



**MILLER STARR
REGALIA**

1331 N. California Blvd.
Fifth Floor
Walnut Creek, CA 94596

T 925 935 9400
F 925 933 4126
www.msrllegal.com

Wilson F. Wendt
wilson.wendt@msrllegal.com

September 18, 2015

**VIA EMAIL AGNES.FARRES@WATERBOARDS.CA.GOV AND OVERNIGHT
DELIVERY**

Bruce H. Wolfe
Executive Director
c/o Agnes Farres
San Francisco Bay Regional Water Quality
Control Board
1515 Clay Street, Suite 1400
Oakland, CA 94612

Re: Cleanup and Abatement Order No. R2-2015-0038

Dear Mr. Wolfe:

As you know, Miller Starr Regalia represents John Sweeney, the managing member of the Point Buckler LLC. We are in receipt of Cleanup and Abatement Order No. R2-2015-0038 (the "CAO"), asserting that my client conducted unauthorized levee construction activities at Point Buckler Island.

We respectfully are requesting that the Regional Water Board schedule a hearing on the merits of the CAO. Pursuant to State Water Board Order No. WQ 86-13, pages 5 and 16, the State Water Board has provided that an alleged discharger may request an opportunity to be heard by the Regional Water Board, and that the Regional Water Board must maintain the flexibility to revise an order as further information, including information and arguments submitted by the alleged discharger, become available. This guidance is consistent with Water Code section 13307.1(b), which provides that the Regional Water Board "shall take all reasonable steps necessary to accommodate responsible landowner participation in the cleanup ... and shall consider all input and recommendations from any responsible landowner wishing to participate."

We believe the record concerning the land use plans that govern the management of Point Buckler Island, and any work performed by Mr. Sweeney, has become confused. As you know, activities at Point Buckler have undergone review by various agencies in a piecemeal fashion, and no one agency has provided an opportunity to give this matter a comprehensive look in any formal setting. Accordingly, my client wishes to participate fully in the Regional Water Board's process, and we believe that an evidentiary hearing on the CAO before the Regional

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Water Board members would help clarify this record and provide the Regional Water Board and my client a forum to ask and answer questions about the issues at hand. If you could please respond to this request for a hearing by Wednesday, September 23, 2015, we would greatly appreciate it.

In the meantime, we reiterate our offer to come and meet with you and your staff to discuss this matter, an offer we originally made after receiving the Regional Water Board's notice of violation dated July 28, 2015. We understood that your staff would get back to us with a time that was convenient for them to meet, and so we were somewhat surprised to have received the CAO. Again, let me stress that we want to approach this in a cooperative fashion, and work out a solution that is satisfactory to you. If you ever have any questions or need information, please call me on my direct line, (925) 941-3217.

Very truly yours,

MILLER STARR REGALIA

Wilson F. Wendt

Wilson F. Wendt

WFW:jj

cc: John Sweeney, john@spinnerisland.com
George "Bill" Speir, Esq., Miller Starr Regalia
Sean Marciniak, Esq., Miller Starr Regalia
U.S. Environmental Protection Agency
Bill Lee, lee.bill@epa.gov
Corps, SF Regulatory Branch
Katerina Galacatos, Katerina.Galacatos@usace.army.mil
Jane Hicks, jane.m.hicks@usace.army.mil
California Department of Fish and Wildlife
Jim Starr, Jim.Starr@wildlife.ca.gov
San Francisco Bay Conservation and Development Commission
Maggie Weber, maggie.weber@bccdc.ca.gov