

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

ORDER NO.: R2-2007-0066

ORDER IMPOSING ADMINISTRATIVE CIVIL LIABILITY FOR:

Mr. Donald Medeiros
154 San Lazaro Avenue
Sunnyvale
Santa Clara County

The California Regional Water Quality Control Board, San Francisco Bay Region (hereinafter Water Board) finds, with respect to Donald Medeiros (hereinafter the Discharger), that:

1. The Discharger owns the property at 154 San Lazaro Avenue in Sunnyvale. Groundwater beneath 154 San Lazaro Avenue is contaminated by volatile organic solvents, primarily trichloroethene (TCE). Groundwater samples collected at 154 San Lazaro Avenue during April 1998 contained up to 460 micrograms per liter (ug/L) TCE. Investigation of soil and groundwater beneath the Discharger's property is necessary to determine the source(s) and extent of this contamination.
2. The Discharger violated California Water Code (CWC) Section 13267 by failing to submit a required technical report. The specific violation being enforced is the failure to submit a technical report that the Water Board required in a CWC Section 13267 letter to the Discharger dated May 11, 2005. In that letter, the Water Board required a workplan for site investigation, which was due June 15, 2005, and a completion report of the investigation, which was due August 15, 2005. No technical report was submitted. Thus, as of the date of the Complaint described below, the Discharger has been in violation for 768 days (the period between June 15, 2005, and July 23, 2007).
3. For violating CWC Section 13267, the Water Board may administratively impose civil liability pursuant to CWC Section 13268 (a)(1) and (b)(1) in an amount which shall not exceed one thousand dollars (\$1,000) for each day in which the violation occurs.
4. On July 23, 2007, the Executive Officer issued Administrative Civil Liability Complaint No. R2-2007-0051 (Complaint) to Discharger proposing a \$20,000 administrative civil liability for the violations of the CWC Section 13267. The \$20,000 is based on the circumstances of the violation and the factors to be considered in accordance with CWC Section 13327. The maximum allowed amount of civil liability that can be imposed for the Discharger's violation is \$768,000 (\$1,000 per day of violation).
5. The Water Board, after considering the evidence and hearing all testimony, determined the Discharger is subject to civil liabilities for violating CWC Section 13267 as alleged in

the Complaint. In determining the amount of civil liability, the Water Board considered the factors set forth in CWC Section 13327.

6. A \$20,000 administrative civil liability is appropriate based on the determinations in Finding No. 5.
7. This action is an Order to enforce the laws and regulations administered by the Water Board. Issuance of this Order is exempt from the provisions of the California Environmental Quality Act (Public Resources Code Section 21000, et seq.), in accordance with Section 15321(a)(2), Title 14, of the California Code of Regulations.
8. The Discharger may petition the State Board to review this action. The State Board must receive the petition within 30 days of the date this Order was adopted by the Water Board. The petition will be limited to raising only the substantive issues or objections that were raised before the Water Board at the public hearing or in a timely submitted written correspondence delivered to the Water Board.

IT IS HEREBY ORDERED that Mr. Donald Medeiros is civilly liable for the violation of CWC Section 13267 for failing to submit a required technical report and shall pay the administrative civil liability in the amount of \$20,000. The liability shall be paid to the State Water Pollution Cleanup and Abatement Account within 30 days of the date of this Order.

I, Bruce H. Wolfe, Executive Officer, do hereby certify that the foregoing is a full, complete, and correct copy of an Order adopted by the California Regional Water Quality Control Board, San Francisco Bay Region, on September 12, 2007.



Digitally signed by Bruce
Wolfe
Date: 2007.09.21
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Bruce H. Wolfe
Executive Officer