



California Regional Water Quality Control Board

San Francisco Bay Region



**Arnold
Schwarzenegger**
Governor

Terry Tamminen
Secretary for
Environmental
Protection

1515 Clay Street, Suite 1400, Oakland, California 94612
(510) 622-2300 • Fax (510) 622-2460
<http://www.swrcb.ca.gov/rwqcb2>

Date:

File No.: 2119.1051 (JE)

CERTIFIED MAIL NO.
RETURN RECEIPT REQUESTED

Mr. Dennis Quilici
Technical Service Manager
ConocoPhillips San Francisco Refinery
1380 San Pablo Avenue
Rodeo, CA 94572

Subject: Mandatory Minimum Penalty (MMP) assessed under Water Code Section 13385 (h)

Dear Mr. Quilici,

Enclosed is Complaint No. R2-2003-0103. The Complaint alleges that during the period between April 1, 2003, and June 30, 2003, ConocoPhillips had one serious violation of its effluent discharge limits. The reported value of 1.6 mg/L for June 29, 2003 exceeds the chlorine residual instantaneous maximum limit of 0.0 mg/L by 20% or more. This violation is subject to a \$3,000 MMP.

I plan to bring this matter to the Water Board at its June 16, 2004, meeting. You have three options:

1. You can appear before the Board at the meeting to contest the matter. Written comments are due by May 24, 2004. 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.
2. You can waive the right to a hearing by signing the attached waiver form 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

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Mr. Dennis Quilici

ConocoPhillips San Francisco Refinery
R2-2003-0103 MMP

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 \$3,000 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 May 24, 2004, 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,

Bruce Wolfe
Executive Officer

Enclosure: Complaint No. R2-2003-0103