



# State Water Resources Control Board

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**Linda S. Adams**  
*Secretary for Environmental  
Protection*

## Executive Office

**Tam M. Doduc, Board Chair**  
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**Arnold Schwarzenegger**  
*Governor*

## NOTICE OF PUBLIC HEARING ON STAY REQUEST

The State Water Resources Control Board will hold a hearing to consider issuance of a stay of a Request for Technical Report Issued by the San Francisco Bay Regional Water Quality Control Board

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Petition of Chevron Products Company, Conocophillips Company,  
Shell Oil Products US, Tesoro Marketing & Refining Company, and  
Western States Petroleum Association  
Request for Technical Report (WC 13267) Of the San Francisco  
Bay Regional Water Quality Control Board  
SWRCB/OCC File No. A-1851

**July 31, 2007, 1:00 p.m.**

**Cal/EPA Building  
1001 I Street  
Room 350, 3rd Floor  
Sacramento, California**

## PURPOSE OF HEARING

The State Water Resources Control Board (State Water Board) has received a request from Chevron Products Company, Conocophillips Company, Shell Oil Products US, Tesoro Marketing & Refining Company, and Western States Petroleum Association (Petitioners) to stay a Request for Technical Report issued by the Executive Officer of the San Francisco Bay Regional Water Quality Control Board pursuant to Water Code Section 13267 on May 7, 2007. The State Water Board will hold a hearing to consider issuance of a stay.

The purpose of this hearing is to receive relevant testimony or evidence and to hear legal and policy statements on whether to issue a stay in this matter. The grounds for considering a stay will be limited to the allegations set forth in submissions by the petitioners. A stay of all or any portions of the Request for Technical Report may be granted only if the petitioners allege facts and produce proof of (1) substantial harm to itself or to the public interest if a stay is not granted, (2) a lack of substantial harm to other interested persons and to the public interest if a stay is granted, and (3) substantial questions of fact or law regarding the permit. The hearing will be limited to those issues and will focus on the time frame between the date of the hearing and the date upon which the underlying issues are likely to be resolved by the State Water Board.

The hearing will be held on **Tuesday, July 31, 2007 at 1 p.m.** The hearing will be conducted by a State Water Board Member acting as hearing officer. At the hearing, the hearing officer will receive oral and written testimony and policy statements on the issue described above. All persons who wish to provide information relating to whether the stay should or should not be issued may submit policy statements.

### HEARING PARTICIPATION

Participants at the hearing are either "parties" or "interested persons." Parties to the hearing may present legal and policy argument, testimony by witnesses, and evidence; their witnesses are subject to cross-examination. Parties may also cross-examine other parties' witnesses. The scope of cross-examination is limited to testimony presented during direct examination and the evidence and testimony presented by the party. Requirements for submission of written argument, witness lists and testimony, and exhibits are described below.

Interested persons may present non-evidentiary policy statements. Interested persons are not subject to cross-examination and may not cross-examine other participants. Policy statements may refer to evidence in the record and must be limited to **five pages, double-spaced, with a font no smaller than 12**. Policy statements may be submitted prior to the hearing, at the address below, or at the hearing.

### REQUIREMENTS FOR PARTICIPATION AS PARTIES

The following participants are hereby designated as parties at the hearing:

1. Petitioners **Chevron Products Company, Conocophillips Company, Shell Oil Products US, Tesoro Marketing & Refining Company, and Western States Petroleum Association**, (collectively one party) and
2. **San Francisco Bay Regional Water Quality Control Board.**

Any other person who wishes to participate in the hearing as a party must request such status. Requests must be submitted no later than **5:00 pm on July 10, 2007**. A submission shall explain the basis for party status and why the existing parties do not adequately represent the person's interests. Persons or entities with similar interests are requested to select one representative to serve as a party on behalf of the group. All parties will be informed by **July 13, 2007** if any additional parties are designated.

