

PROSECUTION TEAM EVIDENCE LIST

The following items are evidence for the Central Valley Regional Water Quality Control Board hearing regarding Administrative Civil Liability Complaint R5-2015-0506, Sweeney Dairy, Tulare County. This matter is scheduled to be heard at the 4/5 June 2015 Central Valley Regional Water Board hearing in Rancho Cordova.

Exhibit	Title of Document	Location
1	ACLO R5-2011-0068	Sweeney Dairy public file, available at: http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/tulare/r5-2011-0068_enf.pdf
2	ACLO R5-2012-0070	Sweeney Dairy public file, available at: http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/tulare/r5-2012-0070_enf.pdf
3	ACLO R5-2013-0091	Sweeney Dairy public file, available at: http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/tulare/r5-2013-0091_aclo.pdf
4	ACLO R5-2014-0119	Sweeney Dairy public file, available at: http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/tulare/r5-2014-0119_aclo.pdf
5	Reissued Waste Discharge Requirements General Order for Existing Milk Cow Dairies, Order R5-2013-0122	Exhibit A to the Complaint Available at: http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2013-0122.pdf
6	Notice of Violation Issued 29 August 2014	Attached to the Complaint as Exhibit B
7	Pre-ACLC Letter Issued 5 December 2014	Attached to the Complaint as Exhibit C
8	Signed certified mail return receipt of Pre-ACLC letter	Attached
9	Discharger's 22 December 2014 response to 5 December 2014 Pre-ACLC letter	Attached
10	23 December 2014 Record of Communication	Attached

Sweeney Dairy
Prosecution Team Evidence List

Exhibit	Title of Document	Location
11	Email issued 23 January 2015 from Doug Patteson to Discharger acknowledging Discharger's request to meet	Attached
12	26 January 2015 email from Doug Patteson to Discharger regarding contact information and request to meet	Attached
13	Discharger's legal counsel's 29 January 2015 response to Doug Patteson's 23 January 2015 email	Attached
14	Staff counsel's 26 February 2015 response to Discharger's 29 January 2015 letter	Attached
15	Signed certified mail return receipt of ACLC R5-2015-0506	Attached

Exhibit 8

Signed Certified Mail Return Receipt of Pre-ACLC Letter

SENDER: COMPLETE THIS SECTION

- Complete Items 1, 2, and 3. Also complete Item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mail piece or on the front if space permits.

1. Article Addressed to:

James G and Amelia M Sweeney
Sweeney Dairy
30712 Road 170
Visalia, CA 93292

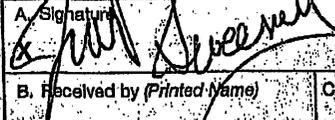
2. Article Number
(Transfer from service label)

|| 7013 | 2250 | 0002 | 0660 | 9433 ||

PS Form 3811, July 2013

Domestic Return Receipt

COMPLETE THIS SECTION ON DELIVERY

A. Signature  Agent Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

3. Service Type
- Certified Mail® Priority Mail Express™
 - Registered Return Receipt for Merchandise
 - Insured Mail Collect on Delivery

4. Restricted Delivery? (Extra Fee) Yes

Exhibit 9

**Discharger's 22 December 2014 Response to
5 December 2014 Pre-ACLC Letter**

December 22, 2014

Dale Essary

Senior WRC Engineer

Central Valley Regional Water Quality Control Board

1685 E Street

Fresno, CA 93706

Re: Sweeney Dairy

Dear Mr. Patteson:

My wife and I acknowledge receipt of your letter dated December 5, 2014. Your letter advised us that your agency would be serving us with an Administrative Civil Liability Complaint for failing to file an Annual Report for 2013.

As you well know, you have sought civil liabilities against us for failing to file the 2009, 2010, 2011 and 2012 reports which were specified by your General Dairy Order, R5-2007-0035 (2007 Order). We opposed both of these proceedings on various legal grounds. For the most part, our defense has been that your 2007 Order is illegal and unenforceable as is the reissued order R5-2013-0122. Although your Regional Board ruled against us in each case, the California Water Code gives us the right to appeal the Regional Board's decisions by way of filing a petition for review with the State Water Resources Control Board (SWRCB). We have done so in each case, and, as you also know, we are still waiting on the SWRCB to decide these appeals.

