



Linda S. Adams
Secretary for
Environmental Protection

California Regional Water Quality Control Board

San Francisco Bay Region

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Arnold Schwarzenegger
Governor

August 11, 2008
CIWQS Place ID 255788 (lwt)

CERTIFIED MAIL
Receipt of Delivery Requested

Sewerage Agency of Southern Marin
26 Corte Madera Avenue
Mill Valley, CA 94941
Attention: Mr. Stephen J. Danehy, General Manager

Subject: Administrative Civil Liability under Water Code Section 13385

Dear Mr. Danehy:

Enclosed is Complaint No. R2-2008-0070 for an administrative civil liability in the amount of \$1,600,000. The Complaint alleges that the Sewerage Agency of Southern Marin violated the following requirements of Order No. R2-2007-0056 (NPDES Permit No. CA0037711):

- Discharge Prohibition III.A
- Discharge Prohibition III.D
- Discharge Provision IV.B., Attachment G Standard Provisions and Reporting Requirements C.2.h

The violations consist of:

- a. An unauthorized discharge of 2.45 million gallons of screened untreated sewage to waters of the State on January 25, 2008, and
- b. An unauthorized discharge of 962,000 gallons of treated un-disinfected sewage to water of the State on January 31, 2008.

The Complaint describes the alleged violations in detail. As discussed below, you may be allowed to spend up to \$800,000 on a supplemental environmental project (SEP) that is acceptable to the Assistant Executive Officer. The deadline for submittal of written comments and evidence, SEP proposals, and waivers is **September 10, 2008, at 5 p.m.**

I plan to bring this matter to the Water Board at its October 8, 2008, meeting. The Sewerage Agency of Southern Marin has the following options:

1. The Sewerage Agency of Southern Marin can appear before the Water Board at the meeting to contest the matter. Written comments and evidence shall be submitted by the deadline indicated

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above, and in accordance with the process set forth in the attached Public Notice. At the meeting, the 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 Sewerage Agency of Southern Marin 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 Sewerage Agency of Southern Marin waives its right to a hearing, the City must mail and fax a copy of the signed waiver to the attention of Lila Tang of my staff at (510) 622-2460. If you have any questions regarding this matter, please contact Ms. Tang at (510) 622-2425 or e-mail address ltang@waterboards.ca.gov.

Sincerely,

Dyan C. Whyte
Assistant Executive Officer

Enclosures: ACL Complaint No. R2-2008-0070
 SEP Information
 Public Hearing Notice

Copy to: standard list R-1E