

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL VALLEY REGION

364 Knollcrest Drive, Suite 205, Redding, CA 96002

**NOTICE OF PROPOSED SETTLEMENT AGREEMENT**

Concerning

**ORLAND SAND AND GRAVEL CORPORATION AND  
DALE ROY BOGART  
GLENN COUNTY**

Notice is given that the California Regional Water Quality Control Board, Central Valley Region (Central Valley Water Board), and the Department of Fish and Wildlife (DFW) (Plaintiffs), and defendants Orland Sand and Gravel Corporation and Dale Roy Bogart (collectively Parties) have tentatively agreed to enter into a Settlement Agreement (Agreement) in *People of the State of California Ex Rel. the Regional Water Quality Board, Central Valley Region; Department of Fish and Wildlife v. Orland Sand and Gravel Corporation, a California Corporation; Dale Roy Bogart, an individual.*, Case No. 15CV01436 (Glenn County Superior Court).

The proposed Agreement would settle allegations brought by the Plaintiffs in their 13 April 2015 Complaint against Orland Sand and Gravel Corporation and Dale Roy Bogart (Defendants). The Complaint alleges that the Defendants:

- 1) Acted in violation of Water Code section 13376 and Clean Water Act section 301 by conducting gravel mining/extracting activities within and/or adjacent to Stony Creek, a water of the U.S., that resulted in the discharge of pollutants, including soil, silt, clay, sand, and/or other organic and/or earthen materials to Stony Creek with a National Pollutant Discharge Elimination System (NPDES) permit.
- 2) Acted in violation of Water Code section 13376 by failing to enroll in the State Water Resources Control Board Water Quality Order 97-03-DWQ, NPDES General Permit CAS000001, Waste Discharge Requirements for Discharges of Storm Water Associated with Industrial Activities Excluding Construction Activities (Industrial Storm Water Permit).
- 3) Acted in violation of Water Code section 13264 by initiating discharges into Stony Creek and/or making material changes regarding discharges without first filing a report of waste discharge describing proposed changes as required by Water Code section 13260. Specifically, the Complaint alleges the Defendants constructed two new gravel wash water settling ponds, two new concrete transit mixer wash ponds, and a disposal area for tailings from the concrete transit mixer wash ponds.
- 4) Acted in violation of Water Code section 13260 by failing to pay required annual permit fees for the years 2004 through 2014.
- 5) Acted in violation of Fish and Game Code section 1602 by conducting mining/extraction activities in Stony Creek without first notifying DFW to obtain a Lake and Streambed Alteration Agreement.

- 6) Acted in a manner which created a condition of “nuisance” as defined by Water Code section 13050 and Civil Code 3479 by conducting activities and causing discharges within and adjacent to Stony Creek that endangered the beneficial uses of the waters of the state of California, including recreation, agricultural supply, aesthetic enjoyment and preservation and enhancement of fish, wildlife, and other aquatic resources, and obstructed the free passage or use of a navigable stream.

Details of the Agreement including penalty terms and a description of future compliance requirements are included in the attached.

Pursuant to federal regulations at 40 C.F.R §123.27(d) and state regulations at 23 C.C.R. §3858(a), the public may submit written comments on the proposed Agreement. **Written comments must be received by 5:00 p.m. on 4 May 2018.** Comments must either be emailed to [Clint.Snyder@waterboards.ca.gov](mailto:Clint.Snyder@waterboards.ca.gov) or mailed to Clint Snyder, Assistant Executive Officer, Central Valley Regional Water Quality Control Board at 364 Knollcrest Drive, Suite 205, Redding, CA 96002.

The proposed Agreement may be viewed on the Central Valley Water Board’s website at: [http://www.waterboards.ca.gov/centralvalley/board\\_decisions/tentative\\_orders/](http://www.waterboards.ca.gov/centralvalley/board_decisions/tentative_orders/) or at the Regional Board’s office at 364 Knollcrest Drive, Suite 205, Redding, CA 96002. For additional information please contact Clint Snyder at (530) 224-4845.

The Plaintiffs, as appropriate, will promptly consider timely submitted written comments in determining whether to withhold consent of the Agreement. Any modifications made to the Agreement after the close of the public comment period that are logical outgrowths resulting from the Plaintiff’s consideration of those comments will not be required to be re-noticed for public comment.