If the SWRCB supports our position, you will have no legal basis to seek civil liabilities against us for not filing your 2013 Annual Report, or for not filing the 2009, 2010, 2011 and 2012 reports. If, on the other hand, the SWRCB rules against us, the Water Code then gives us the right to petition the Superior Court for a Writ of Administrative Mandate.

As long as these matters and issues have not been adjudicated by the appellate processes afforded us by law, it would be prejudicial, unjust, and would cause irreparable harm to us if we spent the money necessary to prepare, complete and file this 2013 report and it is later determined that the 2013 Order is illegal and unenforceable.

We should have been afforded a prompt determination of our appeals by now. It is not our fault that the SWRCB has failed to hear and decide our petitions for review. What is the point of the law providing an appellate process if the appeals are never heard and decided? It would clearly deprive us of these statutory rights and would be a denial of due process. I think the burden is on

your agency to press the SWRCB to hear and decide these matters, and you have no right to blame us for this inexcusable delay.

Finally, your letter invited us to meet with you regarding a solution to these matters. We remain open to discussions, and suggest that you present us with some dates and times when you can meet us here at our dairy.

Sincerely,

Jim Sweeney

Cc:

Dale Essary (email)

Pamela Creedon (email)

Exhibit 10

23 December 2014 Record of Communication

CENTRAL VALLEY REGIONAL WATER QUALITY CONTROL BOARD

RECORD OF COMMUNICATION

Phone Call Other (specify) _____
 Meeting

PARTIES

*DALE E. ESSARY

JIM SWEENEY

DATE: 12/23/2014

TIME: 10:30

* Party Initiating Communication

SUBJECT: RESPONSE TO MR. SWEENEY'S 22 DECEMBER 2014 LETTER

FILE: SWEENEY DAIRY
 30712 ROAD 170
 VISALIA, CA
 WDID 5D545155N01

SUMMARY OF COMMUNICATION:

I called Mr. Sweeney to acknowledge receipt of his letter dated 22 December 2014, submitted via an email attachment in response to our pre-ACL letter issued to Sweeney Dairy for failure to submit the 2013 Annual Report. Among other things, Mr. Sweeney's letter expresses his interest in meeting with us at the Sweeney Dairy. I informed Mr. Sweeney that our intent for the meeting would be to enter into settlement discussions to negotiate the assessed penalty amount (\$12,012). I also informed Mr. Sweeney that meeting at the dairy for said purpose would be impractical, as it would require remote access for our legal staff and of our program files. Mr. Sweeney replied that meeting at the dairy is not crucial, but that he would prefer a meeting at a neutral site. Mr. Sweeney informed me that he would talk to his lawyer for advice on what to do. I informed Mr. Sweeney that I would be in the office all day today and tomorrow, but would be out of the office thereafter until Monday, 5 January 2015 when I return from vacation.

CONCLUSIONS, ACTION TAKEN OR REQUIRED:

REVIEWED BY:

DKP

WRITTEN BY: DEE

DEE

Exhibit 11

**Email Issued 23 January 2015 from Doug Patteson to
Discharger Acknowledging Discharger's Request to Meet**

Kaplowitz, Naomi@Waterboards

From: Patteson, Doug@Waterboards
Sent: Friday, January 23, 2015 4:14 PM
To: Japlus3 (japlus3@aol.com)
Cc: Rodgers, Clay@Waterboards; Kaplowitz, Naomi@Waterboards; Essary, Dale@Waterboards
Subject: Administrative Civil Liability

Mr. Sweeney,

Dale Essary has spoken with you about meeting to discuss a forthcoming Administrative Civil Liability. We would still like to meet with you if that is your desire also. Could you please call or email me if you would like to try to set up a meeting? Thanks.

Doug Patteson

Douglas K. Patteson, P.E.
Supervising Water Resource Control Engineer California Regional Water Quality Control Board, Central Valley Region
(Central Valley Water Board)
1685 E Street
Fresno, CA 93706
(559) 445-5577
doug.patteson@waterboards.ca.gov

Exhibit 12

**26 January 2015 email from Doug Patteson to Discharger
Regarding Contact Information and Request to Meet**

Kaplowitz, Naomi@Waterboards

From: Patteson, Doug@Waterboards
Sent: Monday, January 26, 2015 1:53 PM
To: jimsweeneydairy@gmail.com
Cc: Rodgers, Clay@Waterboards; Kaplowitz, Naomi@Waterboards; Essary, Dale@Waterboards
Subject: FW: Administrative Civil Liability

Mr. Sweeney,

I had sent an email last Friday, but found out that I had used your old email address (japlus3@aol.com).

