December 10, 2012

John Richardson
jwrttee@earthlink.net

Dear Mr. Richardson,

RE: RESCISSION OF WASTE DISCHARGE REQUIREMENTS ORDER NO. 01-035; BROOKDALE INN & SPA, 11570 HIGHWAY 9, BROOKDALE, CA, 95007, SANTA CRUZ COUNTY, WDID No. 3 441002001

The Central Coast Water Board (hereafter, "Water Board") staff received your email on December 5, 2012, inquiring about detrimental effects to your receivership project if the subject permit is rescinded. Specifically, you ask:

> *"My questions are whether the current Order if rescinded will have a detrimental effect on the ability to obtain approvals for the use of the new treatment plant and whether the scheduled public hearing can be continued in order for me to address concerns of the Water Board including the payment of any outstanding fees."*

Water Board Responses:

1. The current 2001 Waste Discharge Requirement Order No. 01-035 (Order) contains outdated information about the facility owner and does not contain provisions for monitoring the advanced treatment system that was subsequently installed. Therefore, the Order is no longer an adequate tool to ensure the protection of water resources and must be rescinded. A new Waste Discharge Order (WDR) is the appropriate next step in the permit process.

2. There are no future detrimental effects for historically rescinded WDRs. All WDRs are created by Water Board staff based on a viable Report of Waste Discharge application and are reviewed by Water Board members during a public meeting. That said, discharge of wastewater is a privilege and Water Board members will take into consideration any perspective applicant's history of non-compliance when deliberating the adoption of a proposed WDR.

3. Water Board meetings are a public forum. You may attend the meeting set for January 31, 2012, to request a continuance from the Regional Board on the matter of the subject Order's termination. The Water Board chairman allots three minutes for public comment. You may request additional speaking time if you feel you will need additional time.

4. The Water Board has not received payment for the annual permit for the past four years. Please remit payment of the outstanding balance of $14,730 to our office as soon as possible.

Please contact Cecile DeMartini at (805) 542-4782, cdemartini@waterboards.ca.gov or Chris Adair at (805) 549-3761 if you have any questions.

Sincerely,

Chris Adair

Digitally signed by Chris Adair
DN: cn=Chris Adair, o=Central Coast Water Board, ou, email=cadair@waterboards.ca.gov, c=US
Date: 2012.12.10 11:27:45 -08'00'

for
Kenneth A. Harris Jr.
Interim Executive Officer

Place ID: 210513
File: S:\WDR\WDR Facilities\Santa Cruz Co\Brookdale Lodge\Richardson_RespLtr-120712.docx

Cc:

Cecile DeMartini
Central Coast Water Board
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Todd Stanley
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