

Wednesday, September 19, 2007

Mr. Bruce H. Wolfe
Executive Officer
1515 Clay Street, Suite 1400
Oakland, CA 94612

Subject: Complaint No. R2-2007-0050

Dear Mr. Wolfe,

We are in receipt of your letter dated August 6th regarding mandatory minimum penalty (MMP's) for two cyanide daily maximum limit exceedances that occurred on May 4th and August 3rd, 2005.

At this time we would like to retract our letter of August 27th after our telephone conversation with Lila Tang on September 18, 2007. In this letter we stated that our intent was to present the problems with the analyses of cyanide and how we have worked through these problems to remedy the accuracy with the analyses of cyanide. Ms. Tang stated that the board is aware of the analyses problems associated with cyanide, but that does not change the fact that the treatment plant posted the results from a certified laboratory and therefore the MMP's stated in your August 6th letter would stand.

We are, therefore, now submitting a request to perform an SEP in the amount of \$6,000 for our Sewer Science program that has been an ongoing training program in the Burlingame High School. If the SEP were accepted by the Water Board, the funds would be distributed accordingly:

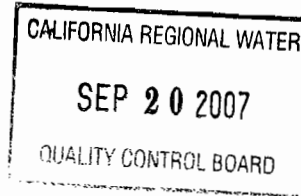
- 1) restocking of the Sewer Science training material used in the Burlingame High School in the amount of \$2,000
- 2) \$4,000 would be distributed amongst the graduating seniors who assist with the internship/training of the Sewer Science course in the Burlingame High School. These scholarships would be presented at the awards presentation ceremony in May of 2008.

Please do not hesitate to contact me regarding our response to MMP No. R2-2007-0050 at (650) 342-3727.

Sincerely,



William E. Toci
Plant Manager
City of Burlingame WWTF



Cc: Syed Murtuza
Department Public Works Director
City of Burlingame

Denise Conners
Senior Engineer
Larry Walker and Associates

David Dickson
Area Manager
Veolia Water North America-West, LLC

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 September 6, 2007.

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. R2-2007-0050 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.

Waiver of right to a hearing and agree to make payment and undertake an SEP.

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. R2-2007-0050, and to complete a supplemental environmental project (SEP) in lieu of the suspended liability up to \$6,000 and paying the balance of the fine to the State Water Pollution Cleanup and Abatement Account (CAA) within 30 days after the Water Board meeting for which this matter is placed on the agenda. The SEP proposal shall be submitted no later than September 6, 2007. I understand that the SEP proposal shall conform to the requirements specified in Section IX of the Water Quality Enforcement Policy, which was adopted by the State Water Resources Control Board on February 19, 2002, and be subject to approval by the Executive Officer. If the SEP proposal, or its revised version, is not acceptable to the Executive Officer, I agree to pay the suspended penalty amount within 30 days of the date of the letter from the Executive Officer rejecting the proposed/revised SEP. I also understand that I am giving up my right to argue against the allegations made by the Executive Officer in the 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. I further agree to satisfactorily complete the approved SEP within a time schedule set by the Executive Officer. I understand failure to adequately complete the approved SEP will require immediate payment of the suspended liability to the CAA.

WILLIAM E. TOCI

Name (print)



Signature

09-19-2007

Date

PLANT MANAGER

Title/Organization