

**SWORN COMPLAINT FORM**  
(Form May Be Subject to Public Disclosure)\*

**AS REQUIRED BY GOVERNMENT CODE SECTION 83115**, please complete the form below to file a sworn complaint with the Fair Political Practices Commission. **This form must be completed in its entirety and all pertinent information must be stated on this form, not as an attachment.**

Mail the complaint to:           **Enforcement Division**  
  **Fair Political Practices Commission**  
  **428 J Street, Suite 620**  
  **Sacramento, California 95814**

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**Person Making Complaint**

Last name: California Sportfishing Protection Alliance

First Name: Bill Jennings

Street Address: 3536 Rainier Avenue

City: Stockton    State: CA

Zip: 95204

Telephone: (209)-464-5067

Fax: (209) 464-1028

E-mail: deltakeep@aol.com

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**\*IMPORTANT NOTICE**

**Under the California Public Records Act (Gov. Code Section 6250 and following), this sworn complaint and your identity as the complainant may be subject to public disclosure. Unless the Chief of Enforcement deems otherwise, within three business days of receiving your sworn complaint we will send a copy of it to the persons(s) you allege violated the law.**

**In some circumstances, the FPPC may claim your identity is confidential, and therefore not subject to disclosure. A court of law could ultimately make the determination of confidentiality. If you wish the FPPC to consider your identity confidential, do not file the complaint before you contact the FPPC (916-322-5660 or toll free at 866-ASK-FPPC) and discuss the complaint with an Enforcement Division attorney.**

**Complaint**

**Person or Persons Who Allegedly Violated the Political Reform Act:**

(If there are multiple parties involved, attach additional pages as necessary.)

Last Name: Hart Johns (Ms. Hart)  
First Name: Katherine  
Street Address: 2100 21st Street  
City: Sacramento  
State: California  
Zip: 95818  
Telephone: (916) 456-9595  
Fax: (916) 456-9599  
E-mail: khart@aklandlaw.com  
Political Position: Vice Chair, Central Valley Regional Water Quality Control Board (Board)

*Possible Registered Lobbyist Violations for:*

Last Name: Johns  
First Name: Craig S. J.  
Street Address: 1115 11th Street, Suite 100  
City: Sacramento  
State: California  
Zip: 95814  
Telephone: (916) 498-3326  
Fax: unknown  
E-mail: cjohns@calrestrats.com  
Position: Registered Lobbyist  
Owner of the registered lobbying firm California Resource Strategies, Inc.

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**Provision or Provisions of the Political Reform Act Allegedly Violated:** (If specific Sections are not known, please provide a brief summary of the nature of the violation(s), and when it (they) occurred.) **You must state the suspected violation(s) on this form.**

*The below violations are violations under the Political Reform Act as well as the Porter Cologne Water Quality Act (Porter-Cologne Act). As a result, I am also filing this complaint with the Attorney General.*

Katherine Hart Johns is Vice Chair of the Central Valley Regional Water Quality Control Board. Ms. Johns uses the name “Kate Hart” in her public role as a Board member and in the Board meeting minutes and transcripts, but her Form 700’s show that her legal name is Katherine Hart Johns. Because the Board minutes and almost all other documentation refer to “Kate Hart” or “Ms. Hart”, this document will refer to Katherine Hart Johns as “Ms. Hart”.

This document will refer to the Central Valley Regional Water Quality Control Board as “Central Valley Water Board” or simply “Board”.

**(1) Political Reform Act Section 87203 for failure to disclose an economic interest on California Form 700 for the periods of 2007, 2008, and possibly 2006, and failure to file a California Form 700 for 2005.**

According to Political Reform Act Sections 87203, 87207, 82029, 82030, 82034 and 87103, Ms. Hart should have reported her spouse’s business income and investments and his clients that provided income greater than \$10,000. Ms. Hart signed under penalty of perjury that her Form 700 statements were true and complete, but did not disclose her husband’s lobbying business that generates an income of well over \$100,000 per year or his investments. Please refer to the following Sections for a description of the income sources.

Ms. Hart is married to Craig S. J. Johns (Mr. Johns), the founder and principal of California Resource Strategies (CRS), a two-person legislative and regulatory advocacy firm that focuses on State and Regional Water Board issues. Their wedding date is not public knowledge. However, Ms. Hart entered her name as “Katherine Jeanne Hart” on her Form 700 dated 20 November 2005, and as “Katherine Hart Johns” on her Form 700 dated 1 April 2007. It is reasonable to infer that Ms. Hart and Mr. Johns married on a date between 20 November 2005 and 1 April 2007.

At a minimum, Ms. Hart’s Form 700’s for 2007 and 2008 should have included her spouse’s business income and investments and his clients that provided income greater than \$10,000. If they married in 2006, then Ms. Hart’s Form 700 for 2006 also should have included her spouse’s business information.

In addition, Ms. Hart filed a Form 700 on 20 November 2005 upon assuming office. She did not file another Form 700 until 1 April 2007. Per Section 87203, she was required to file a form by 1 April 2006 to report any income or investments for the time period of 1 January 2005 to 31 December 2005. Ms. Hart’s statement of economic interests for the period between the start of her Board term on 20 October 2005 and 1 January 2006 is currently unreported. The Form 700 filing deadline for calendar year 2005 was 1 April 2006.

**(2) Porter-Cologne Act Section 13388 – Ms. Hart does not meet member eligibility criteria for the Central Valley Regional Water Quality Control Board.**

Per Porter-Cologne Act Section 13388, Ms. Hart is not eligible to be a Board member because her spouse receives a significant portion of his income from wastewater dischargers. She should not have continued to serve on the Board after she married Mr. Johns, she should not have been re-appointed to the Board in 2008, and she should not now be a Board member.

Since founding California Resource Strategies in 2001, Mr. Johns has reported \$1,161,429 in lobbying income from wastewater dischargers. Mr. Johns currently has contracts for regulatory advocacy with two agencies in the Central Valley Water Board region that Ms. Hart is charged with regulating. Mr. Johns has a contract with the Sacramento Regional County Sanitation District (SRCSD) for \$954,000 with \$174,000 to be paid this fiscal year. Mr. Johns has also reported \$22,800 in lobbying income from the Sacramento Area Sewer District (SASD). Mr. Johns is currently registered to lobby on behalf of SRCSD and SASD. In addition, Mr. Johns has a contract with the Partnership for Sound Science in Environmental Policy for \$124,500 to advocate for the interests of wastewater dischargers. During the two years before her appointment in October 2005, Ms. Hart's spouse disclosed \$179,045 in lobbying income from wastewater dischargers. Since her appointment, he has disclosed \$370,630 in lobbying income from wastewater dischargers. His total contract income from wastewater dischargers is likely much higher than the disclosed lobbying income, as evidenced by a comparison of his disclosed lobbying income from SRCSD to SRCSD's annual budget. SRCSD's 2008-09 budget allocated \$104,550 to Mr. Johns for the 2008-09 fiscal year. Mr. Johns disclosed \$28,800 in lobbying income from SRCSD for the same period, indicating his contract with SRCSD likely includes payment for additional services that are not reported as lobbying income.

Please refer to the "Description of Facts" and Tables 3 and 4 for additional details.

**(3) Political Reform Act Section 87100 & Porter Cologne Act Section 13207 – Failure to disclose an economic conflict while acting as a public official numerous times.**

While serving on the Central Valley Board, Ms. Hart has committed numerous violations of Political Reform Act Section 87100 and Porter Cologne Act Section 13207. Ms. Hart must identify economic conflicts of interest resulting from the sources of greater than \$10,000 in income to her husband's business and recuse herself from Board discussions and votes related to those conflicts.

In the meetings and other communications listed below, Ms. Hart did not identify the economic conflict resulting from the significant sources of income to her husband's business, or recuse herself in any way.

- Board meetings affecting SRCSD and SASD interests in the development of the Delta Methylmercury TMDL Control Program (Mercury Control Program, a.k.a. Delta Mercury TMDL): 28 November 2005, 16 March 2007, 24-25 April 2008, and 23 April 2009
- Mercury Control Program Stakeholder Meetings affecting SRCSD's interest and SASD's interest in the Mercury Control Program: 19 December 2009 and 19 February 2009

- Mercury Control Program Public Staff Workshop affecting SRCSD’s interest and SASD’s interest in the Mercury Control Program: 18 September 2006
- At least nineteen communications with various stakeholders who are also affected by SRCSD’s and SASD’s interests in the NPDES and Mercury Control Programs: October 2006 through June 2009
- Ms. Hart participated and voted in the hearing to adopt the Workplan for the Triennial Review of the Water Quality Control Plan for the Sacramento and San Joaquin River Basins (Basin Plan) on 17 March 2006
- Ms. Hart participated in the discussion and voted on the Resolution Approving the Clean Water Act Sections 305(b) and 303(d) Integrated Report for the Central Valley Region at the Board meeting on 11 June 2009
- Ms. Hart likely participated in the workshop for the Triennial Review of the Basin Plan on 13 August 2009 and likely did not recuse herself. [The FPPC will need to confirm her attendance at this item and whether she recused herself as the minutes of this Board meeting have not been published.]
- Board meetings affecting SASD’s permits for the Walnut Grove Wastewater Treatment Plant: 26 October 2007 and 24 October 2008
- Agendas for several Board meetings indicate the Board members may have discussed during the closed sessions “Sacramento Regional Co. Sanitation Dist. v. SWRCB, et al., Sacramento Co. Sup. Ct. No. 98CS01702”: November 2005, January 2006, March 2006, May 2006 and June 2006. [The FPPC will need to review the closed sessions meeting transcripts to determine if Ms. Hart recused herself during any discussion of the SRCSD case.]
- Board meetings during which Debbie Webster, the second employee of Ms. Hart’s husband’s two-employee lobbying firm, gave oral testimony or written comments. Ms. Hart participated in and/or voted on agenda items for which Ms. Webster provided written and/or oral testimony during the following Board meetings, as evidenced by letters signed by Ms. Webster included in the agenda packages for these meeting dates and the meeting minutes (the number of agenda items for which written and/or oral testimony were provided is included in parentheses):

12 June 2009 (1)	23/24 October 2008 (2)	14 March 2008 (3)
23 April 2009 (2)	31 July 2008 (1)	6 December 2007 (1)
9 February 2009 (1)	12 June 2008 (1)	25 October 2007 (5)
4 December 2008 (4)	24/25 April 2008 (4)	13/14 September 2007 (2)

Please refer to the “Description of Facts” and Tables 1 and 2 for additional details.

According to Porter Cologne Act Section 13207, violations of Section 13207 are to be investigated by the Attorney General and may result in the Board member being removed from office.

**(4) Political Reform Act Section 87105 – Improper recusal, 11 violations.**

Political Reform Act Section 87105 specifies the proper procedure for recusal. In the following instances, Ms. Hart did not follow the proper procedure. By not following the proper procedure,

Ms. Hart may have had the ability to influence the Board's actions, even though she did not participate in the final vote.

On 26 January 2006 Ms. Hart recused herself and left the dais, but the Board meeting minutes do not show the reason for her recusal.

Ms. Hart recused herself, but there is no indication in the Board meeting minutes that she left the dais or publicly provided the reason for the recusal, for items on the following dates:

26 October 2006	16 March 2007 (twice)	11 September 2008
25 January 2007	12 June 2008	4 December 2008
15 March 2007	31 July 2008	12 June 2009

**(5) Government Code Section 11430 - Failure to disclose ex parte communications.**

Mr. Johns has disclosed direct communications that qualify as lobbying with the Central Valley Board in the five quarterly Form 625 filings that report his activity from 30 April 2008 through 30 June 2009. However, no Board member has disclosed having communications with Mr. Johns in the minutes of the Board meetings covering this period. Would a Board member not disclosing direct communications with a lobbyist regarding a matter under consideration by the Board be a violation of Government Code 11430?

The number of violations and exact dates are unknown as the communications and who they were with has not been disclosed. Mr. Johns has disclosed that there has been at least one communication with a Board member that qualifies as a direct communication with a lobbyist per quarter for each of the five previous quarters. Mr. Johns specified "CVRWQCB: Delta Mercury TMDL" or "Central Valley Regional Board: Delta Mercury TMDL" in his Form 625 filings for the five previous quarters.

In addition, nineteen communications between Ms. Hart and various stakeholders are documented in Table 2. The detail available in the meeting minutes of these conversations is minimal. For example, the record in the minutes of the conversations does not disclose Ms. Hart's response to the communications as specified in Section 11430.50. It merits investigation by the FPPC or Attorney General to determine whether the Board is properly following Government Code Section 11430 for disclosing ex parte communications.

**(6) Lobbying one's spouse and spouse's fellow Board members.**

Craig S. J. Johns is a lobbyist registered with the State of California and owner of the lobbying firm California Resource Strategies, also registered with the State of California.

The number of violations and exact dates are unknown as the details of the lobbying activity with the Board members have not been disclosed as described in the earlier Section, "(5) Government Code Section 11430 - Failure to disclose ex parte communications". There has been at least one communication between a Board member and Mr. Johns that qualifies as a direct communication with a lobbyist per quarter for each of the five previous quarters based on his five previous Form 625 disclosures.

There may be additional violations if Mr. Johns lobbied for Ms. Hart's re-appointment in November 2008 and the confirmation of her re-appointment in July 2009.

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**Description, With as Much Particularity as Possible, of Facts Constituting Alleged Violation and how you have personal knowledge that it occurred\*\***

Capital letters and numbers in brackets (e.g., “[A]” and “[71]”) refer to citations provided later in this document.

**(1) Political Reform Act Section 87203 for failure to disclose an economic interest on California Form 700 for the periods of 2007, 2008, and possibly 2006, and failure to file a California Form 700 for 2005.**

Ms. Hart is married to Craig S. J. Johns (Mr. Johns) [C]. Mr. Johns is the founder and principal of California Resource Strategies (CRS), a two-person legislative and regulatory advocacy firm that focuses on State and Regional Water Board issues [D]. As a result of Mr. John's ownership of CRS, the clients providing greater than \$10,000 in income to Mr. Johns and/or CRS are an economic conflict to Ms. Hart.

Ms. Hart was appointed to the Board in October 2005 [2]. Ms. Hart's and Mr. John's wedding date is not public knowledge. However, Ms. Hart entered her name as “Katherine Jeanne Hart” on her Form 700 dated 20 November 2005 [71], and as “Katherine Hart Johns” on her Form 700 dated 1 April 2007 [3]. It is reasonable to infer that Ms. Hart and Mr. Johns married on a date between 20 November 2005 and 1 April 2007, most likely sometime in 2006 or early 2007.

At a minimum, Ms. Hart's Form 700's for 2007 [4] and 2008 [5] should have included her spouse's business income and investments and his clients that provided income greater than \$10,000. If they married in 2006, then Ms. Hart's Form 700 for 2006 [3] also should have included her spouse's business information. The FPPC should determine their marriage date to ascertain whether the Form 700 for 2006 also should have included her spouse's business information. None-the-less, **Ms. Hart has not disclosed any information on her Form 700's submitted between November 2005 and April 2009 regarding her husband's business, income or investments while she has been appointed to the Board.**

The 2006-2009 Form 625 (Report of Lobbying Firm) filings by Craig S. J. Johns [F] show payments of \$91,200 from Sacramento Regional County Sanitation District (SRCS) and \$22,800 from Sacramento Area Sewer District (SASD), two wastewater dischargers regulated by the Central Valley Water Board [94, 95], to Mr. Johns for the purposes of lobbying on their behalf. The 2005-2008 filings show payments of \$193,175 from seven wastewater dischargers outside of the Central Valley. In addition, the 2005-2009 Form 625 filings show payments of \$110,000 from the Partnership for Sound Science in Environmental Policy (PSSEP) and the 2005-2009 filings show payments of \$12,500 from the California Manufacturers & Technology Association; these are advocacy associations whose memberships are comprised of manufacturers and wastewater dischargers [96, 99]. Tables 3 and 4 summarize the lobbying

contracts reported by Mr. Johns [F, W] before and during Ms. Hart's Board appointment period. (As a point of clarification, Sacramento Area Sewer District was referred to as County Sanitation District No. 1 in the Form 625 filings prior to 2009.)

The fiscal year for SRCSD is from 1 July to 30 June of the following year. The 2009-10 budget of SRCSD [92] shows that "Craig Johns dba California Resource Strategies" has a contract with SRCSD for legislative and regulatory advocacy. The total value of the contract is \$954,000 with \$174,000 of that to be allocated in the 2009-10 fiscal year. The 2008-09 budget of SRCSD shows a \$432,000 contract with "Craig Johns dba California Resource Strategies", with \$104,550 of that allocated for the 2008-09 fiscal year [E]. The SRCSD budgets prior to 2008-09 do not have the "List of Contracts over \$100,000" appendix; as a result, the total value of the contracts Mr. Johns had with SRCSD prior to 1 July 2008 is not information that is easily available to the public. None-the-less, Mr. Johns' lobbying Form 625 filings indicate that at a minimum, he provided lobbying services to SRCSD from January 2006 through June 2008 totaling \$62,400.

According to the 2008-09 budget [E], SRCSD allocated Mr. Johns \$104,550 for the period of 1 July 2008 to 30 June 2009. According to the Form 625 disclosures for this period [F], \$28,800 was reported as lobbying income. This leaves \$75,750 for other payments to Mr. Johns from SRCSD. Additional FPPC investigation is merited to determine what services Mr. Johns performed to earn the balance of his income from SRCSD.

Considering Mr. Johns' annual income of well over \$100,000 per year for many years, it is very likely that Mr. Johns' has a significant investment portfolio that was also not reported on Ms. Hart's Form 700's. The Form 700 instructions are clear that a spouse's investments, including those that are separate property, are required to be reported.

In addition, Ms. Hart filed a Form 700 on 20 November 2005 [71] upon assuming office. She did not file another Form 700 until 1 April 2007 [3]. Per Political Reform Act Section 87203, she was required to file a form by 1 April 2006 to report any income or investments for the period of 1 January 2005 to 31 December 2005 [157]. Ms. Hart's Statement of Economic Interests for the period between the start of her Board term on 20 October 2005 and 1 January 2006 is currently unreported.

