



# California Regional Water Quality Control Board

## Central Coast Region



Linda Adams  
Secretary for  
Environmental  
Protection

www.waterboards.ca.gov/centralcoast  
895 Aerovista Place, Suite 101, San Luis Obispo, California 93401  
Phone (805) 549-3147 • FAX (805) 543-0397

Arnold  
Schwarzenegger  
Governor

June 27, 2007

CERTIFIED MAIL 7006 0100 0000 1777 6075  
RETURN RECEIPT REQUESTED

Mr. Don Spagnola, Public Works Director  
City of Arroyo Grande  
208 East Branch Street  
Arroyo Grande, CA 93421

Dear Mr. Spagnola:

### ADMINISTRATIVE CIVIL LIABILITY COMPLAINT, CITY OF ARROYO GRANDE, SAN LUIS OBISPO COUNTY

Attached is *Administrative Civil Liability Complaint No. R3-2007-0065 in the matter of City of Arroyo Grande, San Luis Obispo County*. This Complaint concerns your large sewage spill to Arroyo Grande Creek on March 14 and 15, 2007.

Unless you waive your right to a public hearing and pay the amount proposed in the Complaint (\$65,000), we plan to present an order to the Regional Water Quality Control Board, Central Coast Region (Water Board) for the amount proposed, at the Water Board meeting on September 7, 2007, at the Water Board Conference Room, 895 Aerovista Place, Suite 101, San Luis Obispo, California. We have not yet scheduled a specific time for this item.

The Water Board may allow you to expend up to \$40,000 of the penalty on a supplemental environmental project (SEP) in accordance with the State Water Resources Control Board's *Water Quality Enforcement Policy*. You may submit a proposal for one or more SEPs. If you do choose to submit a proposal, please submit it for our consideration no later than **July 27, 2007**. The *Water Quality Enforcement Policy* specifies the criteria a SEP must meet to qualify for funding at <http://www.waterboards.ca.gov/plnspols/index.html>. You may find a number of SEPs listed, as well as other useful information, on our website at: <http://www.waterboards.ca.gov/centralcoast/sep/index.htm>.



June 27, 2007

Please review the Complaint carefully and submit your comments and/or your Waiver of Hearing form and copy of payment, or an SEP proposal by **July 27, 2007**. If you have questions, please contact **Matt Thompson at (805) 549-3159**, or Harvey Packard at (805) 542-4639.

Sincerely,



Michael Thomas  
Assistant Executive Officer

Attachment: Administrative Civil Liability Complaint No. R3-2007-0065

cc:

Mr. Rich Lichtenfels  
San Luis Obispo County Environmental Health  
P. O. Box 1489  
San Luis Obispo, CA 93406

Mr. Tom Zehnder  
South SLO Co. Sanitation District  
P. O. Box 339  
Oceano, CA 93445

Ms. Lori Okun  
State Water Resources Control Board  
P. O. Box 100  
Sacramento, CA 95812-0100

S:\NPDES\NPDES Facilities\San Luis Obispo Co\South SLO Co\collection systems\Arroyo Grande ACL 2007-0065\Complaint\Transmittal Letter, ACLC 07-65.DOC

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL COAST REGION

ADMINISTRATIVE CIVIL LIABILITY COMPLAINT NO. R3-2007-0065

IN THE MATTER OF:

CITY OF ARROYO GRANDE  
SAN LUIS OBISPO COUNTY

THE CITY OF ARROYO GRANDE IS HEREBY GIVEN NOTICE THAT:

The City of Arroyo Grande (hereafter "City" or "Discharger") is alleged to have violated provisions of California State law and an Order of the Regional Water Quality Control Board, Central Coast Region (hereafter "Central Coast Water Board"), for which the Central Coast Water Board may impose civil liability pursuant to California Water Code Section 13385.

Unless the Discharger waives its right to a hearing and pays the recommended civil liability, a public hearing on this matter will be held before the Central Coast Water Board on September 7, 2007, at the Central Coast Water Board Conference Room, 895 Aerovista Place, Suite 101, San Luis Obispo, California. The Discharger and its authorized representative(s) will have an opportunity to be heard and to contest the allegations in this Complaint and the imposition of civil liability by the Central Coast Water Board.

An agenda will be mailed to the Discharger separately, not less than ten days before the public hearing date. At the public hearing, the Central Coast Water Board will consider whether to affirm, reject, or modify the proposed administrative civil liability, or whether to refer the matter to the State Attorney General for recovery of judicial civil liability.

