

From: [Froelich, Sophie@Waterboards](mailto:Froelich,Sophie@Waterboards)
To: [Macedo, Julie@Waterboards](mailto:Macedo,Julie@Waterboards); [Packard, Harvey@Waterboards](mailto:Packard,Harvey@Waterboards); [Lodge, Ryan@Waterboards](mailto:Lodge,Ryan@Waterboards); [Keeling, Matt@Waterboards](mailto:Keeling,Matt@Waterboards); jsmorganics@gmail.com; javzam@yahoo.com
Cc: [Tryon, Thea@Waterboards](mailto:Tryon,Thea@Waterboards); [Anderson, Tamara@Waterboards](mailto:Anderson,Tamara@Waterboards); [Richter, Paula@Waterboards](mailto:Richter,Paula@Waterboards); [Young, Stephanie@Waterboards](mailto:Young,Stephanie@Waterboards); [Hamilton, Mary@Waterboards](mailto:Hamilton,Mary@Waterboards)
Subject: RE: PT Evidentiary Submission - ACLC R3-2023-0050 (Rebuttal)
Date: Tuesday, October 3, 2023 6:09:04 PM

To all Parties:

The Chair has considered this submission and recognizes that the Prosecution Team has expressed legitimate concerns. The Hearing Procedures were clear on this matter: Evidence, excluding rebuttal evidence, but which would include, for Mr. Zamora, any evidence concerning ability to pay or tenant leases, should have been submitted by 5:00 p.m. on September 18, 2023. Even though reminded on September 21, 2023 to submit evidence immediately by the Advisory Team, Mr. Zamora failed to do so.

Therefore, **the Chair directs Mr. Zamora to submit any evidence that he will seek to introduce at the hearing on October 19, 2023 no later than 5:00 p.m. on October 10, 2023.** Failure to do so may result in exclusion of evidence at the hearing. If Mr. Zamora does not submit any evidence by October 10, 2023, and instead brings it to the hearing, the Board will consider any objections to that evidence at that time.

Thank you,

Sophie Froelich

From: Macedo, Julie@Waterboards <Julie.Macedo@waterboards.ca.gov>
Sent: Friday, September 29, 2023 3:21 PM
To: Froelich, Sophie@Waterboards <Sophie.Froelich@Waterboards.ca.gov>; Packard, Harvey@Waterboards <Harvey.Packard@waterboards.ca.gov>; Lodge, Ryan@Waterboards <Ryan.Lodge@waterboards.ca.gov>; Keeling, Matt@Waterboards <Matt.Keeling@waterboards.ca.gov>; jsmorganics@gmail.com; javzam@yahoo.com
Cc: Tryon, Thea@Waterboards <Thea.Tryon@waterboards.ca.gov>; Anderson, Tamara@Waterboards <Tamara.Anderson@waterboards.ca.gov>; Richter, Paula@Waterboards <Paula.Richter@Waterboards.ca.gov>; Young, Stephanie@Waterboards <Stephanie.Young@Waterboards.ca.gov>; Hamilton, Mary@Waterboards <Mary.Hamilton@waterboards.ca.gov>
Subject: RE: PT Evidentiary Submission - ACLC R3-2023-0050 (Rebuttal)

Chair and Advisory Team:

Consistent with the Hearing Procedures for this matter, we are providing this rebuttal submission, which consists of this update and no new exhibits.

After receiving the Advisory Team inquiry on September 21, 2023 about communication with JSM Organics, a member of the Prosecution Team reached out to Mr. Zamora on September 25, 2023.

Mr. Zamora confirmed that he would attend the October 19, 2023 hearing. He asked us to resend our request for additional financial information, reflected in an August 24, 2023 communication. We also inquired about him submitting the past due 2021 TNA reporting, because he has two tenants and he indicated he wanted to get their information prior to submission. He indicated there was some difficulty in reaching them, and on September 25, 2023, we indicated that he could enter his TNA data (solely for his farming activities at El Rancho Triple M) even without the tenants' information to submit the past due 2021 TNA Report for the acreage he farmed during that reporting year. To date, he has yet to contact anyone at the Central Coast Water Board to unlock the GeoTracker form for this reporting to be submitted. Of the multiple cases that progressed to written Notices of Violation and Administrative Civil Liability Complaints, JSM Organics is the sole operator who has not resolved this violation by submitting the past due TNA reporting, regardless of whether a penalty was assessed or agreed to.

Mr. Zamora indicated that he would bring the financial documentation to the hearing. This obviously prevents the Prosecution Team's expert from reviewing it and determining if there are other relevant factors or if the information submitted can support a finding that would allow the penalty to be reduced pursuant to Step 6 of the Enforcement Policy prior to the hearing.

