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Secretary for
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California Regional Water Quality Control Board San Francisco Bay Region

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Arnold Schwarzenegger
Governor

March 26, 2010

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: Water Board Prosecution Team Response to Waiver Forms for Industrial Stormwater Annual Report Administrative Civil Liability Complaints

Dear Mr. Wolfe:

On February 16, 2010, the Water Board Prosecution Team issued Administrative Civil Liability Complaints (ACLs) to forty-five Dischargers who failed to timely submit their 2008-2009 annual reports required under the NPDES Statewide Industrial Stormwater Permit. The public comment period for these closed on March 18, 2010, and we did not receive any comments other than the Dischargers' waivers and letters.

Enclosed please find twenty-eight waiver forms and related letters the Prosecution Team has received from 28 of the 45 Dischargers by the March 18 deadline. Of the 28 waivers, 13 Dischargers have elected to waive their right to a hearing and pay the proposed civil liability. Unless the Advisory Team objects, we will finalize these thirteen cases.

The remaining fifteen Dischargers chose to engage in settlement discussions. For your review, I have included the Dischargers' submittals we received for those cases.

Following the review of these waiver forms and the accompanying information, the Prosecution Team is not proposing to change or postpone the scheduled Hearing Date of May 12, 2010. We are in active settlement discussions with several Dischargers, but expect those discussions to conclude shortly. The Prosecution Team possessed prior knowledge of the information submitted by the remaining Dischargers and had previously considered such information during the preparation of the ACLs, or believes the information submitted is not pertinent to the ACLs. Because no significant new information has been submitted by these Dischargers, we do not believe settlement negotiations would be fruitful and believe it is appropriate to proceed to hearing as scheduled.

Currently, we estimate that we will propose to bring twenty-eight to thirty-one administrative

California Environmental Protection Agency

civil liability cases in this matter before the Board for its consideration at the scheduled Hearing Date of May 12, 2010.

On March 10, 2010, we sent you a letter regarding waiver forms submitted by six dischargers. For your convenience, we have included those six dischargers and their submittals with this letter.

If you have any questions, please contact Laurent Meillier of my staff at (510) 622-3277 or via email to LMeillier@waterboards.ca.gov.

Sincerely,

Keith H. Lichten, P.E.
Senior Engineer

for
Thomas E. Mumley, P.E.
Assistant Executive Officer

Cc (via email):

SWRCB, Office of the Chief Counsel – Dorothy Dickey
SWRCB, Office of Enforcement Ann Carroll
Sandia Potter, Regional Water Board Advisory Team

Cc (w/out encl.)

SWRCB, Division of Water Quality – Bruce Fujimoto
SWRCB, Office of Enforcement – Reed Sato
Regional Water Board Lyris email list
Discharger mailing list

Enclosures:
 Mailing list
 Waivers and submitted attachments for the Dischargers shown below.

PERMITTEE	ACLC No	Option 1 Waive Right to Hearing in 90 days and Pay Liability in Full	Option 3 Waive Right to Hearing in 90 days and Engage in Settlement Negotiation s
Alzeta Corp.	R2-2010-0047	*	
American Auto Dismantler	R2-2010-0028		*
Atlanta Auto Dismantling	R2-2010-0030		*
Blackstone Winery Sonoma Va	R2-2010-0014	*	
C & W Auto Wreckers	R2-2010-0012	*	
CA Auto Dismantling Inc.	R2-2010-0039	*	
DS Waters of America Inc.	R2-2010-0050	*	
E D Coat	R2-2010-0016		*
Eng Bros Wood Prod	R2-2010-0038	*	
Eureka Chemical Co.	R2-2010-0042	*	
European Auto Wrecking	R2-2010-0007		*
Fairvac A T Wrecking	R2-2010-0051		*
Five Star Lumber Co.	R2-2010-0006	*	
Greg S Trucking	R2-2010-0041		*
Hornblower Yachts, Inc.	R2-2010-0040		*
JT Truck Ctr.	R2-2010-0045		*
Kendyl Coast Corp Obester Wine	R2-2010-0043		*
Larson Family Winery	R2-2010-0013		*

Mission Foods Hayward Facility	R2-2010-0019	*	
Norcal Metal Fabricators	R2-2010-0008		*
Oak Harbor Freight	R2-2010-0032		*
Parking Co. of America Airports	R2-2010-0033	*	
Quality Carriers Inc.	R2-2010-0037		*
RMC Cemex	R2-2010-0052		*
Royal Trucking	R2-2010-0035	*	
Rutherford Hill Winery	R2-2010-0025		*
San Jose Unified School District	R2-2010-0011	*	
Sebring Transportation	R2-2010-0005	*	