

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL VALLEY REGION  
11020 Sun Center Drive, #200, Rancho Cordova, California 95670-6114

**PUBLIC HEARING**  
concerning

*Consideration of an Administrative Civil Liability*  
for

**VIRGINIA L. DRAKE, TRUSTEE, DRAKE REVOCABLE TRUST,  
DARWIN H. AND NINA R. SIMMONS, TRUSTEES, SIMMONS FAMILY TRUST,  
AND JAMES E. SIMMONS  
HUMBOLDT ROAD BURN DUMP AREA 7  
AND  
VIRGINIA L. DRAKE, TRUSTEE, DRAKE REVOCABLE TRUST,  
DARWIN H. AND NINA R. SIMMONS, TRUSTEES, SIMMONS FAMILY TRUST,  
JAMES E. SIMMONS, AND CITY OF CHICO  
HUMBOLDT ROAD BURN DUMP AREA 8  
BUTTE COUNTY**

Virginia L. Drake, Trustee, Drake Revocable Trust (hereafter “Drake Trust”), James E. Simmons (hereafter “Simmons”), and Darwin H. and Nina R. Simmons, Trustees, Simmons Family Trust (hereafter “Simmons Trust”), own two parcels known as Humboldt Road Burn Dump Areas 7 and 8 in the City of Chico. These parcels contain lead and other waste constituents that at some locations exceed hazardous waste levels. The waste constituents pose a threat to human health and the environment, including waters of the state. The City of Chico is named for Area 8 because it caused or permitted wastes to be placed on the parcel as a result of its Bruce Road Extension Project in 1987. The Central Valley Regional Water Quality Control Board (Water Board) ordered Drake Trust and Simmons Trust to cleanup Area 7 and Drake Trust, Simmons Trust, and the City of Chico to cleanup Area 8 by the end of the summer 2005. The cleanup has not occurred. In addition, the Water Board ordered Drake Trust, Simmons Trust, James E. Simmons, and the City of Chico to submit technical reports. The reports have not been submitted.

In September 2005, the Water Board Executive Officer issued complaints for Administrative Civil Liability to the Drake Trust for failing to submit required reports and for failing to cleanup Areas 7 and 8. At the 28 November 2005 public hearing, the Water Board declined to adopt Draft Administrative Civil Liability Orders to the Drake Trust for Areas 7 and 8 and continued the hearing. After further consideration, in February 2006, the Water Board Executive Officer issued two revised complaints for Administrative Civil Liability – one complaint for \$100,000 to the Drake Trust, Simmons, and the Simmons Trust for Area 7 and the other for \$125,000 to the Drake Trust, Simmons, Simmons Trust, and the City of Chico for Area 8. **Note: At this hearing the Water Board will consider Administrative Civil Liability orders. The Water Board may consider assessing liability in an amount different than the complaints and in different amounts for each party after considering the factors with respect to the violator pursuant to Water Code section 13327, including ability to pay, the effect on the ability to continue in business, any voluntary cleanup efforts undertaken, any prior history of violations, the degree of culpability, and economic benefit, if any.**

NOTICE OF PUBLIC HEARING  
HUMBOLDT ROAD BURN DUMP AREAS 7 & 8  
BUTTE COUNTY

-2-

A public hearing concerning this matter will be held during the Water Board meeting, which is scheduled for:

DATE: 4 and/or 5 May 2006  
TIME: 8:30 AM  
PLACE: CV-RWQCB Board Room  
11020 Sun Center Drive, #200  
Rancho Cordova, CA 95670

The designated parties for this hearing are as follows:

- Staff of Central Valley Water Board
- Virginia L. Drake, Trustee, Drake Revocable Trust
- Darwin H. Simmons and Nina R. Simmons, Simmons Family Trust
- James E. Simmons
- City of Chico

Only designated parties will have these rights: to call and examine witnesses; to introduce exhibits; to cross-examine opposing witnesses; to impeach any witness; and to rebut the evidence against him or her. All other persons wishing to testify or provide comments are interested persons and not designated parties.

Designated parties must submit evidence and written comments and interested persons must submit written comments on the tentative Administrative Civil Liability Orders by **28 April 2006** to Mr. James C. Pedri, Central Valley Water Board, 415 Knollcrest Drive, Suite 100, Redding, CA 96002. The administrative record includes previously submitted comments and evidence; therefore, only new material need be submitted.

All designated parties and interested persons may speak at the Water Board meeting, and are expected to orally summarize their written submittals. Oral testimony and cross examination will be limited in time by the Board Chair.

Anyone having questions on the Administrative Civil Liability should contact Mr. James C. Pedri at (530) 224-4845. Anyone may download the proposed Orders and related documents from the Water Board's Internet website at <http://www.waterboards.ca.gov/centralvalley/tentative/>. Copies of these documents can also be obtained by contacting or visiting the Water Board's Redding office at 415 Knollcrest Drive, Suite 100, Redding, California, 96002, weekdays between 8:00 a.m. and 5:00 p.m.

The procedures governing Water Board meetings may be found at Title 23, California Code of Regulations, Section 647 et seq. and is available upon request. Hearings before the Water Board are not conducted pursuant to Government Code section 11500 et seq. The procedures may be obtained by accessing [http://www.waterboards.ca.gov/water\\_laws/](http://www.waterboards.ca.gov/water_laws/). Information on meeting and hearing procedures is also available on the Water Board's website at [http://www.waterboards.ca.gov/centralvalley/board\\_meetings/mtgprocd.html](http://www.waterboards.ca.gov/centralvalley/board_meetings/mtgprocd.html) or by contacting any one of the Water Board's offices. Questions regarding such procedures should be directed to

NOTICE OF PUBLIC HEARING  
HUMBOLDT ROAD BURN DUMP AREAS 7 & 8  
BUTTE COUNTY

-3-

Ms. Janice Tanaka at (916) 464-4839. **The exact date and location will be provided in the agenda that will be available 10 days prior to the meeting.**

The hearing facilities will be accessible to persons with disabilities. Individuals requiring special accommodations are requested to contact Ms. Janice Tanaka at (916) 464-4839 at least 5 working days prior to the meeting. TTY users may contact the California Relay Service at 1-800-735-2929 or voice line at 1-800-735-2922.

Please bring the above information to the attention of anyone you know who would be interested in this matter.

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JAMES C. PEDRI, Assistant Executive Officer

11 April 2006

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