During the September 25, 2023 call, we asked Mr. Zamora to provide his tenant leases to the Prosecution Team, to inform an effort to obtain the tenants' TNA reporting. He indicated that in previous conversations we had made it clear that he was the party responsible for submitting this reporting for all acreage that he enrolled. We responded that we were not changing our position, but trying to make sure that the TNA reporting is accurate as to what acreage he farms on El Rancho Triple M and that we might be able to reach out to the tenants directly to have them submit this information separately.

We re-sent the August 24, 2023 email to Mr. Zamora on September 28, which summarized the financial information he gave us and the financial information we still need to be able to evaluate an inability to pay. We have not heard from him since the call on the morning of September 25, 2023.

Given that Mr. Zamora did not respond to the Prosecution Team's evidentiary submission, we will not submit further briefing or exhibits beyond this update. We are unaware of any interested parties in this matter. There were not any objections to prehearing evidence that we need to respond to. The Prosecution Team does not request additional hearing time. Based on the information conveyed by Mr. Zamora, it is unclear if we will receive any additional documentation, including the financial information, prior to the hearing. We must object on these grounds, as it prejudices the Prosecution Team's ability to fully evaluate the contents. If the Advisory Team would like us to submit the September 28, 2023 email from Central Coast Water Board staff to Mr. Zamora, we can do so. Ms. Richter will also be available at the hearing in the event there any questions for her as to her conversation with Mr. Zamora on September 25.

Please let me know if you have any questions. – JM

From: Froelich, Sophie@Waterboards <Sophie.Froelich@Waterboards.ca.gov>

Sent: Thursday, September 21, 2023 4:34 PM

To: Macedo, Julie@Waterboards <Julie.Macedo@waterboards.ca.gov>; Packard, Harvey@Waterboards <Harvey.Packard@waterboards.ca.gov>; Lodge, Ryan@Waterboards <Ryan.Lodge@waterboards.ca.gov>; Keeling, Matt@Waterboards <Matt.Keeling@waterboards.ca.gov>; jsmorganics@gmail.com; javszam@yahoo.com

Cc: Tryon, Thea@Waterboards <Thea.Tryon@waterboards.ca.gov>; Anderson, Tamara@Waterboards <Tamara.Anderson@waterboards.ca.gov>; Richter, Paula@Waterboards <Paula.Richter@Waterboards.ca.gov>; Young, Stephanie@Waterboards <Stephanie.Young@Waterboards.ca.gov>; Hamilton, Mary@Waterboards <Mary.Hamilton@waterboards.ca.gov>

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Mr. Zamora,

Pursuant to the Hearing Procedures in this matter, JSM Organics should have submitted its prehearing evidence (except for rebuttal evidence) and argument (that is, a brief or other letter stating its case) to the Advisory Team no later than September 18, 2023. To date, however, we have not received anything.

Please advise us of whether you intend to submit anything as soon as possible; and if you do, please submit it as soon as possible. Ms. Macedo, could you please let us know if you have heard anything from Mr. Zamora on this issue?

Thank you,

Sophie Froelich

From: Macedo, Julie@Waterboards <Julie.Macedo@waterboards.ca.gov>

Sent: Tuesday, September 5, 2023 3:45 PM

To: Froelich, Sophie@Waterboards <Sophie.Froelich@Waterboards.ca.gov>; Packard, Harvey@Waterboards <Harvey.Packard@waterboards.ca.gov>; Lodge, Ryan@Waterboards <Ryan.Lodge@waterboards.ca.gov>; Keeling, Matt@Waterboards <Matt.Keeling@waterboards.ca.gov>; jsmorganics@gmail.com; javszam@yahoo.com

Cc: Tryon, Thea@Waterboards <Thea.Tryon@waterboards.ca.gov>; Anderson, Tamara@Waterboards <Tamara.Anderson@waterboards.ca.gov>; Richter, Paula@Waterboards <Paula.Richter@Waterboards.ca.gov>; Young, Stephanie@Waterboards <Stephanie.Young@Waterboards.ca.gov>; Hamilton, Mary@Waterboards <Mary.Hamilton@waterboards.ca.gov>

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Advisory Team:

Consistent with the recent Hearing Procedures issued in this matter, please find the following attachments to this email:

1. A cover letter containing witness disclosures pursuant to the allotted hearing time;

2. An index of evidence; and
3. The Prosecution Team's opening brief.

The exhibits, other than the first two exhibits which are publicly available, will be provided in pdf form in a series of emails.