

ATTORNEYS AT LAW  
225 BROADWAY, SUITE 1900  
SAN DIEGO, CALIFORNIA 92101  
TELEPHONE: (619) 231-5858  
FACSIMILE: (619) 231-5853  
www.envirolawyer.com

SUZANNE R. VARCO  
svarco@envirolawyer.com

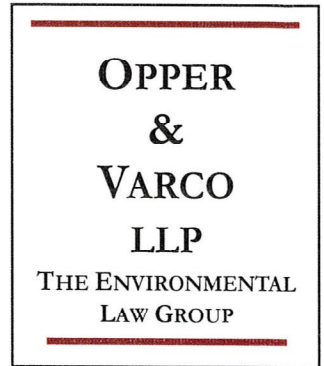
LINDA C. BERESFORD  
lindab@envirolawyer.com

S. WAYNE ROSENBAUM  
swr@envirolawyer.com

*Of Counsel*

RICHARD G. OPPER  
ropper@envirolawyer.com

February 3, 2016



**Via Hand Delivery**

Catherine Hagan, Esq.  
Senior Staff Counsel  
San Diego Regional Water Quality Control Board  
2375 North Side Drive, Suite 100  
San Diego, California 92108

Re: Administrative Civil Liability Complaint No. R9-2015-0110  
Submission of Evidence and Policy Statements by San Altos-Lemon Grove, LLC

Dear Ms. Hagan:

In accordance with the Revised Hearing Procedure ("Procedure") in the above referenced matter dated December 28, 2015, enclosed please find two (2) hard copies and one (1) electronic copy of the following as the Evidence and Policy Statements submitted on behalf of San Altos-Lemon Grove, LLC ("San Altos"):

1. Legal and Technical Arguments and Analysis in Opposition to Administrative Civil Liability Complaint No. R9-2015-0110 (Brief with Exhibits A and B attached)
2. Evidence and Exhibits
  - a. Declaration of:
    - i. Philip Dowley
    - ii. Scot Sandstrom
    - iii. Ben Anderson
    - iv. S. Wayne Rosenbaum
    - v. Dee Dee Everett
  - b. Deposition Transcripts of
    - i. Chiara Clemente (January 22, 2016)
    - ii. Brian Nemerow (December 29, 2015)
    - iii. Frank Melbourn (January 13, 2016)
    - iv. Frank Melbourn (January 14, 2016)
    - v. John Quenzer (December 29, 2015)
    - vi. Wayne Chiu (January 14, 2016)
    - vii. Gary Harper (December 28, 2015)
    - viii. Tad Nakatani (December 29, 2015)
    - ix. Malik Tamimi (December 28, 2015)
    - x. Leon Firsht (December 28, 2015)

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In addition, San Altos requests that the following documents which are already in the public files of the San Diego Regional Water Quality Control Board, be considered as part of its evidence and exhibits:

1. ACL Complaint No. R9-2015-0110, its technical analysis and all attachments (ACL Complaint package). The document can be located at:

[http://www.waterboards.ca.gov/sandiego/water\\_issues/programs/compliance/docs/acls/R9\\_2015\\_0110/02\\_acl\\_complaint.pdf](http://www.waterboards.ca.gov/sandiego/water_issues/programs/compliance/docs/acls/R9_2015_0110/02_acl_complaint.pdf)

[http://www.waterboards.ca.gov/sandiego/water\\_issues/programs/compliance/docs/acls/R9\\_2015\\_0110/02\\_acl\\_complaint.pdf](http://www.waterboards.ca.gov/sandiego/water_issues/programs/compliance/docs/acls/R9_2015_0110/02_acl_complaint.pdf). 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 can be located at:

[http://www.swrcb.ca.gov/water\\_issues/programs/stormwater/constpermits.shtml](http://www.swrcb.ca.gov/water_issues/programs/stormwater/constpermits.shtml).

3. State Water Resources Control Board Water Quality Enforcement Policy, Effective May 20, 2010.

[http://www.waterboards.ca.gov/water\\_issues/programs/enforcement/docs/enf\\_policy\\_final111709.pdf](http://www.waterboards.ca.gov/water_issues/programs/enforcement/docs/enf_policy_final111709.pdf)

4. ACL Complaint No. R9-2013-0152, its technical analysis and all attachments. The document can be located at:

[http://www.waterboards.ca.gov/sandiego/water\\_issues/programs/compliance/docs/acls/R9\\_2015\\_0110/02\\_acl\\_complaint.pdf](http://www.waterboards.ca.gov/sandiego/water_issues/programs/compliance/docs/acls/R9_2015_0110/02_acl_complaint.pdf)

5. Settlement Order No. R9-2015-0047. The document can be located at:

[http://www.waterboards.ca.gov/sandiego/board\\_decisions/adopted\\_orders/2015/R9-2015-0047.pdf](http://www.waterboards.ca.gov/sandiego/board_decisions/adopted_orders/2015/R9-2015-0047.pdf)

6. The Clean Water Act Section 305(b) and 303(d) integrated report for the San Diego Region. The document can be located at:

<http://www.sandiegocounty.gov/content/dam/sdc/pds/ceqa/Soitec-Documents/Final-EIR-Files/references/rtcref/ch3.1.4/2014-12->

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19\_SWRCB\_2010IntegratedReportonWaterQualitywithWebBasedInteractiveMap.pdf

The following witnesses may be called at the hearing:

Witness	Subject of Testimony	Time Estimated
Phil Dowley	Focus Valencia Hills Project, costs incurred for land acquisition and associated work, costs incurred to pay for storm water controls, profits from project	10 minutes
S. Wayne Rosenbaum	Calculation of penalties based on Water Board Enforcement Policy and associated Legal Arguments	50 minutes
Ben Anderson	Preparation and Implementation of Corrective Action Report	10 minutes
Scott Sandstrom	Industry Practice on Implementation of Storm Water BMPs	10 minutes
Chiara Clemente	Application of Water Board Enforcement Policy	10 minutes

Scott Sandstrom is appearing as an expert witness to provide an opinion on industry practice and the standard of care regarding the implementation of storm water BMPs at construction sites and associated clean-up activities at construction sites. Mr. Sandstrom has been a general contractor since 1987 and has knowledge of construction industry practices and the general standard of care followed by the industry in the implementation of the General Construction Storm Water Permit Order No. 2009-0009-DWQ.

San Altos may also call Marve Sachse of Brash Industries as a non-party witness on behalf of the Building Industry Association to discuss common industry practices and the implementation of the General Construction Storm Water Permit Order No. 2009-0009-DWQ. Mr. Sachse is a PE, QSD, QSP, and a Trainer of Record for the General Construction Permit.

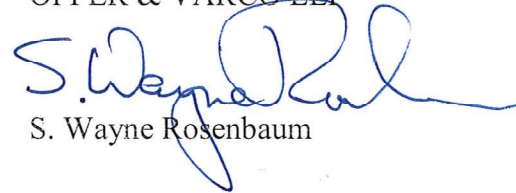
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We have provided the documents provided on page one of this letter to the Prosecution Team. We have not provided the documents listed on page 2 as they are publicly available through the URI provided.

Please let me know if you have any questions or if we need to provide any additional information at this time.

Sincerely,

OPPER & VARCOLLP



S. Wayne Rosenbaum

Enclosures

cc: Laura Drabandt, Esq. (via electronic delivery)  
David Boyers, Esq. (via electronic delivery)