



California Regional Water Quality Control Board

San Francisco Bay Region



Linda S. Adams
Secretary for
Environmental Protection

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Arnold Schwarzenegger
Governor

*Certified Mail No.
Return Receipt Requested*

December 17, 2009
CIWQS Place ID 255284 (RS)

ConocoPhillips Company
San Francisco Refinery
1380 San Pablo Avenue
Rodeo, CA 94572

Attn: Mr. Paul Miller (paul.l.miller@conocophillips.com)

Subject: Administrative Civil Liability Complaint No. R2-2009-0076 for Permit Violations, San Francisco Refinery at Rodeo, Contra Costa County

Dear Mr. Miller:

Complaint No. R2-2009-0076 (Complaint) enclosed with this letter issues an administrative civil liability (ACL) against ConocoPhillips in the amount of \$490,000. This liability is based on allegations that ConocoPhillips violated its effluent limitations seven times for acute toxicity, nine times for selenium, once for copper, and once for chlorine residual. These violations are subject to Administrative Civil Liability under Water Code Section 13385.

ConocoPhillips can respond to the Complaint by appearing before the Regional Water Board at a public hearing to contest the matter or by signing a waiver to pursue other options.

1. The Complaint can be contested before the Regional Water Board at the following meeting:

Date/Time: March 10, 2010, commencing at 9:00 a.m.
Place: First Floor Auditorium, Elihu Harris State Building
1515 Clay Street, Oakland

At this meeting, the Regional Water Board will consider whether to impose administrative civil liability (as proposed in the Complaint or for a different amount), decline the administrative civil liability, or refer the matter to the Attorney General for judicial enforcement at a public hearing.

Please refer to the enclosed Public Notice and Hearing Procedure for the Complaint and the ACL Fact Sheet for additional information about the Regional Water Board's process, hearing procedures, and important deadlines (for submitting comments or evidence, obtaining designated party status, waiving or postponing a hearing, making objections or rebuttals to evidence, etc.).

2. The public hearing that has been scheduled (above) can be waived to pursue one of the following options:
 - a. Pay the liability as proposed in the Complaint;
 - b. Request more time and postpone the date of the public hearing;
 - c. Promptly engage in settlement discussions with the Regional Water Board Prosecution Team;
 - d. Propose a Supplemental Environmental Project (SEP), where partial payment of the penalty may be deferred towards completion of an environmental project (see the enclosed SEP Policy for more information on such projects).

The Waiver, attached to the Complaint, describes these options in further detail and it also provides the deadline for submitting an SEP proposal (if this option is selected). To pursue one of these options, **the Waiver must be signed, dated, and received by the contacts listed below no later than 5:00 pm on January 19, 2010. It is at the discretion of the Regional Water Board Advisory Team to either accept or deny a waiver request.**

Please direct all correspondence and questions regarding the enclosed documents to Sandia Potter (Advisory Team for the Regional Water Board) with a copy to Robert Schlipf (Prosecution Team for the Regional Water Board). Robert Schlipf may be contacted for direct communication with the Prosecution Team.

- Sandia Potter, smpotter@waterboards.ca.gov, (510) 622-2426
- Robert Schlipf, rschlipf@waterboards.ca.gov, (510) 622-2478

Please refer to the letterhead for our mailing address and fax number.

Sincerely,

Thomas E. Mumley, Ph.D.
Assistant Executive Officer

Enclosures: ACL Complaint No. R2-2009-0076 and Waiver
Hearing Procedure for ACL Complaint No. R2-2009-0076
Notice of Pending Enforcement Action
Administrative Civil Liability Fact Sheet
State Water Resources Control Board Policy on Supplemental Environmental
Projects, February 3, 2009.

cc: Regional Water Board Lyris Enforcement email list
Sandia Potter, Regional Water Board Advisory Team
Bruce H. Wolfe, Regional Water Board Advisory Team
Yuri Won, State Water Board, Office of the Chief Counsel
Reed Sato, State Water Board, Office of Enforcement
Dennis Quilici, ConocoPhillips
Yvonne West, Staff Counsel, State Water Resources Control Board of
Enforcement