Dale Essary has spoken with you about meeting to discuss a forthcoming Administrative Civil Liability complaint. We would still like to meet with you if that is your desire also. Could you please call or email me if you would like to try to set up a meeting? Thanks.

Doug Patteson

Douglas K. Patteson, P.E.
Supervising Water Resource Control Engineer California Regional Water Quality Control Board, Central Valley Region
(Central Valley Water Board)
1685 E Street
Fresno, CA 93706
(559) 445-5577
doug.patteson@waterboards.ca.gov

-----Original Message-----

From: Patteson, Doug@Waterboards
Sent: Friday, January 23, 2015 4:14 PM
To: Japlus3 (japlus3@aol.com)
Cc: Rodgers, Clay@Waterboards; Kaplowitz, Naomi@Waterboards; Essary, Dale@Waterboards
Subject: Administrative Civil Liability

Mr. Sweeney,

Dale Essary has spoken with you about meeting to discuss a forthcoming Administrative Civil Liability. We would still like to meet with you if that is your desire also. Could you please call or email me if you would like to try to set up a meeting? Thanks.

Doug Patteson

Douglas K. Patteson, P.E.
Supervising Water Resource Control Engineer California Regional Water Quality Control Board, Central Valley Region
(Central Valley Water Board)
1685 E Street
Fresno, CA 93706
(559) 445-5577

doug.patteson@waterboards.ca.gov

Exhibit 13

**Discharger's Legal Counsel's 29 January 2015 Response
to Doug Patteson's 23 January 2015 Email**

Robert M. Dowd*
Robert W. Gin*
Randy L. Edwards
Jim D. Lee
Jeffrey L. Levinson*
Raymond L. Carlson
Ty N. Mizote*
Michael R. Johnson*
Mario U. Zamora
Janee D. Lopes
Melissa E. Webb

*a Professional Corporation

GRISWOLD
LaSALLE
COBB DOWD & GIN LLP

Lyman D. Griswold
(1914-2000)

Michael E. LaSalle
(Retired)

Steven W. Cobb
(1947-1993)

ATTORNEYS

A California Limited Liability Partnership Including Professional Corporations

111 E. SEVENTH STREET
HANFORD, CA 93230

Telephone: (559) 584-6656
www.griswoldlasalle.com

Direct Facsimile: (800) 947-1859

carlson@griswoldlasalle.com

January 29, 2015

BY E-Mail doug.patteson@waterboards.ca.gov & U.S. MAIL

Douglas K. Patteson, P.E.

Supervising Water Resource Control Engineer

California Regional Water Quality Control Board, Central Valley Region

1685 E Street

Fresno, CA 93706

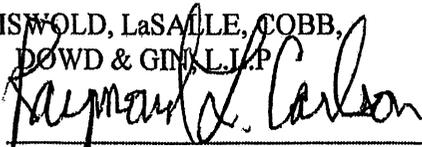
Re: Your E-Mail dated January 23, 2015 re Forthcoming ACLO

Dear Mr. Patteson:

This office represents Jim and Amelia Sweeney in the above matter. You inquire if Mr. and Mrs. Sweeney are interested in a meeting regarding the above matter. Mr. and Mrs. Sweeney are willing to meet with one representative of the Board's choosing (staff, Board member, attorney) at a neutral location between Visalia and Fresno. Note that Mr. Sweeney had already offered to meet at the dairy or a neutral location but you declined that offer. Also, please see enclosed the Court's Order to Stay Proceedings, filed November 6, 2014, in Asociacion de Gente Unida por el Agua v. Central Valley Regional Water Quality Control Board, Sacramento County Superior Court Case no. 2008-00003604-CU-WM-GDS. Under this Order, the 2013 and 2007 Orders are stayed pending the outcome of the Petitioners' appeal to the SWRCB of the 2013 Order. Note that the 2013 Order had been intended to be the return on the writ of mandate issued with respect to the 2007 Order. Under this Order, the 2007 and 2013 Orders may not be enforced.

