



EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

San Francisco Bay Regional Water Quality Control Board

Sent via electronic mail: No hard copy to follow

December 9, 2015
CIWQS Place ID 816826

Point Buckler LLC/John Sweeney
c/o Briscoe Ivester & Bazel LLP
155 Sansome Street
San Francisco, California 94104
Attn: Lawrence Bazel, lbazel@briscoelaw.net

Subject: Request for Extension on Submittal of Provision 2 of Cleanup and Abatement Order No. R2-2015-0038, Point Buckler Island, Solano County

Dear Mr. Bazel:

We are sending you this letter as the designated representative for your client, Point Buckler LLC. In your December 1, 2015, letter, you request an extension for Provision 2 of Cleanup and Abatement Order No. R2-2015-0038 (Order) to April 30, 2016. Provision 2 requires the submittal of a Corrective Action Workplan that was originally due on November 1, 2015. In response to your first request for an extension, we extended the deadline to January 1, 2016.¹

This letter is to inform you that we are declining your second request for an extension because you have not provided adequate justification that you have been working in good faith to develop the CAW. Further, you have not provided sufficient evidence to demonstrate that Point Buckler Island (Site) must be maintained as a managed wetland. We have asked for this documentation on two occasions, dating back to our first meeting with you on October 7, 2015. The aerial photos we have reviewed indicate that the Site has been tidally-influenced since at least the 1990s. Without additional evidence of your claims concerning the Department of Water Resources' (DWR) use of the Site as mitigation, we cannot support your request that the Executive Officer delay the submittal of the Corrective Action Workplan. We will give your request additional consideration if you submit technical justification explaining why more time is warranted, or if you can demonstrate, with documentation, that DWR has made definitive commitments concerning the use of the Site.

¹ October 15, 2015, letter from the Water Board to Point Buckler LLC/John Sweeney.

If you have any questions, please contact Agnes Farres of my staff at (510) 622-2401 or by e-mail to agnes.farres@waterboards.ca.gov.

Sincerely,

Dyan Whyte
Assistant Executive Officer

Cc by email:

John Sweeney, john@spinnerisland.com

U.S. Environmental Protection Agency

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