



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

January 29, 2009
CIWQS place ID 248720

Vulcan Materials Company
Attention Mr. Jarrett Munkittrick, Plant Manager
365 North Canyons Parkway, Suite 209
Livermore, CA, 94551

Subject: Revised Administrative Civil Liability Complaint under Water Code Section 13385 for Permit Violations, Vulcan Materials Company, Pleasanton Asphalt, Sand, and Gravel Facility, 50 El Charro Road, Pleasanton, Alameda County

Dear Mr. Munkittrick:

Enclosed is Revised Complaint No. R2-2008-0063 for an administrative civil liability in the amount of \$190,000. This Complaint is revised from a complaint issued in October 2008 for violations of the following requirements of General Permit for Discharges from Aggregate Mining and Sand Washing Facilities to Surface Waters, Order No. 2002-0063 (NPDES Permit No. CAG982001):

- Discharge Prohibition A.2
- Effluent Limitations b. and c. for total suspended solids and turbidity, respectively

The violations consist of a discharge of approximately 48,000 gallons of sediment laden water on April 29, 2007, and two other discharges earlier in April 2007 that resulted in three separate violations of the total suspended solids limitations, and one violation of the turbidity limitation. The Complaint describes the alleged violations in detail. The proposed civil liability remains unchanged from the original complaint.

The Regional Water Board intends to consider Revised Complaint No. R2-2008-0063 during a meeting that will commence at the time and place indicated below:

Date/Time: April 8, 2009, 9:00 a.m.
Place: Auditorium, Elihu Harris State Building
1515 Clay Street, Oakland

Enclosed you will find a Hearing Notice that sets forth the procedures the Regional Water Board typically follows in conducting the public hearing. Any objections to the hearing process set forth shall be sent to the staff contact listed below by **February 11, 2009**.

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If Vulcan Materials Co. waives its right to a hearing, it must send a copy of the signed waiver, along with a check for the proposed civil liability amount, to the attention of Yuri Won by **February 6, 2009**.

The deadline for submittal of written comments and evidence to the Complaint and waiver is **March 2, 2009**, at 5 p.m.

A copy of the Revised Complaint and Notice of Public Hearing are enclosed. If you have any questions regarding these matters, please contact Lila Tang at (510) 622-2425 or ltang@waterboards.ca.gov.

Sincerely,

Dyan C. Whyte
Assistant Executive Officer

Enclosures: Revised ACL Complaint No. R2-2008-0063
Notice of Public Hearing

Copy to (via email):

Standard List R-1E

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