

1 KRISTEN T. CASTAÑOS (SB #198672)

kristen.castanos@stoel.com

2 WESLEY A. MILIBAND (SB #241283)

wes.miliband@stoel.com

3 JULIET H. CHO (SB #271437)

juliet.cho@stoel.com

4 STOEL RIVES LLP
5 500 Capitol Mall, Suite 1600
6 Sacramento, CA 95814
Telephone: (916) 447-0700
Facsimile: (916) 447-4781

7 Attorneys for Respondent
8 THE MORNING STAR PACKING COMPANY,
9 L.P.

10 BEFORE THE CENTRAL VALLEY REGIONAL WATER QUALITY CONTROL BOARD

11 STATE OF CALIFORNIA

12
13 In the Matter of The Morning Star Packing
14 Company, L.P.,

15 Respondent.

ADMINISTRATIVE CIVIL LIABILITY
COMPLAINT NO. R5-2015-0549

**THE MORNING STAR PACKING
COMPANY, L.P.'S REBUTTAL
EXHIBIT LIST IN SUPPORT OF
OPPOSITION TO THE CENTRAL
VALLEY WATER BOARD
PROSECUTION TEAM'S
ADMINISTRATIVE CIVIL LIABILITY
COMPLAINT NO. R5-2015-0549**

1 The Morning Star Packing Company, L.P. ("Morning Star") hereby submits its rebuttal
2 exhibit list as follows:

3
4 **Exhibit P:**¹ Economic Benefit Calculation Based On Alternatives To Cooling Pond
5 Expansion (redacted by Morning Star pursuant to its rights to privacy and confidentiality).

6 **Exhibit Q:** Brown and Caldwell Technical Memorandum No. 3 dated January 11,
7 2016, regarding Odor Monitoring and Mitigation Plan.

8 **Exhibit R:** State Water Conservation Mandates and Policies:

9 Water Conservation (state of emergency)	https://www.gov.ca.gov/news.php?id=18379	January 17, 2014
10 Water Conservation (state of emergency)	https://www.gov.ca.gov/news.php?id=18496	April 25, 2014
11 Drought (no application of CEQA)	https://www.gov.ca.gov/news.php?id=18815	December 22, 2014
12 Restrictions to achieve 25% reduction in 13 potable water	http://gov.ca.gov/docs/4.1.15_Executive_Order.pdf	April 1, 2015
14 Water Reductions related to drought	https://www.gov.ca.gov/docs/11.13.15_EO_B-36-15.pdf	November 13, 2015

16 **Exhibit S:** State Energy Conservation Mandate and Policy:

17 Energy Conservation	https://www.gov.ca.gov/news.php?id=17508	18 April 25, 2012
------------------------	-------------------------------------------------------------------------------------------------	-------------------

19
20 Morning Star reserves any and all rights to amend this list. Morning Star also reserves all
21 privacy rights of itself and to the extent applicable to third parties, including without limitation,
22 those exhibits that were disclosed on December 18, 2015 to the Prosecution Team in response to
23 its subpoena for documents, and the January 13, 2016 disclosures to the Advisory Team and
24 Prosecution Team as part of Morning Star's opposition to this proceeding, which all such
25 documents produced by Morning Star were produced based on confidentiality and expectation
26 that all such documents remain confidential unless Morning Star explicitly consents otherwise in
27 writing.

28 ¹ Morning Star resumes identification of its exhibits based on its January 13, 2015 Exhibit List ending at Exhibit O.

1 that all such documents remain confidential unless Morning Star explicitly consents otherwise in
2 writing.

3
4 DATED: January 20, 2016

5 STOEL RIVES LLP

6
7 By: 

8 KRISTEN T. CASTAÑOS
9 WESLEY A. MILIBAND
10 JULIET H. CHO
11 Attorneys for Respondent
12 THE MORNING STAR PACKING
13 COMPANY, L.P.

11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1 **DECLARATION OF SERVICE**

2 I declare that I am over the age of eighteen years and not a party to this action. I am
3 employed in the City and County of Sacramento and my business address is 500 Capitol Mall,
Suite 1600, Sacramento, California 95814.

