

Central Valley Regional Water Quality Control Board

28 March 2016

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ADMINISTRATIVE CIVIL LIABILITY COMPLAINT R5-2016-0527 FOR ASSESSMENT OF MANDATORY MINIMUM PENALTIES, SAN FRANCISCO PUBLIC UTILITIES COMMISSION, LOWER CHERRY AQUEDUCT MOBILE PLANT PROJECT, TUOLUMNE COUNTY

Enclosed is an Administrative Civil Liability Complaint (Complaint), issued pursuant to California Water Code section 13385, for violations of Waste Discharge Requirements (WDRs) Order R5-2013-0074-146 (NPDES CAG995001) by the San Francisco Public Utilities Commission (Discharger) for its Lower Cherry Aqueduct Mobile Plant Project (Facility). The Complaint charges the Discharger with administrative civil liability in the amount of **twenty seven thousand dollars (\$27,000)**, which represents the sum of accrued Mandatory Minimum Penalties for effluent limitation violations (identified in Attachment A of the Complaint) that occurred from 11 December 2014 through 16 November 2015. The Complaint alleges eight total chlorine residual violations and one total suspended solids violation.

On 19 January 2016, Central Valley Water Board staff issued the Discharger a Notice of Violation and draft Record of Violations (ROV). On 9 February 2016, the Discharger agreed with all of the violations except one, and requested that Board staff reevaluate the monthly average effluent limitation violation for total suspended solids (TSS). Board staff agree with the Discharger and has dismissed the monthly average for TSS violation.

Pursuant to Water Code section 13323, the Discharger may:

- Pay the proposed administrative civil liability and waive its right to a hearing (Option #1 on the attached waiver form);
- Ask that the hearing be postponed to facilitate settlement discussions or for other reasons (Options #2 or #3 on the attached waiver form); or
- Contest the Complaint and/or enter into settlement discussions without signing the enclosed waiver.

If the Central Valley Water Board does not receive a signed waiver **by 27 April 2016**, a hearing will be scheduled for the **23/24 June 2016** Board meeting in Rancho Cordova. This hearing will be governed by the attached Hearing Procedures, which have been approved by the Board Chair for use in adjudicating matters such as this one. Any objections to the Hearing Procedures must be received by Stephanie Yu, whose contact information is listed in the Hearing Procedures, by **5 p.m. on 6 April 2016**.

If the Discharger chooses to sign the waiver and pay the assessed civil liability, this will be considered a tentative settlement of the violations. Payment must be received by **27 April 2016**. The Discharger shall indicate on the check the number of this Complaint and send it to the State Water Resources Control Board, Accounting Office, Attn: ACL Payment, PO Box 1888, Sacramento, California, 95812-1888. The check shall be made payable to the *State Water Pollution Cleanup and Abatement Account*. The waiver and a copy of the check must also be mailed to the Central Valley Water Board at 11020 Sun Center Drive #200, Rancho Cordova, CA, 95670 attention to Wendy Wyels by **27 April 2016**.

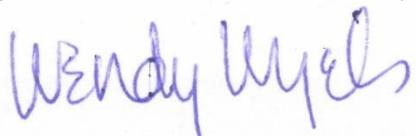
The settlement will be considered final pending a 30-day comment period, starting from the date this Complaint is issued. Interested parties may comment on the proposed action during this period by submitting written comments to the Central Valley Water Board staff person listed below. Should the Central Valley Water Board receive new information or comments during this comment period, the Assistant Executive Officer may withdraw the complaint, return payment, and issue a new complaint. If the Central Valley Water Board does not hold a hearing on the matter, and if the terms of the final settlement are not significantly different from those proposed in the enclosed Complaint, then there will not be additional opportunities for public comment on the proposed settlement.

In order to conserve resources, this letter transmits paper copies of the documents to the Discharger only. Interested persons may download the documents from the Central Valley Water Board's Internet website at:

http://www.waterboards.ca.gov/centralvalley/tentative_orders/

Copies of these documents can also be obtained by contacting or visiting the Central Valley Water Board's office weekdays between 8:00 AM and 5:00 PM.

If you have any questions or comments regarding the Administrative Civil Liability Complaint, please contact Kari Holmes at (916) 464-4623 or kari.holmes@waterboards.ca.gov.



WENDY WYELS, Supervisor
Compliance and Enforcement Section

Enclosures: ACLC R5-2016-0527
 Waiver Form
 Hearing Procedures

cc w/o encl: Kenneth Greenberg, USEPA, Region 9, San Francisco
 David Boyers, Office of Enforcement, SWRCB, Sacramento
 Stephanie Yu, Office of Chief Counsel, SWRCB, Sacramento
 Adam Laputz, Central Valley Water Board Advisory Team, Sacramento
 Carol Oz, Department of Fish and Game, Region 2, Rancho Cordova
 San Joaquin County Environmental Health Department, Stockton
 Bill Jennings, California Sportfishing Protection Alliance, Stockton
 Jae Kim, Tetra Tech, Fairfax, VA
 Mae Frantz, Environmental Planner and Agency Liaison, Moccasin