## **(2) Porter-Cologne Act Section 13388 – Ms. Hart does not meet member eligibility criteria for the Central Valley Regional Water Quality Control Board.**

### **>>> Overview**

Porter-Cologne Act Section 13388 states:

“... no person shall be a member of the state board or a regional board if he receives or has received during the previous two years a significant portion of his income directly or indirectly from any person subject to waste discharge requirements or applicants for waste discharge requirements pursuant to this chapter. This Section shall become operative on March 1, 1973.” [158]



**Because Ms. Hart’s spouse receives a significant portion of his income from wastewater dischargers subject to waste discharge requirements in California, Ms. Hart is not eligible to be a Board member. She should not have continued to serve on the Board after she married Mr. Johns, she should not have been re-appointed to the Board in 2008, and she should not now be a Board member.**

All of Mr. Johns’ clients listed in his lobbying disclosures since he began CRS appear to be wastewater dischargers or discharger-related organizations (Table 4). In total, Mr. Johns’ company has received the following lobbying income from wastewater dischargers and discharger-related organizations:

2001: \$250,387	2004: \$92,000	2007: \$123,198
2002: \$236,368	2005: \$77,035	2008: \$89,116
2003: \$153,000	2006: \$99,817	1 <sup>st</sup> half 2009: \$40,500

These annual lobbying disclosures should be considered minimum annual income amounts, given Mr. Johns may receive additional income from wastewater-related entities for non-lobbying services, as evidenced by his contract for \$954,000 with SRCSD that allocated \$174,000 for the 2009-10 fiscal year and \$104,550 for the 2008-09 fiscal year and a contract from the Partnership for Sound Science in Environmental Policy (PSSEP) that allocates \$124,500 to Mr. Johns for 2009 [97 (page 36 of the electronic file)].

In addition to his financial ties to the discharger industry, Mr. Johns has been appointed an advocate for the regulated community. The AB 982 Public Advisory Group (PAG) was created by the State Legislature in 1999. Mr. Johns was appointed to the group at its inception and Mr. Johns has served as Co-Chair of the PAG representing the regulated community since then [97 (page 36 of electronic file)].

### >>> **Details**

Board members are charged with the mission “To preserve and enhance the quality of California's water resources for the benefit of present and future generations” [S]. The Porter-Cologne Act defines this mission, especially as it applies to regulating waste discharges, in many of its passages. For example:

**“ § 13000. Legislative findings.** The Legislature finds and declares that the people of the state have a primary interest in the conservation, control, and utilization of the water resources of the state, and that the quality of all the waters of the state shall be protected for use and enjoyment by the people of the state. The Legislature further finds and declares that activities and factors which may affect the quality of the waters of the state shall be regulated to attain the highest water quality which is reasonable, considering all demands being made and to be made on those waters and the total values involved, beneficial and detrimental, economic and social, tangible and intangible.”

**“ § 13001. Legislative intent.** It is the intent of the Legislature that the state board and each regional board shall be the principal state agencies with primary responsibility for the coordination and control of water quality. The state board and regional boards in exercising any power granted in this division shall conform to and implement the policies

of this chapter and shall, at all times, coordinate their respective activities so as to achieve a unified and effective water quality control program in this state.”

**“ § 13263. Requirements for discharge.**

- (a) The regional board, after any necessary hearing, shall prescribe requirements as to the nature of any proposed discharge, existing discharge, or material change in an existing discharge, except discharges into a community sewer system, with relation to the conditions existing in the disposal area or receiving waters upon, or into which, the discharge is made or proposed. The requirements shall implement any relevant water quality control plans that have been adopted, and shall take into consideration the beneficial uses to be protected, the water quality objectives reasonably required for that purpose, other waste discharges, the need to prevent nuisance, and the provisions of Section 13241.
- (b) A regional board, in prescribing requirements, need not authorize the utilization of the full waste assimilation capacities of the receiving waters. . . .
- (g) No discharge of waste into the waters of the state, whether or not the discharge is made pursuant to waste discharge requirements, shall create a vested right to continue the discharge. All discharges of waste into waters of the state are privileges, not rights.”

Because Central Valley Water Board activity frequently affects waste dischargers, it makes sense that the Porter-Cologne Act would require that Board members not receive significant income from waste dischargers.

Ms. Hart’s husband currently has contracts for regulatory advocacy with two municipal wastewater dischargers in the Central Valley Water Board region, SRCSD and SASD, that Ms. Hart is charged with regulating [94, 95]. Mr. Johns’ Form 625 filings indicate that Mr. Johns registered to lobby for SRCSD and SASD in 1<sup>st</sup> Quarter (Q1) 2006, shortly after Ms. Hart’s appointment to the Board in October 2005 [22, A]. His lobbying Form 625 filings for SRCSD from 2006 through Q2 2009 total \$91,200 (Table 4). The 2009-10 budget of SRCSD shows that “Craig Johns dba California Resource Strategies” has a contract with SRCSD for legislative and regulatory advocacy with a total contract value of \$954,000 with \$174,000 of that in the 2009-10 fiscal year [92]. The 2008-09 budget of SRCSD shows an equivalent contract with a total value of \$432,000 with \$104,550 of that in the 2008-09 fiscal year [E]. The SRCSD budgets prior to 2008-09 do not have the “List of Contracts over \$100,000” appendix; as a result, the total value of the contracts Mr. Johns had with SRCSD prior to 1 July 2008 is not information that is easily available to the public. Even so, the Form 625’s indicate that SRCSD was a client of Mr. Johns with lobbying income of \$19,200, \$31,200, and \$24,000 for 2006, 2007 and 2008, respectively, and \$16,800 for the first six months of 2009.

In addition, Mr. John’s lobbying Form 625 filings for SASD from 2006 through Q2 2009 total \$22,800 (Table 4). Mr. Johns registered to lobby for SASD shortly after Ms. Hart’s appointment to the Board in October 2005, with annual lobbying income that ranged from \$4,800 to \$7,800 for 2006 through 2008, and \$4,200 for the first 6 months of 2009.

Mr. Johns' Form 625 filings also disclosed a total of \$290,175 between Q1 2003 and Q4 2008, from seven wastewater dischargers outside of the Central Valley (Table 4). Also, his Form 625 filings disclosed a total of \$630,754 between Q1 2001 and Q2 2009 from the Partnership for Sound Science in Environmental Policy (PSSEP), \$54,500 between Q1 2003 and Q3 2009 from the California Manufacturers and Technology Association, and \$60,000 between Q1 2003 and Q4 2004 from the Chlorine Chemistry Council. These are advocacy associations whose memberships are comprised of manufacturers and wastewater dischargers [96, 98, 99].

Mr. Johns is the Executive Officer of the Partnership for Sound Science in Environmental Policy (PSSEP), an advocacy group for dischargers [9, 96]. His first lobbying Form 625 disclosure for PSSEP was in Q1 2001. In 2001, he earned \$250,387 in lobbying income from PSSEP. Mr. Johns has disclosed \$380,368 in additional lobbying income from PSSEP since 2001. In addition, his company, CRS, was awarded a contract with PSSEP for \$124,500 in February 2009 [97].

The Partnership for Sound Science in Environmental Policy Work Plan for 2009 [97] includes the following elements:

- “1. SWRCB Anti-Degradation Policy Review
2. SWRCB Wetlands & Riparian Habitat Policy
3. SWRCB Recycled Water Policy
4. SWRCB Enforcement Policy
5. SWRCB Bay-Delta Strategic Plan Implementation
6. SWRCB Sediment Quality Criteria Development
7. San Francisco Bay TMDLs
8. Numeric Limits in Storm Water Permits
9. Precautionary Principle Initiatives
10. Legislative Advocacy
11. NPDES Permit Renewal Support
12. State & Regional Board Appointments
13. State & Regional Board Member Education & Outreach
14. Activity Reporting to PSSEP Members
15. Coalition Building & Maintenance”

Regarding #12, the Work Plan (page 12) states quite eloquently why dischargers find it advantageous to have Board members appointed who are sympathetic to wastewater discharger concerns:

“Background & Goals: State and Regional Board appointments will have an important impact on PSSEP members related to NPDES permit renewals, as well as direction provided to Regional Board staff regarding specific policies, TMDLs and other actions. It is the goal of PSSEP to identify and support potential candidates for appointment to the Regional and State Boards that are fair, reasonable, and who are knowledgeable of and sympathetic to the concerns and challenges facing the discharger community.”

“Activities to Support PSSEP Goals:

- Identify possible candidates for appointment to Regional and State Board positions who are fair, reasonable, and who are knowledgeable of and sympathetic to the concerns and challenges facing the discharger community.

- Engage in informal and formal advocacy within the Schwarzenegger Administration and State Senate, as appropriate, to support individuals who meet the above-stated criteria for appointment to the State and Regional Boards.
- Coordinate with regional allies and other stakeholder groups supportive of PSSEP’s goals to maximize opportunities to seek quality appointments to the State and Regional Boards.”

Based on the PSSEP letterhead, members contributing to PSSEP include many wastewater discharger-related organizations: Bay Area Clean Water Agencies, Bay Planning Coalition, California Association of Sanitation Agencies, California Council for Environmental & Economic Balance, California Manufacturers & Technology Association, Chemical Industry Council, Chlorine Chemistry Council, Contra Costa Council, Tri-TAC (Sponsored by League of California Cities, California Association of Sanitation Agencies, California Water Environment Association), and Western States Petroleum Association [96].

**(3) Political Reform Act Section 87100 & Porter Cologne Act Section 13207 – Failure to disclose an economic conflict while acting as a public official numerous times.**

Based on Public Reform Act Section 87105, the following is a quote from the “Can I Vote?” booklet (pages 7 and 8) [1]:

“Public officials specified in Section 87200 of the Government Code, such as council members, planning commissioners, and boards of supervisors, must publicly identify in detail the economic interest that creates the conflict, step down from the dais and must then leave the room. This identification must be following the announcement of the agenda item to be discussed or voted upon, but before either discussion or vote commences. ... The identification of the conflict and economic interest must be made orally and shall be made part of the public record.”

In addition, Porter Cologne Act Section 13207(a) states:

“No member of a regional board shall participate in any board action pursuant to Article 4 (commencing with Section 13260) of Chapter 4, or Article 1 (commencing with Section 13300) of Chapter 5, of this division which involves himself or herself or any waste discharger with which he or she is connected as a director, officer or employee, or in which he or she has a financial interest in the decision within the meaning of Section 87103 of the Government Code.”

Section 87103 of the Political Reform Act states:

“A public official has a financial interest in a decision within the meaning of Section 87100 if it is reasonably foreseeable that the decision will have a material financial effect, distinguishable from its effect on the public generally, on the official, a member of his or her immediate family, or on any of the following:

- (a) Any business entity in which the public official has a direct or indirect investment worth two thousand dollars (\$2,000) or more.
- (b) Any real property in which the public official has a direct or indirect interest worth two thousand dollars (\$2,000) or more.
- (c) Any source of income, except gifts or loans by a commercial lending institution made in the regular course of business on terms available to the public without regard to

official status, aggregating five hundred dollars (\$500) or more in value provided or promised to, received by, the public official within 12 months prior to the time when the decision is made.

- (d) Any business entity in which the public official is a director, officer, partner, trustee, employee, or holds any position of management.
- (e) Any donor of, or any intermediary or agent for a donor of, a gift or gifts aggregating two hundred fifty dollars (\$250) or more in value provided to, received by, or promised to the public official within 12 months prior to the time when the decision is made. The amount of the value of gifts specified by this subdivision shall be adjusted biennially by the commission to equal the same amount determined by the commission pursuant to subdivision (f) of Section 89503.

For purposes of this Section, indirect investment or interest means any investment or interest owned by the spouse or dependent child of a public official, by an agent on behalf of a public official, or by a business entity or trust in which the official, the official's agents, spouse, and dependent children own directly, indirectly, or beneficially a 10-percent interest or greater.”

Political Reform Act Section 87207(b) (2) requires disclosure of:

“The name of every person from whom the business entity received payments if the filer’s pro rata share of gross receipts from that person was equal to or greater than ten thousand dollars (\$10,000) during a calendar year.”

Ms. Hart’s spouse owns greater than 10% of CRS; as a result, income from his business is passed through as an economic conflict to Ms. Hart. CRS’s \$954,000 contract with SRCSD alone dwarfs the \$500 personal income threshold and the \$10,000 business income threshold. Since Ms. Hart has been in office, she has failed to disclose her economic conflicts on numerous occasions.

Ms. Hart’s husband has contracts worth about a million dollars for regulatory advocacy with wastewater agencies that Ms. Hart is charged with regulating. Page 9 of the “Can I Vote?” [1] Booklet has an economic conflict example similar to this and page 11 indicates that income to a spouse is just as much of an economic conflict as direct personal income.

The violations described in the following text are a demonstration of the wisdom of the Porter-Cologne Act requirement that people who receive a significant portion of their income directly or indirectly from one or more dischargers not be on the Board, because the person must recuse himself/herself from participating in any discussions or votes that affect the interest of the discharger(s) that provided the income. If a Board member does not recuse himself/herself correctly, a substantial number of violations can accrue.

### **>>> SRCSD & the Delta Methylmercury TMDL Control Program**

Mr. Johns disclosed lobbying income from SRCSD of \$19,200, \$31,200 and \$24,000 for 2006, 2007 and 2008, respectively, and \$16,800 for the first 6 months of 2009 [Table 4]. These annual lobbying disclosures should be considered minimum annual income amounts, given Mr. Johns probably receives additional income from SRCSD for non-lobbying services, as evidenced by his contract for \$954,000 with SRCSD that allocated \$174,000 for the 2009-10 fiscal year and \$104,550 for the 2008-09 fiscal year [92, E].

The most recent five quarters of lobbying reports for Mr. Johns specifically call out lobbying the Central Valley Regional Water Quality Board (Board) regarding the “Delta Mercury TMDL” as one of the actions that SRCSD and SASD are paying Mr. Johns to perform. Table 1 shows the Delta Mercury TMDL development meetings that Mr. Johns has attended. Table 3 summarizes the lobbying contracts reported by Mr. Johns [F].

It should be noted that Mr. Johns' March-June 2009 and October-December 2008 Form 625 filings [F] also indicate he was paid by SRCSD and SASD to lobby the Legislature and Governor's office for Water Board appointments. These dates coincide with the time when Ms. Hart was re-appointed in November 2008 and when her re-appointment was confirmed in July 2009 [72, 73]. It merits additional FPPC investigation to determine whether Mr. Johns was paid by SRCSD and SASD to lobby for Ms. Hart's re-appointment.

As a result of Mr. John's income from SRCSD, Ms. Hart should recuse herself from all Board and stakeholder discussions and Board votes related to SRCSD interests including discussions and votes related to the Delta Mercury TMDL and associated Basin Plan amendment efforts.

The development of the Delta Methylmercury TMDL Control Program is a major regulatory project of the Board that has been in progress since before 2005 and its development and implementation will continue for decades because it is mandated by the Clean Water Act. There have been several Board meetings related to the development of the Mercury Control Program and many stakeholder meetings.

Ms. Hart has very actively participated in these discussions [G]. For example, Ms. Hart strongly advocated during the April 2008 Board hearing that the Board members delay a vote and instead direct staff to have a collaborative stakeholder process to help rewrite the TMDL so that it would be more satisfactory to stakeholders [29]. A year later, during the April 2009 Board Information Item, “Update on the Stakeholder Process”, Alexis Strauss (U.S. Environmental Protection Agency [USEPA] Region IX Water Division Director) expressed concerns about the continued delay of the Board members adopting the TMDL, and expressed support for the Board members adopting the TMDL, Implementation Plan, and Basin Plan Amendment as they were presented by Board staff to the Board in April 2008 [29]. Ms. Strauss' opinions and concerns are very relevant to the development of the TMDL and implementing plans and regulations because the USEPA Water Division Director ultimately reviews and approves the TMDL at a federal level once it has been adopted by the Central Valley Water Board and State Water Board. In spite of Ms. Strauss's concerns about delaying the TMDL's adoption and her support of the 2008 version, Ms. Hart strongly advocated that the stakeholder process be given more time to modify the TMDL [29].

Ms. Hart has not publicly identified that she has a financial conflict with SRCSD during any of these meetings [e.g., M-47, 49, 50 and 53]. See Table 1 for a list of these meetings. Ms. Hart has also disclosed numerous individual conversations with various stakeholders. See Table 2 for a list of these communications. Given that the conflict of interest rules would indicate she should not even be participating in this process, then participating in individual conversations related to the Mercury Control Program are also a Political Reform Act 87100 and Porter Cologne 13207

violation as Ms. Hart is holding those conversations as Vice Chair of the Board while under the economic influence of particular dischargers (e.g. SRCSD) that are affected by the Mercury Control Program.

According to the “Can I Vote?” booklet [1], the seriousness of the violation is also measured by how actively the economic interest is involved in the decision, and the significance of the financial impact to the economic interest. SRCSD is very involved in the development of the Delta Mercury Control Program and will experience a significant financial impact depending on the requirements of the Delta Mercury Control Program.

SRCSD is the largest wastewater agency regulated by the Board. There are about 70 municipal wastewater treatment plants (WWTPs) that discharge about 330 million gallons per day (mgd) of treated wastewater to surface waters in the Delta and its upstream watersheds [H-30]. SRCSD’s Sacramento River WWTP discharges about 150 mgd of treated wastewater to the Sacramento River and comprises about half of all municipal wastewater discharged to surface waters in the Delta region [H-30]. In contrast, the second largest municipal WWTP in the Delta region, the Stockton WWTP, discharges about 28 mgd to the San Joaquin River and comprises about 8% of all municipal wastewater discharged to surface waters in the Delta and its upstream watersheds [H-30]. In addition, SRCSD’s WWTP provides “secondary level wastewater treatment” [H-31], which is not the most effective treatment available for removing mercury [H-32]. Therefore, depending on which requirements are ultimately included in the Delta Mercury Control Program, SRCSD’s WWTP could have far greater compliance costs than any other municipal WWTP in the Delta region if they are required to upgrade their secondary treatment plant to include tertiary or other more advanced treatment processes.

