
San Francisco Bay Regional Water Quality Control Board

May 25, 2016

Lawrence S. Bazel
Briscoe Ivester & Bazel LLP
155 Sansome Street, 7th Floor
San Francisco, CA 94104

Subject: Hearing on Administrative Civil Liability Complaint No. R2-2016-1008 (John D. Sweeney and Point Buckler Club, LLC)

Dear Mr. Bazel:

The Advisory Team has received your May 22, 2016, letter requesting to reschedule the Water Board's August 10, 2016, hearing on Administrative Civil Liability Complaint No. R2-2016-1008 (Complaint) and Tentative Cleanup and Abatement Order (CAO). That letter attached a signed waiver of your clients' right to a hearing before the Water Board within 90 days of issuance of the Complaint.

The Advisory Team has considered your request and agrees that it is appropriate to reschedule the hearing on the Complaint. Accordingly, the Advisory Team directs the parties to meet and confer to determine a mutually agreeable hearing date on the Complaint and to make a recommendation to the Advisory Team to revise the Hearing Procedure to reflect updated interim deadlines. Your letter indicates that the Prosecution Team is meeting with you and your clients on June 9, 2016.

Consideration of the CAO for Mr. Sweeney and Point Buckler Club, LLC will, however, proceed as scheduled for hearing on August 10, 2016. Although the Prosecution Team recommended that the CAO and the Complaint be considered in a single hearing for the parties' and the Water Board's convenience, they are separate items and need not be heard together. As the Prosecution Team points out in its May 25, 2016, response to your letter, the purpose of the CAO is to remediate existing impacts and to restore beneficial uses. The Advisory Team agrees that this purpose is not furthered by delaying consideration of the CAO. The 30-day comment period, which closes on June 16, 2016, gives the parties adequate opportunity to respond to the CAO. Should the parties, either based on their June 9, 2016, meeting or any subsequent meetings before the August 10, 2016, hearing, recommend rescheduling the August 10 hearing on the CAO, the Advisory Team will make a determination on whether to reschedule the CAO hearing at that time.

Please note, as indicated in Lori Okun's May 24, 2016, email correspondence to you, David Coupe, Attorney IV, has been added as a member of the Advisory Team. Mr. Coupe has had no communications with the Prosecution Team concerning this proceeding.

Additional questions of a procedural nature may be addressed to me and copied to all parties.

Sincerely,

Marnie Ajello
Staff Counsel and Member of the Advisory
Team

cc: **Advisory Team**

Bruce Wolfe, Executive Officer Bruce.Wolfe@waterboards.ca.gov

Stephen Hill, Division Chief Stephen.Hill@waterboards.ca.gov

Liz Morrizon, Environmental Scientist Elizabeth.Morrison@waterboards.ca.gov

Elizabeth Wells, Water Resource Control Engineer
Elizabeth.Wells@waterboards.ca.gov

David Coupe, Attorney IV David.Coupe@waterboards.ca.gov

Prosecution Team

Dyan C. Whyte, Assistant Executive Officer DWhyte@waterboards.ca.gov

Keith Lichten, Division Chief Keith.Lichten@waterboards.ca.gov

Bill Hurley, Section Leader Bill.Hurley@waterboards.ca.gov

Brian Thompson, Section Leader Brian.Thompson@waterboards.ca.gov

Agnes Farres, Environmental Scientist Agnes.Farres@waterboards.ca.gov

Benjamin Martin, Environmental Scientist Benjamin.Martin@waterboards.ca.gov

Tamarin Austin, Attorney IV Tamarin.Austin@waterboards.ca.gov

Laura Drabandt, Attorney III Laura.Drabandt@waterboards.ca.gov

Julie Macedo, Attorney IV Julie.Macedo@waterboards.ca.gov