All parties must submit the following no later than **5:00 p.m. on July 24, 2007**: (a) written argument addressing whether or not the stay should be granted, (b) exhibits they wish to introduce into the record, and (c) a list of their witnesses, along with a summary of the testimony for each witness. Parties will not be allowed to submit any additional documents at the hearing. All submissions by parties shall be made to the State Water Board to the following address or email account and simultaneously to the other parties:

Song Her  
Clerk to the Board  
State Water Resources Control Board  
1001 I Street, 24th Floor [95814]  
P.O. Box 100  
Sacramento, CA 95812-0100  
Email: [commentletters@waterboards.ca.gov](mailto:commentletters@waterboards.ca.gov)

The State Water Board will strictly enforce the deadlines, page limits, and limits on oral presentations and written submissions described herein.

Oral testimony by witnesses that goes beyond the scope of written submittals will be excluded. Written declarations from persons who are not present and subject to cross-examination will not be made part of the record. (If the declaration is already part of the record, i.e. it was submitted as part of the petition and stay request, it will remain in the record but, if the declarant does not appear at the hearing, the declaration will be treated as uncorroborated hearsay testimony.) Parties who propose to offer expert testimony must include a statement of qualifications for each of their expert witnesses. Parties must submit all documents to the State Water Board and must send one copy to each of the other parties. Parties may make electronic submissions. Interested persons are asked to submit one copy of any policy statement in advance, but need only send it to the State Water Board.

### **HEARING PROCEDURES**

To ensure that everyone has an opportunity to participate in the hearing, the following time limits will apply. Petitioners and the Regional Water Board will be allotted one hour each to present evidence, testimony, cross examination, rebuttal, cross examination of rebuttal testimony, and legal and policy argument. (If additional parties are added, the hearing officer will consider allotting additional time for cross-examination of their witnesses.) Interested persons will have up to 5 minutes each to present a policy statement. Interested persons with similar concerns should participate in a joint presentation, and the hearing officer may limit such statements if they are repetitive. Participants are expected to avoid redundant comments. Persons who are members of a group that is a party are not entitled to submit or make a separate policy statement. Before the close of the hearing, each party will be afforded an additional 5 minutes to present a closing statement.

The hearing officer will conduct the hearing in accordance with the State Water Board's regulations governing adjudicative proceedings and Chapter 4.5 of the Administrative Procedure Act (APA). The State Water Board's regulations are in the California Code of Regulations, title 23, section 648 et seq. (<http://www.calregs.com>) and will be provided upon request. The APA provisions are at California Government Code section 11400 et seq. The hearing will not be conducted as a formal hearing under Chapter 5 of the APA (commencing at Government Code section 11500).

### FURTHER ACTION ON THE STAY REQUEST

The hearing officer has the authority to act on behalf of the State Water Board to grant or deny the request for stay based on the evidence and presentations at the hearing. The full State Water Board may also act on the stay request at a subsequent meeting, the time and place of which will be publicized. If the matter is taken up by the full State Water Board, a draft decision will be circulated to the public, and the public will have an opportunity to comment on the draft decision prior to final State Water Board action. The State Water Board will not, however, allow the introduction of further evidence, testimony, or exhibits that were not presented to the hearing officer.

### LOCATION AND ACCESSIBILITY

The Cal/EPA Building is accessible to people with disabilities. Public parking is available across the street from the building. A map of the exact location is attached to this notice.

Individuals who require special accommodations are requested to contact Juan De La Fuente at (916) 341-5880 at least five (5) working days prior to the hearing.

### IF YOU HAVE ANY QUESTIONS

Questions concerning the hearing may be addressed to Ted Cobb, Assistant Chief Counsel, at (916) 341-5171 or at [tcobb@waterboards.ca.gov](mailto:tcobb@waterboards.ca.gov).

**Future correspondence regarding this matter will be sent in hard copy only to the addressees of this letter and to those persons whose names and addresses appear on this letter as receiving copies. All other interested persons who received copies of this letter may receive future correspondence on this matter via email by subscribing on the internet at [http://www.waterboards.ca.gov/lyrisforms/swrcb\\_subscribe.html](http://www.waterboards.ca.gov/lyrisforms/swrcb_subscribe.html); the name of the electronic mailing list is A-1851 Mercury Technical Reports Requirements. In order to ensure that you receive all correspondence from this office, you should sign up as soon as possible. After 30 days from date of this letter your name will be removed from our interested mailing list.**