**ALLEGATIONS**

1. The Discharger owns and operates wastewater collection facilities that are subject to *Waste Discharge Requirements Order No. R3-2004-0062 for Local Wastewater Collection Agencies Tributary to South San Luis Obispo County Sanitation District Wastewater Treatment Facility, San Luis Obispo County* (hereinafter "Order No. R3-2004-0062"), adopted by the Central Coast Water Board on September 10, 2004. The Discharger's collection system conveys the City's wastewater to South San Luis Obispo County Sanitation District's facilities for treatment and disposal.
2. Order No. R3-2004-0062 includes the following prohibition:
  - "A. Prohibition
    1. The discharge of untreated wastewater outside of the described wastewater collection systems and the Treatment Facility is prohibited."
3. On March 14 and 15, 2007, a clogged 12-inch diameter sewer line caused approximately 50,000 gallons of raw sewage to overflow into Arroyo Grande Creek. The Discharger thereby violated Order No. R3-2004-0062, Prohibition A.1. The Discharger is therefore liable civilly pursuant to California Water Code Section 13385.

4. **Maximum Civil Liability.** Water Code Section 13385(c) authorizes the Central Coast Water Board to administratively impose civil liability in an amount not to exceed the sum of \$10,000 per day for each day a violation occurs and \$10 per gallon for each gallon in excess of 1,000 that is not susceptible to cleanup or is not cleaned up. The maximum civil liability that may be imposed by the Central Coast Water Board in this case is \$510,000 ( $[\$10,000 \text{ per day} \times 2 \text{ days}] + [(50,000 \text{ gal.} - 1,000 \text{ gal.}) \times \$10 \text{ per gallon}]$ ).
5. **Minimum Civil Liability.** Water Code Section 13385(e) provides that, at a minimum, civil liability shall be assessed at a level that recovers the economic benefit or savings, if any, derived from the acts that constitute the violations. As discussed below, the Discharger did not derive any economic benefit or savings from this violation.
6. **Factors to Consider in Assessment of Civil Liability.** Pursuant to Water Code Section 13385(e), in determining the amount of liability, the Water Board shall:

*...take into account the nature, circumstances, extent, and gravity of the violation or violations, whether the discharge is susceptible to cleanup or abatement, the degree of toxicity of the discharge, and, with respect to the violator, the ability to pay, the effect on its ability to continue its business, any voluntary cleanup efforts undertaken, any prior history of violations, the degree of culpability, economic benefit or savings, if any, resulting from the violation, and other matters that justice may require. At a minimum, liability shall be assessed at a level that recovers the economic benefits, if any, derived from the acts that constitute the violation.*

These factors are considered as follows:

**a. The Nature, Circumstances, Extent, and Gravity of the Violations**

This sewage spill occurred behind an antique shop at 410 East Branch Street, at the east end of the Village of Arroyo Grande, in San Luis Obispo County. The spill occurred where a 12-inch diameter sewer line serving 10 to 15% of the City discharges into South San Luis Obispo County Sanitation District's 18-inch trunk sewer line. This junction is on the north bank of Arroyo Grande Creek, just upstream of where the 18-inch trunk line crosses Arroyo Grande Creek in a pipe bridge. There is not a manhole to facilitate cleaning where the 12-inch line joins the 18-inch line. Instead, there is a 6 in. cleanout that angles back into the 12-inch line. This leaves a 6 to 10-foot section at the end of the 12-inch line that cannot be easily accessed for cleaning. Grease, soap, and sludge accumulated in this section of line, which eventually blocked flow and caused sewage to surcharge the 12-inch line and exit from the 6-inch cleanout. The sewage flowed down the bank and into Arroyo Grande Creek.

Sewage flowed into Arroyo Grande Creek for at least 29 hours (from 8:00a March 14 to 1:30p March 15, 2007). The spill continued undetected by City staff for approximately 22 hours due to a miscommunication between the party who found and reported the spill, and the City staff who received the report.

City Public Works Supervisor Shane Taylor estimated and reported the total volume of the spill as 50,000 gallons.

On March 16, 2007, approximately 21 hours after the City stopped the spill, City staff grabbed samples of Arroyo Grande Creek upstream of where the spill entered the creek, immediately where the spill entered the creek, and downstream of where the spill entered the creek. The analytical results are as follows:

Location	Fecal Coliform (MPN/100mL)	Total Coliform (MPN/100mL)
Upstream	50	1,600
Spill Site	170	3,000
Downstream	2,400	9,000

The downstream fecal coliform concentration is more than one order of magnitude greater than the upstream fecal coliform concentration.