4 On January 20, 2016, at Sacramento, California, I served the attached document(s):

5 **THE MORNING STAR PACKING COMPANY, L.P.'S REBUTTAL EXHIBIT LIST IN**
6 **SUPPORT OF OPPOSITION TO THE CENTRAL VALLEY WATER BOARD**
7 **PROSECUTION TEAM'S ADMINISTRATIVE CIVIL LIABILITY COMPLAINT NO.**
8 **R5-2015-0549**

9 on the following parties:

10 Wendy Wyels
11 Central Valley Regional Water Quality
12 Control Board
11020 Sun Center Dr., #200
Rancho Cordova, CA 95670
Tel: (916) 464-4835
Wendy.Wyels@waterboards.ca.gov

Mayumi Okamoto
State Water Resources Control Board
Office of Enforcement
P.O. Box 100
Sacramento, CA 95812
Tel: (916) 341-5674
Mayumi.Okamoto@waterboards.ca.gov

13 Nickolaus Knight
14 State Water Resources Control Board
15 Office of Enforcement
16 P.O. Box 100
17 Sacramento, CA 95812
18 Tel: (916) 327-0127
19 Nickoluas.Knight@waterboards.ca.gov

Pamela Creedon
Executive Officer
Central Valley Regional Water Quality
Control Board
11020 Sun Center Dr., #200
Rancho Cordova, CA 95670
Tel: (916) 464-4839
Pamela.Creedon@waterboards.ca.gov
VIA EMAIL ONLY

20 Andrew Deeringer
21 Office of Chief Counsel
22 State Water Resources Control Board
23 P.O. Box 100
24 Sacramento, CA 95812
25 Tel: (916) 341-5199
26 Andrew.Deeringer@waterboards.ca.gov
27 **VIA EMAIL ONLY**

Patrick Pulupa
Office of Chief Counsel
State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95812
Tel: (916) 341-5189
Patrick.Pulupa@waterboards.ca.gov
VIA EMAIL ONLY

1 Alex MacDonald
2 Senior Engineer
3 Central Valley Regional Water Quality
4 Control Board
5 11020 Sun Center Dr., #200
6 Rancho Cordova, CA 95670
7 Tel: (916) 464-4625
8 Alex.MacDonald@waterboards.ca.gov
9 VIA EMAIL ONLY

Andrew Altevogt
Assistant Executive Officer
Central Valley Regional Water Quality
Control Board
11020 Sun Center Dr., #200
Rancho Cordova, CA 95670
Tel: (916) 464-4656
Andrew.Altevogt@waterboards.ca.gov
VIA EMAIL ONLY

7 Adam Laputz
8 Assistant Executive Officer
9 Central Valley Regional Water Quality
10 Control Board
11 11020 Sun Center Dr., #200
12 Rancho Cordova, CA 95670
13 Tel: (916) 464-4726
14 Adam.Laputz@waterboards.ca.gov
15 VIA EMAIL ONLY

13	<input checked="" type="checkbox"/> BY FIRST CLASS MAIL: I am readily familiar with my employer's practice for the collection and processing of correspondence for mailing with the U.S. Postal Service. In the ordinary course of business, correspondence would be deposited with the U.S. Postal Service on the day on which it is collected. On the date written above, following ordinary business practices, I placed for collection and mailing at the offices of Stoel Rives LLP, 500 Capitol Mall, Suite 1600, Sacramento, California 95814, a copy of the attached document in a sealed envelope, with postage fully prepaid, addressed as shown on the service list. I am aware that on motion of the party served, service is presumed invalid if the postal cancellation date or postage meter date is more than one day after the date of deposit for mailing contained in this declaration.
14	<input checked="" type="checkbox"/> BY EMAIL: On the date written above, I emailed a copy of the attached documents to the addressee, as shown on the service list.
15	<input type="checkbox"/> BY FACSIMILE: On the date written above, I caused a copy of the attached document to be transmitted to a fax machine maintained by the person on whom it is served at the fax number shown on the service list. That transmission was reported as complete and without error and a transmission report was properly issued by the transmitting fax machine.
16	<input type="checkbox"/> BY OVERNIGHT MAIL: I am readily familiar with my employer's practice for the collection and processing of correspondence for overnight delivery. In the ordinary course of business, correspondence would be deposited in a box or other facility regularly maintained by the express service carrier or delivered to it by the carrier's authorized courier on the day on which it is collected. On the date written above, following ordinary business practices, I placed for collection and overnight delivery at the offices of Stoel Rives LLP, 500 Capitol Mall, Suite 1600, Sacramento, California 95814, a copy of the attached document in a sealed envelope, with delivery fees prepaid or provided for, addressed as shown on the service list.

23 I declare under penalty of perjury under the laws of the State of California that the
24 foregoing is true and correct and that this document was executed on January 20, 2016, at
25 Sacramento, California.

26 
27 Marilyn Sykes