

From: Dave Stoldt
To: [Ekdahl, Erik@Waterboards](mailto:Ekdahl.Erik@Waterboards)
Cc: Laredo Dave; Svindland Rich; Lauffer, Michael@Waterboards
Subject: Recent Correspondence with the Monterey Peninsula
Date: Thursday, May 17, 2018 4:16:50 PM
Attachments: [CWSRF Notice of Withholding - City of Pacific Grove - Project #8026-110.pdf](#)

Hi Erik,

The Monterey Peninsula Water Management District received your letter today. Thank you for finally responding to this repeated request. However, we find many deficiencies in its text and will provide a responding letter tomorrow or Monday.

I also am providing with this email our correspondence regarding a separate issue which we sent to Leslie Laudon this morning (see below and attached) which is relevant to our position.

As I will likely make clear in our response letter, SWRCB staff has completely turned over regarding this issue and resolution of the issue should be at a level above Jule Rizzardo, no personal offense intended, but we are at the point where you, Eileen, and Michael Lauffer should be in the first small meeting, which should be limited to your executive staff, Cal-Am, and ourselves.

I also find the statement in your letter that "Staff is surprised and disappointed by this unilateral action???" to be disingenuous since, as you are now probably aware, it was SWRCB???'s failure to act as requested by your board in July 2016 that led to this. When I called you in January, you indicated you had no information on Condition 2 left for you by your predecessors Les Grober and Barbara Evoy. Further, Michael was aware of the potential action before our March Board meeting.

Best regards,

Dave

Begin forwarded message:

From: Dave Stoldt <dstoldt@mpwmd.net>
Subject: CWSRF Notice of Withholding - City of Pacific Grove - Project #8026-110.pdf
Date: May 17, 2018 at 10:08:33 AM PDT
To: "Leslie.Laudon (Leslie.Laudon@waterboards.ca.gov)" <Leslie.Laudon@waterboards.ca.gov>
Cc: "Lauffer, Michael@Waterboards" <michael.lauffer@waterboards.ca.gov>, 'Dave Laredo' <dave@laredolaw.net>, "Rizzardo, Jule@Waterboards" <Jule.Rizzardo@waterboards.ca.gov>

Hi Leslie,

I enjoyed meeting you last Wednesday in Sacramento. However, I want to correct footnote 1 in the attached letter with two clarifications:

1. The Board's April 9, 2012 letter was addressed to California American Water Company, not the District, and
2. The District's March 19, 2018 Resolution was adopted after consultation with the State Board, both in the days prior to adoption in a conversation with your Chief Counsel, as well as over a year of protracted discussion with State Board staff.

Please be advised that in the District's opinion the two letters cited are no longer applicable based on the motion made during the July 2016 hearing on the CDO extension. Additionally, the April 2012 letter was never followed fully by Cal-Am and State Board staff, was inconsistently applied, and required information that would be unlawful to provide. For those reasons, we endeavored to resolve those issues with the Board to no avail.

The District has regulatory authority over water resources in its jurisdiction and would welcome the opportunity to clarify the inconsistencies between our policies.

Regards,

Dave

David J. Stoldt
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