



EDMUND G. BROWN JR.
GOVERNOR



MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board

June 25, 2014

VIA OVERNIGHT DELIVERY
TRACKING NO.
8770 9443 7634

Robert C. Mann (individual and trustee)
Robert C. Mann 1999 Trust
29876 King Ridge Rd
Cazadero, CA 95421

Dear Mr. Mann:

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 ROBERT MANN (INDIVIDUAL AND TRUSTEE) AND ROBERT C. MANN 1999 TRUST – SONOMA COUNTY

Robert Mann (individual and trustee) and Robert C. Mann 1999 Trust (collectively Mann) have failed to submit to the State Water Resources Control Board (State Water Board or Board) a Notice of Intent to Appear for the **August 26-27, 2014** Public Hearing to determine whether to issue a cease and desist order (CDO) against and whether to impose administrative civil liability (ACL) upon Mann.

You were mailed an ACL complaint and draft CDO dated June 14, 2012. In a letter dated July 2, 2012, you acknowledged receipt of the ACL complaint and draft CDO and requested a hearing. On April 18, 2014, Kathleen Groody, of my staff, sent a letter informing you that a hearing was tentatively scheduled for August 26 and 27, 2014, and directing you to inform her of any conflicts within ten days. Ms. Groody received no response.

On or about June 4, 2014, you received a Notice of Public Hearing (Notice), informing you that a public hearing would take place on August 26 and 27, 2014, and directing you to complete an enclosed Notice of Intent to Appear and submit it to Ms. Groody no later than 12:00 p.m. on **June 19, 2014**. The Notice further stated: **"If Mann fails 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for a hearing regarding the issuance of a cease and desist order and imposition of administrative civil liability to be withdrawn, and the Board may adopt the draft CDO and impose administrative civil liability in the amount of \$66,000 without further notice."**

Consequently, the State Water Board deems Mann's hearing request withdrawn and may adopt the draft CDO and impose ACL upon them in the amount of \$66,000 without further

FELICIA MARCUS, CHAIR | THOMAS HOWARD, EXECUTIVE DIRECTOR

1001 I Street, Sacramento, CA 95814 | Mailing Address: P.O. Box 100, Sacramento, Ca 95812-0100 | www.waterboards.ca.gov

notice. If you did not intend to withdraw your hearing request, you must immediately submit a Notice of Intent to Appear to:

By Mail: Division of Water Rights
State Water Resources Control Board
Attention: Michael Buckman
P.O. Box 2000, Sacramento, CA 95812-2000

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

By Fax: (916) 341-5400

By Email: wrhearing@waterboards.ca.gov
With Subject of "Mann Draft CDO and ACL Hearing"

In completing the Notice of Intent to Appear, you 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 you plan to call witnesses, you must identify each one on the Notice of Intent to Appear 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. Please note that there are spaces on the Notice of Intent to Appear to provide this information.

In order to ensure adequate time to prepare for the hearing, the hearing officer has extended the deadline for the submittal of **receipt and service of witnesses' proposed testimony, exhibits, lists of exhibits, qualifications, and statement of service** until **12:00 p.m. on Thursday, July 17, 2014.**

If I do not receive a Notice of Intent to Appear from you by 12:00 p.m. on Tuesday, July 8, 2014, the State Water Board will immediately issue a notice canceling the public hearing you requested and may immediately impose ACL upon Mann and adopt the draft CDO against Mann without further notice.

Should you desire to settle this matter, you may wish to contact Yvonne West, Senior Staff Counsel in the State Water Board's Office of Enforcement. Ms. West is counsel to the Prosecution Team in this matter and she can be reached by telephone at (916) 322-3626 or by e-mail at yvonne.west@waterboards.ca.gov.

Otherwise, if you have non-controversial procedural questions, you may contact Carlos Mejia, Staff Counsel in the State Water Board's Office of Chief Counsel. Mr. Mejia is counsel to the Hearing Team in this matter and he can be reached by telephone at (916) 341-5184 or carlos.mejia@waterboards.ca.gov.

Sincerely,



Michael Buckman
Senior Environmental Scientist
Hearings Unit

Continues on next page:

Enclosure

ec: State Water Resources Control Board:

Carlos Mejia, Staff Counsel
Office of Chief Counsel
carlos.mejia@waterboards.ca.gov

ec: Yvonne West, Senior Staff Counsel
Office of Enforcement
yvonne.west@waterboards.ca.gov

John O'Hagan, Assistant Deputy Director
Permitting and Enforcement Section
Division of Water Rights
john.o'hagan@waterboards.ca.gov

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
Robert Mann (individual and trustee) and Robert C. Mann 1999 Trust

**scheduled to commence
Tuesday, August 26, 2014 and continuing, if necessary,
on Wednesday, August 27, 2014
at 9:00 a.m.**

Check all that apply:

- I/we intend to present a policy statement only.
- I/we intend to participate by cross-examination or rebuttal only.
- I/we decline electronic service of hearing-related materials.
- I/we plan to call the following witnesses to testify at the hearing.

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.)

Name, Address, Phone Number and Fax Number of Attorney or Other Representative:

Signature: _____ Dated: _____

Name (Print): _____

Mailing Address: _____

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

E-mail: _____