract 8016 to waters of the State;
 - (3) Placement of fill material into waters of the State without the authorization of waste discharge requirements or a 401 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 Office of 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 Department of Fish and Wildlife and the U.S. Fish and Wildlife are also investigating this matter with separate jurisdictions, including the enforcement authority to directly address the harm caused to endangered species.
- H. WHEREAS, this is an ongoing investigation by Regional Water Board staff with the potential for additional violations to be alleged, and judicial enforcement by the Office of the Attorney General allows a better opportunity for inter-agency coordination of enforcement efforts relating to the alleged violations.
- I. 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 Office of the Attorney General to petition a court to impose and assess civil liability. On _____, 2013, the Regional Water Board held such a hearing in compliance with section 13350(g).

NOW THEREFORE BE IT RESOLVED THAT:

- 1. Subject to available resources, the Regional Water Board hereby authorizes the Executive Officer to request that the Office of the Attorney General seek judicially-imposed civil penalties 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 Office of the Attorney General prior to making the referral.
- 2. If the referral is made and accepted by the Office of the Attorney General, the Regional Water Board hereby authorizes the Executive Officer to seek injunctive relief and judicial civil liability 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 _____, 2013.

BRUCE H. WOLFE
Executive Officer