



EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

San Francisco Bay Regional Water Quality Control Board

March 17, 2015
CIWQS Place ID 201157 (JHG)

*Certified Mail 7014 0510 0001 3749 6220
Return Receipt Requested*

OG Property Owner, LLC
Attn: Scott Goldie
101 Wilder Road
Orinda, CA 94563

Also sent via email: Goldie@brooks-street.com

**Subject: Administrative Civil Liability Complaint No. R2-2015-1003
for allegedly discharging 379,000 gallons of storm water polluted by
sediments to San Pablo Creek , Orinda, Contra Costa County**

Dear Mr. Smith:

Complaint **R2-2015-1003** (Complaint) enclosed with this letter issues an administrative civil liability (ACL) against OG Property Owner, LLC in the amount of \$753,000. This liability is based on allegations that OG Property Owner, LLC violated section V.A.2 Narrative Effluent Limitations of the NPDES General Permit for Storm Water Associated with Construction and Land Disturbance Activities, Order No. 2009-0009-DWQ, by discharging an estimated 379,000 gallons of storm water polluted by sediments to San Pablo Creek. The Discharger is subject to a civil liability pursuant to California Water Code (Water Code) sections 13323 and 13385.

OG Property Owner, LLC 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: June 10, 2015, 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.).

JOHN MULLER, CHAIR | BRUCE H. WOLFE, EXECUTIVE OFFICER

1515 Clay St., Suite 1400, Oakland, CA 94612 | www.waterboards.ca.gov/sanfranciscobay

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 Tamarin Austin 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 April 16, 2015. 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 Partnership (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/our-projects/stewardship/sep/>.

If you wish to communicate directly with the Prosecution Team regarding the Complaint, please contact Jack Gregg at (510) 622-2437 or Jack.Gregg@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 R2-2015-1003
Waiver Form for ACL Complaint R2-2015-1003
Public Notice and Hearing Procedure for ACL Complaint R2-2015-1003
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
Wilder Project 2015 Mailing List

Wilder Project 2015 Mailing List

Bernard Andres
Project Manager
Brooks Street
101 Wilder Road
Orinda CA 94597

Hossain Kazemi
Kaz and Associates,
538 Stone Road, Suite I
Benicia, CA 94510

Daniel Chavarria, P.E.
Associate Civil Engineer
City of Orinda
22 Orinda Way
Orinda, CA 94563

Charles Swanson
Director of Public Works and Engineering Services
City of Orinda
22 Orinda Way
Orinda, CA 94563

John Kopchik
DCD Director
Contra Costa County
30 Muir Road
Martinez, CA 94553

East Bay Municipal Utility District
Attn: Chandra Johannesson
Supervising Environmental Services Representative
P.O. Box 24055
Oakland, CA 94623-1055