

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

NOTICE OF PROPOSED SETTLEMENT AGREEMENT AND STIPULATED
ORDER

in the matter of

ALUM ROCK UNION ELEMENTARY SCHOOL DISTRICT
OPERATING AN INDUSTRIAL FACILITY WITHOUT A STORM WATER
DISCHARGE PERMIT

The California Regional Water Quality Control Board, San Francisco Bay Region (Regional Water Board) Prosecution Team and Alum Rock Union Elementary School District, located at 2930 Gay Ave., San Jose, Santa Clara County (Discharger) have entered into a proposed Settlement Agreement and Stipulated Order. The proposed settlement would impose an administrative civil liability against the Discharger in the amount of \$5,000 for the alleged violation of operating an industrial facility without a storm water discharge permit.

This proposed liability is based on allegations that the Discharger violated section II.B.4 of the General Permit for Storm Water Discharges Associated with Industrial Activities, Order No. 2014-0057-DWQ, National Pollutant Discharge Elimination System (NPDES) No. CAS000001, by failing to recertify for continued coverage under the new permit by July 1, 2015. The State Water Resources Control Board sent notices of noncompliance as required by the California Water Code, section 13399.30, on October 30, 2015, and December 11, 2015. The Discharger failed to recertify by December 28, 2015, and is subject to a mandatory penalty of \$5,000 pursuant to California Water Code section 13399.33(a)(1). The Discharger obtained permit coverage on July 19, 2017.

The proposed Settlement Agreement and Stipulated Order (“conditional offer”) comprised of the Acceptance of Conditional Resolution, Waiver of Right to Hearing, and tentative order) are available at http://www.waterboards.ca.gov/sanfranciscobay/public_notices/pending_enforcement.shtml. Persons may comment on the proposed Settlement Agreement and Stipulated Orders by submitting written comments no later than 5:00 p.m. on August 24, 2017.

For additional information and updates, please contact prosecutorial staff Lena Germinario at 510-622-2359 or Lena.Germinario@waterboards.ca.gov or check the Regional Water Board website link cited above for documents and future developments associated with this matter.

Dated: July 25, 2017