Very truly yours,

GRISWOLD, LaSALLE, COBB,
DOWD & GIN LLP

By: 

RAYMOND L. CARLSON

Enclosure

cc: Jim Sweeney (w/ encl.)

C:\R\CSweeney Jim\Letters\Patteson 1 29 15.wpd

FILED
ENDORSED
NOV - 6 2014
By FRANK TEMMERMAN
Deputy Clerk

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James Wheaton (State Bar No. 115230)
Nathaniel Kane (State Bar No. 279394)
Lowell Chow (State Bar No. 273856)
ENVIRONMENTAL LAW FOUNDATION
1736 Franklin Street, 9th Floor
Oakland, CA 94612
Tel: (510) 208-4555
Fax: (510) 208-4562
Email: wheaton@envirolaw.org, nkane@envirolaw.org, lchow@envirolaw.org

Attorneys for Petitioners Environmental Law Foundation and
Asociacion de Gente Unida por el Agua
Additional counsel on next page

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SACRAMENTO

ASOCIACION DE GENTE UNIDA POR EL
AGUA, a California unincorporated association,
and ENVIRONMENTAL LAW FOUNDATION,
a California nonprofit organization,

Petitioners,

v.

CENTRAL VALLEY REGIONAL WATER
QUALITY CONTROL BOARD, a California
state agency,

Respondent.

COMMUNITY ALLIANCE FOR
RESPONSIBLE ENVIRONMENTAL
STEWARDSHIP, a California corporation,

Intervenor

Case No. 2008-00003604-CU-WM-GDS
(Related Case No. 2008-00003603-CU-
WM-GDS)

**[PROPOSED] ORDER TO STAY
PROCEEDINGS**

Hon. Timothy M. Frawley
Dept. 29

BY FAX

Additional counsel:

1
2 Lynne R. Saxton (State Bar No. 226210)
3 SAXTON & ASSOCIATES
4 912 Cole Street, Ste. 140
5 San Francisco, CA 94117
6 Tel: (415) 317-6713
7 Email: lynne@saxtonlegal.com
8 Attorneys for Petitioners Environmental Law Foundation and
9 Asociacion de Gente Unida por el Agua

10
11 Laurel Firestone (State Bar No. 234236)
12 COMMUNITY WATER CENTER
13 909 12th Street, Suite 200
14 Sacramento, CA 95814
15 Tel. (559) 789-7245
16 Fax (916) 706-2731
17 E-mail: laurel.firestone@communitywatercenter.org
18 Attorney for Petitioner Asociacion de Gente Unida por el Agua

19
20 Phoebe Seaton (State Bar No. 238273)
21 LEADERSHIP COUNSEL FOR JUSTICE AND ACCOUNTABILITY
22 764 P Street, Suite 12
23 Fresno, CA 93721
24 Telephone: (559) 369-2790
25 Email: pseaton@leadershipcounsel.org
26 Attorney for Petitioner Asociacion de Gente Unida por el Agua
27
28

1 WHEREAS, on April 17, 2013, the Court issued a Writ of Mandate directing Respondent Central
2 Valley Regional Water Quality Control Board ("Regional Board") to set aside its Waste Discharge
3 Requirements General Order for Existing Milk Cow Dairies (Order No. R5-2007-0035) ("the
4 Permit"), and

5
6 WHEREAS, the Writ of Mandate directed the Regional Board to reissue the Permit only after
7 application of, and compliance with, the State's anti-degradation policy as interpreted by the Court
8 of Appeal in its decision in *Asociacion de Gente Unida por el Agua v. Central Valley Regional*
9 *Water Quality Control Board* (2012) 20 Cal.App.4th 1244, and

10
11 WHEREAS, the Court directed the Regional Board to reissue the permit only after including,
12 without limitation, adequate findings that any allowed discharges to high quality water (1) will be
13 consistent with the maximum benefit to the people of the State, (2) will not unreasonably affect
14 present and anticipated beneficial use of the affected waters, (3) will not result in water quality
15 less than that prescribed in applicable water quality objectives, (4) that waste-discharging
16 activities will be required to use the best practicable treatment or control of the discharge
17 necessary to assure that (a) a pollution or nuisance will not occur, and (b) the highest water quality
18 consistent with the maximum benefit to the people of the State will be maintained, and

