



# California Regional Water Quality Control Board

## San Francisco Bay Region



Linda S. Adams  
Secretary for  
Environmental Protection

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

Arnold Schwarzenegger  
Governor

March 10, 2009  
CIWQS place ID 651223

CERTIFIED MAIL  
Receipt of Delivery Requested

San Francisco Public Utilities Commission  
Attn: Mr. James J. Salerno, Biological Resources Manager  
Natural Resources and Lands Management Division  
1145 Market Street, 4<sup>th</sup> Floor  
San Francisco, CA 94103

Subject: Administrative Civil Liability Complaint under Water Code Section 13385 for unauthorized discharge and NPDES Permit violations, A Section of San Francisco Public Utilities Commission Crystal Springs Pipeline No.2 located at PG&E Martin Service Center Yard, 3200 Geneva Avenue, Daly City, San Mateo County

Dear Mr. Salerno:

Enclosed is Complaint No. R2-2008-0099 issued as an administrative civil liability in the amount of \$115,000. The Complaint alleges that the San Francisco Public Utilities Commission (SFPUC) violated California Water Code Sections 13385(a)(1) and (a)(5) for an unauthorized discharge and while authorized to discharge from its temporary treatment unit, violated the requirements of Order No. R2-2006-0075 (NPDES Permit No. CAG912002).

A 468,000-gallon spill occurred in December 2006 (unauthorized discharge). After a few days, the spill was directed to storage tanks and treated under the NPDES permit. While discharging under the NPDES permit, there were several violations of the NPDES permit's discharge prohibition and effluent limits (permit violations). The Complaint describes the alleged violations in detail. SFPUC may be allowed to spend up to \$50,000 on a supplemental environmental project (SEP) that is acceptable to the Assistant Executive Officer.

The Prosecution proposes that the Regional Water Board consider Complaint No. R2-2008-0099 for an administrative civil liability in the amount during a meeting that will commence at the time and place indicated below:

Date/Time: June 10, 2009, 9:00 a.m.  
Place: Auditorium, Elihu Harris State Building  
1515 Clay Street, Oakland

Enclosed you will find a Hearing Notice that sets forth the procedures the Regional Water Board typically follows in conducting the public hearing. Any objections to the hearing process set forth shall be sent to the Regional Water Board's advisory team with a copy to the staff contact listed below by **April 15, 2009**.

SFPUC has the following options:

1. SFPUC can appear before the Regional Water Board at the meeting to contest the matter. Written comments and evidence shall be submitted by the deadline indicated below and in accordance with the process set forth in the attached Public Notice. At the meeting, the Regional 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 case to the Attorney General for judicial enforcement.
2. SFPUC can waive the right to a hearing to contest the allegations contained in the Complaint by completing the waiver attached to the Complaint.

If SFPUC waives its right to a hearing, it must mail and fax a copy of the signed waiver by the time and date specified below to the attention of Farhad Azimzadeh of my staff at fax number (510) 622-2460.

The deadline for submittal of written comments and evidence to the Complaint and waiver is **April 15, 2009**, at 5 p.m.

The deadline for submittal of an SEP proposal is also **April 29, 2009**, at 5 p.m.

A copy of the Complaint and Notice of Public Hearing are enclosed. If you have any questions regarding these matters, please contact Farhad Azimzadeh of my staff at (510) 622-2310 or [fazimzadeh@waterboards.ca.gov](mailto:fazimzadeh@waterboards.ca.gov).

Sincerely,

Thomas E. Mumley  
Assistant Executive Officer

Enclosures: ACL Complaint No. R2-2008-0099  
SEP Information  
Notice of Public Hearing

Copy to (via email):  
Standard List R-1E  
Regional Water Board Advisory Team