

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

COMPLAINT NO. 00-081

**MANDATORY PENALTY
IN THE MATTER OF
MARTINEZ REFINING COMPANY
MARTINEZ
SANTA CLARA COUNTY**

This complaint assesses Mandatory Penalties pursuant to Water Code section 13385(h) and/or (i). It is issued to the Martinez Refining Company (hereafter Discharger) based on a finding of a violation of Waste Discharger Requirements Order No. 96-069 (NPDES No. CA0005789).

The Executive Officer finds the following:

1. On May 15, 1996, the Regional Water Quality Control Board, San Francisco Bay Region, (Regional Board) adopted Waste Discharge Requirements Order No. 96-069 (NPDES No. CA0005789), for Martinez Refining Company, to regulate discharges of waste from the facility.
2. Water Code section 13385(h)(1) requires the Regional Board to assess a mandatory penalty of three thousand dollars (\$3,000) for the first serious violation in any six-month period or in lieu of the penalty requires the discharger to spend an equal amount for a supplemental environmental project or to develop a pollution prevention plan.
3. Order No. 96-069 includes the following effluent limitation and Prohibitions:

B. Effluent Limitations

4. Concentration Criteria for Toxic Pollutants

The effluent shall not exceed the following concentration limit:

Constituent (µg/l)	Daily Max
Selenium	50

4. According to monitoring reports submitted by the Discharger, the Discharger committed one serious violation during the six-month period beginning January 1, 2000, and ending on June 30, 2000. On January April 12, 2000, the measured effluent selenium

concentration was 82 µg/l. Selenium is a Group I pollutant and the measured effluent exceeded the effluent limit by more than 40%. The amount of the mandatory penalty for this violation is \$3000.

5. The total amount of the mandatory penalty is \$3000.

**MARTINEZ REFINING COMPANY
IS HEREBY GIVEN NOTICE THAT:**

1. The Executive Officer of the Regional Board proposes that the Discharger be assessed a Mandatory Penalty in the amount of \$3000.
2. A hearing shall be held by the Regional Board on September 20, 2000 unless the Discharger agrees to waive the hearing and pay the mandatory penalty of \$3000 in full.
3. In lieu of the mandatory 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 by August 31, 2000.
4. The Discharger may waive the right to a hearing. If you wish to waive the hearing, please check the appropriate box and sign the attached waiver and return it with a check made payable to the State Water Resources Control Board for the full amount of the mandatory penalty, or a proposal pursuant to paragraph 3 above, to the Regional Board's office at the letterhead address, by August 31, 2000.



Lawrence P. Kolb, Acting Executive Officer

August 18, 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.00-081 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 the Order assessing civil liability is adopted by the Board.
- [] 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.00-081 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 30 days after the Order assessing civil liability is adopted by the Board. 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 Executive Officer within a time schedule set by the Executive Officer.

Name (print)

Signature

Date

Title/Organization