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8 Attorneys for Designated Party,  
9 MCM CONSTRUCTION, INC.

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BEFORE THE CALIFORNIA WATER QUALITY CONTROL BOARD  
NORTH COAST REGION

In the Matter of:

ADMINISTRATIVE CIVIL LIABILITY  
COMPLAINT NO. R1-2009-0095

MCM CONSTRUCTION, INC.'S  
FACT WITNESS LIST

Pursuant to the Hearing Notice, MCM Construction, Inc. ("MCM") submits the following list of fact witnesses which it may call at the hearing. This statement contains a brief summary of the subject of each witness's proposed testimony, and the estimated time required by each witness to present direct testimony. MCM reserves the right to supplement this witness list in rebuttal to the cases in chief presented by other parties.

1. Evan Payne (MCM). Mr. Payne will testify regarding the details of the construction of the project, including the type of the project, the manner of construction, project design, project staging, project contractors, stormwater and construction discharges, construction practices, the use of heavy equipment, measures taken to prevent unauthorized discharges, the use of sedimentation basins, project welding and cutting and related construction practices, site maintenance and cleanup, management of concrete waste, and features incorporated to protect the watershed. Estimated witness time: 30 minutes.

2. James Hamm (MCM). Mr. Hamm will testify regarding the details of the construction of the project, including the type of the project, the manner of construction, project design, project staging, project contractors, stormwater and construction discharges, construction practices, the use of heavy equipment, measures taken to prevent unauthorized discharges, the

use of sedimentation basins, project welding and cutting and related construction practices, site maintenance and cleanup, management of concrete waste, and features incorporated to protect the watershed. Estimated witness time: 30 minutes.

3. Edmundo Puchi (MCM). Mr. Puchi will testify regarding project management and general construction practices. Estimated witness time: 15 minutes.

Respectfully Submitted:

Dated: February 14, 2011

**DIEPENBROCK HARRISON**  
A Professional Corporation

By:

SEANK HUNGER

SEAN K. HUNGERFORD  
Attorney for  
MCM CONSTRUCTION, INC.

1 Re: ADMINISTRATIVE CIVIL LIABILITY COMPLAINT NO. R1-2009-0095  
2 Confusion Hill Bypass Project, Mendocino County  
3 California Regional Water Quality Control Board, North Coast Region

4 **PROOF OF SERVICE**

5 I, Gilberto J. Castro, declare:

6 I am a citizen of the United States, employed in the City and County of Sacramento,  
7 California. My business address is 400 Capitol Mall, Suite 1800, Sacramento, California 95814. I  
8 am over the age of 18 years and not a party to the within action.

9 I am familiar with the practice of Diepenbrock Harrison for collection and processing of  
10 correspondence, said practice being that in the ordinary course of business, correspondence is  
11 sealed, given the appropriate postage and placed in a designated mail collection area. Each day's  
12 mail is collected and deposited in the United States Postal Service.

13 On February 14, 2011, I served the attached,

14 **MCM CONSTRUCTION INC.'S FACT WITNESS LIST**

- 15 ☐ (BY U.S. MAIL) I placed such sealed envelope, with postage thereon fully prepaid for first-  
16 class mail, for collection and mailing at Diepenbrock Harrison, Sacramento, California,  
17 following ordinary business practices as addressed as follows, and/or
- 18 ☐ (BY PERSONAL SERVICE) I caused each such envelope to be delivered by hand to the  
19 addressees at the addresses listed below; and/or
- 20 ☐ (VIA FEDERAL EXPRESS) I caused each such envelope to be delivered via Federal  
21 Express overnight service to the addressees at the addresses listed below; and/or
- 22 ☐ (VIA FACSIMILE) I caused each such document to be sent by facsimile machine number  
23 (916) 446-4535 to the following persons or their representative at the addresses and the  
24 facsimile numbers listed below; and/or
- 25 ☒ (VIA EMAIL) I caused each such document to be sent by electronic mail to the addressees  
26 at the email addresses listed below.

27 SEE ATTACHED MAILING LIST.

28 Executed on February 14, 2011, at Sacramento, California.

  
Gilberto J. Castro

1 Re: ADMINISTRATIVE CIVIL LIABILITY COMPLAINT NO. R1-2009-0095  
2 Confusion Hill Bypass Project, Mendocino County  
3 California Regional Water Quality Control Board, North Coast Region

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