



# 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

Date: August 11, 2008  
File No. 2189.8610 & 1210.44 (lrg/ceb)  
CIWQS Place ID: 202266

CERTIFIED MAIL  
Receipt of Delivery Requested

Mr. Cuong Chon Huynh  
Pete's Stop  
290 Keyes Street  
San Jose, CA 95112

RE: Mandatory Minimum Penalties (MMPs) under California Water Code Section 13385 for  
Permit Violations/ 290 Keyes Street, San Jose, Santa Clara County

Dear Mr. Huynh:

Enclosed is MMP Complaint No. R2-2008-0068. The Complaint alleges that, during the period between April 1, 2005, and September 30, 2006, Mr. Cuong Chon Huynh, the owner and operator of Pete's Stop, violated Order No. 01-100, NPDES Permit No. CAG912002. Specifically, there were eleven effluent limitation violations and five late reporting violations. These violations are subject to a \$48,000 mandatory minimum penalty.

The Complaint describes the alleged violations in detail. The deadline for submittal of written comments, evidence, and waivers is **September 10, 2008, at 5 p.m.**

I plan to bring this matter to the Water Board at its October 8, 2008, meeting. You have the following options:

1. Appear before the Water Board at the meeting to contest the matter. Written comments and evidence shall be submitted by the deadline indicated above and in accordance with the process set forth in the attached Public Notice. At the meeting, the Water Board may impose an administrative civil liability in the amount proposed or for a different amount, decline to seek civil liability, or refer the case to the Attorney General for judicial enforcement.
2. Waive the right to a hearing to contest the allegations contained in the Complaint by paying the civil liability in full in accordance with the procedures and limitations set forth in the waiver attached to the Complaint.

*Preserving, enhancing, and restoring the San Francisco Bay Area's waters for over 50 years*

If you waive your right to a hearing, you must mail and fax a copy of the signed waiver to the attention of Lou Gonzales of my staff at (510) 622-2460. If you have any questions regarding this matter, please contact Lou Gonzales at (510) 622-2365 or [lgonzales@waterboards.ca.gov](mailto:lgonzales@waterboards.ca.gov).

Sincerely,

Dyan C. Whyte  
Assistant Executive Officer

Enclosures: Complaint No. R2-2008-0068  
Notice of Public Hearing

Copy w/attachment: Standard R-1E List

Mr. George Cook – [gcook@valleywater.org](mailto:gcook@valleywater.org)  
Santa Clara Valley Water

Ms. Nicole Pullman – [Nicole.pullman@deh.co.scl.ca.us](mailto:Nicole.pullman@deh.co.scl.ca.us)  
Santa Clara County, Department of Environmental Health

Mr. Napp Fukuda – [Napp.fukuda@sanjoseca.gov](mailto:Napp.fukuda@sanjoseca.gov)  
City of San Jose

Mr. Derek Wong – [Derek\\_ices@yahoo.com](mailto:Derek_ices@yahoo.com)  
Innovative & Creative Environmental Solutions