

STATE OF CALIFORNIA  
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
SAN FRANCISCO BAY REGION

STAFF SUMMARY REPORT (Lou Gonzales)  
DATE: March 12, 2008

**ITEM:** 12

**SUBJECT:** City of Redwood City, 850 Jefferson Avenue, Redwood City, San Mateo County - Hearing to Consider Mandatory Minimum Penalty for Discharge in Violation of Effluent Limitations

**CHRONOLOGY:** The Board has not previously enforced against the City of Redwood City for violations at this facility.

**DISCUSSION:** The City violated the Board's General NPDES Permit for the Discharge of Extracted and Treated Groundwater four times in January and February 2007. After operating its treatment system successfully for a year and a half, the City experienced an unexpected breakthrough that caused the violations identified in Table 1 of the attached complaint (Appendix A). While none of the four violations are defined as serious, one is subject to a mandatory minimum penalty. Because City staff responded immediately to correct the problem and prevent reoccurrence, the minimum penalty is appropriate.

In January 2008, we issued a complaint to the City assessing \$3,000 in mandatory minimum penalties. The City has signed a waiver to a hearing (see Appendix B), and paid the full penalty to the State's Cleanup and Abatement Account.

**RECOMMENDATION:** No action is necessary

**File Number:** 2179.7188 & 1210.48

**Appendices:** A. Complaint No. R2-2007-0079  
B. Signed Waiver and Penalty Payment

## **APPENDIX A**

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

**Complaint No. R2-2007-0079**

**Mandatory Minimum Penalty  
In the Matter of  
City of Redwood City  
850 Jefferson Avenue, Redwood City  
San Mateo County**

**Overview**

This complaint assesses \$3,000 in Mandatory Minimum Penalties (MMPs) to the City of Redwood City (hereafter Discharger). The complaint is based on a finding of the Discharger's violations of Waste Discharge Requirements Order No. R2-2004-0055 (NPDES No. CAG912003) for the period between January 1, 2006, and September 30, 2007.

This MMP complaint is issued pursuant to Water Code Sections 13385(h)(1-2), 13385(i) and 13385.l. For a description of how MMPs are assessed, please see General Overview of MMP Calculations, attached.

**A. Permit at the time of violations**

On July 21, 2004, the California Regional Water Quality Control Board, San Francisco Bay Region (Water Board) adopted Order No. R2-2004-0055 to regulate discharges of waste from facilities discharging extracted groundwater, treated to remove volatile organic carbons (VOCs). This permit is known as the VOC General Permit. The Discharger obtained coverage under the VOC General Permit on August 2, 2005.

**B. Effluent Limitation**

Order No. R2-2004-0055 specified the following effluent limitations:

<b>Parameter</b>	<b>Effluent Limit</b>
cis 1,2-dichloroethene (cis 1,2-DCE) daily maximum	5 µg/L
tetrachloroethene (PCE) daily maximum	1.6 µg/L

**C. Water Board Staff's Consideration of Violations**

This complaint addresses four violations, all of which were caused by breakthrough in the Discharger's treatment system. The Discharger sufficiently addressed the violations with follow-up sampling and refreshing its treatment system.

On January 24, 2007, the Discharger violated its cis-1,2-DCE and PCE effluent limits. As required by the permit, the Discharger accelerated monitoring. The samples collected on February 1, 2007, during the accelerated monitoring also violated the cis-1,2-DCE and PCE effluent limits.

To address the immediate problem, the Discharger diverted all discharge to the sanitary sewer. The Discharger changed the carbon in its granular activated carbon (GAC) units, and

it re-sampled on February 14, 2007, to ensure the treatment system was operating properly. The February 14, 2007, samples showed the Discharger had returned to compliance.

In sum, the Discharger took appropriate corrective actions to minimize reoccurrences, and therefore the minimum penalty is sufficient.

**D. Assessment of penalties**

- **Serious violations**

Cis 1,2-DCE and PCE are Group II pollutants. Serious violations for Group II pollutants are those that exceed the limitations by more than 20%. None of the four violations are serious, and therefore they are not subject to an MMP.

- **Fourth or greater within running 180-day period**

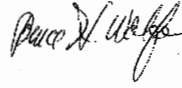
MMPs also apply to violations that are the fourth or greater consecutive violation within a running 180-day period. The fourth violation in this Complaint falls into this category, and therefore it is subject to a \$3,000 MMP.