19
20 WHEREAS, the Writ of Mandate further commanded the Regional Board to file a Return within
21 180 days, and

22
23 WHEREAS, on October 3, 2013, the Regional Board rescinded the Permit and issued Order R5-
24 2013-0122, Reissued Waste Discharge Requirements General Order For Existing Milk Cow
25 Dairies ("General Order"), and

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1 WHEREAS, on October 11, 2013, the Regional Board filed a Return to the Writ of Mandate,
2 indicating that it had rescinded the Permit and adopted the General Order, and
3

4 WHEREAS, on November 4, 2013, Petitioners Asociacion de Gente Unida por el Agua
5 ("AGUA") and Environmental Law Foundation ("ELF") (collectively referred to hereafter as
6 "Petitioners") filed a Response to the Return to the Writ of Mandate, contending that the General
7 Order does not comply with the Writ of Mandate because it (1) allows continued degradation,
8 pollution, and/or nuisance, (2) does not require Best Practical Treatment and Control for existing
9 manure ponds, and (3) fails to conduct the required antidegradation analysis because it fails to
10 analyze any of the costs—whether economic or social, both tangible and intangible—of
11 degradation to the population at large, especially those in communities most impacted by
12 degradation, pollution and nuisance, and instead focuses solely on cost savings to the regulated
13 industry by not requiring measures to stop the pollution, and
14

15 WHEREAS, on November 5, 2013, Petitioners filed a petition to the State Water Resources
16 Control Board ("State Board") under Water Code § 13320 and California Code of Regulations,
17 title 23, §§ 2050-68 challenging the General Order as adopted by the Respondents, which included
18 among other issues, the three issues raised above, and
19

20 WHEREAS, Petitioners' Response to the Return to the Writ of Mandate asked the Court to stay
21 any further action on the Regional Board's return until the completion of administrative
22 procedures before the State Board, and
23

24 WHEREAS, Petitioners stated that if the State Board corrected the perceived deficiencies,
25 Petitioners would so inform the Court and the case could be terminated and further stated that if
26 the State Board does not correct the perceived deficiencies in the General Order, the Petitioners
27
28

1 would seek a further order from the Court, and

2

3 WHEREAS, on November 22, 2013, Intervenors Community Alliance for Responsible
4 Environmental Stewardship ("CARES") filed a Reply to Petitioner's Response to the Return to the
5 Writ of Mandate urging the Court to accept the Return and discharge the Writ, and

6

7 WHEREAS, on May 14, 2014, the Court issued a Case Management Order setting a Case
8 Management Conference for October 10, 2014, and

9

10 WHEREAS, on October 10, 2014, the Court held a Case Management Conference in Department
11 29, having heard argument from all parties and good cause appearing,

12

13 IT IS ORDERED that this case and its proceedings to determine the adequacy of the Regional
14 Board's Return to Writ of Mandate be stayed until such time as the State Board has issued a
15 decision or an order of dismissal on the petition filed before the State Board by Petitioners, or until
16 further order of this Court.

17

18 IT IS FURTHER ORDERED that Petitioners shall serve and file notice of the State Board's
19 decision promptly after receipt, which filing shall lift the stay. The Court will set a further Case
20 Management Conference thereafter.

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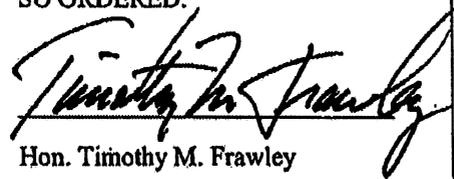
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Dated: Nov. 6, 2014

SO ORDERED:


Hon. Timothy M. Frawley

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Approved as to form:



Nathaniel Kane
Environmental Law Foundation
Attorneys for Petitioners Asociacion
de Gente Unida por el Agua and
Environmental Law Foundation

Teri H. Ashby
Attorney General of California
Office of the Attorney General
Attorneys for Respondent California
Regional Water Quality Control
Board, Central Valley Region

