



California Regional Water Quality Control Board

San Francisco Bay Region



Gray Davis
Governor

Winston H. Hickox
Secretary for
Environmental
Protection

Internet Address: <http://www.swrcb.ca.gov>
1515 Clay Street, Suite 1400, Oakland, California 94612
Phone (510) 622-2300 • FAX (510) 622-2460

Date: JAN 27 2003
File No.: 2179.7035 (JE)

CERTIFIED MAIL NO70020860000530570609
RETURN RECEIPT REQUESTED

Mr. Arch Perry
General Manager
City of San Mateo Wastewater Treatment Plant
330 West 20th Ave.
San Mateo, CA 94403

Subject: Mandatory Minimum Penalty assessed under Water Code Section 13385 (h) and (i).

Dear Mr. Perry,

Enclosed is Complaint No. R2-2002-0120. The Complaint alleges that there were a total of sixteen effluent limit violations of the City of San Mateo Wastewater Treatment Plant's NPDES permit during the period between January 1, 2000 and June 30, 2002. The violations were: two Total Suspended Solids Daily Maximum violations on January 23, and February 11, 2000; two Turbidity Daily Maximum violations on January 23, and February 11, 2000; nine Chlorine Residual Instantaneous Maximum violations on May 18, August 9, August 16, 2000, and January 11, January 22, March 30, and June 15, 2001, and April 7 and June 26, 2002; two Total Settleable Matter Daily Maximum violations on September 14 and 16, 2000; and, one Cyanide Daily Maximum violation on June 5, 2001.

Thirteen of the sixteen violations are subject to mandatory penalties under Section 13385 (h) and (i) of the California Water Code for a total mandatory minimum penalty of \$39,000.

I plan to bring this matter to the Regional Board at its February 19, 2003 meeting. You have three options:

1. You can appear before the Board at the meeting to contest the matter. Written comments are due by February 3, 2003. At the meeting the Board may impose an administrative civil liability in the amount proposed or for a different amount; decline to seek civil liability; or refer the case to the Attorney General to have a Superior Court consider imposition of a penalty.

California Environmental Protection Agency

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Mr. Arch Perry

City of San Mateo Wastewater Treatment Plant
R2-2002-0120 MMP

2. You can waive the right to a hearing by signing the last page of the Complaint and checking the first box. There will be no hearing on this matter, provided no significant public comment is received by Board staff during the comment period. By checking the first box and signing the waiver you agree to pay the liability within 30 days after the signed waiver becomes effective.
3. You can waive the right to a hearing and agree to undertake a Supplemental Environmental Project (SEP) by signing the waiver and checking the second box. There will be no hearing on this matter, provided no significant public comment is received by Board staff during the comment period. By checking the second box and signing the waiver, you agree to complete an SEP in lieu of paying a suspended amount of up to \$27,000 of the penalty and remit the balance of the fine to the State Water Pollution Cleanup and Abatement Account within thirty (30) days after the signed waiver becomes effective. Note that the SEP must be acceptable to the Executive Officer of the Board. If the Executive Officer determines that either, the SEP proposal is not acceptable, or the SEP is not adequately completed within the approved time schedule, you will be required to pay the suspended liability within 30 days of notification by the Executive Officer.

For options 2 or 3 above, you are requested to mail and fax a copy of the signed waiver to the attention of Joseph Ernest at (510) 622-2460 no later than February 3, 2003, and if you intend to complete an SEP, a preliminary proposal must accompany the waiver for approval of concept. If you have any questions regarding this matter, please contact Joseph Ernest of my staff at (510) 622-2456 or email address je@rb2.swrcb.ca.gov.

Sincerely,



Loretta K. Barsamian
Executive Officer

Enclosure: Complaint No. R2-2002-0120

cc: Greg Walker, RWQCB
Lila Tang - RWQCB
Jenny Chen - RWQCB

California Environmental Protection Agency

