

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL VALLEY REGION**

11030 Sun Center Drive #200, Rancho Cordova, California 95670

**PUBLIC HEARING**

concerning

**REVISION OF WASTE DISCHARGE REQUIREMENTS ORDER 5-00-133**

FOR

**THE BNSF RAILWAY COMPANY**

FOR

**BNSF STOCKTON INTERMODAL FACILITY**

**CLASS II SURFACE IMPOUNDMENT**

**SAN JOAQUIN COUNTY**

The BNSF Railway Company, formerly the Burlington Northern and Santa Fe Railway Company, (hereafter Discharger) owns and operates the Stockton Intermodal Facility. The facility is located approximately eight miles southeast of Stockton on the main BNSF rail track between Austin Road and Jack Tone Road at 6540 South Austin Road in Stockton, California. This property consists of approximately 470 acres. The facility was previously regulated by Waste Discharge Requirements (WDRs) Order No. 5-00-133 in conformance with the Water Code section 13000 et seq. and the California Code of Regulations, Title 27, Division 2, et seq. (hereafter Title 27).

The facility is regulated under Title 27 due to industrial operations that produce wastewater classified as designated waste that must be contained in a Class II surface impoundment in order to protect beneficial uses of waters of the State. The wastewater is treated in an oil water separator (OWS) prior to discharge to an evaporation pond, a Class II surface impoundment.

The Stockton Intermodal Facility's primary function is to load/unload freight to/from diesel powered locomotives from/to diesel powered trucks using diesel powered cranes.

As part of the Discharger's 2012 Annual Monitoring Report the Discharger recommended changes to their groundwater monitoring system and/or Sample Collection and Analysis Plan in order to eliminate the introduction of Total Petroleum Hydrocarbons as diesel (TPH-d) contaminants from ambient air, which historically during sampling may have created false positive results of TPH-d in groundwater monitoring wells. Regional Water Board staff in order to address those proposed changes and as part of its periodic review of WDRs has prepared revised WDRs to reflect current conditions at the facility.

A public hearing concerning this matter will be held during the Central Valley Regional Water Quality Control Board (Central Valley Water Board) meeting, which is scheduled for:

DATE: May 30-31, 2013

TIME: 8:30 a.m.

PLACE: Regional Water Quality Control Board, Central Valley Region

11020 Sun Center Drive #200

Rancho Cordova, CA 95670-6114

The designated parties for this hearing are as follows:

- Staff of Central Valley Regional Board
- The BNSF Railway Company

Designated parties, but not interested persons, will have these rights: to call and examine witnesses; to cross-examine opposing witnesses; to impeach any witness; and to rebut the evidence against him or her. Central Valley Water Board staff will prepare the administrative record, and may present evidence, make an oral presentation and cross-examine opposing witnesses.

Interested persons may not cross examine witnesses, and will not be subject to cross examination. Interested persons may submit evidence (e.g., photographs, eye-witness testimony, monitoring data) if the evidence is submitted in accordance with the deadlines for submitting evidence described below. Interested persons who present evidence may be subject to cross-examination. Interested persons may request status as a designated party for purposes of this hearing by submitting such request in writing to the Central Valley Water Board no later than **20 April 2013**. The request must explain the basis for status as a designated party and in particular how the person is affected by the discharge.

The tentative Waste Discharge Requirements were issued on 20 March 2013. Persons wishing to comment on this item must submit testimony, evidence, if any, and/or comments in writing to the Central Valley Water Board no later than noon on **20 April 2013**. Written materials submitted after noon on the above date will not be accepted and will not be incorporated into the administrative record absent a ruling by the Central Valley Water Board Chair. A party requesting to submit late materials must demonstrate good cause for the late submission, and the Central Valley Water Board Chair must find that the late submission would not prejudice the Central Valley Water Board or any designated party.

All designated parties and interested persons may speak at the Central Valley Water Board meeting, and are expected to orally summarize their written submittals. Oral testimony and cross examination will be limited in time by the Central Valley Water Board Chair. Both designated parties and interested persons may be asked to respond to clarifying questions from Central Valley Water Board members, counsel staff or others, at the discretion of the Central Valley Water Board.

Anyone having questions on tentative waste discharge requirements should contact Vinoo Jain at (916) 464-4815 or by email at [vkjain@waterboards.ca.gov](mailto:vkjain@waterboards.ca.gov). Interested parties may download the proposed Order and related documents from the Central Valley Water Board's Internet website at

[http://www.waterboards.ca.gov/centralvalley/board\\_decisions/tentative\\_orders/](http://www.waterboards.ca.gov/centralvalley/board_decisions/tentative_orders/). Copies of these documents can also be obtained by contacting or visiting the office of the Central Valley Water Board at 11020 Sun Center Drive #200, Rancho Cordova, California, 95670, weekdays between 8:00 a.m. and 5:00 p.m. by appointment.

The final meeting agenda will be available at

[http://www.waterboards.ca.gov/board\\_info/agendas/](http://www.waterboards.ca.gov/board_info/agendas/) at least ten days before the meeting. The agenda will provide the dates the Central Valley Water Board meeting will be held, indicate the anticipated order of agenda items, and may include staff revisions to the proposed order(s).

The procedures governing Central Valley Water Board meetings may be found at Title 23, California Code of Regulations, Section 647 et seq. and are available upon request. Hearings before the Central Valley Water Board are not conducted pursuant to Government Code section 11500 et seq. The procedures may be obtained by accessing [http://www.waterboards.ca.gov/laws\\_regulations/](http://www.waterboards.ca.gov/laws_regulations/). Information on meeting and hearing procedures is also available on the Central Valley Water Board's website at [http://www.waterboards.ca.gov/centralvalley/board\\_info/meetings/mtgprocd.shtml](http://www.waterboards.ca.gov/centralvalley/board_info/meetings/mtgprocd.shtml) or by contacting any one of the Central Valley Water Board's offices. Questions regarding such procedures should be directed to Ms. Kiran Lanfranchi-Rizzardi at (916) 464-4839.

The hearing facilities will be accessible to persons with disabilities. Individuals requiring special accommodations are requested to contact Ms. Kiran Lanfranchi-Rizzardi at (916) 464-4839 at least 5 working days prior to the meeting. TTY users may contact the California Relay Service at 1-800-735-2929 or voice line at 1-800-735-2922.

Please bring the above information to the attention of anyone you know who would be interested in this matter.

*Original Signed By*

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ANDREW ALTEVOGT, Assistant Executive Officer

03/20/2013