SRCSD has strongly advocated that the Delta Mercury Control Program allow SRCSD to conduct offset projects elsewhere in the Delta’s watersheds in lieu of making more expensive improvements to the SRCSD Sacramento River WWTP sewage treatment processes, as documented by many comment letters [I] to Board members and staff between 2005 and 2009, as well as described on the SRCSD website “Be Mercury Free – Offset Program” [J]. SRCSD has a substantial financial interest in whether or not the Mercury Control Program requires SRCSD to improve its WWTP treatment processes, as evidenced by:

- The potential annual cost of the different improvements that may be needed to reduce methylmercury and total mercury in the WWTP’s discharge to the Sacramento River (\$7 million/year to \$190 million/year) [H-32 and -33];
- The money SRCSD has spent to hire contractors to conduct the Localized Mercury Bioaccumulation Study and Mercury Offset Feasibility Study and other offset program development efforts (\$1.5 million) [K, L]; and
- The effort expended by SRCSD staff and contractors to attend more than 30 different public Board and stakeholder meetings [M] (see also Table 1), as well as participate in one-on-one communications with Kate Hart [N] and other Board members [O].

The following text summarizes Ms. Hart’s economic conflict of interest with SRCSD and the Delta Mercury Control Program using the checklist in the “Can I Vote?” booklet:

Step 1. Public Official? **Yes.**

Step 2. Making/Participating/Influencing? **Yes, very actively.**

Step 3. Economic Interests? **Yes.** Ms. Hart's spouse owns >10% of California Resource Strategies, so contract income from SRCSD is passed through as an economic conflict to Ms. Hart. The CRS \$954,000 contract with SRCSD alone dwarfs the \$500 personal income threshold and the \$10,000 business income threshold.

Step 4. Is the economic interest directly involved? **Yes.** SRCSD is actively participating in the process to develop the Delta Mercury Control Program to reduce SRCSD's future compliance costs. SRCSD has funded contracts for mercury-offset related studies and advocacy of over \$2 million dollars.

Step 5. Importance to economic interest? **Yes.** The compliance costs to SRCSD could be in the \$7 million/year to \$190 million/year range. SRCSD's participation in every Board and stakeholder meeting confirms the importance to them of the Delta Mercury Control Program development process.

Step 6. Is the decision material to the interest? **Yes.** The financial impact to SRCSD is in the millions of dollars per year. Ms. Hart's husband's business is likely to retain and gain additional contracts if SRCSD is pleased with the results of his advocacy efforts with the Central Valley Water Board on which Ms. Hart is Vice Chair, which will benefit Ms. Hart financially.

Step 7. Does the "public generally" exception apply? **No.** Only Ms. Hart's husband has a \$954,000 contract for regulatory advocacy with a wastewater agency that Ms. Hart is charged with regulating. Also, the impacts to SRCSD from the Mercury Control Program are greater than to the public in general and to other municipal wastewater treatment plants in the Delta and its tributary watersheds.

Step 8. Legally required to participate? **No.** Ms. Hart is not legally required to participate in the development and adoption of the Delta Mercury Control Program.

### >>> **Other SRCSD Interests**

Ms. Hart has attended workshops and participated in votes on other Board regulatory items that affect SRCSD interests, as evidenced by agenda minutes and agenda package items that indicate SRCSD gave oral and written testimony on agenda items in which Ms. Hart participated.

- 17 March 2006: Ms. Hart participated and voted in the hearing to adopt the Workplan for the Triennial Review of the Water Quality Control Plan for the Sacramento and San Joaquin River Basins (Basin Plan) [102]. SRCSD (Wendell Kido) provided written comments that stated their support of the continuation of the Central Valley's process for the development of a drinking water policy and associated Basin Plan amendments, as well as the adoption of "appropriate bacteria indicators"; urged the Board to adopt a plan that "properly guides staff" in the implementation of bacteria objectives; provided new data and supported the re-evaluation of the diazinon objectives that were recently adopted into the Basin Plan;



encouraged the Board to adopt water quality objectives for ammonia and chlorine; recommended the removal of the incorporation by reference for secondary maximum contaminant levels; and recommended the development and adoption of a policy for the interpretation of the narrative toxicity objective and its application to whole effluent toxicity effluent limits [103]. Given SRCSD's interest in this item (likely because SRCSD's effluent limits will be affected by any new objectives, and because SRCSD has been a "partner in the Central Valley Drinking Water Policy Workgroup" development of a drinking water policy [104], which is still ongoing to this day, more than three years later, without a policy yet adopted [105]), Ms. Hart should have recused herself from the hearing.

- 11 June 2009: Ms. Hart made the motion to support and then voted on the resolution approving the Clean Water Action Sections 305(b) and 303(d) Integrated Report [156]. SRCSD (Stan Dean) provided written comments on the report, expressing concern about listing the lower American River, lower Sacramento River, and northern Delta as impaired by dieldrin, chlordane, PCBs, and DDT, and recommended that these pollutants be addressed by an action other than a TMDL [106]. Given SRCSD's interest in this item (likely because SRCSD would be affected by any TMDLs for these pollutants), Ms. Hart should have recused herself.
- 13 August 2009: The workshop for the Triennial Review of the Basin Plan took place on this date; however, the minutes are not yet available for this Board meeting. Regarding this item, SRCSD (Stan Dean) provided written comments urging the Board to "move forward with the adoption of appropriate bacteria indicators", to adopt a plan that "properly guides staff" in the implementation of bacteria objectives, and to "carefully prioritize the issues and look for creative ways to work with concerned stakeholders..." [107]. Given SRCSD's interest in this item (SRCSD's NPDES permit's effluent limits will be affected by any new bacteria objectives), Ms. Hart should have recused herself from the workshop if she was present. The FPPC should review the minutes for this meeting once they are available to determine whether Ms. Hart was at the meeting and whether Ms. Hart properly recused herself.
- The agendas for the Board meetings held in November 2005, January 2006, March 2006, May 2006, and June 2006 [108-112] indicate that Board members may have discussed during the closed sessions "Sacramento Regional Co. Sanitation Dist. v. SWRCB, et al., Sacramento Co. Sup. Ct. No. 98CS01702". The FPPC should review the closed session meeting transcripts to determine if Ms. Hart recused herself during any discussion of the SRCSD case.

SRCSD appears to be very satisfied with Mr. Johns' lobbying efforts. Within the last twelve months, SRCSD increased Mr. Johns' total contract award by \$522,000, from \$432,000 to \$954,000. SRCSD also increased his annual allocation by \$69,450, from \$104,550 to \$174,000 [11, 92].

Perhaps the large increase in the SRCSD contract explains the shortening list of Mr. Johns' lobbying clients. Table 4 shows that Mr. Johns is reducing the number of clients that he serves, with SRCSD being one of only five clients (SRCSD, SASD, PSSEP, California Manufacturers & Technology Association and Eastern Municipal Water District) and accounting for over 50% of his reported lobbying income in the most recent quarter. It is very likely the other four clients do

not have contracts with Mr. Johns anywhere close to the size of the \$954,000 SRCSD contract, so SRCSD likely constitutes much more than 50% of Mr. John's total income.

### **>>> Sacramento Area Sewer District Interests**

Mr. Johns has received income of at least \$22,800 from SASD covering the period of 2006-2009. Mr. Johns disclosed lobbying income from SASD of \$4,800, \$7,800 and \$6,000 for 2006, 2007 and 2008, respectively, and \$4,200 for the first 6 months of 2009. [Table 4] The SASD contract may be greater than \$22,800 because there may be services that Mr. Johns provides to SASD that are not reported as lobbying income. The SASD budgets available on the Internet do not identify contracts less than \$100,000 and no contracts for Mr. Johns greater than \$100,000 are identified [93]. Hence, any information about contracts between SASD and Mr. Johns for less than \$100,000 is not readily available to the public.

In 2007 and 2008, SASD faced an enforcement action for its Walnut Grove Wastewater Treatment plant [P]. On 26 October 2007 and 24 October 2008, Ms. Hart seconded and voted on motions on this topic [Q]. Ms. Hart did not disclose the economic conflict in these meetings. [As a point of clarification, Sacramento Area Sewer District was referred to as County Sanitation District No. 1 prior to 2008 in the cited documents.]

### **>>> All Other Wastewater Discharger Interests**

As noted in previous Sections, Ms. Hart's spouse receives income from several associations associated with wastewater dischargers. Additional FPPC investigation is warranted to identify the following:

- The complete membership rosters of the California Manufacturers & Technology Association, the Chlorine Chemistry Council, and the Partnership for Sound Science in Environmental Policy (PSSEP);
- The complete membership rosters of the associations identified as partners in PSSEP; the following were identified in the letterhead of a 2006 letter [96]: Bay Area Clean Water Agencies, Bay Planning Coalition, California Association of Sanitation Agencies, California Council for Environmental & Economic Balance, California Manufacturers & Technology Association, Chemical Industry Council, Chlorine Chemistry Council, Contra Costa Council, Tri-TAC (Sponsored by League of California Cities, California Association of Sanitation Agencies, California Water Environment Association), and Western States Petroleum Association.
- Which of the wastewater dischargers on the rosters for the above associations are within the Central Valley Water Board's jurisdiction (i.e., within the Central Valley); and
- Which of the Central Valley wastewater dischargers that are members of the above associations have had permits and other issues as agenda items before the Board for discussion or votes for which Ms. Hart did not recuse herself.

### **>>> CRS, Debbie Webster & Central Valley Clean Water Association**

The CRS website [8] indicates that California Resources Strategies has two employees, Mr. Johns and Debbie Webster. At the 13 June 2007 Board meeting, Ms. Webster introduced herself as the Director of the Central Valley Clean Water Association (CVCWA) [113a].

CVCWA documents also show Ms. Webster as the Executive Officer of CVCWA [BB, CC]. CVCWA is an association of wastewater producers of which SRCSD is a member and has played an active role [113b, 134]. SRCSD is by far the largest discharger that is a member of CVCWA and as a result likely provides major funding for CVCWA. In addition, SRCSD might fund Ms. Webster through CRS to perform work that is presented as CVCWA comments and testimony. Understanding the relationship between CRS, SRCSD and CVCWA will require further investigation by the FPPC. The CRS website, based on appearance, could be outdated. It could not be independently confirmed that Debbie Webster is currently an employee of CRS.

The history of CVCWA is presented on their website [115] as follows:

**“History of CVCWA** The Central Valley Wastewater Managers Association (CVWMA) was an organization with members from throughout the Central Valley since 1987. The members were predominantly wastewater agencies with some consultants. Since its formation, the members had largely served as a group to share information on wastewater treatment issues. In recent years, the members started to become more proactive by providing comments on regulatory proceedings and sponsoring conferences that targeted audiences outside of the membership. Therefore, it became apparent that the group needed to change and take a more prominent and proactive role in regulatory proceedings that affect wastewater agencies.”

CVCWA’s 2007/2008 Annual Report (page 9) [116], which is available on the CVCWA website, includes the following:

**“Permitting and Regulatory Advocacy Special Project**

This special project was formed at the beginning of 2004-05 and was funded by the following five (5) Central Valley clean water agencies; the Cities of Davis, Fresno, Roseville, Vacaville, and the Sacramento Regional County Sanitation District. The City of Yuba City and the City of Stockton joined in July 2006 and June 2008 respectively and now seven (7) central valley clean water agencies fund this special project. A steering committee, consisting of one representative from each of the funding agencies, provides direction and approval of work efforts. A vote of four (4) members of the steering committee is required for any action. The steering committee, project manager, consultants, and the Executive Officer meet prior to scheduled meetings of the Central Valley Regional Water Quality Control Board (CVRWQCB) to discuss tentative NPDES and WDR permits, proposed regulations, and other items on both the Regional Board and State Board’s agendas. The steering committee then approves whether comments, both verbal and in writing, will be developed by the committee regarding proposed permits and regulations that may affect the membership of CVCWA and is consistent with CVCWA’s standing policies. The intent of this special project is to work with the State regarding global issues that affect all of the Central Valley agencies and not to supplement individual agencies when they negotiate their permits with the Regional Board. Most of the verbal comments developed by the project were presented to the State and Regional Water Boards by the Executive Officer.

The steering committee appoints a project manager and entered into agreements with the consulting firm of Larry Walker Associates and the law firm of Somach, Simmons and

Dunn to assist them the review of documents and preparation of work products. To date, the steering committee has funded approximately \$500,000 to this special project.”

On behalf of CVCWA, Ms. Webster routinely presents written and oral testimony regarding wastewater permitting and regulatory issues (e.g., NPDES permits and the Delta methylmercury TMDL) to the Central Valley Water Board [117-149]. Given the CRS website does not specify the dates of Ms. Webster’s employment at CRS, the FPPC should determine whether or not she was a CRS employee at the time she presented testimony to the Board. Ms. Hart participated in and/or voted on agenda items for which Ms. Webster provided written and/or oral testimony during the following Board meetings, as evidenced by letters signed by Ms. Webster included in the agenda packages for these meeting dates and the meeting minutes [121-149] (the number of agenda items for which written and/or oral testimony were provided is included in parentheses):

12 June 2009 (1)	23/24 October 2008 (2)	14 March 2008 (3)
23 April 2009 (2)	31 July 2008 (1)	6 December 2007 (1)
9 February 2009 (1)	12 June 2008 (1)	25 October 2007 (5)
4 December 2008 (4)	24/25 April 2008 (4)	13/14 September 2007 (2)

In addition, Ms. Webster provided written testimony that was included in the agenda packages for several agenda items during the 7/8 October 2009 and 13 August 2009 Board meetings [117-120]. Minutes are not yet publicly available to be able to determine whether Ms. Webster provided additional oral testimony during these meetings, or whether Ms. Hart was present during the items for which Ms. Webster provided written and/or oral testimony. The FPPC should review the minutes for these meetings to determine whether Ms. Hart participated in the items for which Ms. Webster provided testimony.

If Ms. Webster was a CRS employee at the time she presented written or oral testimony to the Board, Ms. Hart should have identified that Ms. Webster is an employee of her husband and recused herself from projects where CVCWA is an interested party. This is necessary because, to the extent that the Board and Ms. Hart look favorably on Ms. Webster’s testimony, there is a potential financial benefit to CRS in additional consulting income from SRCSD and other wastewater dischargers, which would benefit Ms. Hart financially.

Even if Ms. Webster was not an employee of CRS at the time of her testimony, it is still possible there was a conflict of interest for Ms. Hart for agenda items on which CVCWA provided oral or written testimony. CVCWA’s regulatory comments will typically reflect the same regulatory objectives as SRCSD’s objectives. SRCSD provides a portion of the funding for CVCWA’s Permitting and Regulatory Advocacy Special Project and for CVCWA overall. SRCSD’s membership on the Regulatory Advocacy Project steering committee confirms SRCSD has direct input into the verbal and written comments that CVCWA submits regarding proposed permits and regulations [page 9, 116]. Through CVCWA, SRCSD is able to provide input to the regulatory process that is not directly attributed to SRCSD in Board records. CVCWA’s input would cause a conflict of interest for Ms. Hart as CVCWA’s support for a position would provide an indication to Ms. Hart of the regulatory direction that SRCSD, her husband’s largest client that provides over \$100,000 income per year, would likely desire.

CVCWA has been very successful in their lobbying efforts with the Board. According to page 3 of their 2008-2009 Business Plan [114], they have been invited quarterly to “Meet with the RWQCB Executive Management Group to discuss key issues. “ This gives CVCWA access to the Executive Officer and Assistant Executive Officer of the Central Valley Water Board at a level that is not provided to Board staff or other stakeholders. They have the ability to directly influence Board management’s direction to staff outside of the public process and likely without the knowledge of staff. It seems this access outside the public process is very questionable and should also be investigated.

**Ultimately, Sacramento County Regional Sanitation District’s million-dollar investment in lobbying by Mr. Johns’ lobbying firm and CVCWA have paid off by buying them a chair at the management table of the regulatory agency that will be writing their permit to discharge wastewater to the Sacramento River.**

**(4) Political Reform Act Section 87105 – Improper recusal, 11 violations.**

Political Reform Act Section 87105 specifies the proper procedure for recusal. The following is a quote from the “Can I Vote?” booklet (pages 7 and 8) [1]:

“Public officials specified in Section 87200 of the Government Code, such as council members, planning commissioners, and boards of supervisors, must publically identify in detail the economic interest that creates the conflict, step down from the dais and must then leave the room. This identification must be following the announcement of the agenda item to be discussed or voted upon, but before either discussion or vote commences. ... The identification of the conflict and economic interest must be made orally and shall be made part of the public record.”

On 26 January 2006 Ms. Hart recused herself and left the dais, but the minutes do not show the reason for her recusal [150].

Ms. Hart recused herself, but there is no indication in the Board meeting minutes that she left the dais or publicly provided the reason for the recusal, for items on the following dates [67, 68; 150-156]:

26 October 2006	16 March 2007 (twice)	11 September 2008
25 January 2007	12 June 2008	4 December 2008
15 March 2007	31 July 2008	12 June 2009

By not leaving the dais and the room, Ms. Hart still had the ability to influence the Board’s actions, even if she did not participate in the final vote. By not providing a public disclosure of the conflict, the public does not understand why Ms. Hart is recusing herself.

Additional FPPC investigation of Board member recusal practices and documentation is warranted.

**(5) Government Code Section 11430 - Failure to disclose ex parte communications.**

A comparison of Tables 1, 2 and 3 and a careful review of all Board meeting minutes indicate that none of the Board members reported communications with Mr. Johns during the five

quarters – April 2008 through June 2009 – he reported lobbying the Central Valley Water Board regarding the Delta Mercury TMDL.

The instructions for completing Form 625 [161] clearly states that for each client a lobbyist must report:

“The legislative bills and state agency administration actions which the firm “actively” lobbied on behalf of that client. “Actively” lobbied means that a partner, owner, officer, or employee of the lobbying firm either engaged in direct communication, or was directed by that client to engage in direct communication, with a qualifying official for the purpose of influencing legislative or administrative action during the reporting period. (See the instructions on the back of page 1 for the definition of ‘direct communication.’) Do not list bills or administrative actions which have died prior to the reporting period, or those which are only being watched or monitored, or those which the firm has not attempted to influence during the reporting period.” (Instructions on the back of page 2 of the form)

Back of Page 1: “ ‘Direct communication’ means appearing as a witness before, talking to (either by telephone or in person), corresponding with, or answering questions or inquiries from a qualifying official either personally or through an agent who acts under one’s direct supervision, control, or direction.” (Instructions on the back of page 1 of the form.)

