CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

ORDER No. 93-041

ORDER SETTING ADMINISTRATIVE CIVIL LIABILITY FOR:
SOUTHERN PACIFIC TRANSPORTATION COMPANY, WEST OAKLAND YARD, OILY WASTE POND, OAKLAND, ALAMEDA COUNTY:

The California Regional Water Quality Control Board, San Francisco Bay Region (hereinafter the Board) finds that:

1. On January 16, 1991 the Board adopted Cease and Desist Order No. 91-008 for an oily waste pond located in West Oakland, owned and operated by Southern Pacific Transportation Company. Provision C(1)(c) of the Order required the discharger to submit a technical report documenting compliance with the toxic pits cleanup act TPCA and closure of the oily waste pond by September 2, 1992.

   This report was submitted on November 15, 1992, 74 days late and indicate that additional work will be required at the site.

2. The Executive Officer issued Complaint No. 93-010 to the discharger on January 25, 1993. The Complaint proposed that administrative civil liability be imposed by the Regional Board in the amount of $14,800 in penalties pursuant to Sections 13350(f)(1) of the California Water Code. Since staff time at this site is reimbursed by the discharger, through TPCA, this amount does include direct recovery of staff costs.

3. This Order imposes administrative civil liability of $14,800, calculated at the rate of $200 per day for each day of late report submittal.

4. The Board has fully considered the factors set forth for determination of the amount of civil liability set forth in Water Code Section 13327.

5. This action is an Order to enforce the laws and regulations administered by the Board. This action is categorically exempt from the provisions of CEQA pursuant to Section 15321 of Resources Agency Guidelines.

6. On March 17, 1993, the Board conducted a public hearing at which the discharger appeared and evidence was received concerning the discharge.

IT IS HEREBY ORDERED, PURSUANT TO WATER CODE SECTIONS 13350 and 13323, that Southern Pacific Transportation Company is civilly liable for this violation and shall pay administrative liability in the amount of $14,800. The liability shall be paid to the State Water Pollution Cleanup and Abatement Account within 30 days of the date of this Order.

I, Steven R. Ritchie, Executive Officer, do hereby certify the foregoing is a full, true and correct copy of an Order adopted by the California Regional Water Quality Control Board, San Francisco Bay Region, on April 21, 1993.

STEVEN R. RITCHIE
EXECUTIVE OFFICER