

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

COMPLAINT NO. 01-013

**MANDATORY MINIMUM PENALTY
IN THE MATTER OF
CITY OF BURLINGAME
SAN MATEO COUNTY**

This Complaint to assess mandatory minimum penalties pursuant to California Water Code section 13385 is issued to the City of Burlingame (hereinafter the discharger) based on a finding of violations of Waste Discharger Requirements Order No. 95-208 (NPDES No. CA0037788).

The Executive Officer finds the following:

1. On October 18, 1995, the Regional Water Quality Control Board, San Francisco Bay Region, (Regional Board) adopted Waste Discharge Requirements Order No. 95-208 for the discharger to regulate discharges of waste from their treatment 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. 95-208 includes the following effluent limitation: "Effluent discharged into the combined forcemain-outfall shall not exceed the following limits:

	Units	Monthly Average	Weekly Average	Daily Maximum	Instantaneous Maximum
Settleable Matter	ml/l-hr	0.1	--	--	0.2

5. According to monitoring reports received, on July 23, 2000 the discharger exceeded their Total Settleable Matter Instantaneous Maximum.
6. The total amount of the mandatory minimum penalty for this violation is \$3,000, for the serious violation that occurred on July 23, 2000.

THE CITY OF BURLINGAME IS HEREBY GIVEN NOTICE THAT:

1. The Executive Officer of the Regional Board proposes that the discharger be assessed a mandatory minimum penalty in the amount of \$3,000.
2. A hearing shall be held by the Regional Board on February 21, 2001, unless the discharger agrees to waive the hearing and pay the mandatory minimum penalty of \$3,000 in full.
3. In lieu of the \$3,000 penalty for the first serious violation the Executive Officer may allow the discharger to complete a pollution prevention plan or conduct a supplemental environmental project approved by the Executive Officer. The discharger must make such a request no later than February 12, 2001.
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 the letterhead address, no later than February 12, 2001.



Loretta K. Barsamian
Executive Officer

2-5-01

Date

WAIVER

- By checking this box, I agree to waive my right to a hearing before the Regional Board with regard to the violations alleged in Complaint No. 01-013, and to remit payment for the civil liability imposed. I understand that I am giving up my right to be heard, and to argue against the allegations made by the 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 mandatory minimum penalty imposed within 60 days after this Complaint is signed by the Executive Officer.
- 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. 01-013 and to complete a pollution prevention plan or conduct a supplemental environmental project in lieu of the civil liability imposed for the first serious violation, subject to approval by the Executive Officer. If the pollution prevention plan or supplemental environmental project is not acceptable to the Executive Officer, I agree to pay the civil liability within 60 days after this Complaint is signed by the Executive Officer. I understand that I am giving up my right to argue against the allegations made by the 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 Executive Officer within a time schedule set by the Executive Officer.

Name (print)

Signature

Date

Title/Organization