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GOVERNOR

MATTHEW RODRIGUEZ  
SECRETARY FOR  
ENVIRONMENTAL PROTECTION

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**San Francisco Bay Regional Water Quality Control Board**

October 13, 2016  
Place ID 223950 (HTK)

Certified Mail No. 7015 3010 0000 1554 5137  
*Return Receipt Requested*

Valero Benicia Refinery  
Attn: Kimberly Ronan, Manager-Environmental Engineering  
3400 East Second Street  
Benicia, CA 94510-1097

*Also sent via email: Kim.Ronan@valero.com*

**Subject: Administrative Civil Liability Complaint No. R2-2016-1017 for Improper Operation of Treatment System Resulting in Effluent Limit Violations, Valero Benicia Refinery, Solano County**

Dear Ms. Ronan

Complaint No R2-2016-1017 (Complaint) enclosed with this letter issues an administrative civil liability (ACL) against Valero Refining Company-California (Discharger) in the amount of \$197,500. This liability is based on the allegation that the Discharger discharged approximately 1.13 million gallons of partially treated wastewater on January 18, 2016, to waters of the State and the United States in violation of NPDES CA0005550, Order R2-201500037 effluent limitations.

The Discharger 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: January 11, 2017, 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 procedure, and important deadlines (for submitting comments or evidence, obtaining designated party status, waiving or postponing a hearing, making objections or rebuttals to evidence, etc.).

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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 Ms. Marnie Ajello (a representative of the Regional Water Board Advisory Team) with a copy to the Prosecution Team contact listed below no later than 5:00 p.m. on November 14, 2016. It is at the discretion of the Regional Water Board Advisory Team to either accept or deny a waiver request.**

For more information about SEPs and the project selection and proposal approval process, please contact Adrian Baudrimont of the San Francisco Estuary Project (SFEP) at (510) 622-2337 or [Adrien.Baudrimont@sfestuary.org](mailto:Adrien.Baudrimont@sfestuary.org). To see examples of current and completed projects, visit SFEP's website <http://www.sfestuary.org/projects/list.php>.

If you wish to communicate directly with the Prosecution Team regarding the Complaint, please contact Habte Kifle at (510) 622-2371 or [Habte.Kifle@waterboards.ca.gov](mailto:Habte.Kifle@waterboards.ca.gov).

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

Sincerely,

Thomas E. Mumley  
Assistant Executive Officer

Enclosures: ACL Complaint R2-2016-1017  
Waiver Form for ACL Complaint R2-2016-1017  
Public Notice and Hearing Procedure for ACL Complaint R2-2016-1017  
Administrative Civil Liability Fact Sheet

Copy to: Regional Water Board Lyris Enforcement email list  
Regional Water Board Advisory and Prosecution Teams  
Cris Carrigan, State Water Board, Office of Enforcement