
San Diego Regional Water Quality Control Board

December 4, 2015

Catherine Hagan
Senior Staff Counsel
Office of Chief Counsel
State Water Resources Control Board
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In reply refer to: SM-828060:FMelbourn

Evidence and Policy Statements, ACL Complaint No. R9-2015-0110

In accordance with the Hearing Procedure for Administrative Civil Liability (ACL) Complaint No. R9-2015-0110, issued to San Altos-Lemon Grove, LLC, the Prosecution Team submits the following information:

1. ACL Complaint No. R9-2015-0110, its technical analysis, and all attachments (ACL Complaint package) thereto;¹
2. United States Postal Service Domestic Return Receipt No. 7011 0470 0002 8952 5263 proving service via certified mail of the ACL Complaint package to Ben C. Anderson, Legally Responsible Person for San Altos-Lemon Grove, LLC, attached and marked as Exhibit No. 30;
3. California Stormwater Quality Association (CASQA) Construction Storm Water Best Management Practice (BMP) EC-1 Scheduling, attached and marked as Exhibit No. 31; and
4. State Water Resources Control Board (State Board), Order No. 2009-0009-DWQ, National Pollutant Discharge Elimination System, General Permit No. CAS000002, Waste Discharge Requirements for Discharges of Storm Water Runoff Associated with Construction and Land Disturbance Activities, as amended. The document is incorporated by reference and can be downloaded from the State Board's website at http://www.swrcb.ca.gov/water_issues/programs/stormwater/constpermits.shtml.

Legal and Technical Arguments or Analysis

This information was provided with the ACL Complaint package.

¹ The ACL Complaint package was provided to the Advisory Team and San Altos-Lemon Grove, LLC on October 19, 2015.

Witnesses

The following people may be used as Prosecution Team witnesses:

Name	Subject	Estimated Testimony Time	Qualifications
Wayne Chiu, San Diego Water Board	Technical and Administrative analysis of San Diego Water Board's regulatory oversight of the site including inspections (12/15/2014, 05/13/2015) and issuance of Notice of Violation No. R9-2014-0153.	5 minutes	Water Resource Control Engineer, Storm Water Management Unit, P.E., ² M.S. ³
Chiara Clemente, San Diego Water Board	Administrative analysis of San Diego Water Board's regulatory oversight of the site.	None. Available upon request during ACL Hearing.	Senior Environmental Scientist, Supervisor of the Compliance Assurance Unit.
Jeremy Haas, San Diego Water Board	Administrative analysis of San Diego Water Board's regulatory oversight of the site.	None. Available upon request during ACL Hearing.	Environmental Program Manager and Chief of the Healthy Waters Branch.
Frank Melbourn, San Diego Water Board	Technical and Administrative analysis of San Diego Water Board's regulatory oversight of the site including inspections (05/08/2015 & 05/13/2015, 05/15/2015).	15 minutes	Water Resource Control Engineer, Compliance Assurance Unit, P.E.
Madalene Ransom, State Board	Economic Benefit analysis.	None. Available upon request during ACL Hearing.	Economist
James Smith, San Diego Water Board	Administrative analysis of San Diego Water Board's regulatory oversight of the site.	None. Available upon request during ACL Hearing.	Assistant Executive Officer, Head of the Prosecution Team.

² Professional Engineer (P.E.).

³ Master of Science (M.S.) degree.

Leon Firsh, City of La Mesa	City of Lemon Grove's enforcement response to non-compliance at the site; including citations (12/11/2014 & 12/15/2014).	None. Available upon request during ACL Hearing.	City of Lemon Grove's Public Works Director and City Engineer until March 24, 2015. P.E.
Gary Harper, City of Lemon Grove	Inspected site and issued Stop Work/Notice of Violations (12/02/2014 & 12/04/2014); Inspections (12/08/2014 & 03/24/2015); Correct Work Notice (12/09/2014); Citations (09/15/2015 & 10/05/2015).	None. Available upon request during ACL Hearing.	Engineering Inspector.
John Draminski, D-Max Engineering, Inc.	Inspected site and wrote report related to site inspection (03/01/2015).	None. Available upon request during ACL Hearing.	Staff Engineer, E.I.T. ⁴
Tad Nakatani, D-Max Engineering, Inc.	Inspected site and wrote reports related to site inspections (12/09/2014, 12/11/2014, 12/12/2014, 12/16/2014, 12/17/2014, 12/31/2014, 01/06/2015, 01/14/2015, 03/18/2015, & 09/15/2015).	None. Available upon request during ACL Hearing.	Storm Water Inspector, M.S., CPSWQ, ⁵ QSD ⁶ /P ⁷
Brian Nemerow, D-Max Engineering, Inc.	Inspected site and wrote report related to site inspection (12/17/2014).	None. Available upon request during ACL Hearing.	Staff Scientist
John Quenzer, D-Max Engineering, Inc.	Inspected site and wrote report related to site inspections (12/12/2014, & 12/31/2014).	None. Available upon request during ACL Hearing.	Senior Project Scientist, M.S., CPSWQ, QSD/P

⁴ Engineer In Training (E.I.T.).

⁵ Certified Professional in Storm Water Quality (CPSWQ).

⁶ Qualified SWPPP (Storm Water Pollution Prevention Plan) Developer (QSD).

⁷ Qualified SWPPP Practitioner (QSP).

In the subject line of any response, please include the requested "**In reply refer to:**" information located in the heading of this letter. For questions pertaining to the subject matter, please contact me at (619) 521-3372 or fmelbourn@waterboards.ca.gov.

Respectfully,



FRANK MELBOURN
Water Resource Control Engineer

Enclosures:

1. Exhibit No. 30: United States Postal Service Domestic Return Receipt No. 7011
0470 0002 8952 5263
2. Exhibit No. 31: CASQA Construction Storm Water BMP EC-1 Scheduling

cc with attachments:

Ben C. Anderson, San Altos-Lemon Grove, LLC, kimberlyv@bcadevelopment.com
Wayne Chiu, San Diego Water Board, wchiu@waterboards.ca.gov
Chiara Clemente, San Diego Water Board, cclemente@waterboards.ca.gov
Laura Drabandt, State Water Resources Control Board, ldrabandt@waterboards.ca.gov
Jeremy Haas, San Diego Water Board, jhaas@waterboards.ca.gov
Deborah Jayne, San Diego Water Board, djayne@waterboards.ca.gov
S. Wayne Rosenbaum, Oppen & Varco, LLP, swr@envirolawyer.com
James Smith, San Diego Water Board, jsmith@waterboards.ca.gov
Malik Tamimi, City of Lemon Grove, mtamimi@lemongrove.ca.gov
Laurie Walsh, San Diego Water Board, lwalsh@waterboards.ca.gov

SMARTS:

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