



Linda S. Adams  
Acting Secretary for  
Environmental Protection

# State Water Resources Control Board

## Office of Chief Counsel

Charles R. Hoppin, Chairman  
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Edmund G. Brown Jr.  
Governor

June 7, 2011

### ELECTRONIC MAIL

TO: ENCLOSED SERVICE LIST

SERVICE LIST OF PARTIES TO EXCHANGE INFORMATION: PUBLIC HEARING OF THE PETITION OF MR. CHARLES GRACE

In accordance with the State Water Resources Control Board's (State Water Board) Notice of Hearing (Notice) dated November 9, 2010 and the Notice of Rescheduling of Public Hearing dated April 1, 2011 (Notice of Rescheduling), enclosed is a Service List of Parties to Exchange Information. These hearing participants have submitted a Notice of Intent to Appear (NOI) and have indicated intent to appear and present evidence during the above-referenced hearing. Copies of the NOIs are attached. The hearing is scheduled for August 29, 2011.

As instructed in section 6 of the Notice's attachment entitled, "Written Testimony and Other Exhibits" and the Notice of Rescheduling, each party shall submit to the State Water Board seven copies of each of its exhibits; or four paper copies and one electronic copy of each of its exhibits no later than **July 12, 2011**. Please see section 7 of the Notice's attachment entitled, "Written Testimony and Other Exhibits" for details regarding electronic submissions. With exhibits, each party must submit to the State Water Board and serve on the other party a completed "Exhibit Identification Index." Please submit the "Exhibit Identification Index" to the State Water Board in either Microsoft Word or Excel format. **All of the required copies must be received by the July 12, 2011 deadline.** Each party shall also serve a copy of each exhibit on the other party on the service list.

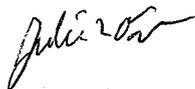
As a reminder, the Hearing Officer has set the prehearing briefing schedule on Key Issue number 4 in the Notice; specifically whether the doctrine of laches bars the State Water Board from taking disciplinary action against Mr. Charles Grace for any violations of the Operator Certification regulations. Copies of the parties' briefs on Key Issue number 4 must be **received** by the State Water Board and served on the other party, no later than the deadline listed in the Notice of Rescheduling.

The NOIs and other documents related to this hearing will also be posted on the Office of Operator Certification's website at:

[http://www.waterboards.ca.gov/water\\_issues/programs/operator\\_certification/](http://www.waterboards.ca.gov/water_issues/programs/operator_certification/).

If you have any questions, please contact me at (916) 341-5176 or by email at [Josborn@waterboards.ca.gov](mailto:Josborn@waterboards.ca.gov).

Sincerely,



Julie M. Osborn  
Staff Counsel

Enclosures

CHARLES GRACE HEARING  
August 29, 2011 HEARING  
SERVICE LIST  
(June 7, 2011)

PARTIES TO EXCHANGE INFORMATION

(Note: The parties whose E-mail addresses are listed below agreed to accept electronic service, pursuant to the rules specified in the hearing notice.)

STATE WATER RESOURCES CONTROL BOARD, OFFICE OF ENFORCEMENT  
Mayumi E. Okamoto, Staff Counsel (mokamoto@waterboards.ca.gov)  
David M. Boyers, Senior Staff Counsel (dboyers@waterboards.ca.gov)  
Office of Enforcement  
State Water Resources Control Board  
P.O. Box 100  
Sacramento, CA 95812

MR. CHARLES GRACE  
Ryan D. Fischbach, Esq. (rfischbach@bakerlaw.com)  
Sonja A. Inglin, Esq. (singlin@bakerlaw.com)  
Peter James, Esq. (pjames@bakerlaw.com)  
Baker & Hostetler LLP  
12100 Wilshire Boulevard, 15th Floor  
Los Angeles, CA 90025

**NOTICE OF INTENT TO APPEAR**

Charles Grace plans to participate in the operator certification enforcement hearing regarding (name of party or participant)

**Charles Grace WWTP Operator Certification Hearing**

scheduled to commence  
August 29, 2011

**Check all that apply:**

- I/we intend to present a policy statement only.
- I/we intend to participate by cross-examination or rebuttal only.
- I/we decline electronic service.
- I/we plan to call the following witnesses to testify at the hearing.

NAME	SUBJECT OF PROPOSED TESTIMONY	ESTIMATED LENGTH OF DIRECT TESTIMONY	EXPERT WITNESS (YES/NO)
*See attached Exhibit "A" to Notice of Intent to Appear			

(If more space is required, please add additional pages or use reverse side.)

Name, Address, Phone Number, and Fax Number of Attorney or Other Representative:

Signature:  Dated: June 6, 2011

Name (Print): Sonja Inglin, Peter James and Ryan Fischbach

Mailing Address: Baker & Hostetler LLP, 12100 Wilshire Boulevard, 15th Floor, Los Angeles, CA 90025-7120

Phone Number: (310) 820-8800 Fax Number: (310) 820-8859

E-mail: singlin@bakerlaw.com; pjames@bakerlaw.com; rfischbach@bakerlaw.com

**Exhibit "A" to  
Charles Grace's Notice of Intent to Appear at  
Public Hearing on  
The Petition of Mr. Charles Grace  
For Review of Final Division Decision Downgrading Mr. Grace's Wastewater Treatment  
Plant Operator Certification from Grade V to Grade II**

Preliminary Statement and Reservation of Rights:

Pursuant to the Notice of Hearing and Notice of Rescheduling of Public Hearing (collectively, the "Notice") and in connection with the related June 6, 2011 deadline to submit a Notice of Intent to Appear, Petitioner Charles Grace ("Petitioner"), without waiver of and reserving his rights as set forth below, identifies the below persons from which he currently may present live testimony at the Public Hearing scheduled for August 29, 2011 (the "Hearing"). Petitioner will also separately request the issuance of subpoenas and/or subpoenas *duces tecum* to compel the attendance of certain witnesses at the Hearing and the production of documents prior to and/or at the Hearing.