Theresa A. Dunham
Somach Simmons & Dunn
Attorneys for Intervenor CARES

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Approved as to form:



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Attorneys for Petitioners Asociacion
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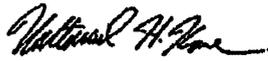


Teri H. Ashby
Attorney General of California
Office of the Attorney General
Attorneys for Respondent California
Regional Water Quality Control
Board, Central Valley Region

Theresa A. Dunham
Somach Simmons & Dunn
Attorneys for Intervenor CARES

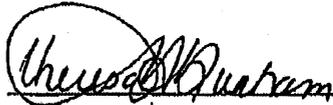
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Approved as to form:



Nathaniel Kane
Environmental Law Foundation
Attorneys for Petitioners Asociacion
de Gente Unida por el Agua and
Environmental Law Foundation

Teri H. Ashby
Attorney General of California
Office of the Attorney General
Attorneys for Respondent California
Regional Water Quality Control
Board, Central Valley Region



Theresa A. Dunham
Somach Simmons & Dunn
Attorneys for Intervenor CARES

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PROOF OF SERVICE

I, Nicole Feliciano, hereby declare:

I am over the age of 18 years and am not a party to this action. I am employed in the county of Alameda. My business address is 1736 Franklin Street, Ninth Floor, Oakland, CA 94612.

On November 3, 2014, I caused to be served the attached:

[PROPOSED] ORDER TO STAY PROCEEDINGS

X **BY MAIL.** I caused the above identified document(s) addressed to the party(ies) listed below to be deposited for collection at the Public Interest Law Offices or a certified United States Postal Service box following the regular practice for collection and processing of correspondence for mailing with the United States Postal Service. In the ordinary course of business, correspondence is deposited with the United States Postal Service on this day.

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct, and that this Declaration was executed at Oakland, California on November 3, 2014.



Nicole Feliciano
DECLARANT

Service List

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Lynne Saxton Saxton & Associates 912 Cole Street, #140 San Francisco, California 94117 Telephone: (415) 317-6713 lynne@saxtonlegal.com	<i>Attorney for Petitioners AGUA, ELF</i>
Teri H. Ashby Attorney General of California Office of the Attorney General 1300 "I" Street Sacramento, CA 95814-2919 Tel: (916) 327-4254 Fax: (916) 327-2319 teri.ashby@doj.ca.gov	<i>Attorney for Respondent California Regional Water Quality Control Board, Central Valley Region</i>
Theresa A. Dunham Somach Simmons & Dunn 500 Capitol Mall, Suite 1000 Sacramento, CA 95814 Telephone: (916) 446-7979 Facsimile: (916)446-8199 tdunham@somachlaw.com	<i>Attorney for Intervenor CARES</i>
Laurel Firestone COMMUNITY WATER CENTER 909 12th Street, Suite 200 Sacramento, CA 95814 Tel. (559) 789-7245 Fax (916) 706-2731 laurel.firestone@communitywatercenter.org	<i>Attorney for Petitioners AGUA</i>
Phoebe Seaton Leadership Counsel for Justice and Accountability 764 P Street, Suite 12 Fresno, CA 93721 Telephone: (559) 369-2790 pseaton@leadershipcounsel.org	<i>Attorney for Petitioners AGUA</i>

RECEIVED
CIVIL DROP BOX

2014 NOV -3 PM 2:21

GD830 COURT HOUSE
SUPERIOR COURT
OF CALIFORNIA
SACRAMENTO COUNTY

Exhibit 14

**Staff Counsel's 26 February 2015 Response to
Discharger's 29 January 2015 letter**



EDMUND G. BROWN JR.
GOVERNOR



MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board

February 26, 2015

**VIA E-MAIL AND CERTIFIED MAIL
NO. 7014 2870 0001 3250 1502**

Raymond L. Carlson
Griswold, Lasalle, Cobb, Dowd, and Gin, LLP
111 E. Seventh Street
Hanford, CA 93230
Carlson@griswoldlasalle.com

**SUBJECT: RESPONSE TO 29 JANUARY 2015 LETTER AND NOTICE OF
FORTHCOMING ASSESSMENT OF CIVIL LIABILITY FOR FAILURE TO
SUBMIT THE 2013 ANNUAL REPORT, SWEENEY DAIRY, WID
5D545155N01, 30712 ROAD 170, TULARE COUNTY**