The Central Coast Ambient Monitoring Program (CCAMP) monitored several locations along Arroyo Grande Creek from January 2002 through March 2003, to establish the ambient water quality of Arroyo Grande Creek. Of 15 samples that CCAMP took from the creek at Strother Park, which is the closest monitoring station upstream of the spill site, the maximum fecal coliform concentration was 1,600 MPN/100mL. Of 15 samples that CCAMP took from the creek at where it crosses Fair Oaks Boulevard, which is the closest monitoring station downstream of the spill site, the maximum fecal concentration was 1,300 MPN/100mL (these data are available at: <http://ccamp.org>). The sample taken on March 16, 2007, downstream of the spill site was 2,400 MPN/100mL, which is greater than both of these historic maximums. This downstream sample was taken approximately 21 hours after the spill had ended. The creek was flowing well at this time of year and likely flushed most of the sewage downstream before the sample was taken. It is quite likely that had the sample been taken during the spill or shortly thereafter, the fecal coliform concentration would have been greater than 2,400 MPN/100mL.

The Central Coast Basin Plan's water contact recreation standard for fecal coliform states, "Fecal coliform concentration, based on a minimum of not less than five samples for any 30-day period, shall not exceed a log mean of 200/100 mL, nor shall more than ten percent of total samples during any 30-day period exceed 400/100 mL." Five or more samples in the 30-day period around the date of the subject spill are not available, so a definitive determination of compliance with this standard is not possible. However, the one sample taken downstream of the spill site exceeded both of these thresholds. For the sake of comparison, 4 of the 15 samples (or 27%) that CCAMP took at Strother Park exceeded the 400 MPN/100mL threshold. Eight of the 15 samples (or 54%) that CCAMP took at Fair Oaks Boulevard exceeded the 400 MPN/100 mL threshold. Based on this ambient data, staff concludes that this spill degraded the water quality of Arroyo Grande Creek.

After the City reported the spill, County of San Luis Obispo Environmental Health Services (County Health) posted signs at several locations along the creek and at Oceano Dunes State Vehicular Recreation Area, where the creek enters the Pacific Ocean. The signs at the beach prohibited water contact activities a half mile north and south of the creek outlet. County Health took beach water quality samples on March 15, 2007, at approximately 12:00 p.m. This is approximately the time when the spill would have affected beach water quality (the ocean is approximately 4.6 miles downstream of where the spill occurred and staff estimates it took 4 to 8 hours for the spill to reach the ocean). Samples were taken

100 feet north of the creek, at the creek, and 100 feet south of the creek. The analytical results are as follows:

Location	Total Coliform (MPN/100mL)	E. Coli (MPN/100mL)	Enterococcus (MPN/100mL)
100 feet north of creek	31	<10	<10
At creek	121	20	10
100 feet south of creek	<10	<10	<10
<b>State Standard for water contact recreation</b>	<b>10,000</b>	<b>400</b>	<b>104</b>

Based on these results, the spill did not cause any exceedances of ocean water quality standards for water contact recreation.

#### b. Degree of Culpability

The City owns and is responsible for maintaining the sewer line from which the spill occurred. The City is responsible for responding to public reports of water discharges and sewage spills in their service area. The City's response to the initial spill report is a key factor when considering its culpability, so the City's response is discussed in detail here.

The spill was initially found at approximately 8:00a on March 14, 2007, by the residents of 505 Nelson Street, which is immediately across the creek from where the spill occurred. Water Board staff interviewed these residents on May 1 and 2, 2007. Because they could not smell sewage and the origin of the spill was obscured by heavy vegetation, the residents originally assumed the water flow was coming from a nearby construction site. When the discharge continued into the afternoon, one of the residents called the City at approximately 3:00p, gave her name and address, and explained that she lived "up against the creek." She reported that water was running down the creek bank, "across the big sewer pipe from [her] house." The City staff person that took the call said the he was not aware of any work being done in that area, but would check it out.

