



California Regional Water Quality Control Board

San Francisco Bay Region



Linda S. Adams
Secretary for
Environmental Protection

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<http://www.waterboards.ca.gov/sanfranciscobay>

Arnold Schwarzenegger
Governor

Via Personal Service

October 8, 2009
CIWQS Place No. 733949 (DCE)

S.F. Bay Regional Water Quality Control Board
Advisory Team
Attn. Mr. Bruce Wolfe, Executive Officer
1515 Clay Street, Suite 1400
Oakland, California 94612

**Subject: Proposed Board Hearing and Schedule - Administrative Civil Liability
Complaint No. R2-2009-0030 for Uni Tile & Marble Inc., Hayward, Alameda
County**

Dear Mr. Wolfe:

On July 17, 2009, the Regional Board's Prosecution Team finalized and mailed Complaint No. R2-2009-0030 (Complaint) issued as an administrative civil liability in the amount of \$26,290 against Uni Tile & Marble, Inc. (Uni Tile). The Complaint alleges that Uni Tile discharged industrial storm water to Waters of the State and Waters of the United States without a permit in violation of California Water Code Section 13376.

On August 12, 2009, Henry Pan of Uni Tile signed the Waiver of Hearing Form included with the Complaint, thereby waiving Uni Tile's right to a hearing within 90 days in order to engage in settlement discussions. To date, the settlement discussions have not resulted in a settlement, and Uni Tile has not elected to pay the liability in full.

Therefore, the Regional Water Board Prosecution Team proposes that the Regional Water Board consider the Complaint during a meeting that will commence at the time and place indicated below:

Date/Time: **January 13th, 2010, 9:00 a.m.**
Place: Auditorium, Elihu Harris State Building
1515 Clay Street, Oakland

The hearing and submission of comments and evidence procedures are proposed to follow the Hearing Procedure included with the Complaint with the exception that the period during which

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designated parties may submit information shall be extended, and subsequent due dates are proposed to be amended as described below. Please let us know if you concur with this proposed schedule and proposed Board hearing date.

November 6, 2009, at 5 p.m.

Designated parties deadline for all information required under “Submission of Evidence and Policy Statements.” This deadline is extended from the previous deadline of August 17, 2009.

November 19, 2009, at 5 p.m.

Prosecution Team deadline for information that rebuts information previously submitted by other designated parties or interested persons.

December 3, 2009, at 5 p.m.

Designated parties’ (other than the Prosecution Team) deadline for information that rebuts information previously submitted by other designated parties.

December 10, 2009, at 5 p.m.

Deadline for any designated party to submit an objection to written evidence or exhibits submitted by another designated party

January 13, 2010.

Date of Water Board Hearing

If you have any questions regarding this matter, please contact David Elias of my staff at (510) 622-2509 or via email to delias@waterboards.ca.gov.

Sincerely,

Keith H. Lichten, P.E.
Senior Engineer

Cc: Regional Water Board, Sandia Potter (*via email*)
State Water Board, Office of Chief Counsel, Attn. Dorothy Dickey (*via email*)
State Water Board, Mark Bradley, Office of Enforcement (*via email*)
Regional Water Board Lyris Enforcement Email List (*via email*)

Xin Min Pan (*via certified mail, return receipt requested*)
Agent for Service of Process
Uni Tile and Marble, Inc.
3136 San Bruno Avenue
San Francisco, CA 94134

Uni Tile & Marble, Inc. (*via certified mail, return receipt requested*)
Attn. Mr. Henry Pan
21105 Cabot Boulevard, Suite B
Hayward, California 94545
Also faxed to: (510) 782-8858

City of Hayward
Attn. Debra Kunisawa
24499 Soto Road
Hayward, California 94544

U.S. EPA Region 9
Clean Water Act Compliance Office
Water Division (WTR-7)
Attn. Ken Greenberg, Chief
75 Hawthorne Street
San Francisco, CA 94105

San Francisco BayKeeper
Attn. Sejal Choksi
785 Market Street, Ste 850
San Francisco, CA 94103

Marine Science Institute
Attn. Marilou Seiff
Sent via email: marilou@sfbaymsi.org