

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD

CENTRAL VALLEY REGION

415 Knollcrest Drive, Suite 100, Redding, CA 96002

NOTICE OF PUBLIC HEARING

concerning

WASTE DISCHARGE REQUIREMENTS

FOR

CLOSURE AND POST-CLOSURE MAINTENANCE

BIO INDUSTRIES, INC.

FORMER BIO-REMEDIATION FACILITY FOR PETROLEUM-CONTAMINATED SOILS

TEHAMA COUNTY

Bio Industries, Inc. (Discharger) owns and operates a bio-remediation facility for petroleum-contaminated soils (facility) about 2 miles west of Red Bluff. The 15-acre facility includes five treatment cells, an inert cell, and a sedimentation basin. The facility is about 500 to 1,000 feet south of Brickyard Creek, a tributary of Reeds Creek and the Sacramento River. The facility operates under Waste Discharge Requirements Order No. 98-139 (1998 Order), to meet requirements of the Land Disposal Program. The facility has a network of lysimeters, groundwater monitoring wells, and surface water sampling points to protect underlying groundwater and surface water. The 1998 Order no longer accurately describes operations at the facility, and is inconsistent with current policies and regulations of the California Regional Water Quality Control Board, Central Valley Region (Central Valley Water Board).

To meet current requirements of the Land Disposal Program, the Discharger would need to address deficiencies of the monitoring network, increase sampling and analyses, and pay increased permit fees. In lieu of continued operation, on 30 November 2011, the Discharger notified the Central Valley Water Board of its intent to close the facility. Therefore, Central Valley Water Board staff drafted Waste Discharge Requirements and a Monitoring and Reporting Program for closure and post-closure maintenance (2012 Order). The Discharger will

continue to operate one former treatment cell as a temporary storage area for petroleum-contaminated soils under an Industrial Storm Water Permit, not covered by the 2012 Order.

The Central Valley Water Board will consider adopting the 2012 Order. A public hearing to address this matter will be held during the Central Valley Water Board meeting which is scheduled for:

DATE: 7/8 June 2012
TIME: 8:30 a.m.
PLACE: Central Valley Regional Water Quality Control Board
11020 Sun Center Drive #200
Rancho Cordova, CA

The designated parties for this hearing are as follows:

- Bio Industries, Inc. representatives

Designated parties but not interested persons will have these rights: to call and examine witnesses; to cross-examine opposing witnesses; to impeach any witness; and to rebut the evidence against him or her. Central Valley Water Board staff will prepare the administrative record, and may present evidence, make an oral presentation and cross-examine opposing witnesses.

Interested persons may not cross examine witnesses, and will not be subject to cross examination. Interested persons may submit evidence (e.g., photographs, eye-witness testimony, monitoring data) if the evidence is submitted in accordance with the deadlines for submitting evidence described below. Interested persons who present evidence may be subject to cross-examination. Interested persons may request status as a designated party for purposes of this hearing by submitting such request in writing to the Central Valley Water

Board no later than **16 April 2012**. The request must explain the basis for status as a designated party and in particular how the person is affected by the discharge.

The tentative Waste Discharge Requirements and Monitoring and Reporting Program were issued on **16 March 2012**. Persons wishing to comment on this item must submit testimony, evidence, if any, and/or comments in writing to the Central Valley Water Board no later than **5:00 p.m. on 16 April 2012**. Written materials submitted after 5:00 p.m. on the above date will not be accepted and will not be incorporated into the administrative record will not be accepted and will not be incorporated into the administrative record if doing so would prejudice any party.

All designated parties and interested persons may speak at the Central Valley Water Board meeting, and are expected to orally summarize their written submittals. Oral testimony and cross examination will be limited in time by the Board Chair. Both designated parties and interested persons may be asked to respond to clarifying questions from Board members, counsel staff or others, at the discretion of the Board.

Anyone having questions on the tentative documents should contact **Eric Rapport** at **(530) 224-4998**. Interested parties may download the proposed Order and related documents from the Central Valley Water Board's Internet website at http://www.waterboards.ca.gov/centralvalley/board_decisions/tentative_orders/. Copies of these documents can also be obtained by contacting or visiting the Central Valley Water Board's office at 415 Knollcrest Drive, Suite 100, Redding, CA 96002-0129 weekdays between 8:00 a.m. and 5:00 p.m.

The procedures governing Central Valley Water Board meetings may be found at Title 23, California Code of Regulations, Section 647 et seq. and are available upon request.

Hearings before the Board are not conducted pursuant to Government Code section 11500 et seq. The procedures may be obtained by accessing

http://www.waterboards.ca.gov/laws_regulations/

Information on meeting and hearing procedures is also available on the Board's website at http://www.waterboards.ca.gov/centralvalley/board_info/meetings/mtgprocd.shtml or by contacting any one of the Board's offices. Questions regarding such procedures should be directed to Ms. Kiran Lanfranchi-Rizzardi at (916) 464-4839.

The hearing facilities will be accessible to persons with disabilities. Individuals requiring special accommodations are requested to contact Ms. Kiran Lanfranchi-Rizzardi at (916) 464-4839 at least 5 working days prior to the meeting. TTY users may contact the California Relay Service at 1-800-735-2929 or voice line at 1-800-735-2922.

Please bring the above information to the attention of anyone you know who would be interested in this matter.

Robert A. Crandall
Assistant Executive Officer

EJR: