



North Central Region  
1701 Nimbus Road, Suite A  
Rancho Cordova, CA 95670-4599  
916-358-2900  
[www.dfg.ca.gov](http://www.dfg.ca.gov)



July 27, 2012

Gloria Mas, Deputy District Attorney  
County of Eldorado  
515 Main Street  
Placerville, CA 95667

Subject: Lindeman Property Lime Discharge; Failure to Follow Corrective Action Plan;  
Additional Violation of Fish and Game Code

This report includes background information regarding the lime pollution in state waters from the Lindeman property and information regarding additional Fish and Game Code violations discovered at the property on 7/25/12.

Lime discharge from the Lindeman property into two tributaries to Weber Creek was documented by me on 3/17/11. I provided Warden Darrel Stevenson and the Regional Water Quality Control Board with a copy of my Biosignificance Report dated 6/3/11. Warden Stevenson filed a Fish and Game violation case with the El Dorado District Attorney Office. In my 6/2/11 Biosignificance Report, I recommended that the site be stabilized to prevent further lime runoff from the property until a corrective action plan could be developed. I met with Nick Villa on site to discuss stabilization of the lime stockpile on the site. The lime stockpile was covered with visquene plastic and hay bales were placed in and around the stream to contain lime seepage.

I received a Corrective Action Plan for Lindeman property Waste Lime dated 2/2/12 signed by Mr. Lindeman. I told Mr. Lindeman that the plan was incomplete and not adequate; I advised him to hire a Geologist and Engineer to prepare a corrective action plan.

On 2/24/12 I received a Corrective Action Plan from Nick Villa, Ecological Services Division. I reviewed the plan, found it incomplete and insufficient and sent Mr. Villa a list of additional information needed. On 3/14/12, I emailed Villa, Lindeman, Isabel Baer (DFG 1600 Unit Supervisor), you, and Warden Darrell Stevenson a list of required information for the Corrective Action Plan. No further information for this plan was received.

On 3/28/12 I met at the site with Mr. Lindeman, Mike Murray, and representatives from Granite? (potential buyers for the Lindeman property) to discuss the pH issues, answer questions about the pollution, and discuss potential corrective action. I told Mr.

Lindeman that DFG is requiring prevention of high pH pollution to state waters from his property. Mr. Lindeman expressed that he wanted to do a larger "fix" for the problem and prepare his property for future sale. I told Mr. Lindeman that he could certainly pursue that goal but would need to meet with all permit requirements from respective agencies and comply with the California Environmental Quality Act (CEQA).

On 7/18/2012, I received the "Bradley Road Property Lime Kiln Waste Mitigation Plan Report for APNs 051-250-51-100 and 051-250-54-100 Bradley Road and Throwita Way Diamond Springs, El Dorado County, California" (Waste Mitigation Plan) prepared by Don Olsen of Holdrege and Kull. I reviewed the plan and approved the corrective action for the lime pollution to state waters with conditions.

During the week of 7/16/12, I received information from you that the work was nearing completion on the Lindeman property. I met at the site with the Regional Water Quality Control Board (RWQCB), Warden Stevenson, and representatives from El Dorado County (Grading Dept.?). My inspection of the site revealed the following unauthorized activities and DFG Code violations:

Failure to Meet Conditions and/or Adhere to the Waste Mitigation Plan (WMP):

1. Grading work occurred at the site without prior notification to DFG.
2. Temporary culvert was not placed to convey water from wetland to tributary to Weber Creek.
3. DFG did not receive a copy of the Health and Safety Plan.
4. Required permits from other agencies, particularly the RWQCB SWPP and County Grading permits were not obtained. RWQCB and El Dorado County indicated non-compliance and potential violations at the site. They plan to prepare documentation for submittal to the El dorado County DA.
5. WMP states that lime removal will not encroach into stream bottom. Loose soils and the toe of the fill are in the riparian and high water zone of the stream bordering the west edge of the property.
6. Erosion control is not adequate on the western property fill border to protect the stream. Erosion control does not prevent water from moving/flowing beneath it and the erosion control material is not loose-jointed, thus a threat to wildlife entanglement.

