



Linda S. Adams  
Secretary for  
Environmental Protection

# California Regional Water Quality Control Board

## San Francisco Bay Region

1515 Clay Street, Suite 1400, Oakland, California 94612  
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<http://www.waterboards.ca.gov/sanfranciscobay>



Arnold Schwarzenegger  
Governor

### NOTICE OF PUBLIC HEARING TO CONSIDER MANDATORY MINIMUM PENALTIES IN THE MATTER OF

**MR. CUONG CHON HUYN  
PETE'S STOP  
290 KEYES STREET, SAN JOSE  
SANTA CLARA COUNTY**

The San Francisco Bay Regional Water Quality Control Board (Water Board) Assistant Executive Officer has issued a mandatory minimum penalty complaint (Complaint) proposing a liability of \$48,000 against Mr. Cuong Chon Huynh, the owner and operator of Pete's Stop (Discharger), for violating Water Code Sections 13385(h), 13385(i), 13385.1, and 13323 by exceeding effluent limits and submitting late quarterly self-monitoring reports as required by the NPDES Permit No. CAG 912002 (Fuels General Permit). The Water Board will hold a hearing on the Complaint as follows:

Date and Time: October 8, 2008, 9:00 a.m.

Place: Elihu M. Harris State Building Auditorium, First Floor,  
1515 Clay Street, Oakland, California

No hearing will be held if the Discharger waives its right to a hearing and agrees to pay the proposed mandatory minimum penalty as set forth in the Complaint, provided no significant public comments are received during the public comment period. At the hearing, the Water Board may affirm, reject, or modify the proposed mandatory minimum penalty, or refer the matter to the Attorney General for judicial enforcement.

#### **Hearing Procedures**

A copy of the procedures governing an adjudicatory hearing before the Water Board may be found at Title 23 of the California Code of Regulations, § 648 et seq.

Any persons objecting to the hearing procedures set forth herein must do so in writing by September 10, 2008, to the contact listed below.

#### **Hearing Participation**

The Water Board staff members who will be involved in this matter have been separated into two groups. One group (the "prosecution team") consists of Lourdes Gonzales, Christine Boschen, Lila Tang, Dyan Whyte, and Yuri Won, an attorney with the State Water Board's Office of Chief Counsel and who advises the Board on unrelated matters. The prosecution team

will appear as parties before the Board. They have had (and will have had) no communication with Water Board members on this matter outside of the public hearing.

A separate group of staff will advise the Water Board on this matter. That group (the “advisory staff”) consists of Bruce Wolfe and Dorothy Dickey, who have had no contact with the prosecution team on this matter.

Other than prosecutorial staff, participants at the hearing are either designated as “parties” or “interested persons.” Designated parties to the hearing may present evidence and cross-examine witnesses. Designated parties are subject to cross-examination. Interested persons may make any comments to the Board, but may not offer factual evidence. Interested persons will not be subject to cross-examination, nor may they cross examine parties.

The following participant is hereby designated as a party at the hearing:

- Mr. Cuong Chon Huynh

To ensure that all participants have an opportunity to participate in the hearing, the prosecution team will recommend that the Chair of the Water Board establish the following time limits at the hearing:

- 20 minutes each for the prosecution team and the Discharger to testify, present evidence, and cross examine witnesses,
- 3 minutes for interested persons to make statements to the Water Board.

#### **Requesting Designated Party Status**

Persons who wish to participate in the hearing as a designated party shall request party status by submitting a request in writing (with copies to the designated parties) no later than **5 p.m. on August 22, 2008**, to Mary Tryon, Executive Assistant, 1515 Clay Street, Suite 1400, Oakland, CA 94612. The request shall include an explanation of the basis for status as a designated party (e.g., how the issues to be addressed in the hearing and the potential actions by the Regional Water Board affect the person), the information required of designated parties as provided below, and a statement explaining why the party or parties designated above do not adequately represent the person’s interest. Any opposition to the request must be submitted by 5 p.m. on **August 25, 2008**. The parties will be notified by **5 p.m. on September 4, 2008** in writing whether the request has been granted or denied.

#### **Written Comment and Evidence Deadline**

The deadline to submit all comments and evidence to be offered at the hearing is **5 p.m. on September 10, 2008**. Persons shall submit **fourteen (14) copies** to Lourdes Gonzales at 1515 Clay Street, Suite 1400, Oakland, CA 94612.

**Questions**

Questions concerning this matter may be addressed to prosecutorial staff Lourdes Gonzales at 510-622-2365 or [lgonzales@waterboards.ca.gov](mailto:lgonzales@waterboards.ca.gov). Please also refer to the website given below for future developments and updates, including any hearing date changes.

**Evidentiary Documents and File**

The Complaint and related documents are on file, and may be inspected or copied at the Water Board's offices during weekdays between 8:00 a.m. and 5:00 p.m. The Complaint is also available on the Regional Water Board's website at [www.waterboards.ca.gov/sanfranciscobay](http://www.waterboards.ca.gov/sanfranciscobay).