



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

Date: August 11, 2008
File No. 43-3121 (nmk)
CIWQS Place ID: 202266

CERTIFIED MAIL
Receipt of Delivery Requested

Mr. Cuong Chon Huynh
Pete's Stop
290 Keyes Street
San Jose, CA 95112

Mr. Dung Ha
Ms. Kieu Huynh
2130 Hillstone Drive
San Jose, CA 95138

Mr. Peter Sialaris
3313 Yerington Court Avenue
Modesto, CA 95355

RE: Administrative Civil Liability (ACL) under California Water Code Sections 13350(a), 13350 (e) and 13323 for Cleanup and Abatement Order Violations/ 290 Keyes Street, San Jose, Santa Clara County

Dear Sir/Madam:

Enclosed is ACL Complaint No. R2-2008-0052. The Complaint alleges that the above-named responsible parties violated Cleanup and Abatement Order No. R2-2005-0023 by submitting late quarterly groundwater and soil vapor extraction monitoring reports. The proposed civil liability for these violations is \$25,000.

The Complaint describes the alleged violations in detail. The deadline for submittal of written comments, evidence, and waivers is **September 10, 2008, at 5 p.m.**

I plan to bring this matter to the Water Board at its October 8, 2008, meeting. You have the following options:

1. Appear before the Water Board at the meeting to contest the matter. Written comments and evidence shall be submitted by the deadline indicated above and in accordance with the process set forth in the attached Public Notice. At the meeting, the 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. Waive the right to a hearing to contest the allegations contained in the Complaint by paying the civil liability in full in accordance with the procedures and limitations set forth in the waiver attached to the Complaint.

Preserving, enhancing, and restoring the San Francisco Bay Area's waters for over 50 years

If you waive your right to a hearing, you must mail and fax a copy of the signed waiver to the attention of Nathan King of my staff at (510) 622-2460. If you have any questions regarding this matter, please contact Nathan King at (510) 622-3966, or via e-mail at nking@waterboards.ca.gov.

Sincerely,

Dyan C. Whyte
Assistant Executive Officer

Enclosures: Complaint No. R2-2008-0052
Notice of Public Hearing

Copy w/attachment: Standard R-1E List

Mr. George Cook gcook@valleywater.org
Santa Clara Valley Water District

Ms. Nicole Pullman nicole.pullman@deh.co.scl.ca.us
Santa Clara County, Department of Environmental Health

Mr. Napp Fukuda Napp.fukuda@sanjoseca.gov
City of San Jose

Mr. Derek Wong Derek_ices@yahoo.com
Innovative & Creative Environmental Solutions