Fish and Game Code Violations:

1. Stream 1 and wetlands identified in my 6/3/11 Biosignificance Report (also identified in the WMP Section 2.1) is completely destroyed, filled and graded over.
2. On the western edge of the property, riparian vegetation is buried by loose soils. Loose soils on the steep slope are in a location where they can enter state waters. The constructed settling basin is within the riparian and high flood zone of the creek. Violation of DFG Code 1602 and 565(a)(6).

Recommendations: Evaluate information required by RWQCB, County Grading Dept., and other appropriate agencies to correct grading, erosion control, and capping operations. All agencies need to communicate plans for a focused corrective action at the site compatible with respective agency goals. Mitigate and compensate for destroyed wetlands and stream drainage that previously existed on the property. Responsible party must provide a report describing why WMP was not followed, why alternate activities occurred, place proper erosion control, and provide a plan for remedy of smothered and encroached riparian area. Pursue cost-recovery for DFG time and fine for violations.

Photographs and documentation pending. If you have any questions regarding this letter, please contact Carol Oz at (916) 358-2918.

Sincerely,



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Carol Oz  
Department of Fish and Game  
1701 Nimbus Rd.  
Rancho Cordova, CA 95670  
Staff environmental Scientist

Attachment: LSAA Notification Package

ec: Warden Darrel Stevenson, DFG  
Isabel Baer, DFG 1600 Unit Supervisor

People v. Lindeman

3-17-12	Discharge	5650.1	25,000.00
		17200	2,500.00
5/1/12-9/5/12	Working w/o notifying F&G	17200	2,500.00 (X125 days)
5/1/12-9/5/12	Working w/o a permit	17200	2,500.00 (X 125 days)
5/1/12-9/5/12	Working w/o a SWPP	17200	2,500.00 (X125 days)
5/1/12-9/5/12	Lime encroaching	17200	2,500.00
5/1/12-9/5/12	Wetland destroyed	5650.1	25,000.00
	" "	17200	2,500.00
5/1/12-9/5/12	Streambed Altered	1602	25,000.00
	" "	17200	2,500.00
			92,500.00

Costs for F&G

Costs for Waterboard

Costs for Blg Dept



State of California

The Resources Agency  
Department of Fish and Game  
1701 Nimbus Road, Suite A  
Rancho Cordova, CA 95670-4599

**Carol Oz**

Staff Environmental Scientist  
Water Quality  
Sacramento Valley - Central Sierra Region

916.358.2918  
Fax 916.358.2912  
email: coz@dfg.ca.gov



OFFICE OF THE DISTRICT ATTORNEY  
EL DORADO COUNTY

**GLORIA MARIA MAS**

Deputy District Attorney  
Elder Abuse Division

515 Main Street  
Placerville, CA 95667

Office: 530-621-6472  
Fax: 530-621-1280

State of California

Environmental Protection Agency  
California Regional Water Quality  
Control Board  
Central Valley Region



**KATHLEEN AMARU, PG, CEG**  
Associate Engineering Geologist

11020 Sun Center Drive #200  
Rancho Cordova, CA 95670-6114  
kamaru@waterboards.ca.gov

(916) 464-4607  
FAX (916) 464-4797



County of El Dorado



Dept. of Transportation

**Don Angel**  
Senior Engineering Technician

2850 Fairlane Court  
Placerville, CA 95667  
Email: [don.angel@edcgov.us](mailto:don.angel@edcgov.us)

Ph: 530-919-0367  
Fax: 530-621-2030



County of El Dorado



Dept. of Transportation

**Gregory Hicks, P.E.**  
Senior Civil Engineer

2850 Fairlane Court  
Placerville, CA 95667

Ph: 530-621-5929  
Fax: 530-621-2030  
Email: [greg.hicks@edcgov.us](mailto:greg.hicks@edcgov.us)



OFFICE OF THE DISTRICT ATTORNEY  
EL DORADO COUNTY

**JAMES CLINCHARD**  
Assistant District Attorney

515 Main Street  
Placerville, CA 95667  
[www.co.el-dorado.ca.us/eldoda](http://www.co.el-dorado.ca.us/eldoda)

Office: (530) 621-6472  
Fax: (530) 621-1280  
Email: [james.clinchard@edcgov.us](mailto:james.clinchard@edcgov.us)