



EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

San Francisco Bay Regional Water Quality Control Board

September 23, 2014
CIWQS Place ID 771086 (DOW)

*Certified Mail No. 7005 0390 0002 6401 5851
Return Receipt Requested*

Contra Costa County Public Works Department

Attn: Julia R. Bueren
255 Glacier Drive
Martinez, CA 94553-4825

Also sent by email: jbuer@pw.cccounty.us

**Subject: Administrative Civil Liability Complaint No. R2-2014-1017
for Unauthorized Discharge, Contra Costa County**

Dear Julia R. Bueren:

Complaint No R2-2014-1017 (“Complaint”) enclosed with this letter issues an administrative civil liability (“ACL”) against the Contra Costa County Public Works Department (“Department”) in the amount of \$10,000. This liability is based on allegations that Department violated Clean Water Act section 301 and California Water Code section 13376 by discharging 49 tons of fill material into Green Valley Creek.

Department can respond to the Complaint by appearing before the San Francisco Bay Regional Water Quality Control Board (“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: December 10, 2014, 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 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 Yuri Won 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 October 23, 2014. It is at the discretion of the Regional Water Board Advisory Team to either accept or deny a waiver request.**

For more information about SEPs and the project selection and proposal approval process, please contact Athena Honore of the San Francisco Estuary Project (SFEP) at (510) 622-2325 or ahonore@waterboards.ca.gov. To see examples of current and completed projects, visit SFEP's website <http://www.sfestuary.org/projects/list.php>.

If you wish to communicate directly with the Prosecution Team regarding the Complaint, please contact David Williams at (510) 622-2373 or dwilliams@waterboards.ca.gov.

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

Sincerely,

Dyan C. Whyte
Assistant Executive Officer

Enclosures: ACL Complaint No. R2-2014-1017
Waiver Form for ACL Complaint No. R2-2014-1017
Public Notice and Hearing Procedure for ACL Complaint No. R2-2014-1017
Administrative Civil Liability Fact Sheet
State Water Resources Control Board Policy on Supplemental Environmental Projects, February 3, 2009.

Copy to: Regional Water Board Lyris Enforcement email list
Regional Water Board Advisory and Prosecution Teams
Cris Carrigan, State Water Board, Office of Enforcement

Steve Kowalewski, Contra Costa County Public Works Department, Deputy Director, skowa@pw.cccounty.us

Mike Carlson, Contra Costa County Public Works Department, Flood Control
Division Manager, mcarl@pw.cccounty.us

Leigh Chavez, Contra Costa County Public Works Department and Flood Control
and Water Conservation District, Environmental Services Division Head,
lchav@pw.cccounty.us

Katerina Galacatos, South Branch Chief, U.S. Army Corps of Engineers
Katerina.galacatos@usace.us.mil

Ryan Olah, Coast Bay/Forest Foothill Division Chief
U.S. Fish and Wildlife Service
ryan_olah@fws.gov

Robert Stanley, California Department of Fish and Wildlife
Robert.stanley@wildlife.ca.gov