Form 625 filings identify administrative actions that Mr. Johns “actively” lobbied on behalf of his clients; Form 625 filings do not include attending Board hearing meetings, workshops, and stakeholder meetings where there is no direct communication with Board members.

Would a Board member not disclosing direct communications with a lobbyist regarding a matter under consideration by the Board be a violation of Government Code 11430? What disclosure is required if Ms. Hart and Mr. Johns talk about Board business such as SRCSD’s desires for the Mercury TMDL process privately?

The number of violations and exact dates are unknown as the communications and whom they were with has not been disclosed. Mr. Johns has disclosed through Form 625 filings that there has been at least one communication between a Board member and Mr. Johns that qualifies as a direct communication with a lobbyist per quarter for each of the five previous quarters.

In addition, nineteen communications between Ms. Hart and various stakeholders are documented in Table 2. The detail available in the meeting minutes of these conversations is minimal. For example, the record in the Board meeting minutes of the conversations does not disclose Ms. Hart’s response to the communications as specified in Section 11430.50. It merits investigation by the FPPC or Attorney General to determine whether the Board is properly following Government Code Section 11430 for disclosing ex parte communications.

#### **(6) Lobbying one’s spouse and spouse’s fellow Board members.**

This charge applies to Craig S. J. Johns, a lobbyist registered with the State of California and owner of the lobbying firm California Resource Strategies, also registered with the State of California.

Mr. Johns' Form 625 filings disclose that he lobbied the Board regarding the Delta Mercury TMDL for the last five quarters [F, 75]. Mr. Johns disclosed this activity as "CVRWQCB: Delta Mercury TMDL" or "Central Valley Regional Board: Delta Mercury TMDL" on his most recent five Form 625 filings.

The number of violations and exact dates are unknown as the details of the lobbying activity have not been disclosed as described earlier in the (5) Government Code Section 11430 - Failure to Disclose Ex Parte Discussions Section of this document. Mr. Johns' Form 625 filings indicate that there has been at least one communication between a Board member and Mr. Johns that qualifies as a direct communication with a lobbyist per quarter for each of the five previous quarters (April 2008 through June 2009).

"The Mission of the FAIR POLITICAL PRACTICES COMMISSION is to promote the integrity of representative state and local government in California through fair, impartial interpretation and enforcement of political campaign, lobbying, and conflict of interest laws." [159]

It should be noted that Mr. Johns' March-June 2009 and October-December 2008 Form 625 filings also indicate he was paid by SRCSD and SASD to lobby the Legislature and Governor's office for Water Board appointments. These dates coincide with the time when Ms. Hart was re-appointed and when her re-appointment was confirmed. It merits additional FPPC investigation to determine whether Mr. Johns was paid to lobby for Ms. Hart's re-appointment. This may have created an additional conflict of interest and/or disclosure issue if Mr. Johns was lobbying for Ms. Hart without properly disclosing his marriage. Ms. Hart was re-appointed to the Board in November 2008 and confirmed in July 2009 [72, 73]. Her new term expires on 30 September 2012 [A-2].

Considering Mr. Johns' income and activities while married to Ms. Hart are a key component of this conflict of interest case and the conflict has been ongoing for several years, it is very likely Mr. Johns was complicit in Ms. Hart's numerous violations.

### **OVERARCHING CONCERNS THAT MERIT ADDITIONAL INVESTIGATION**

As Vice Chair of the Central Valley Regional Water Quality Control Board, Ms. Hart is charged with the mission "To preserve and enhance the quality of California's water resources for the benefit of present and future generations" [S]. Because Central Valley Water Board activity frequently affects wastewater dischargers, it is likely there are other agenda items in addition to those listed in the prior text that the Board has considered during Ms. Hart's appointment that affected SRCSD's, SASD's, and other wastewater dischargers' economic interests and by connection Ms. Hart's. A deeper investigation will likely find additional meetings and activities that are an FPPC enforcement concern.

In addition, there are several other questions that merit additional FPPC and Attorney General investigation.

**(A) How is it possible that two experienced lawyers who have held Board-member positions for a combined total of more than 11 years did not know how to comply with the**

## **Porter-Cologne Act and other Political Reform Act and Government Code requirements for declaring and addressing economic conflicts of interest?**

Porter-Cologne Act Section 13207, the Political Reform Act, and other California Government Code and Form 700 instructions are all clear that a spouse's income and investments must be declared annually and that a recusal at the level of publicly identifying the conflict and leaving the room must be performed when the source of an economic conflict is affected by an agenda item under consideration.

The Form 700 instructions indicate that if the investments are separate property of the spouse they must still be reported. The "Top Ten Form 700" questions link just below the Form 700 link on the FPPC website confirms that one must report their spouse's income [162]. There are numerous cases on the enforcement pages of the FPPC website that involve conflict of interest and spouse's income [T]. Ms. Hart and Mr. Johns' actions are much more extensive and involve much more money than almost all the other conflict of interest cases on the FPPC website [T].

In addition, California law requires State officials to complete an ethics training course within six months of their hiring, and every two years thereafter [100]. This course clearly provides instruction on how to identify and disclose economic conflicts of interest and how to properly recuse oneself from Board discussions and votes. In addition to the ethics courses Mr. Johns took while serving as the Chair of the San Francisco Bay Regional Water Quality Control Board (San Francisco Bay Water Board), he is required to continue to take ethics courses as a registered lobbyist. He most recently took the ethics course for lobbyists required by Government Code Section 86103 on 19 February 2009 [101].

Ms. Hart received her law degree from McGeorge School of Law and has served as a senior associate attorney for Abbott and Kindermann since 2006 working in the area of environmental law [A, 72]. She previously worked as an associate attorney at Trainor Robertson from 2004 to 2006; Crosby, Heafey, Roach and May from 2000 to 2004; and Woods and Daube from 1997 to 2000 [72]. Mr. Johns received his law degree from the University of California, Davis School of Law [D]. Mr. Johns worked for over 10 years at a San Francisco law firm and was a partner at the firm from 1996-1999 [D]. Mr. Johns also served on the San Francisco Bay Water Board for almost 7 years [D]. Mr. Johns was Vice Chair of the SFBRWQCB from 1995-1996 and Chair from 1996-1998 [D].

Mr. Johns and Ms. Hart are both lawyers, with Mr. Johns experienced and skilled enough to be promoted to partner. Mr. Johns and Ms. Hart both have experience as officers on a water board, Mr. Johns with seven years experience including serving as Chair, Ms. Johns with four years experience including serving as Vice Chair. Yet a million dollars in compensation from a wastewater discharger was accepted while serving on the water board that regulates that discharger which is a conflict of interest.

If there was any confusion on this matter, the FPPC should have been contacted. Political Reform Act Section 83114 [157] states that any person may request the Commission to provide written advice with respect to the person's duties under the Political Reform Act, in particular:



“(b) Any person may request the Commission to provide written advice with respect to the person’s duties under this title. Such advice shall be provided within 21 working days of the request, provided that the time may be extended for good cause. It shall be a complete defense in any enforcement proceeding initiated by the Commission, and evidence of good faith conduct in any other civil or criminal proceeding, if the requester, at least 21 working days prior to the alleged violation, requested written advice from the Commission in good faith, disclosed truthfully all the material facts, and committed the acts complained of either in reliance on the advice or because of the failure of the Commission to provide advice within 21 days of the request or such later extended time.”

As a result, confusion over specific Political Reform Act requirements is not a viable excuse for violations.

Ms. Hart was appointed to the Board in October 2005 [A]. At that time, Mr. Johns had contracts with wastewater dischargers but apparently did not have any direct contracts with dischargers in the Central Valley region (as the lobbying Form 625 filings indicate). However, within six months of Ms. Hart’s appointment, Mr. Johns was retained by SRCSD and SASD. The October to December 2005 Form 625 filing and earlier Form 625 filings, indicate SASD and SRCSD were not clients (“employers”) of Mr. Johns’ lobbying services at the time Ms. Hart was first appointed to the Board. The January to March 2006 Form 625 filing shows that Mr. Johns had registered to lobby for SRCSD and SASD but the agencies had not yet paid Mr. Johns for lobbying services. Beginning with the forms covering April 2006 and later, Mr. Johns was being paid by both agencies [F].

Ms. Johns did not disclose any of the lobbying income on her Form 700's or while making, participating in and influencing decisions that affected Mr. John's clients. Being married to a lobbyist who began providing lobbying services to the largest wastewater discharger the Board regulates immediately after her Board appointment casts a dark shadow over Ms. Hart’s impartiality and the fairness of her actions.

Perhaps Ms. Hart and Mr. Johns have a separate property agreement that they believe exempts them from the economic conflict of interest laws. There has been no public disclosure of such an agreement, and such an agreement would not fulfill the spirit of the Political Reform Act. From the “Can I Vote” booklet, the voter’s concern in 1974 indicated simply the appearance of influencing an official’s judgment is an issue. Whether or not they have a secret separate property agreement, Ms. Hart’s husband having about a million dollars in compensation from the largest wastewater discharger that Ms. Hart is charged with regulating spreads a serious cloud over her impartiality and the fairness of her actions. Also, regardless of any agreement terms, the home she co-owns with Mr. Johns and her lifestyle are certainly improved as her husband’s wealth increases. Also, Ms. Hart’s husband’s business is likely to retain and gain additional contracts if SRCSD and other dischargers are pleased with the results of his advocacy efforts with Ms. Hart and other Board members, which will directly benefit Ms. Hart. There is a previous case where a pre-nuptial was dismissed as a defense against economic conflict (Sandra Smoley SI-86/370, 1989). If the Katherine Hart Johns case were to set the precedent that the economic conflict laws can be avoided by simply having a well-worded separate property agreement, then the public trust in the value of the Political Reform Act will be seriously

weakened. Public officials could simply direct payoffs from those they are charged with regulating to the official's spouse's account once they have a well-worded separate property agreement in place.

None-the-less, if a well-worded separate property agreement enabled Ms. Hart and Mr. Johns to be treated as though they were not married for economic conflict purposes, then there would likely be Section 87203 violations with Ms. Hart not disclosing gifts from a registered lobbyist, Craig S.J. Johns, on her Form 700 filings. Ms. Hart would also likely have greatly exceeded the registered lobbyist gift limit of \$10 per month.

**(B) The Porter-Cologne Act defines the mission of the State and Regional Water Boards and defines Board duties.**

Porter-Cologne Act Section 13388, titled "Member eligibility", has only one simple paragraph:

“Notwithstanding any other provision of this division or Section 175, no person shall be a member of the state board or a regional board if he receives or has received during the previous two years a significant portion of his income directly or indirectly from any person subject to waste discharge requirements or applicants for waste discharge requirements pursuant to this chapter. This Section shall become operative on March 1, 1973.”

The appointment Section of the Governor's Office web site has a two-page Section within its list of appointment types that describes Board member qualifications. This is the first item one should read if considering applying for a position on a water board [160 pages 84 and 85]. The short list of required qualifications in this document directly quotes Porter-Cologne Act Section 13388. In this instance the system failed to identify a conflict of interest.

According to his Form 625 filings, Mr. Johns is paid by many wastewater dischargers to lobby for State and Regional Water Board member appointments. A close review of Mr. Johns Form 625 filings will show he has lobbied the Legislature and/or the Governor's office regarding appointments every quarter from Q3 2006 through Q2 2009 [F].

**Table 1: Attendance of Mercury TMDL Public Meetings by Kate Hart Johns, Craig Johns, and Sacramento Regional County Sanitation District Staff and Contractors between September 2005 and June 2009**

Meetings <sup>(i, ii, iii)</sup>	Kate Hart	Craig Johns	Sacramento Regional County Sanitation District Staff <sup>(iv)</sup>					Larry Walker Associates <sup>(v)</sup>		
			Robert Shanks (District Engineer)	Mary Snyder (District Engineer)	Stan Dean (Chief of Policy & Planning)	Terri Mitchell	Vicki Fry	Lysa Voight	Tom Grovhoug	Stephen McCord
<b>Public Workshops</b>										
19 Sept. 2005 CEQA Scoping Meeting							X			X
18 Sept. 2006 Public Staff Workshop	X									
<b>Board Meetings</b>										
28 Nov. 2005 Workshop	X		T							
16 March 2007 Workshop	X	X		T			T		X	X
24-25 April 2008 Hearing	X			T			X		T	X
23 April 2009 Information Item <sup>(vi)</sup>	X				T					
<b>2008-2009 Stakeholder Meetings</b>										
19 December 2008	X	X					X	X	X	X
30 January 2009							X		X	X
19 February 2009	X						X		X	X
26 March 2009									X	X
21 April 2009							X		X	X
14 May 2009									X	X
19 June 2009							X		X	X
<b>2009 Stakeholder Workgroup Meetings in Which Participation Took Place at Least Once</b>										
<u>Adaptive Framework Workgroup:</u> 19 February, 19 March, 16 and 27 April, 11 and 26 May, 8 and 22 June							X			X
<u>NPDES Workgroup:</u> 5 and 23 March, 14, 15, and 27 April; and 7 and 18 May		X							X	X
<u>Principles Workgroup:</u> 4 and 12 March, 30 April									X	X

**Table 1 Notes:**

- <sup>i</sup> X = Attended Board or other public meeting.  
T = SRCSD or LWA staff gave testimony at Board meeting.  
Minutes for Board meetings provide lists of members of the public who signed meeting attendance sign-in sheets but do not always specify the affiliations of the people who attend or which agenda items were attended. Not everyone who attends Board meetings and other public meetings sign the attendance sign-in sheets. Minutes typically indicate when members of the public present testimony to the Board members about particular items. Minutes do not indicate when Board members discussed items or directed questions to Board staff and members of the public who provided testimony. Court-reporter transcripts for all of the above-listed Board meetings do record Board member discussions; however, they are not available on the Central Valley Water Board website. Transcripts of Board meetings are available by request to the Board.
- <sup>ii</sup> Citations for meeting participant lists are provided in the “Citations”, Section M.
- <sup>iii</sup> Lists of meeting attendees are not available on the Central Valley Water Board’s website for the 18 and 19 September 2006 Public Staff Workshops. However, Ms. Hart’s attendance of the 18 September 2006 Workshop is reported in the minutes for the 21/22 September 2006 Board meeting (page 1) [M-48].
- <sup>iv</sup> SRCSD staff who typically work and present on mercury TMDL and offset related tasks for SRCSD. Other SRCSD staff may be present who also work on mercury TMDL-related tasks.
- <sup>v</sup> Larry Walker Associates staff who typically work and present on mercury TMDL tasks for SRCSD. Other LWA staff may be present who also work on mercury TMDL-related tasks.
- <sup>vi</sup> Full list of >350 attendees for the April 2009 Board meeting was not attached to the minutes.

**Table 2: Communications between Kate Hart, SRCSD and Other Stakeholders Regarding the Delta Mercury Control Program Draft Basin Plan Amendment, As Reported in Board Meeting Minutes between October 2006 and May 2009\***

Board Meeting Minutes Date	Minutes Page #	Communication		
		Date	Agency	People
11/12 June 2009	2	May 5, 2009	California Rice Commission	Tim Johnson and Paul Buttner ( <i>sic</i> )
23/24 April 2009	1	April 8, 2009	[not provided]	Mr. Herrick
23/24 April 2009	1	April 6, 2009	[not provided]	Mr. Herrick
4/5 December 2008	2	December 1, 2008	California Rice Commission	Paul Butner
4/5 December 2008	2	November 21, 2008	Clean Water Action, UC Davis, United Cambodian Families	Andria Ventura, Fraser Schilling, David Childs, and Savong among others
23/24 October 2008	2	[not provided]	Clean Water Action	Andria Ventura
11/12 September 2008	2	[not provided]	Nature Conservancy	[not provided]
11/12 September 2008	2	[not provided]	Ducks Unlimited	[not provided]
24/25 April 2008	3	April 22, 2008	California Rice Commission	Tim Johnson and Paul Butner
24/25 April 2008	3	April 18, 2008	SRCSD	Mary Snyder, Vicki Fry and Wendell Kido
24/25 April 2008	3	April 11, 2008	Nature Conservancy	Susan Tatayan
24/25 April 2008	3	April 7, 2008	Ducks Unlimited	Rudy Rosen
24/25 April 2008	3	April 7, 2008	[not provided]	Ryan Broderick
24/25 April 2008	3	April 2, 2008	Linda Fiack	Delta Protection Commission
24/25 April 2008	3	March 26, 2008	California Rice Commission	Tim Johnson and Paul Butner
24/25 April 2008	3	March 24, 2008	Coalition	John Herrick
24/25 April 2008	3	March 18, 2008	Central Valley Clean Water Association	Debbie Webster
24/25 April 2008	3	March 14, 2008	Bay Keeper	Deb Self
26/27 October 2006	1	[not provided]	NCWA	David Guy

\* Citations and websites for the Board meeting minutes that report the communications are provided in Sections N, O and V of the Citations list.