- **Suspended MMP Amount**

For MMPs over \$9,000, the Discharger may spend all or a portion of the penalty on a supplemental environmental project (SEP) if approved by the Water Board. Because this penalty is less than \$9,000, an SEP is not an option.

**THE DISCHARGER IS HEREBY GIVEN NOTICE THAT:**

1. The Executive Officer proposes that the Discharger be assessed MMPs in the total amount of \$3,000.
2. The Water Board will hold a hearing on this Complaint on March 11-12, 2008, unless the Discharger waives the right to a hearing by signing the included waiver and checks the appropriate box. By doing so, the Discharger agrees to pay the full penalty as stated above within 30 days after the signed waiver becomes effective.
3. The signed waiver will become effective on the day after the public comment period for this Complaint is closed, provided that there are no significant public comments on this Complaint during the public comment period. If there are significant public comments, the Executive Officer may withdraw the Complaint and reissue it as appropriate.
4. If a hearing is held, the Water Board may impose an administrative civil liability in the amount proposed or for a different amount, or refer the matter to the Attorney General to have a Superior Court consider imposition of a penalty.



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Bruce H. Wolfe  
Executive Officer

January 18, 2008

**Attachments:** Table 1, Violations  
Waiver  
General Overview of MMP Calculations

**Table 1 - VIOLATIONS**

<b>Item</b>	<b>Date of Violation</b>	<b>Effluent Limitation Described</b>	<b>Effluent Limit</b>	<b>Reported Value</b>	<b>Type of Violations<sup>1</sup></b>	<b>Penalty</b>	<b>Start of 180 Days<sup>2</sup></b>
1	1/24/2007	cis 1,2-DCE effluent daily maximum (µg/L)	5	5.3	C1	0	7/29/2006
2	1/24/2007	tetrachloroethene (PCE) effluent daily maximum (µg/L)	1.6	1.9	C2	0	7/29/2006
3	2/01/2007	cis 1,2-DCE effluent daily maximum (µg/L)	5	5.2	C3	0	8/06/2006
4	2/01/2007	tetrachloroethene (PCE) effluent daily maximum (µg/L)	1.6	1.8	C4	\$3,000	8/06/2006
	<b>TOTAL</b>					<b>\$3,000</b>	

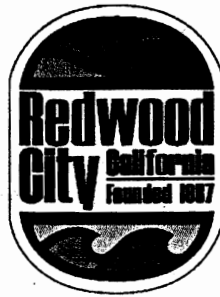
<sup>1</sup> C=Count – The number that follows represents the number of violations the Discharger has had in the past 180 Days, including this violation. C4 or higher means that a penalty under Water Code §13385(i) applies.

S=Serious, which means that a penalty under Water Code §13385(h) applies.

<sup>2</sup> This column documents the start date for counting violations that have occurred within the past 180 days, for the Purpose of determining whether a penalty under Water Code §13385(i) applies.

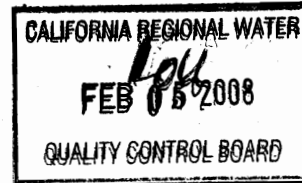
**APPENDIX B**

Community Development Services Department  
Engineering and Construction



1017 Middlefield Road  
P.O. Box 391  
Redwood City, CA 94064  
Telephone: 650.780.7380  
Facsimile: 650.780.7309  
www.redwoodcity.org

January 28, 2008



State Water Pollution Cleanup and Abatement Account  
c/o Regional Water Quality Control Board  
1515 Clay Street  
Oakland, CA 94612

Re: Complaint No. R2-2007-0079

Dear Sir(s):

