

**PROSECUTION TEAM'S INDEX TO AGENDA ITEM
PROPOSED ADMINISTRATIVE CIVIL LIABILITY ORDER
CRUISER HAVEN, INC., DELTA WATERWAYS LLC
HOLLAND RIVERSIDE MARINA
CONTRA COSTA COUNTY**

| Item | | | Binder | Website | Disk |
|--|---|----------------|--------------|---------|------|
| Agenda Package Index * | | | X | X | X |
| Summary Sheet * | | | X | X | X |
| Proposed Administrative Civil Liability (ACL) Order * | | | X | X | X |
| Attachment A to Proposed ACL Order * | | | X | X | X |
| Revised Hearing Procedures * | | | X | X | X |
| Administrative Civil Liability (ACL) Complaint Cover Letter * | | | X | X | X |
| ACL Complaint Fact Sheet* | | | X | X | X |
| ACL Complaint* | | | X | X | X |
| Attachment A to ACL Complaint * | | | X | X | X |
| Subpoena Cover Letter | | | | X | X |
| Declaration of Kailyn Ellison Supporting Subpoenas for Records and Documents | | | | X | X |
| Cruiser Haven, Inc. - Subpoena for Records and Documents | | | | X | X |
| Delta Waterways LLC. - Subpoena for Records and Documents | | | | X | X |
| Prosecution Team's Legal and Technical Analysis | | | X (4 pages) | X | X |
| Prosecution Team's Witness List | | | X (1 page) | X | X |
| Prosecution Team's Evidence List | | | X (1 page) | X | X |
| Prosecution Team's Rebuttal Witness List | | | X (1 page) | X | X |
| Prosecution Team's Revised Rebuttal Evidence List | | | | X | X |
| Prosecution Team's Second Revised Rebuttal Evidence List | | | X (1 page) | X | X |
| All Prosecution Team exhibits in this index have been submitted into the record for this matter pursuant to the Hearing Procedures. The hard copies of the Prosecution Team's exhibits in the agenda binders are the exhibits the Prosecution Team has identified as the most pertinent to assist the Board in rendering its decision. As required by the Hearing Procedures, only 120 pages of evidence has been printed, while the remainder are available electronically on CD-ROM. | | | | | |
| Exhibit Date | Exhibit Title | Exhibit Number | Binder | Website | Disk |
| 4/27/2001 | Waste Discharge Requirements Order 5-01-093 | 1 | X (19 pages) | X | X |
| 4/6/2004 | Administrative Civil Liability (ACL) Complaint R5-2004-0512 | 2 | | X | X |
| 6/4/2004 | Administrative Civil Liability Order R5-2004-0063 | 3 | | X | X |
| 1/11/2007 | Letter from State of California Department of Justice with an attached check for \$60,000 payable to the State Water Resources Control Board in full settlement of the administrative civil penalty against Western Water Ways. | 4 | | X | X |
| 2/26/2010 | Application/Report of Waste Discharge General Information Form for Waste Discharge Requirements or NPDES Permit. | 5 | | X | X |
| 5/27/2010 | Change of Ownership Order R5-2010-0078 | 6 | | X | X |
| 6/15/2012 | Notice of Violation for the non-submittal of 2011 Annual and First Quarter 2012 monitoring reports | 7 | X (2 pages) | X | X |

* Per Hearing Procedure, not included in the 120 page limit

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| 6/20/2012 | Discharger's response to 15 June 2012 Notice of Violation for delinquent monitoring reports. | 8 | X (1 page) | X | X |
| 8/3/2012 | Site Inspection and Notice of Violation Letter | 9 | X (4 pages) | X | X |
| 8/3/2012 | Notice of Violation for the submittal of incomplete monitoring reports for the period of January 2010 through May 2012. | 10 | X (4 pages) | X | X |
| 9/4/2012 | Monitoring Report Submittal Transmittal Form | 11 | | X | X |
| 9/12/2012 | Discharger's response to 3 August 2012 Notice of Violation | 12 | X (1 page) | X | X |
| 9/12/2012 | Discharger's response to recent inspection and Notice of Violation | 13 | X (2 page) | X | X |
| 9/24/2013 | Notice of Violation for the non-submittal of five monitoring reports and submittal of four late reports during the period of June 2012 through July 2013. | 14 | X (5 pages) | X | X |
| 8/15/2014 | Sign-in sheet from the 15 August 2014 meeting between Board staff and the Discharger. | 15 | | X | X |
| 8/24/2014 | Email response from the Discharger in follow-up to a 15 August 2014 meeting with Board staff. | 16 | X (3 pages) | X | X |
| 8/27/2014 | Notice of Violation for the non-submittal of April 2013, August 2013 through June 2014, Second Quarter 2013, Third Quarter 2013, Fourth Quarter 2013, First Quarter 2014, and 2013 Annual monitoring reports. | 17 | X (3 pages) | X | X |
| 1/14/2015 | Notice of Violation for the non-submittal of the September 2014, Third Quarter 2014, October 2014, and November 2014 monitoring reports. | 18 | X (3 pages) | X | X |
| 8/26/2015 | Email from FGL (laboratory) regarding a quote to conduct sampling and analysis. Includes a spreadsheet from Board Staff with estimated costs to be used in the U.S. EPA Ben Model. | 19 | X (3 pages) | X | X |
| 9/1/2015 | Letter and email from Board staff to the Discharger including an offer to enter into settlement negotiations prior to issuance of the ACL Complaint. | 20 | X (2 pages) | X | X |
| 9/1/2015 | Record of communication between Contra Costa County Assessor and Board staff regarding assessed value of Holland Riverside Marina owned by Cruiser Haven, Inc, and Delta Waterways, LLC. | 21 | | X | X |
| 9/18/2015 | Email from Board staff regarding outstanding annual permit invoices for 2013 and 2014. | 22 | | X | X |
| 9/23/2015 | Water Code Section 13267 Order requiring submittal of technical reports (sent va e-mail). | 23 | X (5 pages) | X | X |
| 9/24/2015 | Water Code Section 13267 Order requiring submittal of technical reports (sent certified mail) | 24 | | X | X |
| 10/15/2015 | Email from Board staff reminding the Discharger that the "Ability to Pay Form" was due on 12 October 2015, and the technical report required by the Water Code Section 13267 Order is due on 16 October 2015. | 25 | X (3 pages) | X | X |

