

Comment from Tom Bistline Construction, Inc.

From: Campbell, Patrick

To: Gibson, David@Waterboards; Okun, Lori T.@Waterboards; Hagan, Catherine@Waterboards; Vu, Vincent@Waterboards; Porter, Mike@Waterboards; Neill, Ben@Waterboards; Chiu, Wayne@Waterboards; Dorsey, Kelly@Waterboards; Macedo, Julie@Waterboards; Rubin, Naomi@Waterboards; Haas, Jeremy@Waterboards; Clemente, Chiara@Waterboards; Melbourn, Frank@Waterboards; Walsh, Laurie@Waterboards; Ryan, Erica@Waterboards; stee@gdandb.com; swr@envirolawyer.com; gbone@innovacounsel.com

Cc: Tom Bistline; Loree, Luz

Subject: CA Regional Water Quality Control Board - Hearing on Administrative Civil Liability Complaint No. R9-2020-0006

Issued to Baldwin & Sons, Inc.

Date: Thursday, January 7, 2021 3:25:12 PM

EXTERNAL:

Good Evening All:

It has come to my attention that hearing on the above-referenced matter is set for January 22, 2021. While not a party to this ACL Complaint, it is anticipated Baldwin & Sons, Inc. may attempt to blame Tom Bistline Construction, Inc. for any and all of the claims of damage set forth in the California Regional Water Quality Control Board's Complaint. This is borne out of the State Court filing Baldwin & Sons, Inc. filed against, among others, Tom Bistline Construction, Inc., alleging negligence, breach of contract, etc. associated with the work Tom Bistline Construction, Inc. performed pursuant to contract with Baldwin & Sons, Inc.

Tom Bistline Construction, Inc. has cooperated fully with the Water Board, agreeing to be interviewed a number of years ago regarding this matter. This is because Tom Bistline Construction, Inc. performed its work at the sole instruction of Baldwin & Sons, Inc., by and through Baldwin & Sons, Inc., as well as their designated QSP, Cameron Mann.

To the extent Baldwin & Sons, Inc. may attempt to claim the violations and excessive discharges were caused, either in whole or in part, to the work performed by Tom Bistline Construction, Inc., Tom Bistline Construction, Inc. will dispute all such claims.

This will inform you that, at no time during any of these proceedings, nor any other proceedings, is Baldwin & Sons, Inc. acting or speaking on behalf of Tom Bistline

Construction, Inc. Tom Bistline Construction, Inc. will, if allowed, speak for itself, and provide any and all requested testimony and/or documentation. A representative of Tom Bistline Construction, Inc. will make himself available to respond, formally and/or informally, to any inquiry by the Water Board. Additionally, if the Water Board wishes to have a representative from Tom Bistline Construction, Inc. attend any portion of any hearing, it will do so voluntarily.

I thank you for your time and consideration. If I can be of further assistance, please let me know.

Thank You

Patrick J. Campbell, Esq.

Regional Managing Attorney

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*** Please note new firm name and email address*

******Please note that due to COVID-19 our office is temporarily closed and all staff is working remotely.***

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