



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

Date: September 16, 2008
CIWQS place ID 630900

CERTIFIED MAIL
Receipt of Delivery Requested

Town of Hillsborough
Attn: Ms. Martha DeBry, Public Works Director
1600 Floribunda Avenue
Hillsborough, CA 94010-6418

Subject: Administrative Civil Liability Complaint under Water Code Section 13350 and
Tentative Cease and Desist Order

Dear Ms. DeBry:

The Regional Water Board intends to consider (1) Complaint No. R2-2008-0066 for an administrative civil liability in the amount of \$750,000 and (2) a tentative cease and desist order for the Town of Hillsborough (Town) during a meeting that will commence at the time and place indicated below:

DATE/TIME: November 12, 2008, 9:00 a.m.
PLACE: Auditorium, Elihu Harris State Building
1515 Clay Street, Oakland

Complaint No. R2-2008-0065

The Complaint alleges that the Town violated the following requirements:

State Water Resources Control Board Order No. 2006-0003 DWQ

- Prohibitions C.1 and C.2

Preserving, enhancing, and restoring the San Francisco Bay Area's waters for over 50 years

Water Quality Control Plan for the San Francisco Bay Basin (Basin Plan)

- Discharge Prohibition 15

The violations consist of 70 unauthorized discharges totaling 3 Million gallons of raw sewage to waters of the State during the period December 1, 2004, through July 6, 2008. The Complaint describes the alleged violations in detail. As discussed below, you may be allowed to spend up to \$375,000 on a supplemental environmental project (SEP) that is acceptable to the Assistant Executive Officer.

The Town has the following options:

1. The Town can appear before the Regional Water Board at the meeting to contest the matter. Written comments and evidence shall be submitted by the deadline indicated below and in accordance with the process set forth in the attached Public Notice. At the meeting, the Regional Water Board may impose an administrative civil liability in the amount proposed or for a different amount, decline to seek civil liability, or refer the case to the Attorney General for judicial enforcement.
2. The Town can waive the right to a hearing to contest the allegations contained in the Complaint by paying the civil liability in full or undertaking an acceptable SEP of up to the amount indicated above and paying the remainder of the civil liability, all in accordance with the procedures and limitations set forth in the waiver attached to the Complaint.

If the Town waives its right to a hearing, the Town must mail and fax a copy of the signed waiver by the time and date specified below to the attention of Michael Chee of my staff at (510) 622-2460.

Tentative Cease and Desist Order

The tentative cease and desist order for the Town requires actions to reduce and eliminate sanitary sewer overflows (SSOs) from its sanitary sewer collection system (collection system). In doing so, the tentative cease and desist order requires that the Town not cause or contribute to SSOs by other associated collection systems.

Deadline for Comments and SEP

The deadline for submittal of written comments and evidence to the Complaint and tentative cease and desist order, SEP proposal(s), and waiver is **October 16, 2008, at 5 p.m.**

Draft Notice of Public Hearing

Enclosed you will find a draft notice that sets forth the procedures I am recommending that the Regional Water Board follow in conducting the public hearing. Please note that comments on the draft notice including these proposed procedures are due on **September 23, 2008**, to Bruce Wolfe, the Regional Water Board's technical advisor (mailing address shown in draft notice).

A copy of the Complaint, tentative cease and desist order, and draft Notice of Public Hearing are enclosed. If you have any questions regarding this matter, please contact Mr. Chee at (510) 622-2333 or mchee@waterboards.ca.gov.

Sincerely,

Dyan C. Whyte
Assistant Executive Officer

Enclosures: ACL Complaint No. R2-2008-0066
SEP Information
Draft Notice of Public Hearing

Copy to: standard list R-1E