In advance of the hearing, Petitioner intends to work in good faith with the State Water Board prosecutorial team ("Prosecution Team") to agree on stipulations of fact, develop a common exhibit list and to take other steps that will allow for efficient presentation of the parties' respective cases at the Hearing. Petitioner will also request the issuance of subpoenas *duces tecum* that require the production of records from various sources (including the State Water Resources Control Board, the Los Angeles Regional Water Quality Control Board, Central Coast Regional Water Quality Control Board, and/or the City of Santa Paula) in advance of the Hearing.

Petitioner, however, objects to and reserves his rights with respect to the 20-minute limit on live testimony per witnesses presented in Petitioner's case-in-chief, the limitation on the length of cross-examination of the Prosecution Team's witnesses or other witnesses, and any limitation on Petitioner's presentation of live witnesses in support of its case-in-chief to a total of two hours, as set forth in the Notice and attached Wastewater Treatment Plant Operator Certification Enforcement Hearing Information, Section 9 (Order of Proceeding). Petitioner objects to any limitation on the length, scope or nature of the testimony that he is allowed to present at the hearing to the extent that such limitation prevents him from presenting a full and complete defense at the hearing. Further, Petitioner objects to and reserves all rights to identify and seek to present testimony from live witnesses in support of his case-in-chief that are not identified below. Petitioner further reserves his rights to the extent that documents required for his defense either cannot be obtained or no longer exist pursuant to the subpoenas *duces tecum* to be issued for the production of documents at or in advance of the Hearing.

Subject to the foregoing, and without waiver of any rights, claims or objections and reserving his right to supplement the following designation to identify additional witnesses, Petitioner identifies the following witnesses that he currently anticipates will present live testimony in support of his case-in-chief at the Hearing:

NAME	SUBJECT OF PROPOSED TESTIMONY	ESTIMATED LENGTH OF DIRECT TESTIMONY	EXPERT WITNESS (YES/NO)
Charles Grace	Alleged violations at both San Simeon and Santa Paula WWTPs that form the basis for State Water Board's Office of Enforcement (OE) January 12, 2009 Letter of Proposed Disciplinary Action (the "Disciplinary Action").	20+ minutes	No
Charles V. Weir, SWRCB Grade V WWTP Operator	Mr. Grace's actions in connection with the operations of the San Simeon and Santa Paula WWTPs	20+ minutes	Yes
Kris Turschmid, URS Corporation, Principal Engineer	Design and operational limitations of the San Simeon and Santa Paula WWTPs	20+ minutes	Yes
Terry Lambeth (Chair of Board, San Simeon Community Services District)	Operations and conditions at San Simeon WWTP	20+ minutes	No
Matt Thompson (former San Simeon Community Services District, Board staff member)	Operations and conditions at San Simeon WWTP	20+ minutes	No
Matthew Keeling (former San Simeon Community Services District, Board staff member)	Operations and conditions at San Simeon WWTP	20+ minutes	No
Mike Hanchett (former San Simeon Community Services District, Board staff member)	Operations and conditions at San Simeon WWTP	20+ minutes	No
Gina Dorrington	Operations and conditions of San Simeon WWTP and Santa Paula WWTP	20+ minutes	No
Jau Ren Chen (California Region Water Quality Control Board, Los Angeles Region)	Operations and conditions of San Simeon WWTP and Santa Paula WWTP	20+ minutes	No
Hugh Marley (California Region)	Operations and conditions of San	20+ minutes	No

Water Quality Control Board, Los Angeles Region)	Simeon WWTP and Santa Paula WWTP		
Blythe Poneck-Bacharowski (Acting Chief Watershed Regulator Section, LA CRWQCB, LA Region)	Operations and conditions of San Simeon WWTP and Santa Paula WWTP	20+ minutes	No
Custodian of Record witnesses, as needed	Production and authentication of documents.	20+ minutes, each witness	No
All witnesses identified by Prosecution Team, or any other party that files a Notice of Intent to Appear	Alleged violations and findings supporting OE's Disciplinary Action.	20+ minutes, each witness	Unknown

**NOTICE OF INTENT TO APPEAR**

State Water Board Prosecution Team plans to participate in the operator certification enforcement hearing regarding:

**Charles Grace**

scheduled to commence  
August 29, 2011



**Check all that apply:**

- I/we intend to present a policy statement only.
- I/we intend to participate by cross-examination or rebuttal only.
- I/we decline electronic service.
- I/we plan to call the following witnesses to testify at the hearing.

NAME	SUBJECT OF PROPOSED TESTIMONY	ESTIMATED LENGTH OF DIRECT TESTIMONY	EXPERT WITNESS (YES/NO)
Hugh Logan*	Relevant standard of care pertaining to each Key Issue identified	40	YES
Boris Trgovcich	Investigation of Charles Grace	20	NO

(If more space is required, please add additional pages or use reverse side.)

Name, Address, Phone Number, and Fax Number of Attorney or Other Representative:

Signature: David Boyer Dated: 6/3/11

Name (Print): David M. Boyers, Supervising Staff Counsel

Mailing Address: Office of Enforcement 1001 I Street, 16<sup>th</sup> Floor Sacramento, CA 95814

Phone Number: (916) 341-5276 Fax Number: (916) 341-5896

E-mail: dboyers@waterboards.ca.gov

\*Note, Hugh Logan will be out of the country beginning June 17, 2011 through July 8, 2011