



San Francisco International Airport

September 3, 2015

VIA U.S. MAIL

California Regional Water Quality Control Board  
NPDES Enforcement Section, Regulatory Measure ID No. 401694  
Attention: Farhad Azimzadeh  
1515 Clay Street, Suite 1400  
Oakland, CA 94612

Re: San Francisco International Airport, Mel Leong Treatment Plant  
Conditional Offer to Settle Violations of National Pollutant Discharge Elimination  
System (NPDES) Permit CA0038318 (Order R2-2013-0011)

Dear Mr. Azimzadeh:

The San Francisco International Airport has accepted the San Francisco Bay Regional Water Quality Control Board's Conditional Offer to Settle Violations of NPDES Permit CA0038318 sent by your letter dated August 11, 2015. Enclosed is the Acceptance of Conditional Resolution and Waiver of Right to Hearing executed by John L. Martin, Airport Director.

If you have any questions regarding this matter, please do not hesitate to contact me by telephone at (650) 821-5400 or by email at [Peter.Acton@flysfo.com](mailto:Peter.Acton@flysfo.com).

Sincerely,

Peter Acton  
Facilities Director

Enclosure

cc. with copy of enclosure

Russell Ng, Superintendent, Mel Leong Treatment Plant  
Bill Zolan, SFO, Mel Leong Treatment Plant  
Lori Wider, Deputy City Attorney, SFO

AIRPORT COMMISSION CITY AND COUNTY OF SAN FRANCISCO

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**ORDER NO. R2-20XX-1XXX**  
**ACCEPTANCE OF CONDITIONAL RESOLUTION**  
**AND WAIVER OF RIGHT TO HEARING**

By signing below and returning this Acceptance of Conditional Resolution and Waiver of Right to Hearing (Acceptance and Waiver) to the Regional Water Quality Control Board (Regional Water Board), the City and County of San Francisco, acting by and through its Airport Commission (City and County) hereby accept the conditional offer to settle alleged violations through payment of mandatory minimum penalties (Conditional Offer) and waives the right to a hearing before the Regional Water Board to dispute the allegations of violations and attached hereto as Exhibit A and incorporated herein by reference.

The City and County agree that the attached Exhibit A shall serve as a complaint pursuant to Article 2.5 of the Water Code and that no separate complaint is required for the Regional Water Board to assert jurisdiction over the alleged violations through its Assistant Executive Officer. The City and County agree to pay the penalties authorized by Water Code sections 13385 and 13385.1, which shall be deemed payment in full of any civil liability pursuant to the Water Code section 13385 that otherwise might be assessed for the violations described in the attached Exhibit A. The City and County understand that this Acceptance and Waiver waives its right to contest the allegations in Exhibit A and the amount of civil liability for such violations.

The City and County understand that this Acceptance and Waiver does not address or resolve liability for any violation that is not specifically identified in the attached Exhibit A.

Upon execution by the City and County, the Acceptance and Waiver shall be returned to:  
California Regional Water Quality Control Board, San Francisco Bay Region  
NPDES Enforcement Section, Regulatory Measure ID No. 401694  
Attention: Farhad Azimzadeh  
1515 Clay Street, Suite 1400  
Oakland, California 94612

The City and County understand that federal regulations set forth at title 40, Code of Federal Regulations, section 123.27(d)(2)(iii) require the Regional Water Board to publish notice of and provide at least 30 days for public comment on any proposed resolution of an enforcement action. Accordingly, this Acceptance and Waiver, prior to execution by the Executive Officer of the Regional Water Board, will be published as required by law for public comment.

If no comments are received within the notice period which causes the Executive Officer of the Regional Water Board to reject the settlement amount, the Executive Officer will execute the Acceptance and Waiver. Resolution of these violations by the Regional Water Board will preclude State Water Board action for these same violations.

The City and County understand that if significant comments are received in opposition to the Conditional Offer, the offer may be withdrawn. In that circumstance, the City and County will be advised of the withdrawal and an administrative civil liability complaint may be issued and the matter may be set for a hearing before the Regional Water Board or the State Water Board. For such a liability hearing, the City and County understand that this Acceptance and Waiver executed by the City and County will be treated as a settlement communication and will not be used as evidence in that hearing.

The City and County understand that once the Acceptance and Waiver is executed by the Executive Officer of the Regional Water Board, payment of the amount in full no later than 30 days after the date of the Executive Officer's signature is a condition of this Acceptance and Waiver. In accordance with Water Code sections 13385(n)(1) and 13385.1(c)(1), funds collected for violations of effluent limitations and reporting requirements pursuant to section 13385 and 13385.1 shall be deposited in the State Water Pollution Cleanup and Abatement Account. The payment must be submitted to the State Water Resources Control Board in accordance with an invoice for payment.

I hereby affirm that I am duly authorized to act on behalf of and to bind the City and County in the making and giving of this Acceptance and Waiver.

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City and County of San Francisco, acting by and through its Airport Commission

By: \_\_\_\_\_

(Signed Name)

9/3/15

(Date)

John L. Martin

(Printed or typed name)

Airport Director

(Title)

Note: Please return the signed Acceptance and Waiver with Exhibit A, together.

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IT IS SO ORDERED PURSUANT TO WATER CODE SECTION 13385

By: \_\_\_\_\_

Bruce H. Wolfe  
Executive Officer  
California Regional Water Quality Control Board  
San Francisco Bay Region

Regulatory Measure ID: 401694

San Francisco International Airport, Mel Leong Treatment Plants (Sanitary Plant) located at Bldg. 924 Clearwater Drive, San Francisco, San Mateo County

[illegible]

WDID No.: 2 417032001