**Table 3(a): Craig Johns' Lobbying Disclosures – 2009, 2008 and 2007 by Quarter**

Employer	2009		2008				2007			
	Q2	Q1	Q4	Q3	Q2	Q1	Q4	Q3	Q2	Q1
	04/09-06/09	01/09-03/09	10/08-12/08	07/08-09/08	04/08-06/08	01/08-03/08	10/07-12/07	07/07-09/07	04/07-06/07	01/07-03/07
Sacramento Regional County Sanitation District Mather, CA	\$9,600*	\$7,200*	\$4,800*	\$7,200*	\$7,200*	\$4,800	\$12,000	\$4,800	\$7,200	\$7,200
Sacramento Area Sewer District Mather, CA (SASD)/County Sanitation District No. 1	\$2,400*	\$1,800*	\$1,200*	\$1,800*	\$1,800*	\$1,200	\$3,000	\$1,200	\$1,800	\$1,800
Partnership for Sound Science in Environmental Policy Sacramento, CA	\$6,000	\$6,000	\$6,000	\$6,000	\$6,000	\$8,000	\$6,000	\$6,000	\$6,000	\$6,000
California Manufacturers & Technology Association Sacramento, CA	\$0	\$7,500	\$0	\$0	\$0	\$2,000	\$0	\$0	\$0	\$0
Eastern Municipal Water District Perris, CA	\$0	\$0	\$0	\$0	\$3,292	\$1,824	\$0	\$0	\$2,964	\$5,234
City of Santa Rosa			\$4,000	\$6,000	\$6,000	\$6,000	\$6,000	\$6,000	\$6,000	\$10,000
Camrosa Water District Camarillo, CA			\$0	\$0	\$0	\$200	\$300	\$300	\$300	\$300
City of Camarillo, Camarillo, CA			\$0	\$0	\$0	\$800	\$1,200	\$1,200	\$1,200	\$1,200
City of Simi Valley			\$0	\$0	\$0	\$1,440	\$2,160	\$2,160	\$2,160	\$2,160
City of Thousand Oaks			\$0	\$0	\$0	\$1,360	\$2,040	\$2,040	\$2,040	\$2,040
Ventura County Water Works Moorpark, CA			\$0	\$0	\$0	\$200	\$300	\$300	\$300	\$300
<b>Quarterly Total:</b>	<b>\$18,000</b>	<b>\$22,500</b>	<b>\$16,000</b>	<b>\$21,000</b>	<b>\$24,292</b>	<b>\$27,824</b>	<b>\$33,000</b>	<b>\$24,000</b>	<b>\$29,964</b>	<b>\$36,234</b>

\* : Yellow highlighting with an asterisk indicates that Form 625 filings listed "Central Valley Regional Board: Delta Mercury TMDL" or "CVRWQCB: Delta Mercury TMDL".

\$0: Indicates Mr. Johns was registered to lobby for employer but received no income that quarter.

[ ]: Blank cells indicate Mr. Johns was not registered as a lobbyist for that employer that quarter.

**Table 3(b): Craig Johns' Lobbying Disclosures – 2006 and 2005 by Quarter**

Employer	2006				2005			
	Q4	Q3	Q2	Q1	Q4	Q3	Q2	Q1
	10/06-12/06	07/06-09/06	04/06-06/06	01/06-03/06	10/05-12/05	07/05-09/05	04/05-06/05	01/05-03/05
Sacramento Regional County Sanitation District Mather, CA	\$7,200	\$7,200	\$4,800	\$0				
Sacramento Area Sewer District Mather, CA (SASD)/County Sanitation District No. 1	\$1,800	\$1,800	\$1,200	\$0				
Partnership for Sound Science in Environmental Policy Sacramento, CA	\$6,000	\$6,000	\$6,000	\$6,000	\$6,000	\$6,000	\$6,000	\$6,000
California Manufacturers & Technology Association Sacramento, CA	\$3,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Eastern Municipal Water District Perris, CA	\$2,423	\$2,394	\$0	\$0	\$0	\$1,045		
City of Santa Rosa	\$2,000	\$6,000	\$6,000	\$6,000	\$6,000	\$6,000	\$6,000	\$8,000
Camrosa Water District Camarillo, CA	\$300	\$300	\$300	\$300	\$300	\$300	\$300	\$400
City of Camarillo, CA	\$1,200	\$1,200	\$1,200	\$1,200	\$1,200	\$1,200	\$1,200	\$1,600
City of Simi Valley	\$2,160	\$2,160	\$2,160	\$2,160	\$2,160	\$2,160	\$2,160	\$2,880
City of Thousand Oaks	\$2,040	\$2,040	\$2,040	\$2,040	\$2,040	\$2,040	\$2,040	\$2,720
Ventura County Water Works Moorpark, CA	\$300	\$300	\$300	\$300	\$300	\$300	\$300	\$400
<b>Quarterly Total:</b>	<b>\$28,423</b>	<b>\$29,394</b>	<b>\$24,000</b>	<b>\$18,000</b>	<b>\$18,000</b>	<b>\$19,045</b>	<b>\$18,000</b>	<b>\$22,000</b>

\$0: Indicates Mr. Johns was registered to lobby for employer but received no income that quarter.

[ ]: Blank cells indicate Mr. Johns was not registered as a lobbyist for that employer that quarter.

**Table 3(c): Craig Johns' Lobbying Disclosures – 2004 and 2003 by Quarter**

Employer	2004				2003			
	Q4	Q3	Q2	Q1	Q4	Q3	Q2	Q1
	10/04-12/04	07/04-09/04	04/04-06/04	01/04-03/04	10/03-12/03	07/03-09/03	04/03-06/03	01/03-03/03
Partnership for Sound Science in Environmental Policy Sacramento, CA	\$6,000	\$6,000	\$10,000	\$0	\$6,000	\$6,000	\$6,000	\$6,000
California Manufacturers & Technology Association Sacramento, CA	\$5,000	\$0	\$17,000	\$0	\$0	\$0	\$20,000	\$0
City of Santa Rosa	\$4,000	\$6,000	\$6,000	\$8,000	\$4,000	\$6,000	\$6,000	\$6,000
Camrosa Water District Camarillo, CA	\$300	\$300	\$300	\$300	\$150	\$450	\$450	\$300
City of Camarillo, CA	\$1,200	\$1,200	\$1,200	\$1,200	\$600	\$1,800	\$1,800	\$1,200
City of Simi Valley	\$2,160	\$2,160	\$2,160	\$2,160	\$1,080	\$3,240	\$3,240	\$2,160
City of Thousand Oaks	\$2,040	\$2,040	\$2,040	\$2,040	\$1,020	\$3,060	\$3,060	\$2,040
Ventura County Water Works Moorpark, CA	\$300	\$300	\$300	\$300	\$150	\$450	\$450	\$300
Chlorine Chemistry Council	\$0	\$0	\$0	\$0	\$15,000	\$15,000	\$15,000	\$15,000
Terradex							\$0	\$0
<b>Quarterly Total:</b>	<b>\$21,000</b>	<b>\$18,000</b>	<b>\$39,000</b>	<b>\$14,000</b>	<b>\$28,000</b>	<b>\$36,000</b>	<b>\$56,000</b>	<b>\$33,000</b>

\$0: Indicates Mr. Johns was registered to lobby for employer but received no income that quarter.

[ ]: Blank cells indicate Mr. Johns was not registered as a lobbyist for that employer that quarter.



**Table 3(d): Craig Johns' Lobbying Disclosures – 2002 and 2001 by Quarter**

Employer	2002				2001			
	Q4	Q3	Q2	Q1	Q4	Q3	Q2	Q1
	10/02- 12/02	07/02- 09/02	04/02- 06/02	01/02- 03/02	10/01- 12/01	07/01- 09/01	04/01- 06/01	01/01- 03/01
Partnership for Sound Science in Environmental Policy Sacramento, CA	\$74,780	\$56,113	\$56,860	\$36,615	\$91,576	\$67,302	\$46,775	\$44,734
City of Santa Rosa	\$6,000	\$6,000						
Terradex	\$0	\$0						
<b>Quarterly Total:</b>	<b>\$80,780</b>	<b>\$62,113</b>	<b>\$56,860</b>	<b>\$36,615</b>	<b>\$91,576</b>	<b>\$67,302</b>	<b>\$46,775</b>	<b>\$44,734</b>

\$0: Indicates Mr. Johns is registered to lobby for employer, but no income that quarter.

[ ]: Blank cells indicate Mr. Johns was not registered as a lobbyist for that employer that quarter.

**Table 4: Craig Johns' Annual Lobbying Disclosures 2009-2001**

Employer	2009 (1 <sup>st</sup> half)	2008	2007	2006	2005	2004	2003	2002	2001	TOTAL
Sacramento Regional County Sanitation District	\$16,800*	\$24,000*	\$31,200	\$19,200						\$91,200
Sacramento Area Sewer District (SASD) /County Sanitation District No. 1	\$4,200*	\$6,000*	\$7,800	\$4,800						\$22,800
Partnership for Sound Science in Environmental Policy	\$12,000	\$26,000	\$24,000	\$24,000	\$24,000	\$22,000	\$24,000	\$224,368	\$250,387	\$630,754
California Manufacturers & Technology Association	\$7,500	\$2,000	\$0	\$3,000	\$0	\$22,000	\$20,000			\$54,500
Eastern Municipal Water District	\$0	\$5,116	\$8,198	\$4,817	\$1,045					\$19,175
City of Santa Rosa		\$22,000	\$28,000	\$20,000	\$26,000	\$24,000	\$22,000	\$12,000		\$154,000
Camrosa Water District		\$200	\$1,200	\$1,200	\$1,300	\$1,200	\$1,350			\$6,450
City of Camarillo		\$800	\$4,800	\$4,800	\$5,200	\$4,800	\$5,400			\$25,800
City of Simi Valley		\$1,440	\$8,640	\$8,640	\$9,360	\$8,640	\$9,720			\$46,440
City of Thousand Oaks		\$1,360	\$8,160	\$8,160	\$8,840	\$8,160	\$9,180			\$43,860
Ventura County Water Works		\$200	\$1,200	\$1,200	\$1,300	\$1,200	\$1,350			\$6,450
Chlorine Chemistry Council						\$0	\$60,000			\$60,000
Terradex							\$0	\$0		\$0
<b>ANNUAL TOTAL</b>	<b>\$40,500</b>	<b>\$89,116</b>	<b>\$123,198</b>	<b>\$99,817</b>	<b>\$77,045</b>	<b>\$92,000</b>	<b>\$153,000</b>	<b>\$236,368</b>	<b>\$250,387</b>	<b>\$1,161,429</b>

\* : Yellow highlighting with an asterisk indicates that one or more quarterly forms in that year listed "Central Valley Regional Board: Delta Mercury TMDL" or "CVRWQCB: Delta Mercury TMDL".

\$0: Indicates Mr. Johns is registered to lobby for employer, but no income that year.

[ ]: Blank cells indicate Mr. Johns was not registered as a lobbyist for that employer that year.

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\*\*Please attach copies of any available documentation that is evidence of the violation (for example, checks, campaign materials, etc., if applicable to the complaint).

**Note that a newspaper article is NOT considered evidence of a violation.**

## **CITATIONS FOR DOCUMENTATION ATTACHED TO THIS COMPLAINT**

The majority of the below documents are public documents available on the Internet. Paper copies of the documents are provided after the list of citations.

1. FPPC. 2005. Can I Vote? A Basic Overview of Public Officials' Obligations under the Political Reform Act's Conflict-of-Interest Rules. Booklet published by the California Fair Political Practices Commission. Revised July 2005. Available at: <http://www.fppc.ca.gov/library/CanIVote7-05.pdf>

### **A. Katherine Hart's Board Position**

2. Central Valley Water Board website that states that Katherine Hart is Vice Chair of the Central Valley Water Board and is married ["She lives in Granite Bay with her husband and three step-children".] [http://www.waterboards.ca.gov/centralvalley/about\\_us/board\\_members/](http://www.waterboards.ca.gov/centralvalley/about_us/board_members/)

### **B. Katherine Hart Johns' Form 700's for 2006-2009**

3. Katherine Hart Johns Form 700 for calendar year 2006.
4. Katherine Hart Johns Form 700 for calendar year 2007.
5. Katherine Hart Johns Form 700 for calendar year 2008.

### **C. Katherine Hart's Marriage Information**

6. Katherine Hart and Craig John's marriage certificate is not publicly available. A "USSearch.com" background check on Craig Johns and Kate Hart Johns shows that they live at the same address.
7. A "USSearch.com" Property Report for that address shows the property is jointly owned by Craig Johns and the K H Family Trust. "K H Family Trust" likely refers to the Kate Hart Family Trust.

### **D. Craig Johns Overview**

8. Description of Craig Johns' company California Resource Strategies. Available at: <http://www.calrestrats.com/about.htm>
9. Description of Craig John's advocacy role. Available at: [http://www.calrestrats.com/cj\\_bio.htm](http://www.calrestrats.com/cj_bio.htm)
10. Craig John's Curriculum Vitae showing his business is legislative and regulatory advocacy with water boards. Available at: <http://www.calrestrats.com/Website-CV.pdf>

## **E. SRCSD Budget Information**

11. SRCSD. 2008. Sacramento Regional County Sanitation District 2008-09 Final Budget. Adopted by the District Board of Directors on 10 September 2008. Appendix B List of Contracts over \$100,000 - Consultants. Available at:  
<http://www.srcsd.com/pdf/budget-srcsdfinal-2009.pdf>  
*[In particular see page 38, which shows Craig Johns contract.]*

## **F. Craig Johns Form 625 Lobbying Declarations: 2005 through Q1 of 2009**

*[Tables 3 and 4 summarize the income reported by these forms.]*

12. Form 625 for Q1 of 09/10 legislative session showing \$7200 income from SRCSD and \$1800 income from SASD. Both list lobbying Central Valley Regional Board regarding the Mercury TMDL. Available at:  
<http://cal-access.ss.ca.gov/PDFGen/pdfgen.prg?filingid=1419947&amendid=0>
13. Form 625 for Q8 of 07/08 legislative session showing \$4800 income from SRCSD and \$1200 income from SASD. Both list lobbying Central Valley Regional Board regarding the Mercury TMDL. Available at:  
<http://cal-access.ss.ca.gov/PDFGen/pdfgen.prg?filingid=1392985&amendid=0>
14. Form 625 for Q7 of 07/08 legislative session showing \$7200 income from SRCSD and \$1800 income from SASD. Both list lobbying Central Valley Regional Board regarding the Mercury TMDL. Available at:  
<http://cal-access.ss.ca.gov/PDFGen/pdfgen.prg?filingid=1374220&amendid=0>
15. Form 625 for Q6 of 07/08 legislative session showing \$7200 income from SRCSD and \$1800 income from SASD. Both list lobbying Central Valley Regional Board regarding the Mercury TMDL. Available at:  
<http://cal-access.ss.ca.gov/PDFGen/pdfgen.prg?filingid=1344607&amendid=0>
16. Form 625 for Q5 of 07/08 legislative session showing \$4800 income from SRCSD and \$1200 income from SASD. Available at:  
<http://cal-access.ss.ca.gov/PDFGen/pdfgen.prg?filingid=1324703&amendid=0>
17. Form 625 for Q4 of 07/08 legislative session showing \$12000 income from SRCSD and \$3000 income from SASD. Available at:  
<http://cal-access.ss.ca.gov/PDFGen/pdfgen.prg?filingid=1304019&amendid=0>
18. Form 625 for Q3 of 07/08 legislative session showing \$4800 income from SRCSD and \$1200 income from SASD. Available at:  
<http://cal-access.ss.ca.gov/PDFGen/pdfgen.prg?filingid=1294444&amendid=0>
19. Form 625 for Q2 of 07/08 legislative session showing \$7200 income from SRCSD and \$1800 income from SASD. Available at:  
<http://cal-access.ss.ca.gov/PDFGen/pdfgen.prg?filingid=1278339&amendid=0>
20. Form 625 for Q1 of 07/08 legislative session showing \$7200 income from SRCSD and \$1800 income from SASD. Available at:  
<http://cal-access.ss.ca.gov/PDFGen/pdfgen.prg?filingid=1259442&amendid=0>
21. Form 625 for Q8 05/06 legislative session showing \$7200 income from SRCSD and \$1800 income from SASD. Available at:  
<http://cal-access.ss.ca.gov/PDFGen/pdfgen.prg?filingid=1231500&amendid=0>

22. Form 625 for Q7 05/06 legislative session showing \$7200 income from SRCSD and \$1800 income from SASD. Available at:  
<http://cal-access.ss.ca.gov/PDFGen/pdfgen.prg?filingid=1209054&amendid=0>
23. Form 625 for Q6 05/06 legislative session showing \$7200 income from SRCSD and \$1800 income from SASD. Available at:  
<http://cal-access.ss.ca.gov/PDFGen/pdfgen.prg?filingid=1188060&amendid=0>
24. Form 625 for Q5 05/06 legislative session showing registered to lobby SRCSD and SASD. Available at:  
<http://cal-access.ss.ca.gov/PDFGen/pdfgen.prg?filingid=1165263&amendid=0>
25. Form 625 for Q4 05/06 legislative session (no SRCSD or SASD income). Available at:  
<http://cal-access.ss.ca.gov/PDFGen/pdfgen.prg?filingid=1141926&amendid=0>
26. Form 625 for Q3 05/06 legislative session (no SRCSD or SASD income). Available at:  
<http://cal-access.ss.ca.gov/PDFGen/pdfgen.prg?filingid=1127495&amendid=0>
27. Form 625 for Q2 05/06 legislative session (no SRCSD or SASD income). Available at:  
<http://cal-access.ss.ca.gov/PDFGen/pdfgen.prg?filingid=1111262&amendid=0>
28. Form 625 for Q1 05/06 legislative session (no SRCSD or SASD income). Available at:  
<http://cal-access.ss.ca.gov/PDFGen/pdfgen.prg?filingid=1099701&amendid=0>

#### **G. Ms. Hart's Board Meeting Participation**

29. Board meeting transcripts for the agenda items related to the development of the Delta Mercury Control program document Ms. Hart's active participation in the meeting discussions. Transcripts can be obtained directly from the Board. The meetings with Delta Mercury Control program items were on 25 November 2005, 16 March 2007, 24 25 April 2008 and 13 April 2009.

#### **H. Information about Municipal WWTPs in the Delta Region and Potential Costs to SRCSD Associated with Reducing Methylmercury and Total Mercury in Sacramento River WWTP Discharges to the Sacramento River**

30. Bosworth, D.H., S.J. Louie, M.L. Wood, D.J. Little, and H. Kulesza. 2009. A Review of Methylmercury and Total Mercury Discharges from NPDES Facilities in California's Central Valley. Central Valley Regional Water Quality Control Board draft staff report. Tables 14, 15 and 20 are provided in the printed pages that follow. Available at:  
[http://swrcb2.waterboards.ca.gov/centralvalley/water\\_issues/tmdl/central\\_valley\\_projects/delta\\_hg/other\\_technical\\_reports/npdes\\_mehg\\_draft\\_rpt.pdf](http://swrcb2.waterboards.ca.gov/centralvalley/water_issues/tmdl/central_valley_projects/delta_hg/other_technical_reports/npdes_mehg_draft_rpt.pdf)
31. Central Valley Regional Water Quality Control Board Waste Discharge Requirements for Sacramento Regional County Sanitation District Sacramento Regional Wastewater Treatment Plant, Sacramento County, Order No. 5-00-188, NPDES No. CA0077682. The first two pages of the Order that describe the secondary treatment processes are provided in the printed pages that follow. Document available at:  
[http://www.swrcb.ca.gov/centralvalley/board\\_decisions/adopted\\_orders/sacramento/5-00-188\\_npdes.pdf](http://www.swrcb.ca.gov/centralvalley/board_decisions/adopted_orders/sacramento/5-00-188_npdes.pdf)
32. Carollo Engineers. 2005. Sacramento Regional County Sanitation District Sacramento Regional Wastewater Treatment Plant NPDES Permit No. CA 0077682 Provision E.6 Treatment Feasibility Studies. Final Report, March 2005. 63 p. [In particular see Table 11 on page 32 for a summary of cost estimates.]