Water Board staff interviewed that City staff person on May 2, 2007. He said that he understood the report to mean that water was entering the storm drain system on Nelson Street. He took the reporting party's name and address, but she declined to give him her phone number, saying that a call back would not be necessary. The City staff person then called the City's Streets Supervisor to respond to the report (the City Streets department is responsible for the City's storm drain system). The Streets Supervisor did not find a water discharge on Nelson Street. He then left work for the day. Meanwhile, the sewage spill continued. It wasn't until approximately 10:00a on March 15, 2007, when the residents of 505 Nelson Street again reported the discharge as being from the area around the sewer pipe bridge over the creek, that the City's Utilities Supervisor found the sewage spill and stopped it (the Utilities Department is responsible for the City's sewer systems).

Staff believes the spill would not have continued for so long if the initial report had been directed to a City's Utilities Supervisor, rather than the Streets Supervisor, as called for in the City's Wastewater Collection System Management Plan. There was a 600 gallon

sewage spill from this same location in 2001 (see Prior History of Violations below). There are large sewer lines that run parallel to and across Arroyo Grande Creek in the vicinity of Nelson Street. The Utilities Supervisor would have known this and likely would have properly understood the meaning of the initial report. When the Streets Supervisor did not find any discharges to the storm drain system on Nelson Street, he could have gone to 505 Nelson Street to get more information from the reporting party. Alternatively, he could have called out the Utilities Supervisor to investigate the water and sewer systems in the vicinity of Nelson Street.

Due to the City's poor response to the initial spill report, staff concludes the City's degree of culpability is high.

**c. Voluntary Cleanup Efforts Undertaken by the Violator**

Nearly all of the 50,000 gallons of sewage entered Arroyo Grande Creek and flowed away before the spill was found, hence it was not cleaned up. The City's March 19, 2007 spill report states "the spill area was vacuumed, washed and spray disinfected with a bleach solution. The creek was inspected for debris. No debris was found in the creek."

**d. Susceptibility to Cleanup or Abatement**

The sewage that reached Arroyo Grande Creek was not susceptible to cleanup. In order to have been cleaned up, the spill would have to been detected early and the creek flow would have to have been blocked and pumped out for treatment, or treated in place, which may not have been practicable. The spill was not detected until nearly all of the 50,000 gallons had already entered the creek and flowed downstream.

**e. Degree of Toxicity of the Discharge**

Staff presumes this sewage spill was not toxic. The sewage originated from the eastern part of the City of Arroyo Grande, which is primarily residential, with little or no industrial facilities that might discharge toxic chemicals to the sewer. The sewage was diluted by creek flow. No dead fish or other indications of toxicity were observed downstream of the spill.

**f. Prior History of Violations**

The City's prior compliance record is apparently good. The City has an aggressive cleaning program. It cleans all its mains (275,000 feet) annually, problematic sections of mains (6,500 feet) quarterly, and all pump stations quarterly. In addition to the subject spill, the City reported only one spill from 2002 to present. It was a 200-gallon spill caused by a root blockage, on December 8, 2005. The spill did not reach surface waters. However, the City did report two large sewage spills in 2001, one of which is related to the subject spill. On September 9, 2001, a blockage at the same exact location as the subject spill caused 600 gallons of sewage to spill into Arroyo Grande Creek. The other spill was approximately 2,500 gallons from a cracked force main and into a storm drain system, on December 21 and 23, 2001.

The 600 gallon spill on September 9, 2001, is notable because it was caused by the same problem that caused the subject spill. In its September 2001 spill report, the City

states it has "continued preventative maintenance cleaning of the main per our Sewer Main Cleaning Program" to prevent further sewage spills at this location. When staff interviewed City Utilities Supervisor Shane Taylor on May 1, 2007, Mr. Taylor indicated that he had decided to increase cleaning of this problematic section to quarterly, from the normal frequency of annually, in response to the latest spill at this location.

As discussed above, there is not a manhole to facilitate cleaning where the 12-inch line joins the 18-inch line. Instead, there is a 6-inch cleanout that angles back into the 12 in. line. This leaves a 6 to 10 feet section at the end of the 12-inch line that cannot be easily accessed for cleaning. When asked how he would clean that section of line, Mr. Taylor said that he would jet that section from the upstream manhole, rather than pulling a back jet from a downstream manhole (which is how he would normally clean such a section of line). In staff's engineering judgment, there is a flaw at the junction of the 12-inch and 18-inch lines which inhibits proper cleaning, and causes grease and sludge to accumulate in the 12-inch line. The most appropriate long term solution is to install a manhole or junction box at that junction to improve access and facilitate cleaning. Frequent cleaning is not a sustainable solution.

