
Central Valley Regional Water Quality Control Board

TO: Advisory Team

FROM: Prosecution Team

DATE: 6 March 2014

SUBJECT: PROSECUTION TEAM'S REBUTTAL
Cleanup and Abatement Orders R5-2014-XXXX AND R5-2014-YYYY
27/28 March 2014

Please find enclosed the following documents comprising the Prosecution Team's Rebuttal for the proposed Walker Mine and Walker Mine Tailings Cleanup and Abatement Orders (R5-2014-XXXX and R5-2014-YYYY):

- Prosecution Team's Rebuttal Brief
- Prosecution Team's Responses to Atlantic Richfield's Prehearing Motions Nos. 1 through 9 [separate documents]
- Revised proposed Mine CAO R5-2014-YYYY [redlines showing changes to January 21, 2014 version plus clean version with attachments and figures]
- Supplemental Table of Contents [to add Rebuttal Exhibits 51 through 57 to Prosecution Team Binder 2]
- Prosecution Team Exhibit 51 Supplemental Declaration of Jeff Huggins
- Prosecution Team Exhibit 52 June 2010 Photolog
- Prosecution Team Exhibit 53 UCD Historical Photos
- Prosecution Team Exhibit 54 Kennedy Settlement Agreement
- Prosecution Team Exhibit 55 J.R. Walker Interview 30 November 1920
- Prosecution Team Exhibit 56 Pre-Seal Photographs
- Prosecution Team Exhibit 57 Expert Rebuttal Statement, Fredric L. Quivik, PhD

These documents are being delivered to all parties via electronic mail. The Advisory Team will receive tabbed hard copies to follow.

The Prosecution Team requests that the Advisory Team convene a telephone prehearing conference ahead of the 27 March 2014 hearing, pursuant to Water Code § 13228.15 and Government Code § 11511.5, to address some or all of ARCO's prehearing motions. A prehearing conference would promote the orderly and prompt conduct of the hearing, streamline the issues before the Board during hearing, and maximize the hearing time allocated for discussion of the Parties' substantive issues. The Prosecution Team suggests that motions 3, 4, 6, 7, 8 and 9 are appropriate for prehearing conference, while motions 1, 2 and 5 address substantive issues more appropriate for hearing. The United States Forest Service is essential to the prehearing conference as most or all of the prehearing motions address the Tailings CAO as well as the Mine CAO.

cc: Dischargers