



EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

San Francisco Bay Regional Water Quality Control Board

November 17, 2014
GT-SL20244862 (JHG)

*Certified Mail 7014 0510 0001 3749 6213
Return Receipt Requested*

Atlantic Richfield Company c/o BP Amoco P.L.C.
Attn: Jim L. Smith
WL1, 28.160D
Westlake Park Boulevard
Houston, TX 77079

Also sent via email: jim.smith2@bp.com

Subject: Administrative Civil Liability Complaint R2-2014-1031 for allegedly failing to comply with Site Cleanup Requirements at 411 High Street, Oakland, CA

Dear Mr. Smith:

Complaint **R2-2014-1031** (Complaint) enclosed with this letter issues an administrative civil liability (ACL) against Atlantic Richfield Company (hereinafter ARCO) in the amount of \$561,800. This liability is based on allegations that ARCO failed to implement a remediation or mitigation system in accordance with Task 5 of Revised Final Site Cleanup Requirements Order R2-2011-0052. ARCO is subject to a civil liability pursuant to California Water Code sections 13350(a)(1) and e(1).

ARCO can respond to the Complaint by appearing before the Regional Water Board at a public hearing to contest the matter or by signing a waiver to pursue other options.

1. The Complaint can be contested before the Regional Water Board at the following meeting:

Date/Time: February 11, 2015, commencing at 9:00 a.m.
Place: First Floor Auditorium, Elihu Harris State Building
1515 Clay Street, Oakland

At this meeting, the Regional Water Board will consider whether to impose administrative civil liability (as proposed in the Complaint or for a different amount), decline the administrative civil liability, or refer the matter to the Attorney General for judicial enforcement at a public hearing.

Please refer to the enclosed Public Notice and Hearing Procedure for the Complaint and the ACL Fact Sheet for additional information about the Regional Water Board's process, hearing procedure, and important deadlines (for submitting comments or evidence, obtaining designated party status, waiving or postponing a hearing, making objections or rebuttals to evidence, etc.).

2. The public hearing that has been scheduled (above) can be waived to pursue one of the following options:
 - a. Pay the liability as proposed in the Complaint;
 - b. Request more time and postpone the date of the public hearing;
 - c. Promptly engage in settlement discussions with the Regional Water Board Prosecution Team;
 - d. Propose a Supplemental Environmental Project (SEP), where partial payment of the penalty may be deferred towards completion of an environmental project (see the enclosed SEP Policy for more information on such projects).

The Waiver, attached to the Complaint, describes these options in further detail, and it also provides the deadline for submitting an SEP proposal (if this option is selected). To pursue one of these options, **the Waiver must be signed, dated, and received by Tamarin Austin of the Regional Water Board Advisory Team with a copy to the Prosecution Team contact listed below no later than 5:00 p.m. on December 17, 2014. It is at the discretion of the Regional Water Board Advisory Team to either accept or deny a waiver request.**

For more information about SEPs and the project selection and proposal approval process, please contact Athena Honore of the San Francisco Estuary Project (SFEP) at (510) 622-2325 or ahonore@waterboards.ca.gov. To see examples of current and completed projects, visit SFEP's website <http://www.sfestuary.org/projects/list.php>.

If you wish to communicate directly with the Prosecution Team regarding the Complaint, please contact Jack Gregg at (510) 622-2437 or jack.gregg@waterboards.ca.gov.

Please refer to the letterhead for our mailing address and fax number.

Sincerely,

Dyan C. Whyte
Assistant Executive Officer

Enclosures: ACL Complaint R2-2014-1031
Waiver Form for ACL Complaint R2-2014-1031
Public Notice and Hearing Procedure for ACL Complaint R2-2014-1031
Administrative Civil Liability Fact Sheet
State Water Resources Control Board Policy on Supplemental Environmental
Projects, February 3, 2009

Copy to: Regional Water Board Lyris Enforcement email list
Regional Water Board Advisory and Prosecution Teams
Continued next page

Copy to:

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and Nancy Koch 411 High Street Annuity Trust
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