

California Regional Water Quality Board
North Coast Region
5550 Skylane Boulevard, Suite A
Santa Rosa, CA 95403
(707) 576-2220

NOTICE OF ADMINISTRATIVE CIVIL LIABILITY COMPLAINT
AND
EVIDENTIARY HEARING

IN THE MATTER OF

CALIFORNIA DEPARTMENT OF TRANSPORTATION
HIGHWAY 101, VAN DUZEN RIVER BRIDGE REPLACEMENT PROJECT

HUMBOLDT COUNTY

The North Coast Regional Water Quality Control Board, North Coast Region (Regional Water Board) will hold a hearing (unless waived) on March 8, 2005, at 9:00 a.m., or as soon thereafter as possible in the Regional Water Board Hearing Room, 5550 Skylane Boulevard, Suite A, Santa Rosa. The hearing will be held to take evidence regarding administrative civil liability for violations of the Clean Water Act, Section 401, Water Quality Certification for the Van Duzen River Bridge Replacement Project on Highway 101. Administrative Civil Liability Complaint No. R1-2005-0125 (Complaint) was issued by the Regional Water Board Executive Officer on December 28, 2005, to Mr. Charles Fielder, District Director, California Department of Transportation (Discharger).

The Discharger may waive its right to the hearing before the Regional Water Board within 30 days from the date of the Complaint. The Discharger and any interested persons must submit to the Regional Water Board office at 5550 Skylane Boulevard, Suite A, Santa Rosa, California, 95403, written copies of all technical reports, testimony, and other evidentiary material concerning the Complaint by 5:00 p.m. on January 29, 2005. If the Discharger does not waive the right to a hearing, a public hearing will be held where the Regional Water Board will take evidence regarding the Complaint and will determine whether to confirm, reject or modify the Complaint.

All those who plan to testify at the public hearing must submit written statements to the Regional Water Quality Control Board by February 6, 2005. This written evidentiary material will be submitted to the Regional Water Board and will be made available to all interested persons. Written material received after February 6, 2005 will not be accepted except at the discretion of the Regional Water Board Chair. Untimely written material will not be accepted or incorporated into the administrative record if doing so would prejudice the Dischargers or the Regional Water Board staff. The Chair may choose to modify this rule upon a showing of severe hardship (California Code of regulations, Title 23, Sections 648.1 and 648.4).

Testimony at the above-scheduled hearing should be limited to a summary of the above-described written evidentiary material. In order to give all interested persons an opportunity to be heard, a time limit for oral comments may be imposed on any agenda item. Interested persons are encouraged to submit written material by the applicable due date and to use time for oral comments to summarize the submitted material. If the submitted written material is more than 5 pages or contains foldouts, color graphics, maps, etc., 20 copies must be submitted for distribution to the Board members and staff.

The time constraints for oral testimony or comments will be set by the Regional Water Board Chair, and usually will allow no more than 10 minutes for Regional Water Board staff and 10 minutes for the Dischargers, with more time allowed as appropriate for more complex matters. Other interested persons should plan to deliver their oral comments within 3 minutes. A timer may be used and speakers are expected to honor the time limits. Where speakers can be grouped by affiliation or interest, such groups will be expected to select a spokesperson and not be repetitive. If a longer period of time is desired, speakers will be expected to notify the Regional Water Board staff prior to the meeting date, for scheduling purposes. The speaker will be expected to have submitted written materials by the appropriate due date for the associated agenda item and to limit any oral comments to a summary of pertinent points previously submitted in writing.

The evidentiary documents and comments received are on file at the Regional Water Board office. A draft staff report will be available by February 24, 2005. Written materials on file may be inspected or copied Monday through Friday from 8:00 a.m. to 5:00 p.m. at the Regional Water Board office. Appointments are recommended for file review and can be made by calling (707) 576-2220. The Complaint is also available for review on the North Coast Regional Water Quality Control Board website at <http://www.swrcb.ca.gov/rwqcb1>

Catherine E. Kuhlman
Executive Officer

December 28, 2005