33. Wood, M., P. Morris, J. Cooke, S. Louie and D. Bosworth. 2008. Amendments to The Water Quality Control Plan for the Sacramento River and San Joaquin River Basins for the Control of Methylmercury and Total Mercury in the Sacramento-San Joaquin Delta Estuary – Central Valley Regional Water Quality Control Board Draft Staff Report for Public Review. Sacramento. February. [Excerpts describing potential methylmercury discharge reduction implementation cost estimates for SRCSD provided in paper form.] Available at:  
[http://swrcb2.waterboards.ca.gov/centralvalley/water\\_issues/tmdl/central\\_valley\\_projects/delta\\_hg/staff\\_report\\_feb08/bpa\\_append\\_b-f.pdf](http://swrcb2.waterboards.ca.gov/centralvalley/water_issues/tmdl/central_valley_projects/delta_hg/staff_report_feb08/bpa_append_b-f.pdf)

**I. Comments Submitted by Sacramento Regional County Sanitation District (SRCSD) for the Delta Mercury Control Program Draft Basin Plan Amendment Language**

34. SRCSD. 2006. Email submitted by Mary K. Snyder, SRCSD District Engineer, to Patrick Morris, Central Valley Water Board staff. 11 October 2006. Available at:  
[http://www.swrcb.ca.gov/rwqcb5/water\\_issues/tmdl/central\\_valley\\_projects/delta\\_hg/public\\_review\\_comments/delta\\_public\\_rvw\\_comments\\_11oct06\\_srcsd.pdf](http://www.swrcb.ca.gov/rwqcb5/water_issues/tmdl/central_valley_projects/delta_hg/public_review_comments/delta_public_rvw_comments_11oct06_srcsd.pdf)
35. SRCSD et al. 2006. Letter submitted by Mary K. Snyder, SRCSD District Engineer and nine other organizations, to Pamela Creedon, Central Valley Water Board Executive Officer. 17 November 2006. Available at:  
[http://www.swrcb.ca.gov/rwqcb5/water\\_issues/tmdl/central\\_valley\\_projects/delta\\_hg/public\\_review\\_comments/delta\\_public\\_rvw\\_comments\\_17nov06.pdf](http://www.swrcb.ca.gov/rwqcb5/water_issues/tmdl/central_valley_projects/delta_hg/public_review_comments/delta_public_rvw_comments_17nov06.pdf)
36. SRCSD. 2007. Email containing recommendations for offset language in to be added to the Delta mercury control program draft Basin Plan Amendment language, submitted by Vicki Fry, SRCSD Associate Civil Engineer, to Patrick Morris, Central Valley Water Board staff. 11 October 2006. Available at:  
[http://www.swrcb.ca.gov/rwqcb5/water\\_issues/tmdl/central\\_valley\\_projects/delta\\_hg/workshop\\_3-16-2007/deltahg\\_srcsd\\_14feb07\\_com.pdf](http://www.swrcb.ca.gov/rwqcb5/water_issues/tmdl/central_valley_projects/delta_hg/workshop_3-16-2007/deltahg_srcsd_14feb07_com.pdf)
37. SRCSD. 2008(a). Letter submitted by Mary K. Snyder, SRCSD District Engineer, to the Central Valley Water Board Members. 9 April 2008. Available at:  
[http://www.swrcb.ca.gov/rwqcb5/water\\_issues/tmdl/central\\_valley\\_projects/delta\\_hg/staff\\_report\\_feb08/public\\_comments\\_feb08/feb08\\_stfrpt\\_srcsd\\_09apr08.pdf](http://www.swrcb.ca.gov/rwqcb5/water_issues/tmdl/central_valley_projects/delta_hg/staff_report_feb08/public_comments_feb08/feb08_stfrpt_srcsd_09apr08.pdf)
38. SRCSD. 2008(b). Letter regarding SRCSD's desired modifications to the Delta methylmercury TMDL and inclusion of an offset program, submitted by Wendell Kido, Chief, SRCSD Policy and Planning Division, to Paul Betancourt, Central Valley Water Board Member. 18 April 2008. Available at:  
[http://www.swrcb.ca.gov/rwqcb5/water\\_issues/tmdl/central\\_valley\\_projects/delta\\_hg/staff\\_report\\_feb08/public\\_comments\\_feb08/feb08\\_srcsd\\_18apr08\\_com.pdf](http://www.swrcb.ca.gov/rwqcb5/water_issues/tmdl/central_valley_projects/delta_hg/staff_report_feb08/public_comments_feb08/feb08_srcsd_18apr08_com.pdf)
39. SRCSD. 2008(c). Letter submitted by Mary K. Snyder, SRCSD District Engineer, to Patrick Morris, Central Valley Water Board staff. 24 April 2008. Available at:  
[http://www.swrcb.ca.gov/rwqcb5/water\\_issues/tmdl/central\\_valley\\_projects/delta\\_hg/staff\\_report\\_feb08/public\\_comments\\_feb08/feb08\\_stfrpt\\_srcsd\\_24apr08.pdf](http://www.swrcb.ca.gov/rwqcb5/water_issues/tmdl/central_valley_projects/delta_hg/staff_report_feb08/public_comments_feb08/feb08_stfrpt_srcsd_24apr08.pdf)
40. SRCSD et al. 2008(a). Letter submitted by Mary K. Snyder, SRCSD District Engineer and ten other organizations, to Dr. Karl Longley, Central Valley Water Board Chair. 9 April 2008. Available at:  
[http://www.swrcb.ca.gov/rwqcb5/water\\_issues/tmdl/central\\_valley\\_projects/delta\\_hg/staff\\_report\\_feb08/public\\_comments\\_feb08/feb08\\_stfrpt\\_mercurystakeholder\\_com.pdf](http://www.swrcb.ca.gov/rwqcb5/water_issues/tmdl/central_valley_projects/delta_hg/staff_report_feb08/public_comments_feb08/feb08_stfrpt_mercurystakeholder_com.pdf)

41. SRCSD et al. 2008(b). Letter submitted by SRCSD and other organizations as a group self-named the “Delta Methylmercury TMDL Collaborative”, to the Chairmen and Members of the Central Valley Water Board. 24 April 2008. Available at: [http://www.swrcb.ca.gov/rwqcb5/water\\_issues/tmdl/central\\_valley\\_projects/delta\\_hg/staff\\_report\\_feb08/public\\_comments\\_feb08/dpc\\_24apr08\\_com.pdf](http://www.swrcb.ca.gov/rwqcb5/water_issues/tmdl/central_valley_projects/delta_hg/staff_report_feb08/public_comments_feb08/dpc_24apr08_com.pdf)

#### **J. SRCSD Offset Program Website**

42. SRCSD. 2009. Be Mercury Free – Offset Program. Website developed and maintained by Sacramento Regional County Sanitation District (SRCSD). Revised 19 May 2009. [See in particular pages 4 and 5.] <http://www.bemercuryfree.net/offsets.html>.

#### **K. SRCSD Offset Program Development Costs**

43. SRCSD. 2008. Sacramento Regional County Sanitation District 2008-09 Final Budget. Adopted by the District Board of Directors on 10 September 2008. Appendix B List of Contracts over \$100,000 - Consultants. Available at: <http://www.srcsd.com/pdf/budget-srcsdfinal-2009.pdf>  
[In particular see page 38, which shows Larry Walker Associates, Inc. contract totals for “SRCSD Development of Proposed Mercury Offsets Program” (\$750,050) and “SRCSD Localized Mercury Bioaccumulation Study” (\$726,615).]

#### **L. SRCSD Offset Program Development Reports [Not provided in paper form.]**

44. LWA et al. 2008. Localized Mercury Bioaccumulation Study – Final Report (March 2008). Prepared for Sacramento Regional County Sanitation District by Larry Walker Associates (LWA) in association with Applied Marine Sciences, Studio Geochimica, and University of California Davis. 73 pages. Available at: <http://www.bemercuryfree.net/offsets.html>
45. LWA. 2005. Sacramento Regional County Sanitation District Mercury Offset Feasibility Study Report of Findings (March 2005). Prepared for Sacramento Regional County Sanitation District by Larry Walker Associates (LWA). 82 pages text, 202 pages appendices. Available at: <http://www.bemercuryfree.net/offsets.html>

#### **M. Public Meetings Attended by Kate Hart, Craig Johns, SRCSD Staff and/or SRCSD Contractors [See Table 1, which summarizes who attended and presented at each meeting.]**

46. September, 29 2005: CEQA Scoping Meeting - Methylmercury TMDL & Basin Plan Amendment for the Sacramento-San Joaquin River Delta Estuary, Cesar Chavez Library, 605 North El Dorado Street, Stockton, CA. Summary of participant questions and comments available at: [http://www.swrcb.ca.gov/rwqcb5/water\\_issues/tmdl/central\\_valley\\_projects/delta\\_hg/ceqa\\_meeting\\_9-29-2005/index.shtml](http://www.swrcb.ca.gov/rwqcb5/water_issues/tmdl/central_valley_projects/delta_hg/ceqa_meeting_9-29-2005/index.shtml)
47. 28 November 2005: Amendment to the Basin Plan for the Control of Methylmercury in the Sacramento-San Joaquin Delta Estuary–Workshop to Receive Comments. 11020 Sun Center, Suite 200, Rancho Cordova, CA. Minutes available at: [http://www.swrcb.ca.gov/centralvalley/board\\_info/meetings/0511m.pdf](http://www.swrcb.ca.gov/centralvalley/board_info/meetings/0511m.pdf)



48. September 18, 2006: Staff Workshop - Proposed Methylmercury Basin Plan Amendment for the Sacramento-San Joaquin River Delta Estuary. Slide presentation (not provided in the following printed material) available at:  
[http://swrcb2.waterboards.ca.gov/centralvalley/water\\_issues/tmdl/central\\_valley\\_projects/delta\\_hg/staff\\_workshops/delta\\_hg\\_wkshp\\_18sep06.pdf](http://swrcb2.waterboards.ca.gov/centralvalley/water_issues/tmdl/central_valley_projects/delta_hg/staff_workshops/delta_hg_wkshp_18sep06.pdf)  
Ms. Hart report attending the Workshop at the 21/22 September 2006 Board meeting, as recorded in the minutes available at:  
[http://swrcb2.waterboards.ca.gov/centralvalley/board\\_info/meetings/0609m.pdf](http://swrcb2.waterboards.ca.gov/centralvalley/board_info/meetings/0609m.pdf)
49. March 16, 2007: Basin Plan Amendment for a Mercury Control Program for the Sacramento-San Joaquin River Delta Estuary-Workshop to Receive Comments. 11020 Sun Center Drive, #200, Rancho Cordova, CA. Minutes available at:  
[http://www.swrcb.ca.gov/centralvalley/board\\_info/meetings/0703m.pdf](http://www.swrcb.ca.gov/centralvalley/board_info/meetings/0703m.pdf)
50. April 24-25, 2008: Basin Plan Amendments for a Mercury Control Program for the Sacramento-San Joaquin River Delta Estuary Testimony Hearing. 11020 Sun Center Drive, #200, Rancho Cordova, CA. Minutes available at:  
[http://www.swrcb.ca.gov/centralvalley/board\\_info/meetings/0804m.pdf](http://www.swrcb.ca.gov/centralvalley/board_info/meetings/0804m.pdf)
51. March 26, 2009: Delta Methylmercury Total Maximum Daily Load and Basin Plan Amendment Stakeholder Informational Meeting. Held at the San Joaquin Farm Bureau, 3290 N Ad Art Road, Stockton, CA. Draft meeting summary available at:  
[http://www.swrcb.ca.gov/centralvalley/water\\_issues/tmdl/central\\_valley\\_projects/delta\\_hg/stakeholder\\_meetings/2009mar26/26mar09\\_mtg\\_summ.pdf](http://www.swrcb.ca.gov/centralvalley/water_issues/tmdl/central_valley_projects/delta_hg/stakeholder_meetings/2009mar26/26mar09_mtg_summ.pdf)
52. April 19, 2009: Delta Methylmercury Total Maximum Daily Load and Basin Plan Amendment Stakeholder Informational Meeting. Held at the Central Valley Water Board office, Sun Center Drive, #200, Rancho Cordova, CA. Draft meeting summary available at:  
[http://www.swrcb.ca.gov/centralvalley/water\\_issues/tmdl/central\\_valley\\_projects/delta\\_hg/stakeholder\\_meetings/2009apr21/21apr09\\_mtg\\_summ\\_draft.pdf](http://www.swrcb.ca.gov/centralvalley/water_issues/tmdl/central_valley_projects/delta_hg/stakeholder_meetings/2009apr21/21apr09_mtg_summ_draft.pdf)
53. April 23, 2009: Delta Mercury Control Program Update on the Stakeholder Process. 11020 Sun Center Drive, #200, Rancho Cordova, CA. Minutes available at:  
[http://www.swrcb.ca.gov/centralvalley/board\\_info/meetings/0904m.pdf](http://www.swrcb.ca.gov/centralvalley/board_info/meetings/0904m.pdf)

*Stakeholder Workgroup Meeting Dates and Participants Are Described in Executive Officer and Staff Reports to the Board:*

54. Executive Officer's Report for the 11/12 June 2009 Board Meeting: Delta Activities 5. Delta Mercury Control Program: Update on the Stakeholder Process (pages 16-18). Available at:  
[http://www.swrcb.ca.gov/centralvalley/board\\_info/exec\\_officer\\_reports/0906eo.pdf](http://www.swrcb.ca.gov/centralvalley/board_info/exec_officer_reports/0906eo.pdf)
55. April 2009 Staff Report: Delta Mercury Control Program - Update on the Stakeholder Process. Agenda Item for the 23/24 April 2009 Board Meeting. Available at:  
[http://www.swrcb.ca.gov/centralvalley/board\\_decisions/tentative\\_orders/0904/index.shtml](http://www.swrcb.ca.gov/centralvalley/board_decisions/tentative_orders/0904/index.shtml)



**N. Communications between SRCSD and Kate Hart Regarding the Delta Mercury Control Program Draft Basin Plan Amendment Reported in Board Meeting Minutes**

56. Minutes for the 24/25 April 2008 493rd Regular Meeting of the Central Valley Water Board. Available at:  
[http://www.swrcb.ca.gov/centralvalley/board\\_info/meetings/0804m.pdf](http://www.swrcb.ca.gov/centralvalley/board_info/meetings/0804m.pdf)

**O. Communications between Kate Hart and Stakeholders Besides SRCSD Regarding the Delta Mercury Control Program Draft Basin Plan Amendment Reported in October 2006-April 2009 Board Meeting Minutes**

57. Minutes for the 23/24 April 2009 500th Regular Meeting of the Central Valley Water Board. Available at:  
[http://swrcb2.waterboards.ca.gov/centralvalley/board\\_info/meetings/0904m.pdf](http://swrcb2.waterboards.ca.gov/centralvalley/board_info/meetings/0904m.pdf)
58. Minutes for the 4/5 December 2008 498th Regular Meeting of the Central Valley Water Board. Available at:  
[http://swrcb2.waterboards.ca.gov/centralvalley/board\\_info/meetings/0812m.pdf](http://swrcb2.waterboards.ca.gov/centralvalley/board_info/meetings/0812m.pdf)
59. Minutes for the 23/24 October 2008 497th Regular Meeting of the Central Valley Water Board. Available at:  
[http://swrcb2.waterboards.ca.gov/centralvalley/board\\_info/meetings/0810m.pdf](http://swrcb2.waterboards.ca.gov/centralvalley/board_info/meetings/0810m.pdf)
60. Minutes for the 11/12 September 2008 496th Regular Meeting of the Central Valley Water Board. Available at:  
[http://swrcb2.waterboards.ca.gov/centralvalley/board\\_info/meetings/0809m.pdf](http://swrcb2.waterboards.ca.gov/centralvalley/board_info/meetings/0809m.pdf)
61. Minutes for the 24/25 April 2008 493rd Regular Meeting of the Central Valley Water Board. Available at:  
[http://www.swrcb.ca.gov/centralvalley/board\\_info/meetings/0804m.pdf](http://www.swrcb.ca.gov/centralvalley/board_info/meetings/0804m.pdf)
62. Minutes for the 26/27 October 2006 481st Regular Meeting of the Central Valley Water Board. Available at:  
[http://swrcb2.waterboards.ca.gov/centralvalley/board\\_info/meetings/0610m.pdf](http://swrcb2.waterboards.ca.gov/centralvalley/board_info/meetings/0610m.pdf)

**P. Sacramento Area Sewer District Walnut Grove Wastewater Treatment Plant**

63. Public notice for October 2007 Board Meeting. Available at:  
[http://www.waterboards.ca.gov/centralvalley/board\\_decisions/tentative\\_orders/0710/walnut\\_grove/walnutgrove\\_noph.pdf](http://www.waterboards.ca.gov/centralvalley/board_decisions/tentative_orders/0710/walnut_grove/walnutgrove_noph.pdf)
64. Public notice for October 2008 Board Meeting. Available at:  
[http://swrcb2.swrcb.ca.gov/centralvalley/board\\_decisions/tentative\\_orders/0810/sac\\_asd/walnutgrove\\_noph.pdf](http://swrcb2.swrcb.ca.gov/centralvalley/board_decisions/tentative_orders/0810/sac_asd/walnutgrove_noph.pdf)

