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## North Coast Regional Water Quality Control Board

March 20, 2023

Ken Bareilles  
533 E Street,  
Eureka, CA, 95501  
[pbareilles@sbcglobal.net](mailto:pbareilles@sbcglobal.net)

Certified Mail No. 7021 0950 0001 6500 0707

Dear Mr. Bareilles:

Subject: Administrative Civil Liability Complaint No. R1-2023-0026

File: Ken Bareilles, Sonoma County, CIWQS Place ID No. 833008

Enclosed is Administrative Civil Liability (ACL) Complaint No. R1-2023-0026 (Complaint) issued by the California Regional Water Quality Control Board, North Coast Region (Regional Water Board) in the matter of Sonoma County Assessor's Parcel Number (APN) 110-190-001-000 (Property).

The Complaint is issued by the Regional Water Board Assistant Executive Officer for 1) failure to submit a report by the required deadline under Required Action No. 1 of the Regional Water Board Cleanup and Abatement Order No. R1-2022-0009 (Emergency CAO) in violation of Water Code section 13267; 2) failure to submit a report under Required Action No. 1 of the Regional Water Board Cleanup and Abatement Order No. R1-2022-0028 (Long-Term CAO) in violation of Water Code section 13267; and 3) discharges of waste to waters of the state in violation of the Categorical Waiver of Waste Discharge Requirements for Discharges Related to Timber Harvest Activities On Non-Federal Lands in the North Coast Region Order No. R1-2014-0011 (Categorical Waiver)<sup>1</sup> and the Water Quality Control Plan for the North Coast Region (Basin Plan)<sup>2</sup>. Attachment A provides the details of these violations. The Complaint proposes that, pursuant to California Water Code section 13350, the total penalty amount is **\$250,981**.

Additionally, a Fact Sheet is enclosed, along with a hearing Waiver Form. The Fact Sheet describes the Complaint process and explains what you, Mr. Bareilles

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<sup>1</sup> Categorical Waiver of Waste Discharge Requirements for Discharges Related to Timber Harvest Activities on Non-Federal Lands in the North Coast Region - [Order R1-2014-0011 \(ca.gov\)](#)

<sup>2</sup> [The Water Quality Control Plan for the North Coast Region \(ca.gov\)](#) (Basin Plan), Chapter 2, Page 11.

(Discharger), can expect and your obligations as the process proceeds. **Please read each document carefully.**

To help ensure the fairness and impartiality of this proceeding, the functions of those who will act in a prosecutorial role (Prosecution Team) by presenting evidence for consideration by the Regional Water Board have been separated from those who will provide advice to the Regional Water Board (Advisory Team) prior to and during the hearing. Any members of the Advisory Team who normally supervise any members of the Prosecution Team are not acting as their supervisors in this proceeding, and vice versa. Other members of the Prosecution Team may act or have acted as advisors to the Regional Water Board in other, unrelated matters, but they are not advising the Regional Water Board in this proceeding. The Prosecution Team is subject to all applicable rules and regulations as any other party to this proceeding, including the prohibition on ex parte communications.

All submittals and communications to the Advisory Team shall be sent to:

### **Advisory Team**

Valerie Quinto  
Executive Officer  
Regional Water Quality Control Board  
North Coast Region  
[Valerie.Quinto@waterboards.ca.gov](mailto:Valerie.Quinto@waterboards.ca.gov)

Nathan Jacobsen  
Attorney IV  
Office of Chief Counsel  
State Water Resources Control Board  
(916) 341-5181  
[Nathan.Jacobsen@waterboards.ca.gov](mailto:Nathan.Jacobsen@waterboards.ca.gov)

Any substantive communication to the Advisory Team must also be sent to the Prosecution Team listed below.

### **Prosecution Team**

Joshua Curtis  
Assistant Executive Officer  
Regional Water Quality Control Board  
North Coast Region  
[Joshua.Curtis@waterboards.ca.gov](mailto:Joshua.Curtis@waterboards.ca.gov)

Kason V. Grady, P.E.  
Supervising Water Resources Control Engineer  
Regional Water Quality Control Board  
North Coast Region  
[Kason.Grady@waterboards.ca.gov](mailto:Kason.Grady@waterboards.ca.gov)

James Burke, P.G.  
Senior Engineering Geologist  
Regional Water Quality Control Board  
North Coast Region  
[James.Burke@waterboards.ca.gov](mailto:James.Burke@waterboards.ca.gov)

Izaak Russo  
Engineering Geologist  
Regional Water Quality Control Board  
North Coast Region  
[Izaak.Russo@waterboards.ca.gov](mailto:Izaak.Russo@waterboards.ca.gov)

Zane Stromberg  
Environmental Scientist  
Regional Water Quality Control Board  
North Coast Region  
[Zane.Stromberg@waterboards.ca.gov](mailto:Zane.Stromberg@waterboards.ca.gov)

Jeremiah Puget  
Senior Environmental Scientist  
Regional Water Quality Control Board  
North Coast Region  
[Jeremiah.Puget@waterboards.ca.gov](mailto:Jeremiah.Puget@waterboards.ca.gov)

Christopher Law  
Attorney III  
State Water Resources Control Board  
Office of Enforcement  
(916) 341-5869  
[Chris.Law@waterboards.ca.gov](mailto:Chris.Law@waterboards.ca.gov)

In accordance with Water Code section 13323, subdivision (b), the Discharger has a right to be heard by the Regional Water Board regarding this matter in a public hearing within ninety (90) days of issuance of the Complaint. Hearing Procedures containing the date, time, location, and specific procedures of the hearing will be sent to you by the Advisory Team prior to the hearing date, which is expected to be scheduled on either the first or second day of the Regional Water Board's regular meeting of June 15 & 16, 2023, and is tentatively planned to occur in the City of Santa Rosa in Sonoma County. If the Discharger wishes to waive the right to a hearing and either pay the penalty in full or take other action as described in the hearing Waiver Form, please sign the enclosed form and return it to the Advisory Team, with a copy to the Prosecution Team, by the deadline specified in the Hearing Procedures, which will be provided to the parties by the Advisory Team following issuance of the Complaint.

**If you intend to waive your right to a hearing, I encourage you to sign and submit the waiver form as soon as possible.**

You may contact James Burke of my staff by telephone at (707) 477-9704 or by email at [James.Burke@waterboards.ca.gov](mailto:James.Burke@waterboards.ca.gov), or our Legal Counsel, Christopher Law by telephone at (916) 341-5869 or by email at [Chris.Law@waterboards.ca.gov](mailto:Chris.Law@waterboards.ca.gov) if you have any questions regarding this Complaint.

Sincerely,

  
Digitally signed by  
Joshua Curtis  
Date: 2023.03.20  
09:53:59 -07'00'

Joshua Curtis  
Assistant Executive Officer

Enclosure:

1. Complaint No. R1-2023-0026 (with Attachments A – Penalty Methodology & Attachment B – Hearing Waiver)
2. Administrative Civil Liability Fact Sheet
3. Administrative Civil Liability Hearing Waiver

Certified-Return Receipt Requested

cc:

**North Coast Regional Water Quality Control Board:**

Valerie Quinto, [Valerie.Quinto@waterboards.ca.gov](mailto:Valerie.Quinto@waterboards.ca.gov)

Kason Grady, [Kason.Grady@waterboards.ca.gov](mailto:Kason.Grady@waterboards.ca.gov)

Nathan Jacobsen, [Nathan.Jacobsen@waterboards.ca.gov](mailto:Nathan.Jacobsen@waterboards.ca.gov)

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