

**Crowl, Adrianna@Waterboards**

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**From:** becky@customstairsandtrim.com  
**Sent:** Wednesday, October 07, 2015 8:41 AM  
**To:** WaterQualityPetitions  
**Subject:** Petition for Review by State Water Resources Control Board  
**Attachments:** PETITION page 2.jpg; PETITION page 3.jpg; PETITION page 1.jpg; Notice of Adoption1.jpg; Notice of Adoption2.jpg

Please find attached corrected Petition for Review by State Water Resources Control Board from Christopher Cordes ACLO R5-2015-0072. Attached also is Notice of Adoption of Order. Please acknowledge receipt thereof.

Thanks you.  
Rebecca Cordes

PETITION FOR REVIEW BY STATE WATER RESOURCES CONTROL BOARD  
Administrative Civil Liability Order R5-2015-0072

**I. NAME, ADDRESS, TELEPHONE NUMBER AND EMAIL ADDRESS OF PETITIONER**

Petitioner:

Christopher Cordes  
101 South F Street  
Pensacola, FL 32502  
832-274-3248  
cordeschristopher@yahoo.com

**II. ACTION OF CENTRAL VALLEY REGIONAL WATER QUALITY CONTROL BOARD BEING PETITIONED**

Adoption of the Administrative Civil Liability Order (ACLO R5-2015-0072 requiring payment in the amount of \$139,700.00 joint and severally from Christopher Cordes, Eddie Axner Construction, Inc., and Eddie Axner, and \$157,700.00 from Christopher Cordes. A copy of the Notice of Adoption of Administrative Civil Liability Order is hereby attached.

**III. DATE THE CENTRAL VALLEY REGIONAL WATER QUALITY CONTROL BOARD ACTED**

June 5, 2015

**IV. STATEMENT OF REASONS THE ACTION OF THE CENTRAL VALLEY REGIONAL WATER QUALITY CONTROL BOARD WAS INAPPROPRIATE OR IMPROPER**

1. The minimum allowable liability for Storm Water Discharges is \$9,803.00. Paragraph 33 of the ACLO decision is based upon my "ability to pay" and warranted a penalty in the recommended amount of \$139,700.00. This amount is "joint and severally liable" from myself and Eddie Axner Construction. I have been advised by an attorney that there is nothing in the Clean Water Act, nor the Water Code, that authorizes holding people joint and severally liable. The minimum allowable liability for Discharge of Fill Material to Surface Waters is \$11,112.00. Again, the board agreed with the recommended amount of \$157,700, based upon my "ability to pay".
2. I submitted an "Individual Ability to Pay Claim" form to my attorney who then forwarded this information to the Board. It was not until the actual hearing that I was made aware of the fact that my attorney, who was not present (because I could no longer afford him), had not sent Corporate Tax returns which I had submitted to him. What he did send were Profit and Loss statements from the corporation. Therefore, my personal tax returns were deemed as incomplete and misleading. The Prosecution team's rebuttal did not mention missing documentation, possibly because they did not

have an accountant on staff that would have known what was missing. When this was pointed out to the Board, I requested a brief recess in order to make the necessary copies of the missing documentation, but was told it was not necessary. However, this missing testimony was vital to explain my finances, and therefore, my inability to pay such exorbitant penalties.

3. At the hearing, one of the board members made reference to a video that she had previously viewed; this video was never entered as evidence, therefore I had no ability to rebut such evidence. However, as was pointed out during the hearing, all the trash scattered on the property was from the previous owner, and Crossing #1 existed when I purchased the property.
4. At the hearing, the board members made several references regarding "setting a precedent" as this was the first hearing under the newly formed Cannabis Pilot Project. This was inappropriate as their decision was not based on the evidence submitted, but rather, solely on setting an example for future hearings of this nature.

#### **V. HOW PETITIONER IS AGGREIVED**

I stated at the hearing many times that I did not have the ability to pay the imposed fines. The missing financial information would have substantiated that, had I been allowed to submit it. The board members are not accounting experts; therefore, this missing documentation is vital to support my claim.

#### **VI. ACTION THE PETITIONER REQUESTS THE STATE WATER BOARD TAKE**

I request that the Board remand this matter back to the Central Valley Regional Water Quality Control Board, so that I may be allowed to submit into evidence my Corporate tax returns which were not previously submitted by my then attorney. This missing documentation will substantiate my inability to pay the amounts in question.

#### **VII. STATEMENT THAT COPIES OF THE PETITION HAVE BEEN SENT TO THE CENTRAL VALLEY REGIONAL WATER QUALITY CONTROL BOARD.**

On October 6, 2015, I resubmitted a corrected document described as:  
**PETITION FOR REVIEW BY STATE WATER RESOURCES CONTROL BOARD  
ADMINISTRATIVE CIVIL LIABILITY ORDER R5-2015-0072** on the interested parties in this matter by emailing a true copy thereof as follows;

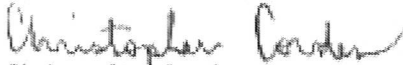
Pamela Creedon  
Central Valley Water Board  
11020 Sun Center Drive, #200  
Rancho Cordova CA 95670  
[Pamela.creedon@waterboards.ca.gov](mailto:Pamela.creedon@waterboards.ca.gov)

#### VIII. THE OBJECTION RAISED IN THIS PETITION WAS RAISED BEFORE THE BOARD HEARING

This Administrative Civil Liability Order R5-2015-0072 continually cites my "ability to pay". Specifically, Page 10, Paragraph 33 "considering the Discharger's ability to pay, the Assistant Executive Officer of the Central Valley Water Board proposes that civil liability be imposed administratively on the Dischargers in the amount of \$139,700....." Again, on Page 10, Paragraph 34 "considering Mr. Cordes' ability to pay, the Assistant Executive Officer of the Central Valley Water Board proposes that civil liability for Violation 2 be imposed administratively on Mr. Cordes in the amount of \$157,700."

