

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

ATTACHMENT B
DECLARATION OF HELENE FRANCHI

IN SUPPORT OF AN RESOLUTION
INSTRUCTING THE CALIFORNIA ATTORNEY GENERAL'S OFFICE TO FILE AN
ACKNOWLEDGEMENT OF SATISFACTION OF JUDGEMENT FOR *LAKE BERRYESSA
RESORT IMPROVEMENT DISTRICT V. CALIFORNIA REGIONAL WATER QUALITY
CONTROL BOARD, CENTRAL VALLEY REGION, AND PEOPLE OF THE STATE OF
CALIFORNIA EX REL. ATTORNEY GENERAL EDMUND G. BROWN AND REGIONAL
WATER QUALITY CONTROL BOARD, CENTRAL VALLEY REGION V. LAKE BERRYESSA
RESORT IMPROVEMENT DISTRICT, ET AL.* (SACRAMENTO COUNTY SUP. CT.
CONSOLIDATED CASE NOS. 06CS00256 AND 06AS01602)

LAKE BERRYESSA RESORT IMPROVEMENT DISTRICT
NAPA COUNTY

I, Helene Franchi, declare:

1. I was employed by Napa County during the Central Valley Water Board's prosecution of Administrative Civil Liability (ACL) Order R5-2011-0538 and the issuance of ACL Complaint R5-2012-0522, and was party to settlement negotiations involving both of these regulatory enforcement actions.
2. The Central Valley Water Board issued ACL Order R5-2005-0072, ACL Order R5-2011-0538, and ACL Complaint R5-2012-0522 to Lake Berryessa Resort Improvement District pursuant to Water Code sections 13350 and 13385 due to unauthorized discharges of partially treated wastewater and sewage at Lake Berryessa Resort Improvement District's facilities.
3. During the 2012-13 discussions involving the settlement of the alleged violations in ACL Complaint R5-2012-0522, the Board's Prosecution Team made representations that were understood by Lake Berryessa Resort Improvement District to mean that ACL Complaint R5-2012-0522 would be withdrawn and liability owed by Lake Berryessa Resort Improvement District pursuant to a 2007 Stipulated Judgment entered into between the Board and Lake Berryessa Resort Improvement District would be permanently suspended, provided that Lake Berryessa Resort Improvement District committed to making significant upgrades to its facilities.
4. Lake Berryessa Resort Improvement District completed all upgrades requested by the Board following the issuance of ACL Order R5-2005-0072, ACL Order R5-2011-0538, and ACL Complaint R5-2012-0522 as of July 1, 2015, but additional work is required to bring all of the Lake Berryessa Resort Improvement District's facilities into compliance with applicable regulatory requirements. To date, the Lake Berryessa Resort Improvement District has made approximately \$7,335,000 in sewer upgrades and approximately \$2,533,000 in water system upgrades.
5. In late 2016, Lake Berryessa Resort Improvement District brought to the Board's attention that the outstanding liability owed by Lake Berryessa Resort Improvement District pursuant to the 2007 Stipulated Judgment was never addressed, and that Lake Berryessa Resort Improvement District was continuing to make payments pursuant to the 2007 Stipulated Judgment.

6. I fully support the adoption of further measures by the Central Valley Water Board in support of Lake Berryessa Resort Improvement District's efforts to upgrade its facilities. These may include the adoption of a resolution or resolutions supporting Lake Berryessa Resort Improvement District's requests for funding from the State Water Board's Water Pollution Cleanup and Abatement Account.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

to be signed by

Helene Franchi
Deputy County Executive Director
Napa County

Date