



California Regional Water Quality Control Board

San Francisco Bay Region



Linda S. Adams
Secretary for
Environmental Protection

1515 Clay Street, Suite 1400, Oakland, California 94612
(510) 622-2300 • Fax (510) 622-2460
<http://www.waterboards.ca.gov/sanfranciscobay>

Arnold Schwarzenegger
Governor

Date: NOV 14 2006
File No. 2129.2001 (MLZ)

Certified Mail No. 7003 0500 0003 7716 0827
Mr. Gerald Gall
City of Benicia Public Works Department
250 East L Street
Benicia, CA 94510

NOTICE: Mandatory Minimum Penalties (MMPs) assessed under California Water Code section 13385 for the City of Benicia, Solano County, NPDES Permit No. CA0037958.

Dear Mr. Gall:

Enclosed is MMP Complaint No. R2-2006-0072. The Complaint alleges that during the period between January 1, 2003, and October 1, 2006, the City of Benicia had six violations of its discharge limits. Two of these violations are subject to a \$6,000 MMP.

We plan to bring this matter to the Water Board at its January 23, 2007, meeting. To address this Complaint, The City of Benicia has three options:

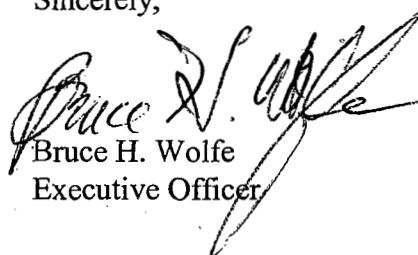
1. The City of Benicia can appear before the Water Board at the meeting to contest the matter. Written comments are due by December 20, 2006. At the meeting the Water Board may: impose an administrative civil liability in the amount proposed or for a different amount; decline to seek civil liability; or, refer the case to the Attorney General to have a Superior Court consider imposition of a penalty.
2. The City of Benicia can waive the right to a hearing by signing the attached waiver form and checking the first box. There will be no hearing on this matter, provided Water Board staff receives no significant public comments during the comment period. By checking the first box and signing the waiver, The City of Benicia agrees to pay the liability within 30 days after the signed waiver becomes effective.
3. The City of Benicia can waive the right to a hearing and agree to undertake a Supplemental Environmental Project (SEP) by signing the waiver and checking the second box. There will be no hearing on this matter, provided Water Board staff receives no significant public comments during the comment period. By checking the second box and signing the waiver,

The City of Benicia agrees to complete an SEP in lieu of paying a suspended amount of up to \$6,000 of the penalty and remit the balance of the fine to the State Water Pollution Cleanup and Abatement Account within 30 days after the signed waiver becomes effective. Note that the SEP must be acceptable to the Executive Officer of the Water Board. If the Executive Officer determines that either the SEP proposal is not acceptable, or the SEP is not adequately completed within the approved time schedule, the City of Benicia will be required to pay the suspended liability within 30 days of notification by the Executive Officer.

For options Nos. 2 or 3 above, we request that the City of Benicia mail and fax a copy of the signed waiver to the attention of Myriam Zech at (510) 622-2460 by December 20, 2006. If the City of Benicia intends to complete an SEP, a preliminary proposal must accompany the waiver for conceptual approval.

If you have any questions regarding this matter, please contact Myriam Zech at (510) 622-5684 or email her at mzech@waterboards.ca.gov.

Sincerely,



Bruce H. Wolfe
Executive Officer

Enclosure: Complaint No. R2-2006-0072