CALIFORNIA
Water Boards

EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIQUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

San Diego Regional Water Quality Control Board

November 19, 2015

Certified Mail – Return Receipt Requested
Article Number: 7011 0470 0002 8952 7809

Mr. Jim Linthicum
San Diego Association of Governments
401 B Street, Suite 800
San Diego, California 20101

In reply refer to / attn:
SM-456294:rstewart

Notice of Hearing and Issuance of Complaint No. R9-2015-0166 for Administrative Civil Liability Against San Diego Association of Governments

Mr. Linthicum:

Enclosed find Complaint No. R9-2015-0166 (Complaint) for Administrative Civil Liability against San Diego Association of Governments (Discharger) in the amount of **$50,000** for violations of State Water Resources Control Board Order No. 2009-0009-DWQ, *National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities*, California Water Code (Water Code) section 13376, the Water Quality Control Plan for the San Diego Basin, and federal Clean Water Act section 301. The alleged violations are described in the Complaint and the attached Technical Analysis to the Complaint. Pursuant to Water Code section 13323, the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) shall hold a hearing on the Complaint no later than ninety (90) days after it is issued.

Waiver of Hearing
You may elect to waive your right to a hearing before the San Diego Water Board. Waiver of the hearing constitutes admission of the violations alleged in the Complaint and acceptance of the assessment of civil liability as set forth in the Complaint. For the San Diego Water Board to accept the waiver of your right to a public hearing, you must sign the enclosed waiver form with Option 1 selected, and submit it to the San Diego Water Board by 5:00 p.m. on **December 21, 2015**.

Public Hearing
Alternatively, if you elect to proceed to a public hearing, a hearing is tentatively scheduled to be held at the San Diego Water Board meeting on **February 10, 2016**. The meeting is scheduled to convene at the San Diego Water Board, 2375 Northside Drive, Suite 100, San Diego, California at 9:00 a.m. At that time, the San Diego Water Board will accept testimony, public comment, and decide whether to affirm, reject, or modify the proposed liability, or whether to refer the matter for judicial civil action.

Settlement Discussions
The facts in this case do not warrant adjustment, therefore at this time I am not motivated to enter into settlement discussions.

Enclosed is the proposed hearing procedure for the San Diego Water Board to follow in conducting the hearing. Please note that objections to the proposed hearing procedure are due by **November 30, 2015**, to the San Diego Water Board's Advisory Team, Attention: Catherine Hagan, at the address indicated in the proposed hearing procedure.

Please submit all written documents as Portable Document Format (PDF) files to sandiego@waterboards.ca.gov. In the subject line of any response, please include the reference number **SM-456294:rstewart**. For questions or comments, please contact Rebecca Stewart by telephone at (619) 516-1977, or by email at rstewart@waterboards.ca.gov.

Respectfully,

JAMES G. SMITH
Assistant Executive Officer

JGS:jch:ke:cmc:rls

Enclosures:

1. ACL Complaint No. R9-2015-0166 with attached Technical Analysis
2. ACL Complaint Fact Sheet
3. Proposed Hearing Procedure
4. Waiver of Public Hearing Form

cc: (electronically, with enclosures)

Prosecution Team:
Kailyn Ellison, State Water Resources Control Board, kellison@waterboards.ca.gov
Jeremy Haas, San Diego Water Board, jhaas@waterboards.ca.gov
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Advisory Team:
Catherine Hagan, State Water Resources Control Board, chagan@waterboards.ca.gov
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Deborah Jayne, San Diego Water Board, djayne@waterboards.ca.gov

Discharger:
Sharon Humphreys, SANDAG, sharon.humphreys@sandag.org

Tech Staff Info & Use

PIN	SM-456294
WDID	9 37C373277
Violation IDs:	857987, 857986
Regulatory Measure ID:	420710