Attachment A

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

Complaint No. R2-2007-0073

Mandatory Minimum Penalty
In the Matter of
Catholic Cathedral Corporation of East Bay
Oakland, Alameda County

Overview
This complaint assesses $6,000 in Mandatory Minimum Penalties (MMPs) to the Catholic Cathedral Corporation of East Bay (hereafter Discharger). The complaint is based on a finding of the Discharger's violations of Waste Discharge Requirements Order No. 01-100 (NPDES No. CAG912002) for the period between January 01, 2006, and March 31, 2007.

This MMP complaint is issued pursuant to Water Code Sections 13385(h)(1-2), 13385(i) and 13385.1. For a description of how MMPs are assessed, please see General Overview of MMP Calculations, attached.

A. Permit at the time of violations
On September 21, 2001, the California Regional Water Quality Control Board, San Francisco Bay Region (Water Board) adopted Order No. 01-100, to regulate discharges of waste from facilities discharging extracted groundwater, treated to remove fuels-related chemicals. This permit is known as the Fuels General Permit. The Discharger obtained coverage under the Fuels General Permit on August 2, 2005.

B. Effluent Limitation
Order No.01-100 specified the following effluent limitation:

Parameter	**Effluent Limit**
Total Petroleum Hydrocarbons (TPHg or TPHd) daily maximum	50 µg/L

C. Water Board Staff's Consideration of Violations
At 55 µg/L, the Discharger's January 17, 2006, TPH-g sample result was in violation of the Fuels General Permit, but only slightly above the effluent limit of 50 µg/L. Even so, upon receiving the sample result on January 26, 2006, the Discharger resampled, as required by the Fuels General Permit. The additional sampling showed that the discharge had returned to compliance. The violation appeared to be an isolated incident.

On March 3, 2006, the Discharger violated the TPH-d effluent limit, this time by more than double. Again, the Discharger accelerated monitoring, which generated another TPH-d violation on March 15, 2006, also more than double the effluent limit. In response, the Discharger:

- Serviced its treatment system,

- Updated its operation and maintenance procedures to sample on a more regular basis for breakthrough of organic compounds, and
- Re-trained its on-site operator to maintain the treatment system more actively.

In sum, the Discharger took appropriate follow-up and corrective actions to minimize violation reoccurences, and therefore the minimum penalty is sufficient for the violations.

D. Assessment of penalties

- **Serious Violations**
  TPHg and TPHd are Group II pollutants. Serious violations for Group II pollutants are those that exceed the limitations by more than 20%. Two of the violations are serious, and therefore each is subject to a $3,000 MMP, for a total of $6,000.

- **Fourth or greater within running 180-day period**
  MMPs also apply to violations that are the fourth or greater consecutive violation within a running 180-day period. The violations in this Complaint do not fall into this category.

- **Suspended MMP Amount**
  Instead of paying the full penalty amount to the State Water Pollution Cleanup and Abatement Account, the Discharger may spend an amount of up to $6,000 on an SEP acceptable to the Executive Officer. Any such amount expended to satisfactorily complete an SEP will be permanently suspended.

THE DISCHARGER IS HEREBY GIVEN NOTICE THAT:

1. The Executive Officer proposes that the Discharger be assessed MMPs in the total amount of $6,000.

2. The Water Board will hold a hearing on this Complaint on January 30, 2008, unless the Discharger waives the right to a hearing by signing the included waiver and checks the appropriate box. By doing so, the Discharger agrees to:

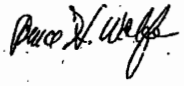
   a) Pay the full penalty as stated above within 30 days after the signed waiver becomes effective, or
   b) Propose an SEP in an amount up to $6,000. Pay the balance of the penalty within 30 days after the signed waiver becomes effective. The sum of the SEP amount and the amount of the fine to be paid to the State Water Pollution Cleanup and Abatement Account shall equal the full penalty as stated above.

3. If the Discharger chooses to propose an SEP, it must submit a preliminary proposal by the close of the public comment period, as stated in the attached public notice, to the Executive Officer for conceptual approval. Any SEP proposal shall also 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 the attached Standard

Criteria and Reporting Requirement for Supplemental Environmental Project. If the proposed SEP is not acceptable to the Executive Officer, the Discharger has 30 days from receipt of notice of an unacceptable SEP to either submit a new or revised proposal, or make a payment for the suspended portion of the penalty. All payments, including any money not used for the SEP, must be payable to the State Water Pollution Cleanup and Abatement Account. Regular reports on the SEP implementation shall be provided to the Executive Officer according to a schedule to be determined. The completion report for the SEP shall be submitted to the Executive Officer within 60 days of project completion.

4. The signed waiver will become effective on the day after the public comment period for this Complaint is closed, provided that there are no significant public comments on this Complaint during the public comment period. If there are significant public comments, the Executive Officer may withdraw the Complaint and reissue it as appropriate.

5. If a hearing is held, the Water Board may impose an administrative civil liability in the amount proposed or for a different amount; decline to seek civil liability; or refer the matter to the Attorney General to have a Superior Court consider imposition of a penalty.



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Date: 2007.12.04 16:27:25 -08'00'

December 4, 2007

Bruce H. Wolfe
Executive Officer

Attachments: 1 - Waiver
2 - Table 1, Violations
3 - Standard Criteria and Reporting Requirement for Supplemental Environmental Project
4 - General Overview of MMP Calculations

Table 1 - VIOLATIONS

Item	Date of Violation	Effluent Limitation Described	Effluent Limit	Reported Value	Type of Violations[1]	Penalty	Start of 180 Days[2]
1	1/17/2006	TPH-g daily maximum (ug/L)	50	55	C1	0	7/21/2005
2	3/03/2006	TPH-d daily maximum (ug/L)	50	120	C2, S	$3,000	9/05/2005
3	3/15/2006	TPH-d daily maximum (ug/L)	50	150	C3, S	$3,000	9/18/2005
	TOTAL					**$6,000**	

[1] C = Count – The number that follows represents the number of violations the Discharger has had in the past 180 days, including this violation. C4 or higher means that a penalty under Water Code Section 13385(i) applies.
S = Serious, which means that a penalty under Water Code Section 13385(h) applies.

[2] This column documents the start date for counting violations that have occurred within the past 180 days, for the purpose of determining whether a penalty under Water Code Section 13385(i) applies.