

Lahontan Regional Water Quality Control Board

March 4, 2016

Patty Z. Kouyoumdjian, Executive Officer
Regional Water Quality Control Board, Lahontan Region
2501 Lake Tahoe Blvd.
South Lake Tahoe, CA 96150

ARAMARK ACL HEARING: TRANSMITTAL OF LAHONTAN WATER BOARD PROSECUTION TEAM'S WRITTEN MATERIALS FOR CONSIDERATION OF ADMINISTRATIVE CIVIL LIABILITY COMPLAINT NO. R6T-2016-0006 EL DORADO COUNTY, WDID NO. 6A091503011

Pursuant to the February 19, 2016 Hearing Procedures, I am submitting a hard copy original, an electronic copy, and 15 hardcopies (double-sided, three-hole punched) of the Lahontan Water Board Prosecution Team's written materials to you for the above-referenced case. Additional copies are also provided to Kim Niemeyer, John Prager, John Phillips, and The Corporation Trust Company of Nevada in accordance with the Hearing Procedures.

Please contact me at (530) 542-5432 if you have any questions regarding this matter.



Scott C. Ferguson, P.E.
Supervising Water Resource Control Engineer

Enclosure: Lahontan Water Board Prosecution Team's Written Materials

cc (w/enclosure via certified mail):

John Prager/SWRCB, Office of Enforcement
Kimberly Niemeyer/SWRCB, Office of Chief Counsel
John Phillips, Fleet and Facilities Director, Aramark Sports and Entertainment Services, LLC, Travel Systems LLC
The Corporation Trust Company of Nevada, Registered Agent

cc (w/encl): Steve Sweet, Tahoe Regional Planning Agency
Ken Kasman, Tahoe Regional Planning Agency,
Bob Hosea, California Department of Fish and Wildlife,
Karen Bender, El Dorado County Department of Environmental Health
Krista Costantini, El Dorado County Department of Environmental Health

Jason Burke, Stormwater Program Coordinator, City of South Lake Tahoe
Dan Jack, Ski Run Marina
Elie Alyeshmerni

**REGIONAL WATER QUALITY CONTROL BOARD, LAHONTAN REGION
PUBLIC HEARING SCHEDULED FOR MAY 11-12, 2016**

**PROSECUTION TEAM TRANSMITTAL OF WRITTEN MATERIALS FOR
CONSIDERATION OF ADMINISTRATIVE CIVIL LIABILITY COMPLAINT NO.
R6T-2016-0006**

FOR

**ARAMARK,
EL DORADO COUNTY**

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SECTION I

LIST OF WITNESSES

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1. Eric J. Taxer, P.E., Water Resource Control Engineer, Regional Water Quality Control Board, Lahontan Region
2. Lisa Scorable, Engineering Geologist, Regional Water Quality Control Board, Lahontan Region
3. Cathe Pool, P.E., Senior Water Resource Control Engineer, Chief - Enforcement and Special Projects Unit, Regional Water Quality Control Board, Lahontan Region
4. Scott C. Ferguson, P.E., Supervising Water Resource Control Engineer, Manager - Cleanup and Enforcement Division, Regional Water Quality Control Board, Lahontan Region
5. Lauri Kemper, P.E., Assistant Executive Officer, Regional Water Quality Control Board, Lahontan Region
6. Bryan Elder, Water Resource Control Engineer, State Water Resources Control Board
7. Beth Vollmer, private citizen.
8. Bryan Vyverberg, El Dorado County Environmental Management Division
9. Curtis Kiesel, El Dorado County Environmental Health
10. Jason Burke, Stormwater Program Coordinator, City of South Lake Tahoe

The Prosecution Team reserves the right to call Rebuttal Witnesses to address legal argument or testimony by a Designated Party.

SECTION II

SUMMARY OF TESTIMONY

**SUMMARY OF TESTIMONY OF ERIC J. TAXER, LISA SCORALLE,
CATHE POOL, SCOTT C. FERGUSON, LAURI KEMPER, and BRYAN ELDER**

- Travel Systems, LLC, and Aramark Sports and Entertainment Services, LCC own and operate the Tahoe Queen vessel;
- Evidence supporting violations of Section 301 of the federal Water Pollution Control Act (33 U.S.C. § 1311), Water Code section 13376, Water Code section 13350, subdivision (a), and prohibitions contained in the *Water Quality Control Plan for the Lahontan Region*.
- Testimony regarding background information about the Tahoe Queen vessel, spill reports and inspections associated with the Tahoe Queen vessel, maintenance and training history associated with the Tahoe Queen vessel, Discharger's ability to pay, enforcement options, and details of the proposed order.
- Testimony regarding the discharge of hydraulic oil, cleanup efforts, and beneficial use impacts from the spill.
- Legal authority for the Lahontan Water Board to adopt the proposed administrative liability; and
- Recommendation to the Lahontan Water Board.

**SUMMARY OF TESTIMONY OF
BETH VOLLMER, BRYAN VYERBERG, CURTIS KIESEL, and JASON BURKE**

- Testimony regarding the discharge of hydraulic oil, cleanup efforts, and beneficial use impacts from the spill.

SUMMARY OF TESTIMONY OF BRYAN ELDER

- Testimony regarding Economic Benefit Determination

SECTION III

LIST OF DOCUMENTS INCLUDED BY REFERENCE

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1. Water Quality Control Plan for the Lahontan Region (Basin Plan). Located at Lahontan Regional Water Board South Lake Tahoe office.
2. California Water Code
3. California Code of Regulations
4. Water Board Files for the Tahoe Queen. Documents prior to May 1, 2015 are located at Lahontan Regional Water Board South Lake Tahoe office. Documents on and after May 1, 2015 are located electronically.
5. State Water Resources Control Board, Water Quality Enforcement Policy, Effective May 20, 2010. Available on the State Water Board website at: http://www.waterboards.ca.gov/water_issues/programs/enforcement/docs/enf_policy_final111709.pdf
6. Aramark Spill Report Dated March 16, 2015. Located electronically and on the Lahontan Water Board website.
7. Aramark Supplemental Spill Report Dated March 24, 2015. Located electronically and on the Lahontan Water Board website.
8. Aramark Technical Report Dated August 28, 2015. Located electronically and on the Lahontan Water Board website.
9. United States Department of Health and Human Services, Agency for Toxic Substances and Disease Registry report, Chemical and Physical Information for Hydraulic Fluid. Located electronically and on the Lahontan Water Board website.
10. Lahontan Water Board Documents related to Reporting and Investigating the Spill. Located electronically and on the Lahontan Water Board website.
11. March 6, 2015 electronic mail from Lauri Kemper to Scott Ferguson, et al. Located electronically and on the Lahontan Water Board website.
12. Wikipedia page for the Tahoe Queen transfer to Aramark from Hornblower Cruises: https://en.wikipedia.org/wiki/Hornblower_Cruises.
13. Financial information for Aramark, located at <http://www.msn.com/en-us/money/stockdetails/financials/fi-126.1.ARMK.NYS>.