Dear Mr. Carlson,

We are writing in response to your correspondence, dated 29 January 2015, informing the Water Quality Control Board, Central Valley Region (Central Valley Water Board) that your office represents Jim and Amelia Sweeney in the above referenced matter. On 5 December 2014, the Central Valley Water Board Prosecution Team sent a letter (Pre-Filing Letter) to your client regarding the assessment of administrative civil liability for their failure to submit a 2013 Annual Report for the subject facility, as required by Reissued Waste Discharge Requirements General Order for Existing Milk Cow Dairies, Order R5-2013-0122 (Reissued General Order) and accompanying Monitoring and Reporting Program (MRP). The Pre-Filing Letter included an offer to settle the subject violation and notified your client of the opportunity to meet with the Prosecution Team prior to the issuance of a complaint in that regard.

By way of this letter, the Prosecution Team retracts its 5 December 2014 offer to settle. The retraction is based on the Prosecution Team's mistake of fact regarding the application of the State Water Board's Water Quality Enforcement Policy (Enforcement Policy) factors to the violation alleged. The Prosecution Team has corrected the deficiencies in its application of those factors and plans to issue an Administrative Civil Liability (ACL) Complaint (Complaint) shortly.

We remain open to discussing the violation and reaching a resolution, which may preclude the need to have the matter resolved through a public hearing before the Central Valley Water Board. The forthcoming Complaint will include an attached waiver that provides your client with the opportunity to notify us of their intent to meet for the purpose of engaging in settlement negotiations.

In your 29 January 2015 letter, you stated that Mr. and Mrs. Sweeney are willing to meet with one representative of the Board's choosing at a neutral location between Visalia and Fresno to

FELICIA MARCUS, CHAIR | THOMAS HOWARD, EXECUTIVE DIRECTOR

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discuss a resolution to the subject violation. Please take note that should your client wish to discuss a resolution based on the forthcoming Complaint, such a meeting must include the attendance of all legal and technical staff required to enter into a settlement, as that would be the ultimate goal of meeting. We are willing to consider meeting at a location that would be convenient for your client.

The Prosecution Team is aware that your client has petitioned the State Water Resources Control Board's (State Board) prior ACL Orders issued to you by the Central Valley Water Board for review in accordance with California Water Code section 13320 and California Code of Regulations, title 23, sections 2050 et seq. However, the filing of a petition to the State Board does not stay your client's ongoing obligation to comply with the Reissued General Order, nor does it affect the Prosecution Team's authority to pursue formal enforcement for their failure to comply with the Reissued General Order. Furthermore, contrary to the statements you made in your 29 January 2015 letter, the 6 November 2014 Order to Stay Proceedings regarding the *Asociacion De Gente Unida Por El Agua v. Central Valley Regional Water Quality Control Board* case has no bearing on the subject enforcement matter.

Further delay in submitting the 2013 Annual Report subjects your client to ongoing penalties. Please contact me at (916) 341-5677 if you have any questions regarding this matter.

Sincerely,



Naomi Kaplowitz
Attorney, Office of Enforcement
State Water Quality Control Board

cc: (Via E-Mail Only)

Clay Rodgers
Clay.rodgers@waterboards.ca.gov

Dale Essary
Dale.Essary@waterboards.ca.gov

Doug Patteson
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Exhibit 15

Signed Certified Mail Return Receipt of
ACLC R5-2015-0506

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> ■ Complete Items 1, 2, and 3. Also, complete Item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece or on the front if space permits. 	<p>A. Signature <input checked="" type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</p>
Article Addressed to:	<p>B. Recipient by (Printed Name) C. Date of Delivery TIM SWEENEY 3-13-15</p>
<p>James G and Amelia M Sweeney Sweeney Dairy 30712 Road 170 Visalia, CA 93292</p>	<p>D. Is delivery address different from Item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If YES, enter delivery address below.</p>
	<p>3. Service Type: <input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Priority Mail Express® <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> Collect on Delivery</p>
<p>2. ZIP+4® Number (or from service label)</p>	<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>7013 2250 0002 0662 0194</p>	
<p>PS Form 3811, July 2013 Domestic Return Receipt</p>	