



# California Regional Water Quality Control Board

## San Francisco Bay Region



Linda S. Adams  
Secretary for  
Environmental Protection

1515 Clay Street, Suite 1400, Oakland, California 94612  
(510) 622-2300 • Fax (510) 622-2460  
<http://www.waterboards.ca.gov/sanfranciscobay>

Arnold Schwarzenegger  
Governor

December 12, 2008  
CIWQS place ID 212212

CERTIFIED MAIL  
Receipt of Delivery Requested

C&H Sugar Company, Inc.  
Attention: Ms. Tanya Akkerman,  
Environmental Compliance Manager  
830 Loring Ave.  
Crockett, CA 94523

Subject: Administrative Civil Liability Complaint under Water Code Section 13385 for  
Permit Violations, C&H Sugar Company Inc. 830 Loring Ave., Crockett, Contra  
Costa County

Dear Ms. Akkerman:

Enclosed is Complaint No. R2-2008-0100 for an administrative civil liability in the amount of \$490,000. The Complaint alleges that the C&H Sugar Company, Inc. violated the following requirements of its Permit for Discharges from the refinery and the Joint Treatment Plant to Surface Waters NPDES Permit No. CA 003741:

Order No. 00-025

- Discharge Prohibition A.5
- Effluent Limitations 1.a, 3, 4, 8 for BOD<sub>5</sub>, Total Coliform, residual chlorine, mercury and nickel
- Storm water limitations C.1 for pH

Order No. R2-2007-0032

- Effluent Limitation for Discharge Point 001, 1. BOD<sub>5</sub> and 3. Bis(2-ethylhexyl)phthalate
- Effluent Limitations for Discharge Point 002, 2. Total coliform, 3. Cyanide.
- Storm water limitations F for pH and visible oil

There were a total of 54 violations over the reporting period July 1, 2005 to October 31, 2008. The Complaint describes the alleged violations in detail. As discussed below, C&H Sugar may be allowed to spend up to \$245,000 on a supplemental environmental project (SEP) that is acceptable to the Assistant Executive Officer.

The Regional Water Board intends to consider Complaint No. R2-2008-0100 for an administrative civil liability in the amount during a meeting that will commence at the time and place indicated below:

Date/Time: February 11, 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 **January 12, 2009**.

C&H Sugar, Inc. has the following options:

1. C&H Sugar Company, Inc. can appear before the Regional Water Board at the meeting to contest the matter. Written comments and evidence shall be submitted by the deadline indicated below and in accordance with the process set forth in the attached Public Notice. At the meeting, the Regional 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. C&H Sugar Company, Inc. can waive the right to a hearing to contest the allegations contained in the Complaint by completing the waiver attached to the Complaint.

If C&H Sugar Company, Inc. waives its right to a hearing, it must mail and fax a copy of the signed waiver by the time and date specified below to the attention of Derek Whitworth of my staff at (510) 622-2349.

The deadline for submittal of written comments and evidence to the Complaint and waiver is **January 12, 2009**, at 5 p.m.

The deadline for submittal of an SEP proposal(s) is **January 26, 2009**, at 5 p.m.

A copy of the Complaint and Notice of Public Hearing are enclosed. If you have any questions regarding these matters, please contact Derek Whitworth at (510) 622-2369 or [dwhitworth@waterboards.ca.gov](mailto:dwhitworth@waterboards.ca.gov).

Sincerely,

Thomas E. Mumley  
Assistant Executive Officer

Enclosures: ACL Complaint No. R2-2008-0100

SEP Information  
Draft Notice of Public Hearing

Copy to (via email):  
Standard List R-1E

Bruce Wolfe  
[bwolfe@waterboards.ca.gov](mailto:bwolfe@waterboards.ca.gov)

Dorothy Dickey  
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