

Lane & McGowan, LLP

A Limited Liability Partnership

www.lanemcgowan.com

445 W. 7th Street, Suite I
San Pedro, CA 90731

(310) 221-0480
(310) 221-0510 (fax)

Scott R. Lane
Partner

July 26, 2013

Our File Number:
1012

Via US Mail and Email

Ms. Lauri Kemper
Assistant Executive Director
Regional Water Quality Control Board
Lahontan Region
2501 South Lake Tahoe, California 96150

Re: Comments – Proposed Cleanup and Abatement Order, Arimol Group, Inc. and Meadowbrook Cedar, Inc., Lake Arrowhead, San Bernardino County, WDID No. 6B36C363433

Dear Ms. Kemper:

I am in receipt of your letter dated July 12, 2013. At the outset, we wish to thank you for some of the changes made in the Proposed CAO as requested by me and by Sanberg and as reflected in the redline version of the Proposed CAO. Since receiving your letter, I have had the opportunity to discuss this matter further with Scott Ferguson and I believe, subject to a few remaining items and the preservation of objections, that we are on track for a cooperative and productive approach to resolving the remaining issues.

Please note that we object to the compensatory mitigation provisions in Order No. 9. We disagree that compensatory mitigation is required and with its scope. Alternatively, we contest the proportionality of the compensatory mitigation sought. We also object to the compensatory mitigation ratios contained in Order No. 9. We reserve our right to seek expert guidance on the applicability of the USACE procedures and the ratio determinations under the USACE procedures, as necessary. At this stage, with delineation efforts a work in progress, it is difficult to get into specifics because of the lack of information at hand and the short time available. Finally we object to the phrases “in perpetuity” and “preserved in perpetuity” as vague and ambiguous and, as such, we are unable to provide more information in explanation of our objection. We are unclear what the Water Board means by that. We are unable to assess the

Lane & McGowan, LLP

Ms. Lauri Kemper
July 26, 2013
Page 2 of 2

costs or consequences of it. And it is also dependent on the location of any mitigation. Hopefully, these things will be worked out through dialogue, but for now, we feel compelled to state our concerns and objections.

Please consider these objections, along with the petition to the State Water Board that will likely ensue, as preservation of Arimol and Meadowbrook's legal rights. When the petition is filed, we will ask it be held in abeyance. It remains our hope to resolve issues and uncertainties through open dialogue and compromise with Water Board staff. We look forward to bringing this matter to a conclusion fairly and amicably.

Sincerely,

LANE & McGOWAN, LLP

By


SCOTT R. LANE

Cc by email:
Mike Plaziak
Chuck Curtis
Patrice Copeland
Jan Zimmerman
Scott Ferguson
Lisa Scorable
Anna Kathryn Benedict
Joanna Gibson