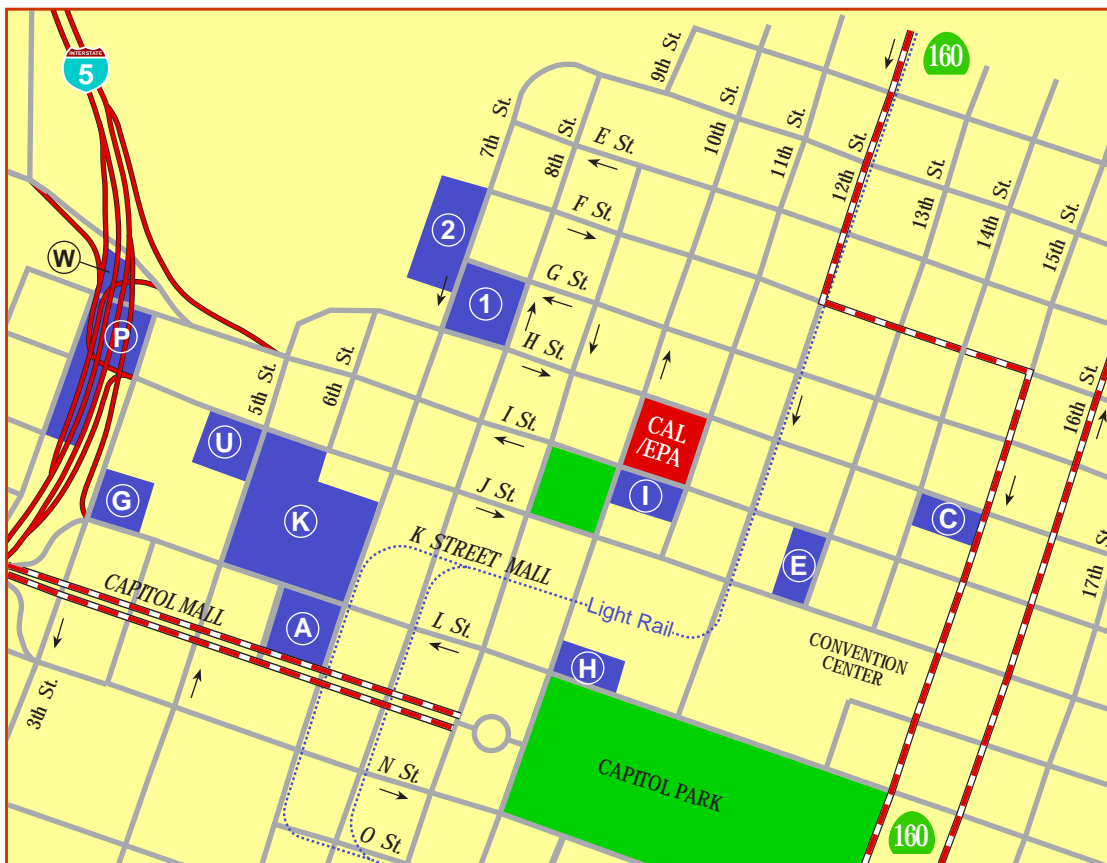
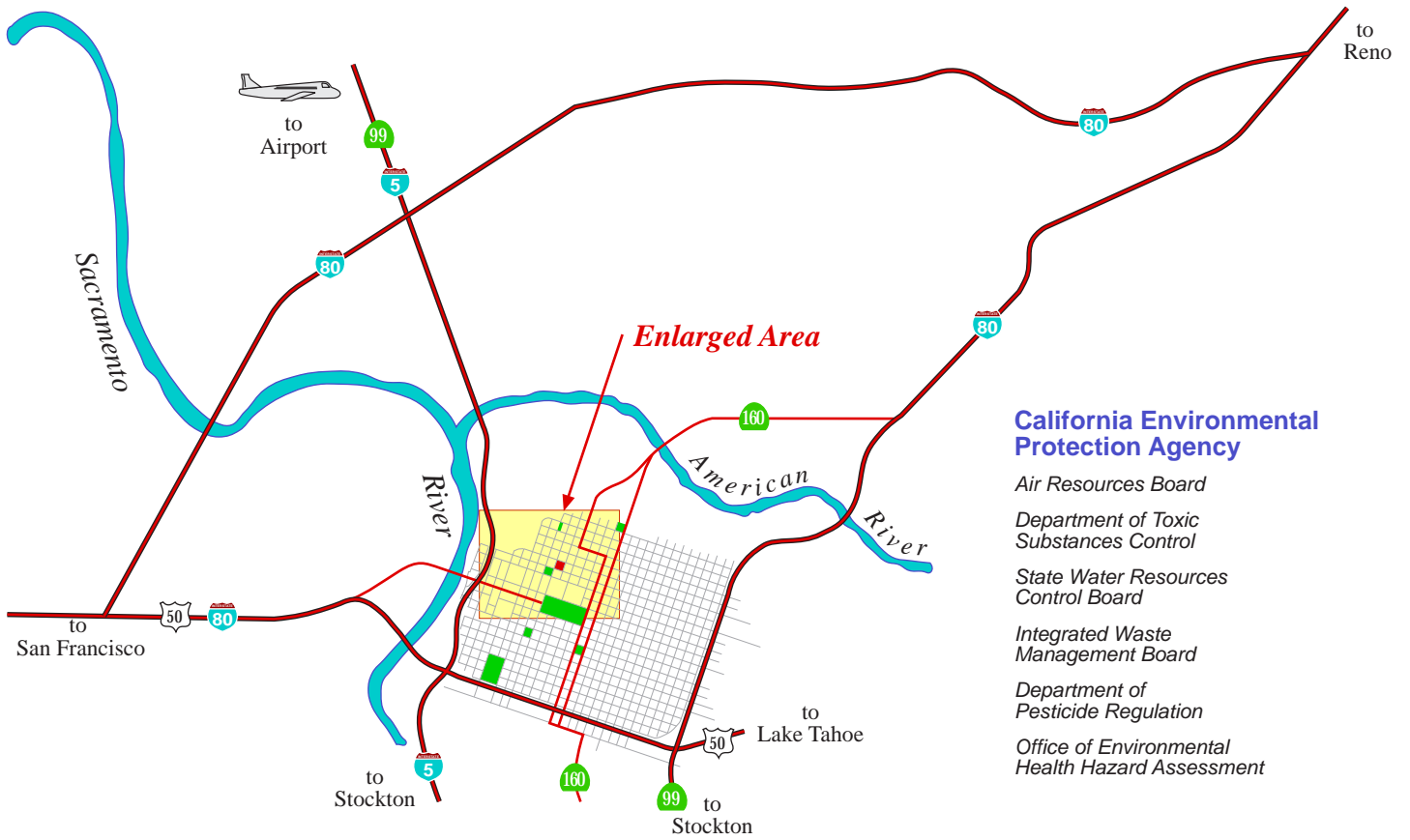