This and another nearby problem lead staff to believe that the City may be compensating for a weak capital improvement program with its aggressive cleaning program. According to Mr. Taylor, in East Branch Street, one block from this spill location, there is a stretch of old 18-inch sewer main that is too flat, so it accumulates sludge and must be cleaned out quarterly to continue flowing without surcharging. The most appropriate long-term solution is to replace that line with a new line set at the proper slope, so that it achieves proper cleaning flow velocity. Frequent cleaning is not a sustainable solution. Water Board staff reviewed the City's latest Wastewater Collection System Management Plan. The City has no plans to replace this line.

**g. Economic Benefit or Savings Resulting from the Violation**

The subject spill may not have occurred if the junction of the 12 in. line and 18 in. line had a manhole or junction box to facilitate proper access and cleaning of the 12 in. line. The City could have realized an economic benefit by not installing a manhole or junction box, but staff has no reason to believe the City knew this was a problematic junction until now. Staff therefore concludes that the City did not derive any economic benefit or savings as a result of this violation.

However, staff has now pointed out what it believes to be necessary improvements to that junction. If the City does not improve that junction and another spill occurs there, staff plans to pursue full recovery of economic benefit through a future administrative civil liability.

**h. Discharger's Ability to Pay Civil Liability and Ability to Stay in Business**

The Discharger has not provided any information that would indicate an inability to pay the proposed civil liability.



i. Other Matters that Justice May Require

Responding to these violations and preparing this Administrative Civil Liability Complaint required approximately 60 hours of staff time. Estimated staff costs are \$4,500 (60 hours staff time x \$75/hour).

**PROPOSED CIVIL LIABILITY**

1. Upon consideration of all factors required by California Water Code Section 13385, the Assistant Executive Officer recommends the Discharger be assessed civil liability in the amount of **sixty-five thousand dollars (\$65,000)**.
2. The Central Coast Water Board will hold a public hearing on this matter on **September 7, 2007**, unless the Discharger agrees to waive its right to a public hearing by filling out, signing, and submitting the enclosed "Waiver of Hearing." If the Discharger chooses not to waive its right to a public hearing, the Central Coast Water Board may proceed with the scheduled public hearing and consider testimony received from interested persons during the public hearing and decide whether to affirm, reject, or modify the amount of administrative civil liability proposed by the Executive Officer. The Central Coast Water Board may also decide to continue the matter to a future hearing or refer the matter to the State Attorney General. The public hearing is scheduled at the regularly scheduled Central Coast Water Board meeting on September 7, 2007, at the Central Coast Water Board Conference Room, 895 Aerovista Place, Suite 101, San Luis Obispo, California. The meeting is scheduled to begin at 8:30 a.m.; however, no specific time has been set for consideration of this item.

If you have questions regarding this matter, please direct them to Central Coast Water Board staff, **Matt Thompson**, at (805) 549-3159, or Harvey Packard at (805) 542-4639.

  
\_\_\_\_\_  
Michael J. Thomas  
Assistant Executive Officer

6-27-07  
\_\_\_\_\_  
Date

PROCEDURAL INFORMATION  
FOR  
ADMINISTRATIVE CIVIL LIABILITY COMPLAINT  
PUBLIC HEARING AND PAYMENT

**WAIVER OF PUBLIC HEARING**

You may waive your right to a public hearing. If you wish to waive your right to a public hearing, a duly authorized person<sup>1</sup> must check the *first* box, sign, and submit the following ***Waiver of the Right to a Public Hearing*** form and pay the penalty amount specified in the Complaint **no later than July 27, 2007, 5:00 P.M.** Please follow the payment instructions below.

If you choose to waive your right to a public hearing, and if full payment and a signed *Waiver of the Right to a Public Hearing* form are received before the hearing, the hearing will not be held, and the violation will be settled. If full payment and a signed *Waiver of the Right to a Public Hearing* form are not received, the matter will be placed on the Central Coast Water Board's agenda for a hearing as stated below.

If you do not waive your right to a public hearing, the Assistant Executive Officer will present an Order to the Central Coast Water Board for the amount proposed in this Complaint at the Central Coast Water Board meeting on September 7, 2007, at the Central Coast Water Board Conference Room, 895 Aerovista Place, Suite 101, San Luis Obispo, California. The Central Coast Water Board will proceed with the scheduled hearing, consider testimony received from interested persons during the hearing, and decide whether to accept the amount of the civil liability proposed by the Assistant Executive Officer, or to increase or decrease the amount. If the Water Board adopts an Order, payment of the civil liability to the State Water Resources Control Board will be due and payable no later than October 8, 2007, in accordance with the Order. The Central Coast Water Board may also decide to continue the matter to a future hearing or refer it to the State Attorney General. The meeting is scheduled to begin at 8:30 A.M.; however, no specific time has been set for consideration of the Order.