**Q. Sacramento Area Sewer District Related Board Minutes**

65. Minutes for the 25/26 October 2007 Regular Meeting of the Central Valley Water Board. Available at: [http://www.swrcb.ca.gov/centralvalley/board\\_info/meetings/0710m.pdf](http://www.swrcb.ca.gov/centralvalley/board_info/meetings/0710m.pdf)
66. Minutes for the 23/24 October 2008 497th Regular Meeting of the Central Valley Water Board. Available at:  
[http://swrcb2.waterboards.ca.gov/centralvalley/board\\_info/meetings/0810m.pdf](http://swrcb2.waterboards.ca.gov/centralvalley/board_info/meetings/0810m.pdf)

## **R. Ms. Hart's Recusal on Unrelated Agenda Items without Specifying Why**

67. Minutes for the 15/16 March 2007 484th Regular Meeting of the Central Valley Water Board. Available at:  
[http://www.swrcb.ca.gov/centralvalley/board\\_info/meetings/0703m.pdf](http://www.swrcb.ca.gov/centralvalley/board_info/meetings/0703m.pdf)
68. Minutes for the 11/12 September 2008 496th Regular Meeting of the Central Valley Water Board. Available at:  
[http://swrcb2.waterboards.ca.gov/centralvalley/board\\_info/meetings/0809m.pdf](http://swrcb2.waterboards.ca.gov/centralvalley/board_info/meetings/0809m.pdf)

## **S. Central Valley Board Mission**

69. Available at: [http://www.swrcb.ca.gov/centralvalley/about\\_us/](http://www.swrcb.ca.gov/centralvalley/about_us/)

## **T. Similar Cases Described on the Fair Political Practices Commission Website**

70. The following four FPPC websites provide examples of cases that are similar to that described in this complaint. The example cases are provided in the printed pages that follow.
  - a. <http://www.fppc.ca.gov/index.html?ID=426>
  - b. <http://www.fppc.ca.gov/index.html?ID=427>
  - c. <http://www.fppc.ca.gov/index.html?ID=428>
  - d. <http://www.fppc.ca.gov/index.html?ID=429>

## **U. Additional Information about Katherine Hart Johns**

71. Katherine Jeanne Hart Form 700 filing for assets and income at start of Board membership on 20 October 2005.
72. November 14, 2008 Officer of the Governor Press Release, "Governor Schwarzenegger Announces Appointments", describing Ms. Hart's re-appointment to the Board in November 2008. Available at: <http://gov.ca.gov/press-release/11038/>
73. Abbott Kindermann Land Law Blog, "Katherine Hart is Reappointed to the Regional Water Quality Control Board". Posted on July 10, 2009 by Abbott & Kindermann. States, "On July 8, 2009 senior associate Katherine Hart was unanimously confirmed by the Senate Rules Committee for reappointment by Governor Schwarzenegger to the Central Valley Regional Water Quality Control Board." Available at:  
<http://blog.aklandlaw.com/2009/07/articles/ak-news/katherine-hart-is-reappointed-to-the-regional-water-quality-control-board/>

## **V. Communications between Kate Hart and Stakeholders Besides SRCSD Regarding the Delta Mercury Control Program Draft Basin Plan Amendment Reported in the June 2009 Board Meeting Minutes**

74. Minutes for the 11/12 June 2009 501th Regular Meeting of the Central Valley Water Board. Available at:  
[http://www.swrcb.ca.gov/centralvalley/board\\_info/meetings/0906m.pdf](http://www.swrcb.ca.gov/centralvalley/board_info/meetings/0906m.pdf)

## **W. Craig Johns Form 625 Lobbying Declarations: Q2 of 2009, 2001 through 2004**

*[Tables 3 and 4 summarize this data]*

75. Form 625 for Q2 of 09/10 legislative session showing \$9600 income from SRCSD and \$2400 income from SASD. Both list lobbying the Central Valley Regional Board regarding the Mercury TMDL. Available at:  
<http://cal-access.ss.ca.gov/Misc/pdf.aspx?filingid=1435815&amendid=0>
76. Form 625 for Q8 03/04 legislative session Available at:  
<http://cal-access.ss.ca.gov/Misc/pdf.aspx?filingid=1072355&amendid=1>
77. Form 625 for Q7 03/04 legislative session. Available at:  
<http://cal-access.ss.ca.gov/Misc/pdf.aspx?filingid=1047675&amendid=0>
78. Form 625 for Q6 03/04 legislative session Available at:  
<http://cal-access.ss.ca.gov/Misc/pdf.aspx?filingid=1022185&amendid=0>
79. Form 625 for Q5 03/04 legislative session. Available at:  
<http://cal-access.ss.ca.gov/Misc/pdf.aspx?filingid=963875&amendid=1>
80. Form 625 for Q4 03/04 legislative session. Available at:  
<http://cal-access.ss.ca.gov/Misc/pdf.aspx?filingid=1009939&amendid=1>
81. Form 625 for Q3 03/04 legislative session. Available at:  
<http://cal-access.ss.ca.gov/Misc/pdf.aspx?filingid=985662&amendid=0>
82. Form 625 for Q2 03/04 legislative session. Available at:  
<http://cal-access.ss.ca.gov/Misc/pdf.aspx?filingid=942366&amendid=0>
83. Form 625 for Q1 03/04 legislative session. Available at:  
<http://cal-access.ss.ca.gov/Misc/pdf.aspx?filingid=927618&amendid=0>
84. Form 625 for Q8 01/02 legislative session. Available at:  
<http://cal-access.ss.ca.gov/Misc/pdf.aspx?filingid=905591&amendid=1>
85. Form 625 for Q7 01/02 legislative session. Available at:  
<http://cal-access.ss.ca.gov/Misc/pdf.aspx?filingid=881360&amendid=0>
86. Form 625 for Q6 01/02 legislative session. Available at:  
<http://cal-access.ss.ca.gov/Misc/pdf.aspx?filingid=850251&amendid=1>
87. Form 625 for Q5 01/02 legislative session. Available at:  
<http://cal-access.ss.ca.gov/Misc/pdf.aspx?filingid=838932&amendid=0>
88. Form 625 for Q4 01/02 legislative session. Available at:  
<http://cal-access.ss.ca.gov/Misc/pdf.aspx?filingid=806833&amendid=0>
89. Form 625 for Q3 01/02 legislative session. Available at:  
<http://cal-access.ss.ca.gov/Misc/pdf.aspx?filingid=794357&amendid=0>
90. Form 625 for Q2 01/02 legislative session. Available at:  
<http://cal-access.ss.ca.gov/Misc/pdf.aspx?filingid=770763&amendid=0>
91. Form 625 for Q1 01/02 legislative session. Available at:  
<http://cal-access.ss.ca.gov/Misc/pdf.aspx?filingid=746613&amendid=0>

## **X. Information about Craig Johns' California Resource Strategies Clients and Contracts**

92. Sacramento Regional County Sanitation District 2009-10 Final Budget. Available at:  
<http://www.srcsd.com/pdf/budget-srcsdfinal-2010.pdf>
93. Sacramento Area Sewer District Budgets: <http://www.sacsewer.com/reports-fin.html>

94. Central Valley Regional Water Quality Control Board Order No. R5-2000-0188 (NPDES No. CA0077682) – Waste Discharge Requirements for Sacramento Regional County Sanitation District Sacramento Region Wastewater Treatment Plant, Sacramento County. Available at:  
[http://swrcb2.waterboards.ca.gov/centralvalley/board\\_decisions/adopted\\_orders/sacramento/5-00-188\\_npdes.pdf](http://swrcb2.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/sacramento/5-00-188_npdes.pdf)
95. Central Valley Regional Water Quality Control Board Order No. R5-2003-0084 (NPDES No. CA0078794) – Waste Discharge Requirements for Sacramento County Sanitation District No. 1 (a.k.a. Sacramento Area Sewer District) Walnut Grove Wastewater Treatment Plant, Sacramento County. Available at:  
[http://swrcb2.waterboards.ca.gov/centralvalley/board\\_decisions/adopted\\_orders/sacramento/r5-2003-0084.pdf](http://swrcb2.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/sacramento/r5-2003-0084.pdf)
96. June 13, 2007 letter from PSSEP to Ms. Tam Doduc, Chair and Members of the State Water Resources Control Board signed by “Craig S.J. Johns, Program Manager” on letterhead that lists the partners of PSSEP in the left side bar. Available at:  
[http://www.swrcb.ca.gov/plans\\_policies/docs/wqenforcement/comments/craig\\_johns.pdf](http://www.swrcb.ca.gov/plans_policies/docs/wqenforcement/comments/craig_johns.pdf)
97. Bay Area Clean Water Association (BACWA) Executive Board Meeting Packet. The “PSSEP Work Plan - 2009” is provided on pages 23 -36 of the packet. Page 14 of the Work Plan (page 36 of the agenda packet) contains “C. Program Management” and “C. Work Plan Budget & Commitment Needs”, which describe Mr. Johns’ appointment to the AB 982 Public Advisory Group and the PSSEP budget for the Work Plan and how PSSEP will be invoiced.  
<http://www.bacwa.org/LinkClick.aspx?fileticket=uLGitTFwWDw%3D&tabid=73&mid=403>
98. Chlorine Chemistry Council website:  
[http://www.sourcewatch.org/index.php?title=Chlorine\\_Chemistry\\_Council](http://www.sourcewatch.org/index.php?title=Chlorine_Chemistry_Council)
99. Membership list of California Manufacturers & Technology Association:  
[http://www.cmta.net/member\\_list.php](http://www.cmta.net/member_list.php)

#### **Y. Information about Craig Johns’ Ethics Training**

100. Office of the Attorney General Ethics Training Courses for State Officials website that describes ethics training requirements: <http://ag.ca.gov/ethics>
101. Secretary of State Cal-Access “Lobbying Activity” website that provides information about Mr. Johns’ most recent ethics training:  
<http://cal-access.ss.ca.gov/Lobbying/Lobbyists/Detail.aspx?id=1149552&session=2009>

#### **Z. SRCSD Interests Besides the Delta Mercury TMDL Program**

102. 16/17 March 2006 Board meeting minutes that note Kate Hart’s presence during the hearing on 17 March 2006 for the agenda item, “Triennial Review of the Water Quality Control Plan for the Sacramento River and San Joaquin River Basins – Consideration of a Resolution to Adopt the Triennial Review Workplan and Response to Comments. Available at: [http://www.swrcb.ca.gov/centralvalley/board\\_info/meetings/0603m.pdf](http://www.swrcb.ca.gov/centralvalley/board_info/meetings/0603m.pdf)
103. Regional Water Quality Control Board, Central Valley Region: 2005 Triennial Review Response to Comments. SRCSD (Wendell Kido, District Manager) comments and Board staff’s responses to SRCSD comments are on pages 2-4. Available at:  
[http://www.swrcb.ca.gov/centralvalley/board\\_decisions/tentative\\_orders/0603/triennial\\_review/tr-response-to-comments.pdf](http://www.swrcb.ca.gov/centralvalley/board_decisions/tentative_orders/0603/triennial_review/tr-response-to-comments.pdf)

104. Regional Water Quality Control Board, Central Valley Region: 2005 Triennial Review Response to Comments. SRCSD (Wendell Kido, District Manager) comment supporting “the continuation of the Central Valley’s process for the development of a drinking water policy and associated Basin Plan amendments” is provided on page 2. Available at:  
[http://www.swrcb.ca.gov/centralvalley/board\\_decisions/tentative\\_orders/0603/triennial\\_review/tr-response-to-comments.pdf](http://www.swrcb.ca.gov/centralvalley/board_decisions/tentative_orders/0603/triennial_review/tr-response-to-comments.pdf)
105. Central Valley Water Board’s website describing the ongoing development of the Drinking Water Policy:  
[http://www.swrcb.ca.gov/rwqcb5/water\\_issues/drinking\\_water\\_policy/](http://www.swrcb.ca.gov/rwqcb5/water_issues/drinking_water_policy/)
106. Letter from SRCSD (Terrie L. Mitchell for Stan Dean, District Manager, Policy & Planning) to Board staff providing comments on the Proposed Revisions to the 303(d) List of Impaired Water Bodies and Consideration of an Integrated Assessment Report for the Central Valley Region. Available at:  
[http://www.swrcb.ca.gov/rwqcb5/water\\_issues/tmdl/impaired\\_waters\\_list/comments\\_received/sacramento\\_rcsd\\_com.pdf](http://www.swrcb.ca.gov/rwqcb5/water_issues/tmdl/impaired_waters_list/comments_received/sacramento_rcsd_com.pdf)
107. July 22, 2009 letter from SRCSD (Stan R. Dean, Director of Policy and Planning) to Board staff providing comments on the Triennial Review for the Sacramento and San Joaquin River Basins. Available at:  
[http://www.swrcb.ca.gov/centralvalley/board\\_decisions/tentative\\_orders/0908/triennial\\_rvw/triennial\\_review\\_sac\\_regional\\_com.pdf](http://www.swrcb.ca.gov/centralvalley/board_decisions/tentative_orders/0908/triennial_rvw/triennial_review_sac_regional_com.pdf)

**AA. Agendas for the Board meetings held in November 2005, January 2006, March 2006, May 2006, and June 2006 that indicate that closed Board sessions may have discussed “Sacramento Regional Co. Sanitation Dist. v. SWRCB, et al., Sacramento Co. Sup. Ct. No. 98CS01702”**

108. Agenda for Board meeting on 28/29 November 2005.  
[http://www.swrcb.ca.gov/centralvalley/board\\_info/meetings/0511ag.doc](http://www.swrcb.ca.gov/centralvalley/board_info/meetings/0511ag.doc)
109. Agenda for Board meeting on 26 January 2006.  
[http://www.swrcb.ca.gov/centralvalley/board\\_info/meetings/0601ag.pdf](http://www.swrcb.ca.gov/centralvalley/board_info/meetings/0601ag.pdf)
110. Agenda for Board meeting on 16/17 March 2006.  
[http://www.swrcb.ca.gov/centralvalley/board\\_info/meetings/0603ag.pdf](http://www.swrcb.ca.gov/centralvalley/board_info/meetings/0603ag.pdf)
111. Agenda for Board meeting 4/5 May 2006.  
[http://www.swrcb.ca.gov/centralvalley/board\\_info/meetings/0605ag.pdf](http://www.swrcb.ca.gov/centralvalley/board_info/meetings/0605ag.pdf)
112. Agenda for Board meeting 22/23 June 2006.  
[http://www.swrcb.ca.gov/centralvalley/board\\_info/meetings/0606ag.pdf](http://www.swrcb.ca.gov/centralvalley/board_info/meetings/0606ag.pdf)

**BB. Information about the Central Valley Clean Water Association (CVCWA)**

- 113a. Minutes of Board Meeting on 21 June 2007 where Ms. Webster introduced herself as Director of CVCWA. Available at:  
[http://www.swrcb.ca.gov/centralvalley/board\\_info/meetings/0706m.pdf](http://www.swrcb.ca.gov/centralvalley/board_info/meetings/0706m.pdf)
- 113b. CVCWA Membership Roster in the Central Valley Water Association Annual Report 2007-2008. “Figure 1: Membership Roster - June 5, 2007 – Dischargers” (page 12) indicates that SRCSD is a member. Available at:  
<http://www.cvcwa.org/pdf%20files/Annual%20Reports/CVCWA%20Annual%20Report%202007-08%20FINAL.pdf>

114. Central Valley Clean Water Association Business Plan for Fiscal Year 2008/09.  
Available at:  
<http://www.cvcwa.org/pdf%20files/Business%20and%20Strategic%20Plans/Business%20Plan%202008-09%20FINAL.pdf>
115. "CVCWA History" provided on the Central Valley Clean Water Association website available at: <http://www.cvcwa.org/history.htm>
116. Description of CVCWA's "Permitting and Regulatory Advocacy Special Project" on page 9 of the Central Valley Clean Water Association Annual Report 2007-2008.  
Available at:  
<http://www.cvcwa.org/pdf%20files/Annual%20Reports/CVCWA%20Annual%20Report%202007-08%20FINAL.pdf>

**CC. Letters from the Central Valley Clean Water Association (CVCWA) to the Central Valley Water Board Members and Staff Signed by Debbie Webster That Were Included in Agenda Packages, Agenda Minutes That Indicated Agenda Items for Which Debbie Webster Provided Oral Testimony, and Agenda Minutes that Indicated Whether Kate Hart Participated in the Agenda Items for Which Debbie Webster Provided Written and/or Oral Testimony**

117. September 30, 2009 letter providing comments on the tentative order for the City of Portola. Available at:  
[http://www.swrcb.ca.gov/centralvalley/board\\_decisions/tentative\\_orders/0910/cityofportola/portola\\_wwtp\\_cvcwa\\_com.pdf](http://www.swrcb.ca.gov/centralvalley/board_decisions/tentative_orders/0910/cityofportola/portola_wwtp_cvcwa_com.pdf) [*Minutes for the 7/8 October 2009 Board Meeting with the City of Portola item not yet available.*]
118. September 30, 2009 letter providing comments on the proposed waste discharge requirement for the City of Manteca Wastewater Control Facility. Available at:  
[http://www.swrcb.ca.gov/centralvalley/board\\_decisions/tentative\\_orders/0910/cityofmanteca/manteca\\_cvcwa\\_com.pdf](http://www.swrcb.ca.gov/centralvalley/board_decisions/tentative_orders/0910/cityofmanteca/manteca_cvcwa_com.pdf)  
[*Minutes for the 7/8 October 2009 Board Meeting with the City of Manteca item not yet available.*]
119. July 29, 2009 letter providing comments on the Non-regulatory Amendments to the Water Quality Control Plan for the Sacramento River and San Joaquin River Basins to Correct Editing Errors and Update Language. Available at:  
[http://www.swrcb.ca.gov/centralvalley/board\\_decisions/tentative\\_orders/0908/non\\_reg/non\\_reg\\_cvcwa\\_com.pdf](http://www.swrcb.ca.gov/centralvalley/board_decisions/tentative_orders/0908/non_reg/non_reg_cvcwa_com.pdf)  
[*Minutes for the 13 August 2009 Board Meeting with the Non-regulatory Basin Plan Amendments item not yet available.*]
120. July 22, 2009 letter providing comments on the Triennial Review for the Sacramento River and San Joaquin River Basins. Available at:  
[http://www.swrcb.ca.gov/centralvalley/board\\_decisions/tentative\\_orders/0908/triennial\\_rvw/triennial\\_review\\_cvcwa\\_com.pdf](http://www.swrcb.ca.gov/centralvalley/board_decisions/tentative_orders/0908/triennial_rvw/triennial_review_cvcwa_com.pdf)  
[*Minutes for the 13 August 2009 Board Meeting with the Non-regulatory Basin Plan Amendments item not yet available.*]
121. May 12, 2009 letter providing comments on the Tentative Order for the City of Portola, Portola Wastewater Treatment Plant. Available at:  
[http://www.swrcb.ca.gov/centralvalley/board\\_decisions/tentative\\_orders/0906/cityofportola/portola\\_cvcwa\\_com.pdf](http://www.swrcb.ca.gov/centralvalley/board_decisions/tentative_orders/0906/cityofportola/portola_cvcwa_com.pdf)