The amounts imposed were stated to be based upon my ability to pay, which had no bases, as I was not permitted to submit missing documentation which would have substantiated my inability to pay. This missing documentation was not forwarded by my then attorney, and I had no way of knowing this prior to the hearing. The Prosecution Team was looking at Corporate Profit and Loss Statements (instead of the missing Corporate Tax Returns) and trying to compare them to personal tax returns; consequently, they deemed my documentation as "incomplete and misleading". The Board felt it was not necessary for me to provide the missing tax returns, yet without this pertinent information, there is no possible way to assess one's ability to pay.

Respectfully submitted,

  
Christopher Cordes

Central Valley Regional Water Quality Control Board

24 June 2015

**CERTIFIED MAIL:**  
7014 3490 0001 2981 7192

Mr. Christopher Cordes  
101 South F Street  
Pensacola, FL 32502

**CERTIFIED MAIL:**  
7014 3490 0001 2981 7222

Incorp Services, Inc (agent for service)  
Mr. Christopher Cordes  
Pacific Biodynamics  
5716 Corsa Ave., STE 110  
Westlake Village, CA 91362-7354

**CERTIFIED MAIL:**  
7014 3490 0001 2981 7215

Mr. Eddie Axner (as individual and as  
agent for service of process)  
Eddie Axner Construction, Inc.  
5429A Old Oregon Trail  
Redding, CA 96002

***NOTICE OF ADOPTION OF ADMINISTRATIVE CIVIL LIABILITY ORDER R5-2015-0072,  
CHRISTOPHER CORDES, EDDIE AXNER CONSTRUCTION, INC., AND EDDIE AXNER,  
ASSESSOR PARCEL 041-300-035-000, SHASTA COUNTY***

Administrative Civil Liability Order (ACLO) R5-2015-0072 for Christopher Cordes, Eddie Axner Construction, Inc., and Eddie Axner was adopted by the California Regional Water Quality Control Board, Central Valley Region at its 5 June 2015 meeting.

Payment in the amount of **\$139,700** from Christopher Cordes, Eddie Axner Construction, Inc., and Eddie Axner is due 30 days from the date of adoption, which is 5 July 2015. Payment shall be in the form of a check made payable to the "State Water Pollution Cleanup and Abatement Account" and shall have "ACL Order R5-2015-0072" written upon it.

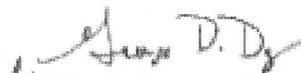
Payment in the amount of **\$167,700** from Christopher Cordes is due 30 days from the date of adoption, which is 5 July 2015. Payment shall be in the form of a check made payable to the "Waste Discharge Permit Fund" and shall have "ACL Order R5-2015-0072" written upon it.

The checks shall be mailed to the Central Valley Water Board at the following address:

Pamela Creedon  
Central Valley Water Board  
11020 Sun Center Drive, Suite 200  
Rancho Cordova, CA 95670-6114

In order to conserve paper and reduce mailing costs, a paper copy of the order has been sent only to the Dischargers. Interested parties are advised that the full text of this order is available on the Water Board's web site at [http://www.waterboards.ca.gov/centralvalley/adopted\\_orders](http://www.waterboards.ca.gov/centralvalley/adopted_orders). Anyone without access to the internet who needs a paper copy of the order can obtain one by calling Water Board staff.

If you have any questions regarding this matter, please contact Clint Snyder at (530) 224-3213 or [Clint.Snyder@waterboards.ca.gov](mailto:Clint.Snyder@waterboards.ca.gov).

  
Clint E. Snyder, P.G.  
Assistant Executive Officer

TS:sjs

Enclosure: Adopted Administrative Civil Liability Order No. R5-2015-0072

cc: via email with attachments

Andrew Altevogt, Central Valley Water Board, Sacramento  
Clay Rodgers, Central Valley Water Board, Sacramento  
Robert LHeureux, Central Valley Water Board, Sacramento  
Andrew Deeringer, State Water Board, Office of Chief Counsel, Sacramento  
Nathan Jacobsen, State Water Board, Office of Chief Counsel, Sacramento  
Yvonne West, State Water Board, Office of Enforcement, Sacramento  
Trey Sherrell, Central Valley Water Board, Sacramento  
Linda Barrera, Dept. of Fish and Wildlife, Sacramento  
Lt. DeWayne Little, Dept. of Fish and Wildlife, Redding  
Steven Crowl, Dept. of Fish and Wildlife, Redding  
William Bond, SHN Consulting Engineers and Geologists, Inc.  
Kevin Butler, Butler Engineering Group, Inc.  
Dale Fletcher, Shasta County Dept. of Resource Management, Redding  
Douglas A. Wright, Wright Nash