

APPENDIX A
TENTATIVE ORDER

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION**

TENTATIVE ORDER

**TERMINATION OF ORDER No. R2-2018-0029
CEASE AND DESIST ORDER FOR:
CITY OF HERCULES**

The California Regional Water Quality Control Board, San Francisco Bay Region (Water Board), finds that:

1. **Order Purpose:** The purpose of this Order is to terminate Cease and Desist Order No. R2-2018-0029, adopted June 13, 2018, for the City of Hercules (City).
2. **Background:** The Water Board adopted the Municipal Regional NPDES Stormwater Permit, Order No. R2-2015-0049 (Permit) on November 19, 2015. Permit Provision C.10.a.i required permittees to achieve a 70 percent trash load reduction, from a 2009 baseline, by July 1, 2017. The provision also required permittees to achieve an 80 percent trash load reduction by July 1, 2019. In its Annual Report for fiscal year 2016-17, the City reported a percent trash load reduction of 66 percent. Since this did not meet the required 70 percent reduction, the City was in violation of the Permit.

On June 13, 2018, the Board adopted Cease and Desist Order No. R2-2018-0029 (Cease and Desist Order) requiring the City to achieve the required 80 percent trash load reduction by July 1, 2019. With the construction of full trash capture devices completed by March 2019, the City reduced trash loads by 80 percent from the 2009 baseline.

3. **Basis for Termination:** The City has satisfied the requirements of the Cease and Desist Order.
4. **CEQA:** This action terminates a Water Board order. Termination of the Cease and Desist Order is not a project as defined in the California Environmental Quality Act (CEQA). There is no possibility that the activity in question may have a significant effect on the environment (California Code of Regulations, title 14 sections 15378 and 15061, subdivision (b)(3)).
5. **Notification:** The Water Board has notified the City and interested agencies and persons of its intent to terminate the Cease and Desist Order and has provided them with an opportunity to submit their written comments.
6. **Public Hearing:** The Water Board, at a public meeting, heard and considered all comments pertaining to this Order.

IT IS HEREBY ORDERED that Order No. R2-2018-0029 is terminated, except for purposes of enforcement for violations of the Order's requirements.

I, Eileen White, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, San Francisco Bay Region, on June 12, 2024.

Eileen White
Executive Officer