

## State Water Resources Control Board

December 19, 2013

All Parties and Interested Persons:

PETITIONS OF (a) CALIFORNIA DEPARTMENT OF TRANSPORTATION (DEPARTMENT); and, (b) MCM CONSTRUCTION, INC. (MCM) (ADMINISTRATIVE CIVIL LIABILITY ORDER NO. R1-2012-0034 IN THE MATTER OF CALIFORNIA DEPARTMENT OF TRANSPORTATION, CONFUSION HILL BYPASS PROJECT), NORTH COAST REGIONAL WATER QUALITY CONTROL BOARD (NORTH COAST WATER BOARD): TRANSMITTAL OF REVISED PROPOSED ORDER; CONFIRMATION OF DATES OF WORKSHOP AND COMMENT PERIOD

### **SWRCB/OCC FILES A-2208 (a) and (b)**

After circulation of the December 4, 2013, proposed order, the parties and State Water Resources Control Board (State Water Board) staff discovered that two versions of the North Coast Water Board's Administrative Civil Liability Order R1-2012-0034 (ACL Order) were in circulation (one operative, the other, inoperative). The proposed order circulated on December 4, 2013, inadvertently relied on the inoperative version of the ACL Order.<sup>1</sup>

**The enclosed revised proposed order reflects minor corrections to content and citations necessitated by this discovery. Please disregard the proposed order circulated on December 4, 2013, and instead rely on the enclosed revised proposed order for purposes of the scheduled workshop and comment period.**

Because the revisions to the proposed order are minor and not substantive, the State Water Board will retain the previously-announced written comment deadline of **12:00 noon, Tuesday, January 7, 2014**. The State Water Board will also retain the previously-announced date for the workshop on the revised proposed order of **Tuesday, January 21, 2013, at 9:00 a.m.** in the Coastal Hearing Room, second floor of the Cal/EPA Building, 1001 I Street, Sacramento, California.

The purpose of this workshop is to solicit comments from parties and interested persons regarding the revised proposed order. The State Water Board will take no final action on the proposed order at this workshop. After consideration of comments received prior to or at this workshop, the State Water Board will schedule the matter for final action at a subsequent State Water Board meeting.

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<sup>1</sup> The operative version of the ACL Order may be found here:  
[http://www.waterboards.ca.gov/northcoast/board\\_decisions/adopted\\_orders/pdf/2012/120323\\_12\\_0034\\_ACLO\\_Caltrans\\_ConfusionHill.pdf](http://www.waterboards.ca.gov/northcoast/board_decisions/adopted_orders/pdf/2012/120323_12_0034_ACLO_Caltrans_ConfusionHill.pdf).

*Board Workshop Procedural Issues*

At the workshop, interested persons will be allowed to comment orally on the proposed order, subject to the following time limits. The petitioners (i.e., the Department and MCM) will be allowed 15 minutes each for oral comment. The North Coast Water Board will also be allowed 15 minutes for oral comment. Additional time will be allowed in each case for questions by the State Water Board members. Oral comments from interested persons may be limited to 3 minutes.

*Written Comment Procedural Issues*

All comments shall be based solely upon evidence contained in the record or upon legal argument. Supplemental evidence will not be permitted except under the limited circumstances described in California Code of Regulations, title 23, section 2050.6. Written comments on the revised proposed order and any other materials to be presented at the workshop, including PowerPoint and other visual displays, must be received by **12:00 noon, Tuesday, January 7, 2014**.

Please indicate in the subject line, "Comments to A-2208(a) and (b) – January 21 Board Workshop." Written comments and presentations must be addressed to:

Ms. Jeanine Townsend  
Clerk to the Board  
State Water Resources Control Board  
1001 I Street, 24th Floor [95814]  
P.O. Box 100  
Sacramento, CA 95812-0100  
(tel) 916-341-5600  
(fax) 916-341-5620  
(email) [commentletters@waterboards.ca.gov](mailto:commentletters@waterboards.ca.gov)

*Ex Parte Prohibition*

This item is subject to the ex parte prohibition in the Administrative Procedure Act (Chapter 4.5 of Part 1 of Division 3 of Title 2 of the Government Code) as explained in [http://www.waterboards.ca.gov/laws\\_regulations/docs/exparte.pdf](http://www.waterboards.ca.gov/laws_regulations/docs/exparte.pdf). Any communication between petitioners or other interested persons and State Water Board members (other than at a noticed State Water Board meeting or submitted as a comment letter in compliance with the public notice) is prohibited.

If you have any questions regarding this letter, please contact Bethany Pane, Senior Staff Counsel, in the Office of Chief Counsel, at (916) 341-5173 or at [bethany.pane@waterboards.ca.gov](mailto:bethany.pane@waterboards.ca.gov).

Sincerely,



FOR NAME

Michael A.M. Lauffer  
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Enclosure

cc: see next page

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