

RESPONSE TO WRITTEN COMMENTS

on Tentative Order for
Bottling Group Hayward Plant
29000 Hesperian Boulevard, Hayward, Alameda County

The Regional Water Board received written comments from the Bottling Group, LLC, on a tentative order distributed in June 2013 for public comment. The Bottling Group comments are below in *italics*, followed by the Regional Water Board staff response.

Bottling Group Comment 1: *Order, Table 3 - The current order expires August 31, 2013, so it appears that the new order should be effective starting on November 1, 2013 instead of November 1, 2012. Other dates listed in the table may need to be adjusted accordingly.*

Response: We agree and revised Table 3 as follows in underline and ~~strikeout~~:

Table 3. Administrative Information

This Order was adopted on:	DATE
This Order shall become effective on:	November 1, 2012 <u>2013</u>
This Order shall expire on:	October 31, 2017 <u>2018</u>
The Discharger shall file a Report of Waste Discharge as an application for reissuance of WDRs in accordance with California Code of Regulations, title 23, and an application for reissuance of a National Pollutant Discharge Elimination System (NPDES) permit no later than:	May 31, 2017 <u>2018</u>
The U.S. Environmental Protection Agency (U.S. EPA) and the California Regional Water Quality Control Board, San Francisco Bay Region, have classified this discharge as follows:	Minor

Bottling Group Comment 2: *MRP (Attachment E), IX.B.7 - RWQCB eliminated the need for a Contingency Plan in MRP IX.A. We respectfully request that reference to the Contingency Plan in IX.B.7 be deleted to avoid confusion in the requirements for a Contingency Plan.*

Response: We agree and revised MRP section IX.B.7 (now, section VII.B.7) as follows in underline and ~~strikeout~~:

- 7) Results of facility report reviews (The Discharger shall regularly review, revise, and update, as necessary, the O&M Manual, ~~the Contingency Plan~~, the Spill Prevention Plan, and Wastewater Facilities Status Report so that these documents remain useful and relevant to current practices. At a minimum, reviews shall be conducted annually. The Discharger shall include, in each Annual Report, a description or summary of review and evaluation procedures, recommended or planned actions, and an estimated time schedule for implementing these actions. The Discharger shall complete changes to these documents to ensure they are up-to-date.).

Staff-Initiated Text Changes: In addition to minor editorial and formatting changes, we deleted a sentence on page 3 of the tentative order as recommended by the State Water Board's Office of Chief Counsel:

THEREFORE, IT IS HEREBY ORDERED that Order No. R2-2008-0056 (previous order) is rescinded upon the effective date of this Order except for enforcement purposes, and, in order to meet the provisions of Water Code division 7 (commencing with § 13000) and regulations adopted thereunder, and the provisions of the CWA and regulations and guidelines adopted thereunder, the Discharger shall comply with the requirements in this Order. This action in no way prevents the Regional Water Board from taking enforcement action for past violations of the previous order. ~~If any part of this Order is subject to a temporary stay of enforcement, unless otherwise specified, the Discharger shall comply with the analogous portions of the previous order, which shall remain in effect for all purposes during the pendency of the stay.~~