**PAYMENT OF ADMINISTRATIVE CIVIL LIABILITY**

**No later than July 27, 2007**, please make your check payable to State Water Resources Control Board, and note "MMP Complaint No. R3-2007-0065" on the check. Please mail the check and signed waiver form to *SWRCB Accounting, Attn: Enforcement, P.O. Box 100, Sacramento, CA 95812-0100*.

Please also mail copies of the check and signed waiver form to *Regional Water Quality Control Board, Attn: Matt Thompson, 895 Aerovista Place, Suite 101, San Luis Obispo, CA 93401*.

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<sup>1</sup> A duly authorized person is defined as a principal executive officer of at least the level of vice president in a corporation, a general partner or the proprietor in a partnership or sole proprietorship, a principal executive officer or ranking elected official in a public agency, or a duly authorized representative.

## REQUEST FOR HEARING DATE EXTENSION FOR SUPPLEMENTAL ENVIRONMENTAL PROJECT

If you would like to propose a Supplemental Environmental Project, please contact Water Board staff as soon as possible. If staff determines your proposed Supplemental Environmental Project meets applicable requirements, you can elect to settle this matter without a hearing, using a form settlement agreement that Water Board staff will provide. In some cases, finalizing a settlement that includes a Supplemental Environmental Project takes several weeks or months.

Unless waived, California Water Code Section 13323(b) requires the Water Board to hold a hearing on Complaint No. R3-2007-0065 within 90 days after the date of service of the complaint. Before any hearing date extension is granted, you must waive the 90-day requirement. In order to request an extension, a duly authorized person must check the *second* box, sign, and submit the following ***Waiver of the Right to a Public Hearing*** form **no later than July 27, 2007, 5:00 P.M.**

A waiver and request for extension do not guarantee that the Water Board will grant the extension request or that you will be able to reach a settlement agreement. In many cases, a settlement agreement including a Supplemental Environmental Project can easily be completed within 90 days and no extension is necessary. The Water Board will set a new hearing date if a settlement agreement is not finalized in a timeframe acceptable to Water Board staff.

The due date for written comments is not automatically extended when the hearing date is changed.

WAIVER OF THE RIGHT TO A HEARING AND/OR WAIVER OF TIME FOR HEARING

By signing below, I acknowledge that I have read and understand the PROCEDURAL INFORMATION FOR ADMINISTRATIVE CIVIL LIABILITY COMPLAINT, PUBLIC HEARING AND PAYMENT that was attached to this waiver form.

Check one of the following boxes:

- [ ] By checking this box, I agree to waive City of Arroyo Grande's right to a hearing before the Central Coast Water Board with regard to the violations alleged in Complaint No. R3-2007-0065. Also, I agree to remit payment for the civil liability proposed. I understand that I am giving up the City of Arroyo Grande's right to argue against the allegations made by the Assistant Executive Officer in this Complaint, and against the imposition or amount of proposed civil liability. [Check this box if the City of Arroyo Grande will pay the full amount of proposed liability without a hearing, and initial here: \_\_\_\_\_]
- [ ] By checking this box, I agree to waive the 90-day requirement of California Water Code Section 13323(b). I understand this means the Water Board may hold a hearing more than 90 days after the date of service as long as I receive at least ten calendar days' notice of the new hearing date. I understand that the City of Arroyo Grande's waiver of the 90-day requirement does not extend the original due date for written comments, unless the Water Board also extends that due date. I understand that the Water Board may deny the request for extension. [Check this box if the City of Arroyo Grande requests an extension of the hearing date for any reason, including an extension to discuss settlement and/or Supplemental Environmental Projects with Water Board staff. After checking the box, initial here: \_\_\_\_\_].

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Title/Position\*

\_\_\_\_\_  
Date

\* A duly authorized person must sign the waiver. A duly authorized person is defined as a principal executive officer of at least the level of vice president in a corporation, a general partner or the proprietor in a partnership, a principal executive officer or ranking elected official in a public agency, or a representative authorized in writing by a vice president or higher ranking corporate officer, general partner, principal executive officer or ranking elected official.