



San Francisco Bay Regional Water Quality Control Board

December 15, 2021
CIWQS Place ID 875580 (BJT)

City of San Mateo
Attn: Mr. Azalea Mitch
Director of Public Works
330 W. 20th Avenue
San Mateo, CA 94403
Sent via email: amitch@cityofsanmateo.org

**Subject: Administrative Civil Liability Complaint No. R2-2021-1023
for the Unauthorized Discharge of Potable Water and Construction
Pollutants to San Mateo Creek, Santa Clara County**

Dear Mr. Mitch:

Complaint No R2-2021-1023 (Complaint) enclosed with this letter issues an administrative civil liability (ACL) against the City of San Mateo in the amount of \$73,700. This liability is based on allegations that an unauthorized discharge to San Mateo Creek occurred from a City of San Mateo road construction project. A contractor working for the City of San Mateo ruptured a potable water pipeline and the chlorinated water flowing from the pipeline mixed with construction materials and flowed into the creek in violation of California Water Code section 13376 and Section 301 of the Clean Water Act.

The City of San Mateo 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: March 9, 2022, 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),

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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 ACL Fact Sheet for additional information about the Regional Water Board's hearing process.

2. The public hearing that has been scheduled (above) can be waived to pursue one of the following options:
 - Option 1: Pay the liability as proposed in the Complaint;
 - Option 2: Request more time and postpone the date of the public hearing;
 - Option 3: Promptly engage in settlement discussions with the Regional Water Board Prosecution Team. As part of settlement, a Supplemental Environmental Project (SEP) may be proposed, deferring partial payment of the penalty 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. To pursue one of the options, **the Waiver must be signed, dated, and received by Marnie Ajello of the Regional Water Board Advisory Team at marnie.ajello@waterboards.ca.gov (with a copy to the Prosecution Team contact listed below) no later than 5:00 p.m. on January 14, 2022. 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 Darcie Luce of the San Francisco Estuary Partnership at (415) 820-7900 or darcie.luce@sfestuary.org. To see examples of current and completed projects, visit SFEP's website: <https://www.sfestuary.org/supplemental-environmental-projects>

If you wish to communicate directly with the Prosecution Team regarding the Complaint, please contact Brian Thompson at (510) 622-2422 or brian.thompson@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 R2-2021-1023
Waiver Form for ACL Complaint R2-2021-1023
Public Notice for ACL Complaint R2-2021-1023
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
Sarah Scheid, City of San Mateo, sscheidt@cityofsanmateo.org
Matthew Zucca, City of San Mateo, mzucca@cityofsanmateo.org
Linh Nguyen, City of San Mateo, lnguyen@cityofsanmateo.org