

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

COMPLAINT NO. 00-095

**MANDATORY PENALTY
IN THE MATTER OF
CITY AND COUNTY OF SAN FRANCISCO
SAN FRANCISCO INTERNATIONAL AIRPORT WATER QUALITY CONTROL
PLANT
NORTH BAYSIDE SYSTEM UNIT
SAN MATEO COUNTY**

This complaint to assess Mandatory Penalties pursuant to Water Code section 13385 (h), is issued to the City and County of San Francisco (hereafter Discharger) based on a finding of a violation of Waste Discharge Requirements Order No. 95-054 (NPDES No. CA0038318).

The Executive Officer finds the following:

1. On March 15, 1995, the Regional Water Quality Control Board, San Francisco Bay Region, (Regional Board) adopted Waste Discharge Requirements Order No. 95-054 (NPDES Permit No. CA0038318), for the City and County of San Francisco, to regulate discharges of waste from the San Francisco International Airport Water Quality Control Plant.
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 require the discharger to spend an equal amount for a supplemental environmental project or to develop a pollution prevention plan.
3. Waste Discharge Requirements Order No. 95-054 states, in part:

The effluent discharged to the outfall shall not exceed the following limits:

<u>Constituent</u>	<u>Units</u>	<u>Monthly Average</u>	<u>Weekly Average</u>	<u>Daily Maximum</u>	<u>Instantaneous Maximum</u>
c. Settleable Matter	ml/l-hr	0.1	--	--	0.2

According to the January through June 2000 monitoring reports submitted by the Discharger, settleable matter in the effluent was 1.67 ml/l-hr on February 22, 2000. This is more than 40 % of the effluent limitation of 0.2 ml/l-hr, and thus is considered a serious violation as defined by Water Code Section 13385(h).

4. Therefore the MMP for this serious violation is \$3,000.

THE CITY AND COUNTY OF SAN FRANCISCO IS HEREBY GIVEN NOTICE THAT:

1. The Executive Officer of the Regional Board proposes that the Discharger be assessed Mandatory Penalty in the amount of three thousand dollars (\$ 3,000).
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 Administrative Civil Liability and Mandatory Penalty of \$ 3,000 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 October 6, 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 penalty to the Regional Board's office at 1515 Clay Street, Suite 1400; Oakland, CA 94612, by October 6, 2000.
5. If a hearing is held, the Regional Board will consider whether to affirm, reject, or modify the proposed administrative civil liability and mandatory penalty, or whether to refer the matter to the Attorney General to have a Superior Court consider imposition of a penalty.


Lawrence P. Kolb, Acting Executive Officer

9/27/2000

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. 00-095 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 Executive Officer in this Complaint, and against the imposition of, or the amount of, the civil liability proposed. I further agree to remit payment under Complaint No. 00-095 by October 6, 2000.
- [] 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. 00-095 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 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 of a letter from the Executive Officer denying approval of the proposed project. 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



California Regional Water Quality Control Board

San Francisco Bay Region



Winston H. Hickox
Secretary for
Environmental
Protection

1515 Clay Street, Suite 1400, Oakland, California 94612
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Gray Davis
Governor

TO: Lawrence P. Kolb
Acting Executive Officer

James Nusrala
FROM: James Nusrala
Associate Water Resources Control Engineer

DATE: September 26, 2000

SUBJECT: MANDATORY MINIMUM PENALTY (MMP) FOR SAN FRANCISCO
INTERNATIONAL AIRPORT – WATER QUALITY CONTROL PLANT

On February 22, 2000 the Water Quality Control Plant at the San Francisco International Airport exceeded their instantaneous settleable matter limit by more than 40% (1.67 ml/l/hr vs. a limit of 0.2 ml/l/hr), thus the plant is subject to penalties under Water Code Section 13385 (h) for serious violations. For the following reasons I recommend we impose only the minimum penalty of \$3,000 for this permit violation:

1. There definitely was a single violation of the instantaneous settleable matter limit. This was not due to any sampling, analytical, or reporting errors. The discharger has not raised any contention that a violation did not occur.
2. This was the only serious violation, as defined by Water Code Section 13385 (h), during the first six months of 2000.
3. The most probable cause of the violation was a very high flow due to intense rainfall, which was not diverted quickly enough into an off-line aeration tank.
4. Once the flow was diverted to the tank, effluent quality returned to compliance.

If you have any questions please call me at 622-2320.

Concurred by *Shin-Roei Lee*
Shin-Roei Lee, Section Leader

9/27/00
Date

Concurred by *Teng-Chung Wu*
Teng-Chung Wu, Division Chief

9/27/00
Date

California Environmental Protection Agency