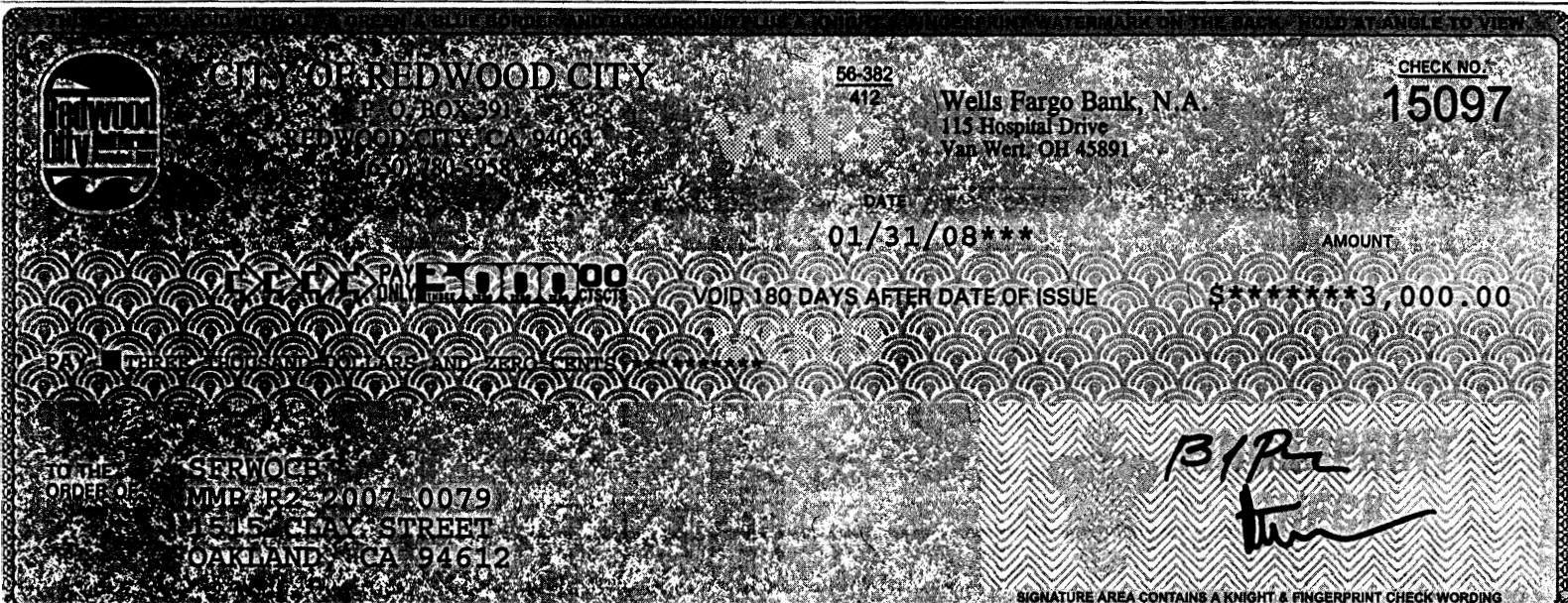
Please find check enclosed for \$3,000.00 which represents payment in full of all penalties assessed to date.

Please find completed form enclosed waiving the City of Redwood City's right to a hearing on this matter.

Please contact me at (650) 780-7391 if you have any questions.

Very truly yours,

Brian Lee, P.E.  
Senior Civil Engineer



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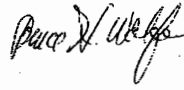
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**WAIVER**

If you waive your right to a hearing, the matter will be included on the agenda of a Water Board meeting but there will be no hearing on the matter, unless a) the Water Board staff receives significant public comment during the comment period, or b) the Water Board determines it will hold a hearing because it finds that new and significant information has been presented at the meeting that could not have been submitted during the public comment period. If you waive your right to a hearing but the Water Board holds a hearing under either of the above circumstances, you will have a right to testify at the hearing notwithstanding your waiver. Your waiver is due no later than February 19, 2008.

Waiver of the right to a hearing and agreement to make payment in full.  
By checking the box, I agree to waive my right to a hearing before the Water Board with regard to the violations alleged in Complaint No. R2-2007-0079 and to remit the full penalty payment to the State Water Pollution Cleanup and Abatement Account, c/o Regional Water Quality Control Board at 1515 Clay Street, Oakland, CA 94612, within 30 days after the Water Board meeting for which this matter is placed on the agenda. 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 unless the Water Board holds a hearing under either of the circumstances described above. If the Water Board holds such a hearing and imposes a civil liability, such amount shall be due 30 days from the date the Water Board adopts the order imposing the liability.

BRIAN LEE  
Name (print)  
1/29/08  
Date

*Brian Lee*  
Signature  
SENIOR CIVIL ENG  
Title/Organization  
City Redwood City

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