
North Coast Regional Water Quality Control Board

California Regional Water Quality Control Board North Coast Region Order No. R1-2023-0057 Rescission of Cease and Desist Order No. R1-2021-0027 for DEAN SOILAND, DOING BUSINESS AS BODEAN CO., INC. SANTA ROSA ASPHALT HOT PLANT Sonoma County

The California Regional Water Quality Control Board, North Coast Region (hereinafter Regional Water Board) finds that:

1. Bo Dean Co. Inc (Permittee) owns and operates the Santa Rosa Asphalt Hot Plant (Facility). The Facility is a 6-acre asphalt batch and material plant located at 1060 Maxwell Drive in Santa Rosa. The Facility is covered by the State Water Resources Control Board Order No. 2014-0057 DWQ, NPDES Order No. CAS00001, General Permit for Storm Water Discharges Associated with Industrial Activities (Industrial General Permit or Permit.)
2. Storm water runoff from the Facility discharges from a single discharge point to College Creek, which then discharges to Santa Rosa Creek, and then to the Laguna de Santa Rosa, which is a tributary to the Russian River.
3. Based on inspections conducted between 2019 and 2021, Regional Water Board staff observed violations of the Industrial General Permit. The violations included discharging water without adequate Best Management Practices (BMPs), improper covering of materials and waste at the Facility, failing to collect and report required samples, and failing to complete required reporting and pollutant assessment. These violations led to issuance of Cease and Desist Order No. R1-2021-0027 adopted by the Regional Water Board on August 19, 2021 and are outlined in additional detail in that Order.
4. To address the violations, the Cease and Desist Order required improvements to BMPs, reporting on the installation and effectiveness of those improved BMPs, updating the Facility's Storm Water Pollution Prevention Plan required by the Industrial General Permit, and enhanced sampling and reporting.
5. The Permittee requested rescission of the CDO on September 23, 2022 and July 7, 2023, stating that they had fully complied with CDO requirements. Permittee

HECTOR BEDOLLA, CHAIR | VALERIE QUINTO, EXECUTIVE OFFICER

claimed the one remaining issue is magnesium levels in runoff detected above the numeric action level (NAL) specified in the Industrial General Permit. The Permittee claimed it was below background levels in most parts of the state, referencing supporting documentation, and asserted that due to the lack of acute toxicity effects, US EPA has determined to remove magnesium as a benchmark pollutant in its version of the Industrial General Permit.

6. The Executive Officer has reviewed the requests for rescission, and supporting information provided by Permittee and staff and agrees that CDO tasks have been completed. The Permittee has updated its stormwater pollution prevention plan (SWPPP), installed a stormwater treatment system in October 2021, along with other BMPs that reduced discharge constituents for TSS, and other metals below Numeric Action Levels (NALs) as specified in the Industrial General Permit.
7. The Executive Officer finds that water quality will be adequately protected if the CDO is rescinded. There is no known acute toxicity related to magnesium, USEPA has removed magnesium benchmarks from its version of the Industrial General Permit, and it is likely that magnesium detected in the runoff is near or below background levels.
8. Rescission of the CDO is appropriate as Permittee has complied with the necessary provisions of the CDO as outlined in Permittee's September 23, 2022, and July 7, 2023, letters. The remaining outstanding issue of magnesium levels detected above the NAL is appropriately addressed through compliance with provisions of the Industrial General Permit. The Permittee remains subject to the conditions of the Permit and any violations of that Permit are enforceable.
9. The decision to rescind Cease and Desist Order No. R1-2021-0027 is exempt from provisions of the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) in accordance with Title 14, California Code of Regulations, Sections 15061(b)(3) and 15301.

THEREFORE, IT IS HEREBY ORDERED that Cease and Desist Order No. R1-2021-0027 is rescinded.

I, Valerie Quinto, Executive Officer, do hereby certify that this Order is a full, true and correct copy of an Order adopted by the California Regional Water Quality Control Board, North Coast Region, on December 12, 2023.

 Digitally signed by
Valerie Quinto
Date: 2023.12.14
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Valerie M. Quinto
Executive Officer