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Song Her  
Clerk to the Board

Dated: July 2, 2007

Enclosure



- Lot 1 (7th & G St.)**  
\$0.75 ea. 1/2 hr.
- Lot 2 (7th & G St.)**  
\$0.75 ea. 1/2 hr.
- Lot A (7th & Capitol)**  
\$0.75 ea. 1/2 hr. for first 2 hrs.  
\$1.50 ea. additional hr.  
\$8.00 maximum charge
- Lot C (14th & H St.)**  
\$5.00 flat rate
- Lot G (3rd & L)**  
\$0.75 ea. 1/2 hr. for first 2 hrs.  
\$1.25 ea. additional 1/2 hr.  
\$13.00 daily maximum charge
- Lot H (10th & L)**  
\$1.25 each 1/2 hr.  
\$15.00 daily maximum charge
- Lot I (10th & I, 11th & I)**  
\$1.00 each 1/2 hr.  
\$12.00 daily maximum charge
- Lot K (6th & J/L, 7th & K)**  
\$0.75 ea. 1/2 hr. for first 2 hrs.  
\$1.25 ea. additional 1/2 hr.  
\$13.00 daily maximum charge
- Lot P (2nd & I)**  
\$0.75 ea. 1/2 hr. for first 3 hrs.  
\$1.00 each additional 1/2 hr.  
\$12.00 daily maximum charge
- Lot U (5th & J)**  
\$0.50 ea. 1/2 hr. for first 2 hrs.  
\$1.00 ea. additional 1/2 hr.  
\$12.00 maximum charge
- Lot W (2nd & I St.)**  
\$5.00 flat rate