



Rec'd  
11/19/08

**Ken Berry 10567 Mariposa Avenue, Jackson, CA 95642 berry-k@sbcglobal.net**

**October 28, 2008**

**San Francisco Bay Regional Water Quality Control Board  
1515 Clay Street, #1400  
Oakland, CA 94612**

**Re: CEQA Comments**

Enclosed please find 3 letters commenting on projects before the Regional Board and 3 letters requesting notice of future actions.

The projects included are:

- 1. Former Pt. Molate Naval Fuel Depot *Quintis*
- 2. Crystal Springs County Sanitation District *CSA*
- 3. Pete's Stop *Stapleville*

You may call me at 209-223-1769 if you have any questions.

Sincerely,

*Ken Berry*  
 \_\_\_\_\_  
 Ken Berry,  
 California Citizens For Environmental Justice

OCT 30 2008

**Ken Berry 10567 Mariposa Avenue, Jackson, CA 95642 berry-k@sbcglobal.net**

October 28, 2008

**San Francisco Regional Water Quality Control Board  
1515 Clay Street, Suite 1400  
Oakland, CA 94612**

**Re: City of San Mateo, Town of Hillsborough, Crystal Springs County Sanitation District  
Cease and Desist Order No. [R2-2008-XXXX]**

The San Francisco Regional Water Quality Control Board (R2WB) proposes to approve a Cease and Desist Order (CDO) as Item 6 on its agenda for its regular meeting to be held on December 10, 2008. Approval of the proposed CDO would establish specific tasks for the prevention of and response to spills from the facility..

The proposed action is unlawful because it violates the requirements of the California Environmental Quality Act (CEQA, Public Resources Code (PRC) §21000 and following). In particular, Finding No. 40 of the proposed CDO cites Title 14 of the California Code of Regulations (14 CCR) §15321 as the authority for not preparing an environmental analysis. 14 CCR §15321 is a Categorical Exemption.

However, 14 CCR §15300.2(e) prohibits any categorical exemption from being utilized to avoid preparing an environmental analysis for any site on any list compiled pursuant to Government Code (GC) §65962.5. GC §65962.5(c)(3) requires the listing of any site for which a CDO is issued pursuant to Water Code (WC) §13301 concerning the discharge of hazardous materials. "Hazardous materials" are defined in Health and Safety Code (HSC) §25501(o).

Finding No. 37 of the proposed CDO identifies the authority for taking the action as WC §13301.

This comment is submitted pursuant to CEQA and is submitted on my behalf and behalf of the California Citizens for Environmental Justice. Violation of GC §65962.5 and 14 CCR §15300.2 are is long standing and widespread practice of the State Water Resources Control Boards (SWB) and the Regional Water Quality Control Boards (RWBs), of which R2WB is one.

You may call me at 209-223-1769 if you have any questions.

Sincerely,

  
\_\_\_\_\_  
Ken Berry,  
California Citizens For Environmental Justice

CALIFORNIA REGIONAL WATER  
OCT 30 2008  
QUALITY CONTROL BOARD

**Ken Berry 10567 Mariposa Avenue, Jackson, CA 95642 berry-k@sbcglobal.net**

**October 28, 2008**

**San Francisco Bay Regional Water Quality Control Board  
1515 Clay Street, #1400  
Oakland, CA 94612**

**Re: Crystal Springs County Sanitation District**

Please include me in the mailing list for notices concerning this facility pursuant to Public Resources Code (PRC) §21092.2.

You may call me at 209-223-1769 if you have any questions.

Sincerely,

  
\_\_\_\_\_  
Ken Berry,  
California Citizens For Environmental Justice