California Regional Water Quality Control Board
San Francisco Bay Region

Linda S. Adams
Secretary for
Environmental Protection

1515 Clay Street, Suite 1400, Oakland, California 94612
(510) 622-2300 • Fax (510) 622-2460
http://www.waterboards.ca.gov/sanfranciscobay

Arnold Schwarzenegger
Governor

October 23, 2009
CIWQS place IDs 212585, 630927

CERTIFIED MAIL
NO. 7007-2560-0001-7505-0803
Receipt of Delivery Requested

City of Pacifica
170 Santa Maria Avenue
Pacifica CA 94044

Attn: Mr. David Gromm, Plant Manager

Subject: Administrative Civil Liability Complaint under Water Code Sections 13385 and 13350 for Unauthorized Discharge Violations, and Effluent and Receiving Water Limit Violations from the Sanitary Sewer Collection System and the Wastewater Treatment Plant in City of Pacifica

Dear Mr. Gromm:

Enclosed is Complaint No. R2-2009-0075 issued as an administrative civil liability in the amount of $2,300,000. The Complaint alleges that the City of Pacifica (City) violated California Regional Water Quality Control Board (Regional Water Board) Order No. R2-2006-067, Order No. R2-2002-0088 (NPDES Permit No. CA0038776) and State Water Resources Control Board's Order No. 2006-0003. This Complaint addresses numerous sanitary sewer overflows and bypass violations reported by the City, including substantial discharges in January 2008, as well as effluent and receiving water limit violations for the period of February 2006 through September 2008.

The Prosecution Team proposes that the Regional Water Board consider Complaint No. R2-2009-0075 for an administrative civil liability in the amount during a meeting that will commence at the time and place indicated below:

Date/Time:	January 13, 2010, 9:00 a.m.
Place:	Auditorium, Elihu Harris State Building 1515 Clay Street, Oakland

It is the Prosecution Team's understanding, based on prior meeting with the City and its attorneys that the City intends to waive its right to a hearing and engage in settlement discussion with the Prosecution Team. Accordingly, the Prosecution Team is recommending that the Regional Board's typical hearing procedures be stayed pending receipt of the City's waiver.

If the City waives its 90-day hearing rights, it must mail and fax a copy of the signed waiver by November 2, 2009 to the attention of Sandi Potter of the Advisory Team with a copy to Claudia Villacorta of the Prosecution Team. Both faxes should be sent to (510) 622-2460.

If a waiver is not received by the above deadline, then the Prosecution team will issue proposed Hearing Procedures in anticipation of a January 13, 2010 hearing date. A copy of the Complaint, Waiver, and an Administrative Civil Liability Fact Sheet are enclosed.

If you have any questions regarding these matters, please email or write to Sandia Potter of the Advisory Team at SMPotter@waterboards.ca.gov with a copy to Claudia Villacorta of the Prosecution Team at cvillacorta@waterboards.ca.gov. If you wish to communicate directly with the Prosecution Team, please call or email Yvonne West, ywest@waterboards.ca.gov . Her phone number is (916) 941-5445.

Sincerely,

for
Dyan C. Whyte
Assistant Executive Officer

Enclosures: ACL Complaint No. R2-2009-00XXX
Waiver
Notice
Administrative Civil Liability Fact Sheet

Copy to (via Certified Mail):
City Clerk,
City of Pacifica
170 Santa Maria Ave.
Pacifica, CA 94044

Copy to (via U.S. mail):
Kent Alm
Meyers Nave Riback Silver & Wilson
555 12th Street, Suite 1500
Oakland, Ca 94607
Copy to (via email):

Copy to (via email):

Regional Water Board Enforcement Lyris list
Regional Water Board Prosecution Team
Regional Water Board Advisory Team

Yvonne West

Staff Counsel, Office of Enforcement
ywest@waterboards.ca.gov

Ken Greenberg
U.S. EPA, Region 9
Greenberg.Ken@epamail.epa.gov