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San Francisco Bay Regional Water Quality Control Board

August 16, 2017
File No.01S0762 (MBM)

Certified Mail:

Return Receipt Requested

Stuart Depper
1380 East Avenue, Suite 128
Chico, CA 95979
(Certified Mail: 7015 0640 0001 7167 7011)

Eric Depper
1900 Arkeil Road
Walnut Creek, CA 94598
(Certified Mail: 7015 0640 0001 7167 7028)

4623 Welding Way
Chico, CA 95973-9612
(Certified Mail: 7015 0640 0001 7167 7042)

4623 Welding Way
Chico, CA 95973-9612
(Certified Mail: 7015 0640 0001 7167 7035)

3820 Manila Avenue,
Oakland, CA 94609
(Certified Mail: 7015 0640 0001 7167 7059)

**Subject: Administrative Civil Liability Complaint No. R2-2017-1022
for Failure to Submit Technical Reports, Alameda County**

Dear Messrs. Stuart and Eric Depper:

Complaint No R2-2017-1022 (Complaint) enclosed with this letter issues an administrative civil liability (ACL) against Messrs. Stuart and Eric Depper in the amount of \$88,000. This liability is based on allegations that Messrs. Stuart and Eric Depper violated Water Code section 13267 by failing to provide complete technical reports.

Messrs. Stuart and Eric Depper can respond to the Complaint by appearing before the Regional Water Board at a public hearing to contest the matter or by signing a waiver to pursue other options.

1. The Complaint can be contested before the Regional Water Board at the following meeting:

Date/Time: November 8, 2017, commencing at 9:00 a.m.
Place: First Floor Auditorium, Elihu Harris State Building
1515 Clay Street, Oakland

At this meeting, the Regional Water Board will consider whether to impose administrative civil liability (as proposed in the Complaint or for a different amount), decline the administrative civil liability, or refer the matter to the Attorney General for judicial enforcement at a public hearing.

Please refer to the enclosed Public Notice and Hearing Procedure for the Complaint and the ACL Fact Sheet for additional information about the Regional Water Board's process,

hearing procedure, and important deadlines (for submitting comments or evidence, obtaining designated party status, waiving or postponing a hearing, making objections or rebuttals to evidence, etc.).

2. The public hearing that has been scheduled (above) can be waived to pursue one of the following options:
 - a. Pay the liability as proposed in the Complaint;
 - b. Request more time and postpone the date of the public hearing;
 - c. Promptly engage in settlement discussions with the Regional Water Board Prosecution Team;
 - d. Propose a Supplemental Environmental Project (SEP), where partial payment of the penalty may be deferred towards completion of an environmental project (see the enclosed SEP Policy for more information on such projects).

The Waiver, attached to the Complaint, describes these options in further detail, and it also provides the deadline for submitting an SEP proposal (if this option is selected). To pursue one of these options, **the Waiver must be signed, dated, and received by Marnie Ajello of the Regional Water Board Advisory Team with a copy to the Prosecution Team contact listed below no later than 5:00 p.m. on September 15, 2017. It is at the discretion of the Regional Water Board Advisory Team to either accept or deny a waiver request.**

For more information about SEPs and the project selection and proposal approval process, please contact Adrien Baudrimont of the San Francisco Estuary Partnership (SFEP) at (510) 622-2337 or adrien.baudrimont@sfestuary.org. To see examples of current and completed projects, visit SFEP's website: <http://www.sfestuary.org/our-projects/stewardship/sep/>.

If you wish to communicate directly with the Prosecution Team regarding the Complaint, please contact Maya McInerney at (510) 622-2373 or Maya.McInerney@waterboards.ca.gov.

Please refer to the letterhead for our mailing address and fax number.

Sincerely,

Dyan Whyte
Assistant Executive Officer

Enclosures:

ACL Complaint No. R2-2017-1022
Public Notice and Hearing Procedure for ACL Complaint No. R2-2017-1022
Administrative Civil Liability Fact Sheet
State Water Resources Control Board Policy on Supplemental Environmental Projects, February 3, 2009
Waiver Form for ACL Complaint No. R2-2017-1022

Copies sent via U.S. Mail:

Estate of Earl Thompson, Sr.
Attn.: Earl Thompson, Jr.
75 Court Street
Quincy, CA 95971

Glovatorium, Inc.
3820 Manila Avenue
Oakland, CA 94609

Steven Depper
1900 Arkell Road
Walnut Creek, CA 94598

Copies sent via email:

Regional Water Board Lyris Enforcement email list
Regional Water Board Advisory and Prosecution Teams
Underground Storage Tank Cleanup Fund, State Water Resources Control Board,
USTCleanupFund@waterboards.ca.gov
Christopher Heckman, Esq., SacValley Law: Harris, Hamman & Glick PC,
Chris@sacvalleylaw.com
Peter Ton, Esq., Wack & Wick, LLP, PTon@ww-envlaw.com
Kenneth Kievit, Roux Associates, Inc., KKievit@rouxinc.com
Franklin Goldman, Environmental and Hydrogeological Consulting,
Frank.Goldman@gmail.com
Miguel Trujillo, City of Oakland, MTrujillo@Oaklandnet.com
Dilan Roe, Alameda County Environmental Health Services, Dilan.Roe@acgov.org
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George Lockwood, State Water Resources Control Board, Department of Water Quality,
George.Lockwood@waterboards.ca.gov