



North Coast Regional Water Quality Control Board

November 5, 2012

Mr. Bob Finney
Deputy District Director, Construction
California Department of Transportation
P.O. Box 23360
Oakland, California 94612

**CERTIFIED MAIL NO.
7004-2510-0003-9153-4048**

Patrick J. McNeil, a Professional Corporation
On behalf of Ghilotti Construction Company, Inc.
55 Professional Center Parkway, Suite A
San Rafael, California 94903

**CERTIFIED MAIL NO.
7004-2510-0003-9153-4031**

Dear Mr. Finney and Mr. McNeil:

Enclosed is Administrative Civil Liability (ACL) Complaint No. R1-2012-0112 (hereinafter Complaint) issued by the Assistant Executive Officer of the California Regional Water Quality Control Board, North Coast Region (hereinafter Regional Water Board), pursuant to California Water Code section 13323 and 13385. The Complaint alleges that you have violated Clean Water Act section 401 and terms of your Water Quality Certification, as well as State Water Resources Control Board Order No. 99-06-DWQ (Caltrans Storm Water Permit), as specifically described in the attached Complaint. The Regional Water Board may impose an administrative civil liability for these violations under the Water Code. The Complaint recommends an administrative civil liability amount of **\$5,565,860** out of a statutory maximum administrative civil liability of \$167,040,000.

An Administrative Civil Liability Fact Sheet is enclosed, along with a 90-Day Hearing Waiver Form, and a Proposed Notice of Public Hearing and Hearing Procedures. The Fact Sheet describes the administrative civil liability process in general, while the Hearing Procedures provide detailed information on the process for this Complaint. **Please read each document carefully. This Complaint may result in the issuance of an order by the Regional Water Board requiring that you pay an administrative civil liability.**

In accordance with Water Code section 13323, subdivision (b), you have a right to be heard by the Regional Water Board regarding this matter in a public hearing within ninety (90) days of issuance of this ACL Complaint. A hearing has been scheduled for **January 24, 2013** as described in the enclosed Proposed Notice of Public Hearing and Hearing Procedures. If you wish to waive your right to a hearing within ninety days consistent with

Procedures. If you wish to waive your right to a hearing within ninety days consistent with the provided waiver, for example to engage in settlement discussions, please sign the enclosed waiver form and return it by **November 21, 2012**.

If you have questions about the Complaint or the enclosed documents, please contact Julie Macedo, at (916) 323-6847, or by email at jmacedo@waterboards.ca.gov, or Vanessa Young at (916) 327-8622, or by email at vyoung@waterboards.ca.gov, of the State Water Resources Control Board's Office of Enforcement.

Sincerely,



Luis Rivera
Assistant Executive Officer
Regional Water Board Prosecution Team

Enclosures: Administrative Civil Liability Complaint R1-2012-0112
90-Day Hearing Waiver Form
Administrative Civil Liability Fact Sheet
Proposed Notice of Public Hearing and Hearing Procedures

cc: *by electronic or United States mail*

Ardine Zazzeron, California Department of Transportation
Doug Jensen, California Department of Transportation
Sean Hungerford, Harrison Temblador Hungerford & Johnson
Greg Gholson, U.S. Environmental Protection Agency, Region 9
Jason Brush, U.S. Environmental Protection Agency, Region 9
Jane Hicks, U.S. Army Corps of Engineers, Regulatory Functions
John Cleckler, U.S. Fish and Wildlife Service, Pacific Southwest Region
Rodney R. McInnis, National Marine Fisheries Service, Southwest Region
Lieutenant Kyle Hiatt, DFG, Office of Pollution Prevention Spill Response
John Maitland, Sonoma County Transportation Authority
Samantha Olson, SWRCB, Office of the Chief Counsel
David Rice, SWRCB, Office of the Chief Counsel
Cris Carrigan, SWRCB, Office of Enforcement
Melissa Hall, SWRCB, Office of Enforcement
Julie Macedo, SWRCB, Office of Enforcement
Vanessa Young, SWRCB, Office of Enforcement
Bill Orme, SWRCB, Division of Water Quality
Walt Shannon, SWRCB, Division of Water Quality
Jaime Favila, SWRCB, Division of Water Quality
Matthias St. John, Executive Officer, RWQCB
Diana Henriouille, NCRWQCB, Enforcement Unit