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May 4, 2018



VIA Email
commentletters@waterboards.ca.gov

Jeanine Townsend
Clerk to the Board
State Water Resources Control Board
CalEPA Headquarters
1001 I St., 24th Floor
Sacramento, CA

Re: COMMENT LETTER – MAY 15, 2018 BOARD MEETING RE: STORNETTA
CDO & ACL HEARING

Dear Ms. Townsend:

This firm represents Alberta Stornetta, co-trustee of the Stornetta Family Trust, the owner of the property subject to the Board's April 3, 2018, draft Order. Newton Dal Poggetto, the former Successor Trustee of the Stornetta Family Trust, passed away this January past.

After the three and one-half years delay, the owner of the property was surprised to receive the draft Order, complete with an increase of the penalty proposed to be assessed against the owner. Attached is a letter from Alberta Stornetta confirming that the pond will be reduced in size or totally drained if required, and requesting a reduction of the arbitrary penalty proposed. Last fall's fires completely destroyed the property.

Thank you for your time and consideration.

Sincerely yours,

A handwritten signature in blue ink, appearing to read "C. Scott Kirk".

Cameron Scott Kirk
C. Scott Kirk Law Office

CSK/klm
Cc: Yvonne West
Yvonne.West@waterboards.ca.gov

May 1, 2018

Jeanine Townsend
Clerk to the Board
State Water Resources Control Board
PO Box 100
Sacramento CA 95812-0100

Dear Ms. Townsend,

My name is Alberta Stornetta. I am the owner of Napa County Assessor's Parcel Number (APN 047-070-018). Newton Dal Poggetto was the Trustee for The Stornetta Family Trust until his death on January 5, 2018. I am submitting some brief background information for consideration, as well as my response to Order WR 2018 – "In the Matter of Draft Cease and Desist Order and Administrative Civil Liability Complaint against Stornetta Family Trust and Newton Dal Poggetto (Trustee)."

My letter is divided into two sections: 1. Requests for consideration and 2. The corrective action to be taken as defined in "The Order," pages 19 and 20, Section A.1.

1. Requests for Consideration

- Newton Dal Poggetto was 95 years old. He did not provide me with all the specific, pertinent information, other than the inspection performed on October 16, 2013. I was not aware of trespasses, warnings, Water Codes, penalties or other fees established by the Water Board for non-compliance.
- The deed to the property was recorded in my name on August 3, 2017. Prior to that time, Newton Dal Poggetto handled the matter on his own until he enlisted the services of Scott Kirk, attorney. When Newton Dal Poggetto received the letter from the Board (uncertain of date), he notified me via a quick telephone call. He asked if I wanted to pay \$20,000 penalty to the Water Board or close the pond. Within one week, I notified him that my answer was "No" because I knew for a fact that the pond was authorized by the Conservation Corps to water our cows. I was with my father, Alex Stornetta, when the pond was being built. I also vaguely remembered that someone locally had helped construct the pond; however, I did not instantly recall his name. Then, after much thinking and research, I finally remembered the person's name, Gary Kiser. Newton Dal Poggetto contacted Gary Kiser who attested

to the authorization and construction of the pond. I also knew that Doreen Amaral, Trust Secretary, submitted at least two applications to the Water Board. I remember being advised by Newton Dal Poggetto that a hearing had been scheduled. Approximately four long years have elapsed. I am in receipt of the Board's Draft Order, dated April 3, 2018 and am confronted with huge problems and consequences through no fault of my own.

- On October 9, 2017 this property, including two barns, fencing, trees, etc. were destroyed by the wildfire; therefore, lessee did not graze his cattle since then and probably will not in the future since there will be no water, barns or fencing for the cattle.

2. Corrective Action

- I am willing to make the pond incapable of impounding water which will incur substantial costs. As a result, I am requesting that the \$75,000 fee be reduced. If the Order means that the pond be drained, then I am requesting that it be done in the simplest, most efficient, cost effective way possible. Due to age, health issues, being solely responsible for the property and living in another county, I am sincerely hoping that this matter can be finalized with a minimal amount of expenses, time and effort on my part.

Thank you for your attention to the matter regarding a property very dear to my heart.

Sincerely,

Alberta Stornetta

Alberta Stornetta