



North Coast Regional Water Quality Control Board

September 14, 2023

BoDean Co., Inc.
1060 N. Dutton Avenue
Santa Rosa, CA 95401
Attn: Dean Soiland

GLS Tracking No. 560101795

BoDean Co., Inc.
4611 Porter Creek Road
Santa Rosa, CA 95404
Attn: Anthony Boyle
aboyle@bodeancompany.com

GLS Tracking No.: 560101836

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Harrison Temblador Hungerford & Johnson
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GLS Tracking No.: 560101890

Subject: Administrative Civil Liability First Amended Complaint No. R1-2021-0047-A

File: Mark West Quarry, WDID 1 49I009813; NPDES Permit No. CAS000001

Dear Messrs. Soiland, Boyle, and Hungerford:

Enclosed is Administrative Civil Liability First Amended Complaint No. R1-2021-0047-A (First Amended Complaint) for the Mark West Quarry Facility (Facility). This First Amended Complaint supersedes the complaint issued on September 10, 2021. The First Amended Complaint covers the period from October 2018, through January 2023, and alleges that BoDean Co., Inc., owner and operator of the Facility, violated discharge and non-discharge requirements set forth in *National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Industrial Activities*, Order NPDES No. CAS000001 (Permit, or Industrial General Permit) and Water Code section 13267 Investigative Order R1-2019-0029 (Investigative Order).

HECTOR BEDOLLA, CHAIR | VALERIE QUINTO, EXECUTIVE OFFICER

September 14, 2023

The First Amended Complaint proposes an administrative civil liability of \$8,589,406. BoDean Co., Inc. submitted a letter on September 23, 2021 waiving its right to have a hearing within 90 days.

The Prosecution Team, by way of this letter, proposes to reenter into settlement discussions with BoDean Co., Inc. to attempt to resolve the First Amended Complaint. Should BoDean Co., Inc. be amenable to this suggestion, please contact the Prosecution Team counsel, Naomi Rubin, by September 30, 2023. A settlement in principle would need to be reached by the close of this calendar year. The Prosecution Team intends to bring this matter before the Board no later than Spring of 2024 in the case that a settlement is not reached. Thus, should the Discharger wish to proceed directly to a contested hearing, the Prosecution Team suggests to meet and confer by October 30, 2023 to select a hearing date.

If you have any questions about the First Amended Complaint, please contact Naomi Rubin, Attorney IV, Office of Enforcement at (916) 341-5677 or by email at Naomi.Rubin@waterboards.ca.gov.

Sincerely,

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

Enclosure:

1. First Amended Complaint No. R1-2021-0047-A
2. First Amended Complaint No. 2021-0047-A w/redline
3. First Amended Factor Consideration and Liability Methodology for Mark West Quarry (Attachment A)

Certified-Return Receipt Requested

cc: (via email)

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