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| 10/23/2015 | Email from Board staff indicating that the technical report required by the October 2015 Water Code Section 13267 Order was overdue and the information provided in the Discharger's 15 October 2015 e-mail response did not respond to the Order. | 26 | X (4 pages) | X | X |
| 10/26/2015 to 10/28/2015 | Email "chain" including (a) 10/26/15 email from Discharger indicating that he can go with the hauling option as described in the 24 September 2016 Water Code Section 13267 Order, (b) 10/27/2015 email from Discharger indicating that he found an engineer who indicated that he can meet the requirements in WDRs, and (c) a 10/28/15 email from Board staff to the Discharger regarding the Water Code Section 13267 Order. Includes copy of the Water Code Section 13267 Order that was mailed to the Discharger on 9/23/2015. | 27 | X (2 pages) | X | X |
| 1/25/2016 | Administrative Civil Liability Complaint R5-2016-0501 (Sent via Certified Mail and Federal Express) Includes delivered receipt from Federal Express. | 28 | | X | X |
| 2/23/2016 | Email from Discharger to Board staff regarding groundwater testing | 29 | X (1 page) | X | X |
| 2/23/2016 | Email from Discharger to Board staff regarding obtaining a qualified engineer to meet the requirements in the WDRs. | 30 | X (13 pages) | X | X |
| 4/14/2016 | Email from a well drilling contractor to Board staff with an approximate cost to abandoned two groundwater monitoring wells. | 31 | X (1 page) | X | X |
| 2/24/2016 | Email from Discharger to Board staff including September 2015 through January 2016 monitoring reports (see Monitoring Report Section). | 32 | | X | X |
| 2/25/2016 | Email from Board staff to the Discharger in response to the Discharger's 24 February 2016 e-mail regarding monitoring report submittals | 33 | X (1 page) | X | X |
| 3/29/2016 | Email from Board staff to the the Discharger acknowledging receipt of Consultant Services Agreement between Holland Riverside Marina and International Engineering Services, Inc. | 34 | X (8 pages) | X | X |
| 4/14/2016 | Report of 25 March 2016 Inspection, Holland Riverside Marina | 35 | X (9 pages) | X | X |
| Monitoring Reports | | | | | |
| 2/26/2016 | September 2015 through March 2016 Monitoring Reports | 36 | | X | X |
| 4/14/2016 | California Integrated Water Quality System Self Monitoring Report Tracking for Holland Riverside Marina (1 June 2010 through 1 May 2016) | 37 | | X | X |
| Other Site Related Documents | | | | | |
| 6/4/2015 | Administrative Civil Liability Order R5-2015-0064, In the Matter of A Greener Globe Corporation, Berry Street Mall (AKA Fingers) Landfill, Placer County | 38 | | X | X |
| Various | Google Earth images of the Holland Riverside Marina | 39 | | X | X |
| 2/24/2016 | PDF of Documents from Holland Riverside Marina Website http://hollandriverside.com/wp/ | 40 | | X | X |

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| Aug-14 | Photographs of the Holland Riverside Marina wastewater ponds received from the Discharger during a 15 August 2014 meeting with Board staff. | 41 | | X | X |
| 3/25/2016 | Additional photographs taken during Board staff's 25 March 2016 site inspection. | 42 | | X | X |
| 4/1/2016 | Photographs received from the Discharger on 1 April 2016 following Board staff's 25 March 2016 site inspection. | 43 | | X | X |
| Documents Located on the Internet and Referenced by the Following Links | | | | | |
| 5/20/2010 | State Water Resources Control Board Water Quality Enforcement Policy: http://www.waterboards.ca.gov/water_issues/programs/enforcement/docs/enf_policy_final111709.pdf | | | | |
| 12/21/2014 (Rev) | Porter-Cologne Water Quality Control Act (Cal Water Code Division 7) Effective January 1, 2015 http://www.waterboards.ca.gov/laws_regulations/docs/portercologne.pdf | | | | |
| Jun-15 | Water Quality Control Plan for the Sacramento River and San Joaquin River Basins, Fourth Edition (Basin Plan); http://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/index.shtml | | | | |
| | California Department of Boating and Waterways Website http://www.dbw.ca.gov/ | | | | |

Prosecution Team's Rebuttal Evidence

| | | | | | |
|-----------|--|----|-------------|---|---|
| 5/10/2016 | Ability to Pay Analysis by Mr. Gerald Horner | 44 | X (4 pages) | X | X |
| 4/1/2016 | Dischargers' 2015 Tax Returns (Yet to be filed with the IRS) | 45 | | | X |
| 3/31/2016 | Business Organization Ability to Pay Claim Financial Data Request Form (Delta Waterways LLC) | 46 | | | X |
| 5/23/2016 | Updated Ability to Pay Analysis by Mr. Gerald Horner | 47 | X (8 pages) | | X |