122. 11/12 June 2009 Board meeting minutes indicating Kate Hart participated in the City of Portola item: [http://www.swrcb.ca.gov/centralvalley/board\\_info/meetings/0906m.pdf](http://www.swrcb.ca.gov/centralvalley/board_info/meetings/0906m.pdf)
123. 23/24 April 2009 Board meeting minutes documenting that Ms. Hart was present when Ms. Webster gave oral comments during the Public Forum regarding concern over the regulation of salinity and committing to “work with the Board on solutions” and during the information item for the Delta Mercury Control Program Update on the Stakeholder Process. Available at: [http://www.swrcb.ca.gov/centralvalley/board\\_info/meetings/0904m.pdf](http://www.swrcb.ca.gov/centralvalley/board_info/meetings/0904m.pdf)
124. December 31, 2008 letter providing comments on the Tentative Order for the Maxwell WWTP. Available at: [http://www.swrcb.ca.gov/centralvalley/board\\_decisions/tentative\\_orders/0902/maxwell/maxwell\\_com\\_cvcwa.pdf](http://www.swrcb.ca.gov/centralvalley/board_decisions/tentative_orders/0902/maxwell/maxwell_com_cvcwa.pdf)
125. 5 February 2009 Board meeting minutes indicating Kate Hart participated in the Maxwell WWTP item. Available at: [http://www.swrcb.ca.gov/centralvalley/board\\_info/meetings/0902m.pdf](http://www.swrcb.ca.gov/centralvalley/board_info/meetings/0902m.pdf)
126. October 24, 2008 letter providing comments on the Tentative Order for the City of Colusa WWTP. Available at: [http://www.swrcb.ca.gov/centralvalley/board\\_decisions/tentative\\_orders/0812/colusa/colusa\\_com\\_cvcwa.pdf](http://www.swrcb.ca.gov/centralvalley/board_decisions/tentative_orders/0812/colusa/colusa_com_cvcwa.pdf)
127. 4/5 December 2008 Board meeting minutes indicating Kate Hart participated in the City of Colusa item, as well as was present when Ms. Webster gave oral testimony for the Discovery Bay CSD WWTP, Groundwater Strategy, and SEP/Regional Water Quality Improvements Projects Program items. Available at: [http://www.swrcb.ca.gov/centralvalley/board\\_info/meetings/0812m.pdf](http://www.swrcb.ca.gov/centralvalley/board_info/meetings/0812m.pdf)
128. September 24, 2008 letter providing comments on the Tentative Waste Discharge Requirements for the Tuolumne Utilities District, Sonora Regional Wastewater Treatment Plant (WWTP) and Jamestown Sanitary District, Jamestown WWTP. Available at: [http://www.swrcb.ca.gov/centralvalley/board\\_decisions/tentative\\_orders/0810/tud\\_sonora/tud\\_sonora\\_com\\_cvcwa.pdf](http://www.swrcb.ca.gov/centralvalley/board_decisions/tentative_orders/0810/tud_sonora/tud_sonora_com_cvcwa.pdf)
129. September 21, 2008 letter providing comments on the Tentative Waste Discharge Requirements for the City of Stockton Regional Wastewater Control Facility. Available at: [http://www.swrcb.ca.gov/centralvalley/board\\_decisions/tentative\\_orders/0810/stockton\\_rwcf/stockton\\_com\\_cvcwa.pdf](http://www.swrcb.ca.gov/centralvalley/board_decisions/tentative_orders/0810/stockton_rwcf/stockton_com_cvcwa.pdf)
130. 23/24 October 2008 Board meeting minutes indicating Kate Hart participated in the City of Stockton and Tuolumne Utilities District items. Available at: [http://www.swrcb.ca.gov/centralvalley/board\\_info/meetings/0810m.pdf](http://www.swrcb.ca.gov/centralvalley/board_info/meetings/0810m.pdf)
131. June 13, 2008 letter proving comments on the Tentative Order for the City of Colusa WWTP. Available at: [http://www.swrcb.ca.gov/centralvalley/board\\_decisions/tentative\\_orders/0807/colusa\\_wtp/colusa\\_com\\_cvcwa.pdf](http://www.swrcb.ca.gov/centralvalley/board_decisions/tentative_orders/0807/colusa_wtp/colusa_com_cvcwa.pdf)
132. 31 July/1 August 2008 Board meeting minutes indicating Kate Hart participated in the City of Colusa WWTP item. Available at: [http://www.swrcb.ca.gov/centralvalley/board\\_info/meetings/0807m.pdf](http://www.swrcb.ca.gov/centralvalley/board_info/meetings/0807m.pdf)

133. 12 June 2008 Board meeting minutes indicating Kate Hart was present during Ms. Webster's oral testimony during the public forum when Ms. Webster outlined "great partnership opportunities" between CVCWA and the Board regarding CVCWA setting aside a \$25,000 grant towards a study effort through the CV Salts program, outreach efforts on SSO General Permit with a focus on small communities, and working with other agencies throughout the State on No Drugs Down the Drain campaign. Available at:  
[http://www.swrcb.ca.gov/centralvalley/board\\_info/meetings/0806m.pdf](http://www.swrcb.ca.gov/centralvalley/board_info/meetings/0806m.pdf)
134. April 9, 2008 letter providing comments on the February 2008 draft "Amendments to The Water Quality Control Plan for the Sacramento River and San Joaquin River Basins for the Control of Methylmercury and Total Mercury in the Sacramento-San Joaquin Delta Estuary". The letterhead indicates that Stan Dean (SRCSD) was the Chair of CVCWA in April 2008. Available at:  
[http://www.swrcb.ca.gov/centralvalley/board\\_decisions/tentative\\_orders/0804/delta\\_mercury/feb08\\_stfrpt\\_cvcwa\\_com.pdf](http://www.swrcb.ca.gov/centralvalley/board_decisions/tentative_orders/0804/delta_mercury/feb08_stfrpt_cvcwa_com.pdf)
135. March 17, 2007 letter providing comments on Tentative Waste Discharge Requirements and Time Schedule Order for City of Vacaville's Easterly Wastewater Treatment Plant. [Per the 24/25 April Board meeting minutes, Ms. Hart was not present during this hearing."] Available at:  
[http://www.swrcb.ca.gov/centralvalley/board\\_decisions/tentative\\_orders/0804/cityofvacaville/vacaville\\_easterly\\_cvcwa\\_com.pdf](http://www.swrcb.ca.gov/centralvalley/board_decisions/tentative_orders/0804/cityofvacaville/vacaville_easterly_cvcwa_com.pdf)
136. March 17, 2007 letter providing comments on Tentative Waste Discharge Requirements and Time Schedule Order for Ironhouse Sanitary District's Wastewater Treatment Plant. Available at:  
[http://www.swrcb.ca.gov/centralvalley/board\\_decisions/tentative\\_orders/0804/ironhouse/isd\\_wwtp\\_cvcwa\\_com.pdf](http://www.swrcb.ca.gov/centralvalley/board_decisions/tentative_orders/0804/ironhouse/isd_wwtp_cvcwa_com.pdf)
137. March 4, 2008 letter providing comments for the Tentative Waste Discharge Requirements for Calaveras County Water District and Cain-Papais Trust - Forest Meadows Wastewater Reclamation Facility, Calaveras County. [Per the 24/25 April Board meeting minutes, Ms. Hart was not present during this hearing."] Available at:  
[http://www.swrcb.ca.gov/centralvalley/board\\_decisions/tentative\\_orders/0804/forest\\_meadows/ccwd\\_forest\\_meadows\\_cvcwa\\_com.doc.pdf](http://www.swrcb.ca.gov/centralvalley/board_decisions/tentative_orders/0804/forest_meadows/ccwd_forest_meadows_cvcwa_com.doc.pdf)
138. 24/25 April 2008 Board meeting minutes indicating Kate Hart participated in the Delta Basin Plan Amendment and Ironhouse items. Per the meeting minutes, "Ms. Hart was not present during this hearing" for the Vacaville and Forest Meadows items.] Per the minutes, Ms. Hart was present during the Delta Basin Plan Amendment hearing and during Ms. Webster's oral testimony for the Ironhouse WWTP item. Available at:  
[http://www.swrcb.ca.gov/centralvalley/board\\_info/meetings/0804m.pdf](http://www.swrcb.ca.gov/centralvalley/board_info/meetings/0804m.pdf)
139. February 9, 2008 letter providing comments for the Tentative Waste Discharge Requirements for the City of Merced, Merced Wastewater Treatment Facility. Available at:  
[http://www.swrcb.ca.gov/centralvalley/board\\_decisions/tentative\\_orders/0803/cityofmerced/merced\\_wwtf\\_cvcwa\\_com.pdf](http://www.swrcb.ca.gov/centralvalley/board_decisions/tentative_orders/0803/cityofmerced/merced_wwtf_cvcwa_com.pdf)



140. January 25, 2008 letter providing comments for the Tentative Waste Discharge Requirements for the City of Clovis, Clovis Sewage Treatment and Water Reuse Facility. Available at:  
[http://www.swrcb.ca.gov/centralvalley/board\\_decisions/tentative\\_orders/0803/clovis\\_stwrf/clovis\\_stwrf\\_cvcwa\\_com.pdf](http://www.swrcb.ca.gov/centralvalley/board_decisions/tentative_orders/0803/clovis_stwrf/clovis_stwrf_cvcwa_com.pdf)
141. January 20, 2008 letter providing comments for the Tentative Waste Discharge Requirements for the Malaga County Water District, Malaga Wastewater Treatment Facility. Available at:  
[http://www.swrcb.ca.gov/centralvalley/board\\_decisions/tentative\\_orders/0803/malaga\\_wwtf/malaga\\_wwtf\\_cvcwa\\_com.pdf](http://www.swrcb.ca.gov/centralvalley/board_decisions/tentative_orders/0803/malaga_wwtf/malaga_wwtf_cvcwa_com.pdf)
142. 14 March 2008 Board meeting minutes indicating Kate Hart participated in the Malaga, Clovis, and Merced Wastewater Treatment Facility items. Available at:  
[http://www.swrcb.ca.gov/centralvalley/board\\_info/meetings/0803m.pdf](http://www.swrcb.ca.gov/centralvalley/board_info/meetings/0803m.pdf)
143. 6 December 2007 meeting minutes indicating Kate Hart was present during Debbie Webster's oral testimony for "Consideration of a resolution identifying actions the Water Boards will take to protect beneficial uses of the San Francisco Bay/Sacramento-San Joaquin Delta estuary". Available at:  
[http://www.swrcb.ca.gov/centralvalley/board\\_info/meetings/0712m.pdf](http://www.swrcb.ca.gov/centralvalley/board_info/meetings/0712m.pdf)
144. September 30, 2007 letter providing comments for the Tentative Waste Discharge Requirements for City of Jackson Wastewater Treatment Plant. Available at:  
[http://www.swrcb.ca.gov/centralvalley/board\\_decisions/tentative\\_orders/0710/jackson/jackson\\_com\\_cvcwa.pdf](http://www.swrcb.ca.gov/centralvalley/board_decisions/tentative_orders/0710/jackson/jackson_com_cvcwa.pdf)
145. September 28, 2007 letter providing comments for the Tentative Waste Discharge Requirements for City of Yuba City Wastewater Treatment Facility. Available at:  
[http://www.swrcb.ca.gov/centralvalley/board\\_decisions/tentative\\_orders/0710/yuba\\_city/yubacity\\_com\\_cvcwa.pdf](http://www.swrcb.ca.gov/centralvalley/board_decisions/tentative_orders/0710/yuba_city/yubacity_com_cvcwa.pdf)
146. 25/26 October 2007 Board meeting minutes indicating Kate Hart participated in the Yuba and Jackson Wastewater Treatment Facilities' items, and was present during Ms. Webster's oral testimony for the "City of Colfax, Wastewater Treatment Plant, Placer County – Continuation of Hearing to Consider NPDES Permit Renewal and Cease and Desist Order" item, the City of Davis, Wastewater Treatment Plant, Yolo County – Continuation of Hearing to Consider NPDES Permit Renewal" item, and the Amendment to the Water Quality Control Plan for the Sacramento and San Joaquin River Basins to Revise Water Quality Objectives for pH and Turbidity – Consideration of Adoption of Proposed Amendment and Filing of Draft Environmental Documents" item. Available at: [http://www.swrcb.ca.gov/centralvalley/board\\_info/meetings/0710m.pdf](http://www.swrcb.ca.gov/centralvalley/board_info/meetings/0710m.pdf)
147. August 17, 2007 letter providing comments on the Renewal of Waste Discharge Requirements and Time Schedule Order for City of Lodi White Slough Water Pollution Control Facility. Available at:  
[http://www.swrcb.ca.gov/centralvalley/board\\_decisions/tentative\\_orders/0709/loDI/whit\\_slough-com-cvcwa.pdf](http://www.swrcb.ca.gov/centralvalley/board_decisions/tentative_orders/0709/loDI/whit_slough-com-cvcwa.pdf)
148. August 7, 2007 letter providing comments on the Tentative Waste Discharge Requirements for City of Kerman Wastewater Treatment Facility. Available at:  
[http://www.swrcb.ca.gov/centralvalley/board\\_decisions/tentative\\_orders/0709/kerman/kerman-com-cvcwa.pdf](http://www.swrcb.ca.gov/centralvalley/board_decisions/tentative_orders/0709/kerman/kerman-com-cvcwa.pdf)

149. 13/14 September 2007 Board meeting minutes indicating Kate Hart participated in the Lodi and Kerman Wastewater Treatment Facility items. Available at:  
[http://www.swrcb.ca.gov/centralvalley/board\\_info/meetings/0709m.pdf](http://www.swrcb.ca.gov/centralvalley/board_info/meetings/0709m.pdf)

**DD. Additional Board Meeting Minutes that Include Kate Hart's Recusals**

150. 26 January 2006 Board meeting minutes:  
[http://www.swrcb.ca.gov/centralvalley/board\\_info/meetings/0601m.pdf](http://www.swrcb.ca.gov/centralvalley/board_info/meetings/0601m.pdf)
151. 26 October 2006 Board meeting minutes:  
[http://swrcb2.waterboards.ca.gov/centralvalley/board\\_info/meetings/0610m.pdf](http://swrcb2.waterboards.ca.gov/centralvalley/board_info/meetings/0610m.pdf)
152. 228 25 January 2007 Board meeting minutes:  
[http://www.swrcb.ca.gov/centralvalley/board\\_info/meetings/0701m.pdf](http://www.swrcb.ca.gov/centralvalley/board_info/meetings/0701m.pdf)
153. 224 31 July 2008 Board meeting minutes:  
[http://www.swrcb.ca.gov/centralvalley/board\\_info/meetings/0807m.pdf](http://www.swrcb.ca.gov/centralvalley/board_info/meetings/0807m.pdf)
154. June 2008 Board meeting minutes:  
[http://www.swrcb.ca.gov/centralvalley/board\\_info/meetings/0806m.pdf](http://www.swrcb.ca.gov/centralvalley/board_info/meetings/0806m.pdf)
155. 4 December 2008 Board meeting minutes:  
[http://swrcb2.waterboards.ca.gov/centralvalley/board\\_info/meetings/0812m.pdf](http://swrcb2.waterboards.ca.gov/centralvalley/board_info/meetings/0812m.pdf)
156. June 2009 Board meeting minutes. [Also includes Ms. Hart's motion to support and vote on the resolution approving the Clean Water Act Section 305(b) and 303(d) Integrated Report, an item for which SRCSD (Stan Dean provided written comments):  
[http://www.swrcb.ca.gov/centralvalley/board\\_info/meetings/0906m.pdf](http://www.swrcb.ca.gov/centralvalley/board_info/meetings/0906m.pdf)

**EE. Regulations, FPPC Mission, Governor Appointment List, and Form 700 and 625 Instructions**

*[Political Reform Act and Porter-Cologne Act not provided in paper form.]*

157. Political Reform Act: [http://www.fppc.ca.gov/Act/2009\\_Act.pdf](http://www.fppc.ca.gov/Act/2009_Act.pdf)
158. Porter-Cologne Act: [http://www.swrcb.ca.gov/laws\\_regulations/docs/portercologne.pdf](http://www.swrcb.ca.gov/laws_regulations/docs/portercologne.pdf)
159. FPPC Mission statement: <http://www.fppc.ca.gov/>
160. Governor Appointment List: [http://gov.ca.gov/pdf/appointments/Vol1\\_TZ.pdf](http://gov.ca.gov/pdf/appointments/Vol1_TZ.pdf)
161. Instructions for Form 625: [http://www.sos.ca.gov/prd/forms/form\\_625.pdf](http://www.sos.ca.gov/prd/forms/form_625.pdf)
162. Top Ten Form 700 Questions: [http://www.fppc.ca.gov/forms/700-08-09/top\\_ten.pdf](http://www.fppc.ca.gov/forms/700-08-09/top_ten.pdf)
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**Name and Addresses of Potential Witnesses, in addition to yourself, if known:**

All information provided in this complaint is available to the public, most on the Internet and some by request to the State and Central Valley Water Boards. We encourage the Fair Political Practices Commission investigator to read the attached documents and then interview members of the Central Valley Water Board, the Central Valley Water Board staff, particularly the Mercury TMDL and NPDES Sections, and members of the public who have participated in the before-mentioned meetings as needed to validate the complaint.

**I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.**

\_\_\_\_\_  
(Signature)

**12 November 2009**  
(Date)

**Bill Jennings, Executive Director**  
(Please print your name)