

State Water Resources Control Board

August 11, 2016

VIA CERTIFIED REGULAR MAIL AND ELECTRONIC MAIL

Nancy K. Donovan and Stephen J. Peters
21451 Hwy 128
Yorkville, CA 95494.
n.donovan@LIVE.COM

Dear Ms. Donovan and Mr. Peters:

FAILURE TO SUBMIT NOTICE OF INTENT TO APPEAR AT PUBLIC HEARING CONCERNING THE IMPOSITION OF ADMINISTRATIVE CIVIL LIABILITY UPON AND ADOPTION OF CEASE AND DESIST ORDER AGAINST NANCY K. DONOVAN AND STEPHEN J. PETERS – NAVARO RIVER WATERSHED IN MENDOCINO COUNTY

Nancy K. Donovan and Stephen J. Peters (hereafter Respondents) have failed to submit to the State Water Resources Control Board (State Water Board or Board) a Notice of Intent to Appear (NOI) for the October 12, 2016 Public Hearing to determine whether to issue a cease and desist order (CDO) against and whether to impose administrative civil liability (ACL) upon the Respondents.

The Respondents were served with an ACL complaint and draft CDO on June 14, 2012. In letters dated July 6, 2012 and July 18, 2012, respectively, Mr. Peters and Ms. Donovan acknowledged receipt of the ACL complaint and draft CDO and requested a hearing. On March 13, 2015, the State Water Board issued a [Notice of Public Hearing](#) setting July 1, 2015 as the hearing date. Based on requests by Ms. Donovan, the Hearing Officers agreed on multiple occasions to postpone the hearing, which is now rescheduled to commence on Wednesday, October 12, 2016. (See [Notice of Postponement of Public Hearing](#).)

On July 21, 2016, the State Water Board issued a [Notices of Rescheduled Public Hearing](#), which provides: (1) rescheduled hearing date, (2) revised deadline for participants to submit a NOI form; and (3) revised deadline for receipt and service of witnesses' proposed testimony, exhibits, lists of exhibits, qualifications, and statement of service. The revised deadline to submit an NOI was **12 Noon, August 10, 2016**. The State Water Board did not receive Respondents' NOI by the deadline.

The original March 13, 2015 hearing notice provides:

If Nancy K. Donovan and Stephen J. Peters fail to submit a Notice of Intent to Appear by the deadline specified in this notice, the State Water Board will deem the request for a hearing regarding the issuance of a cease and desist order and imposition of administrative civil liability to be withdrawn, and the Board may adopt the draft CDO and impose administrative civil liability in the amount of \$40,000 without further notice. If

Nancy K. Donovan and Stephen J. Peters withdraw their hearing request, the Board may also adopt the draft CDO and impose administrative civil liability without further notice.

Accordingly, if the Respondents did not intend to withdraw their hearing request, they must immediately submit a NOI to:

Division of Water Rights
State Water Resources Control Board
Attention: Michael Buckman

By Mail: P.O. Box 2000, Sacramento, CA 95812-2000

By Hand Delivery: Joe Serna, Jr.-CalEPA Building
1001 I Street, 2nd Floor, Sacramento, CA 95814

By Fax: (916) 341-5400

By Email: wrhearing@waterboards.ca.gov
With Subject of "Donovan/Peters Hearing"

In completing the enclosed NOI form, Respondents must check one of the following boxes: 1) "I/we plan to call the following witnesses to testify at the hearing" or 2) "I/we intend to participate by cross-examination or rebuttal only." If the Respondents plan to call witnesses, they must identify each witness on the NOI and provide his or her: 1) name, 2) subject of proposed testimony, 3) estimated length of direct testimony, and 4) status as an expert witness.

If we do not receive a NOI from the Respondents by **12:00 Noon, Friday, August 19, 2016**, the State Water Board will immediately issue a notice cancelling the public hearing they requested and may immediately impose ACL upon them and adopt the draft CDO against them without further notice.

Should a settlement be reached as a result of private settlement discussions between the Prosecution Team and Respondents, the hearing team should be notified as soon as possible. Counsel to the Prosecution Team, Kenneth P. Petruzzelli, Attorney III, in this matter can be reached by telephone at 916-319-8577 or by e-mail at kenneth.petruzzelli@waterboards.ca.gov.

Otherwise, if the Respondents have non-controversial procedural questions, they may contact Senior Staff Counsel Samantha Olson at (916) 327-8235, or by email to samantha.olson@waterboards.ca.gov; or Staff Engineer Ernest Mona at (916) 341-5359, or by email to ernie.mona@waterboards.ca.gov. (Gov. Code, § 11430.20, subd. (b).)

Sincerely,

ORIGINAL SIGNED BY

Michael Buckman, Chief
Hearing Unit

NOTICE OF INTENT TO APPEAR

_____ plans to participate in the water right hearing regarding
(Name of party or participant)

Draft Cease and Desist Order
and Administrative Civil Liability
against
Nancy K. Donovan and Stephen J. Peters

**Rescheduled to commence
Wednesday, October 12, 2016 at 9:00 a.m.**

1) Check only one (1) of the following:

- I/we intend to present a policy statement only.
- I/we intend to participate by cross-examination or rebuttal only.
- I/we plan to call the following witnesses to testify at the hearing. (Fill in the Following Table)

Name	Subject of Proposed Testimony	Estimated Length of Direct Testimony	Expert Witness (Yes/No)

(If more space is required, please add additional pages or use reverse side.)

2) Fill in the following information of the Participant, Party, Attorney, or Other Representative:

Name (Print): _____

Mailing Address: _____

Phone Number: () _____ Fax Number: () _____

E-mail: _____

Optional:

- I/we decline electronic service of hearing-related materials.

Signature: _____ Date: _____