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GOVERNOR



JARED BLUMENFELD
SECRETARY FOR
ENVIRONMENTAL PROTECTION

North Coast Regional Water Quality Control Board

September 10, 2021

Mark West Quarry
Attn: Dean Soiland
1060 N. Dutton Avenue
Santa Rosa, CA 95401

Certified Mail No. 7016 0750 0001 0048 6276

Bo Dean Co., Inc.
Agent for Service of Process
Attn: Belinda Soiland
1060 N. Dutton Avenue
Santa Rosa, CA 95401

Certified Mail No. 7016 0750 0001 0048 6252

Mark West Quarry
Attn: Anthony Boyle
4611 Porter Creek Road
Santa Rosa, CA 95404
aboyle@bodeancompany.com

Certified Mail No. 7016 0750 0001 0048 6245

Sean K. Hungerford, Esq.
HARRISON TEMBLADOR HUNGERFORD & JOHNSON
Counsel for Bo Dean Co., Inc.
2801 T Street
Sacramento, CA 95816
shungerford@hthjlaw.com

Certified Mail No. 7016 0750 0001 0048 6283

ADMINISTRATIVE CIVIL LIABILITY COMPLAINT NO. R1-2021-0047, ISSUED TO DEAN SOILAND DOING BUSINESS AS BO DEAN CO., INC. FOR THE MARK WEST QUARRY LOCATED AT 4611 PORTER CREEK ROAD, SANTA ROSA, SONOMA COUNTY

Dear Messrs. Soiland, Boyle, and Hungerford:

Enclosed is Administrative Civil Liability Complaint No. R1-2021-0047 (Complaint) issued pursuant to California Water Code (Water Code) section 13323, seeking administrative civil liability in the amount of \$4,500,000 against Dean Soiland doing business as Bo Dean Co., Inc. (Discharger).

The North Coast Regional Water Quality Control Board (Regional Water Board) Prosecution Team alleges that the Discharger violated National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Industrial Activities (Industrial General Permit) Order No. 2014-0057-DWQ.

The Discharger may avoid a hearing on the Complaint by electing one of the following options on the attached waiver form:

- a. *By waiving the right to a hearing by providing payment to the Regional Water Board for the proposed administrative civil liability amount of \$4,500,000; or*
- b. *Subject to the objection by the Prosecution Team, the Discharger may formally request to delay the hearing to allow for additional time to prepare for hearing, accompanied by a letter setting forth the reasons for additional time. Information regarding the hearing on the Complaint is provided below.*

The hearing will be governed by Hearing Procedures which will be issued by the Regional Water Board's Advisory Team. Any objections to the Hearing Procedures must be submitted as provided in the Hearing Procedures. The attached ACL Fact Sheet provides additional information about the hearing process. Any procedural questions should be directed to the Advisory Team by contacting its attorney, Mr. Nate Jacobsen by e-mail at Nathan.Jacobsen@waterboards.ca.gov or by phone at 916-341-5181.

An agenda containing the date, time, and location will be sent to you prior to the hearing date. If the Discharger elects to pay the proposed administrative civil liability (as discussed above), this will be considered a tentative settlement of the violations. The settlement will be considered final pending a 30-day public comment period. Interested parties may comment on the proposed action during this period by submitting written comments to the Regional Water Board staff person listed below. Should the Regional Water Board receive new information or comments during this comment period, the Assistant Executive Officer may withdraw the Complaint, return payment, and issue a new Complaint. If the Regional Water Board does not hold a hearing on the matter, and if the terms of the final settlement are not significantly different from those proposed in the enclosed Complaint, then there will not be additional opportunities for public comment on the proposed settlement.

Persons or organizations who wish to participate in the hearing as a Designated Party will have an opportunity to request Designated Party status by submitting a request in writing as set forth in the forthcoming Hearing Procedures.

Alternatively, persons or organizations may seek to participate as Interested Persons, which will also be set forth in the Hearing Procedures.

Included with this Complaint, are two subpoenas, for Dean Soiland and Bo Dean Co., Inc., commanding the production of papers, books, records, and documents in their possession or under their control in connection with this Complaint. Documents must be produced in accordance with the instructions included herein by **October 11, 2021**.

If you have questions about the Complaint, please contact Catherine Hawe, Attorney, Office of Enforcement, at (916) 322-3538 or via email at Cathernie.Hawe@waterboards.ca.gov.

Sincerely,

Claudia E. Villacorta, P.E.
Assistant Executive Officer

Enclosures:

Administrative Civil Liability Complaint No. R1-2021-0047
Attachment A: Liability Methodology
Public Notice
ACL Fact Sheet
Waiver Form
Subpoenas for Financial Records

cc (via email only):

Matt St. John, North Coast Regional Water Quality Control Board
Nate Jacobsen, Office of Chief Counsel, State Water Resources Control Board
Catherine Hawe, Office of Enforcement, State Water Resources Control Board
Laura Drabandt, Office of Enforcement, State Water Resources Control Board
David Boyers, Office of Enforcement, State Water Resources Control Board
Charles Reed, North Coast Regional Water Quality Control Board
Diana Henriouille, North Coast Regional Water Quality Control Board
Jeremiah Puget, North Coast Regional Water Quality Control Board
Heaven Moore, North Coast Regional Water Quality Control Board
Joshua Luders, North Coast Regional Water Quality Control Board
Paul Nelson, North Coast Regional Water Quality Control Board
Heidi Bauer, North Coast Regional Water Quality Control Board
Farzad Kasmaei, North Coast Regional Water Quality Control Board