

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION**

COMPLAINT NO. 00-094

**MANDATORY MINIMUM PENALTY
IN THE MATTER OF
CITY AND COUNTY OF SAN FRANCISCO
BAYSIDE WET WEATHER FACILITIES INCLUDING THE
NORTH POINT WATER POLLUTION CONTROL PLANT
SAN FRANCISCO COUNTY**

This complaint to assess Mandatory Minimum Penalties pursuant to Water Code section 13385(h) and/or (i) is issued to City and County of San Francisco – Bayside Wet Weather Facilities and the North Point Water Pollution Control Plant (hereafter Discharger) based on a finding of violations of Waste Discharger Requirements Order No. 95-039 (NPDES No. CA0038610).

The Acting Executive Officer finds the following:

1. On February 15, 1995, the Regional Water Quality Control Board, San Francisco Bay Region, (Regional Board) adopted Waste Discharge Requirements Order No. 95-039 (NPDES No. CA0038610), for the City and County of San Francisco, to regulate discharges of waste from the Bayside Wet Weather Facilities and North Point Water Pollution Control Plant.
2. Water Code section 13385(h)(1) requires the Regional Board to assess a mandatory minimum penalty of three thousand dollars (\$3,000) for the first serious violation in any six-month period or in lieu of the penalty require the discharger to spend an equal amount for a supplemental environmental project or to develop a pollution prevention plan.
3. Water Code section 13385(i)(1) requires the Regional Board to assess a mandatory minimum penalty of three thousand dollars (\$3,000) for each violation, not counting the first violation, if the discharger commits two or more serious violations in any six month period.
4. Order No. 95-039 includes the following effluent limitations:

C. Effluent Limitations for North Point Water Pollution Control Plant

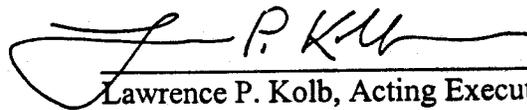
The final effluent from the North Point Water Pollution Control Plant discharged into the deepwater outfall shall not exceed the following limits:

<u>Constituent</u>	<u>Unit</u>	<u>Monthly Average</u>	<u>Instantaneous Maximum</u>
Oil & Grease	mg/l	20	40

5. According to monitoring reports submitted by the Discharger, the Discharger committed two serious violations during the six-month period beginning January 1, 2000, and ending on June 30, 2000. For the months of April and May 2000, the average monthly oil and grease concentration were 31 mg/l and 29 mg/l, respectively. Oil and grease is a Group I waste and the measured effluent exceeded the effluent limit by more than 40%. The amount of the mandatory minimum penalty for those violations is \$6,000.
6. The total amount of the mandatory minimum penalty is \$6,000.

**CITY AND COUNTY OF SAN FRANCISCO BAYSIDE WET WEATHER FACILITIES
AND THE NORTH POINT WATER POLLUTION CONTROL PLANT IS HEREBY
GIVEN NOTICE THAT:**

1. The Acting Executive Officer of the Regional Board proposes that the Discharger be assessed a Mandatory Minimum Penalty in the amount of \$6,000.
2. A hearing shall be held by the Regional Board on October 18, 2000, unless the Discharger agrees to waive the hearing and pay the mandatory minimum penalty of \$6,000 in full.
3. In lieu of the mandatory minimum penalty for the first serious violation, the Acting Executive Officer may allow the Discharger to complete a pollution prevention plan or conduct a supplemental environmental project approved by the Acting Executive Officer. The Discharger must make such a request by September 18, 2000.
4. The Discharger may waive the right to a hearing. If you wish to waive the hearing, please check and sign the attached waiver and return it and a check made payable to the State Water Resources Control Board for the full amount of the mandatory minimum penalty to the Regional Board's office at 1515 Clay Street, Suite 1400, Oakland, CA 94612, by September 18, 2000.



Lawrence P. Kolb, Acting Executive Officer

8/31/2000

(Date)

WAIVER

- [] By checking the box I agree to waive my right to a hearing before the Regional Board with regard to the violations alleged in Complaint No. 00-094 and to remit payment for the civil liability imposed. I understand that I am giving up my right to argue against the allegations made by the Acting Executive Officer in this Complaint, and against the imposition of, or the amount of, the civil liability proposed. I further agree to remit payment for the civil liability imposed within 30 days after signing this waiver.

- [] By checking the box I agree to waive my right to a hearing before the Regional Board with regard to the violations alleged in Complaint No. 00-094 and to complete a pollution prevention plan or conduct a supplemental environmental project in lieu of the \$3,000 civil liability imposed for the first serious violation, subject to approval by the Acting Executive Officer. If the pollution prevention plan or supplemental environmental project is not acceptable to the Acting Executive Officer, I agree to pay the civil liability within 30 days after signing this waiver. I understand that I am giving up my right to argue against the allegations made by the Acting Executive Officer in this Complaint, and against the imposition of, or the amount of, the civil liability proposed. I further agree to complete a pollution prevention plan or conduct a supplemental environmental project approved by the Acting Executive Officer within a time schedule set by the Acting Executive Officer.

Name (print)

Signature

Date

Title/Organization