

Citizen's Guide To The Water Board Hearings On Perchlorate In Rialto

2007

The State Water Resources Control Board, known as the State Water Board, is California's authority on water quality and water rights. One of the Board's jobs is deciding cases about water. To make the right decision, the Board sometimes holds hearings to look at evidence, hear witnesses and listen to legal arguments.

The State Water Board is holding hearings about perchlorate contamination of groundwater in the Rialto area with a main focus on 160 acres in Rialto. At the hearing, evidence will be collected and legal and policy arguments will be heard. Some of the issues expected to be considered are: how did the contamination occur, who is responsible and who should be liable for the cost to investigate and clean up, as well as the methods and standards to be used to protect public health.

A hearing officer, Ms. Tam Doduc, chair of the State Water Board, will run the proceedings. State law requires that the hearing officer is always neutral

and can only receive information from witnesses and interested parties during the formal hearing process.

Ms. Doduc's advisory team will be seated on the stage with her. The advisory team is the group of experts (four state water board attorneys and a water science expert) who help her with different decisions before, during, and after the hearing. Other state water board members may join Ms. Doduc on stage during the proceeding. Other team members, including support staff, and an attorney will be in the hearing room. Like Ms. Doduc, the advisory team members can only receive information during the actual hearing proceedings.

In this hearing, there are six parties. They are: The Santa Ana Regional Water Quality Control Board, the city of Rialto, Goodrich Corporation, Pyro Spectaculars, Emhart Industries, and the Center for Community Action and Environmental Justice. Shortly before the hearing, Ms. Doduc will decide in what order the parties will speak.

This is a hearing, not a trial. No one has been charged with any criminal wrongdoing. In general, the Advocacy Team from the Santa

Ana Regional Water Board claims that Goodrich Corporation, Pyro Spectaculars, and Emhart Industries are responsible for the perchlorate contamination. The Advocacy Team is like the prosecution in a trial. Its job is to prove the many issues of fact and law in the hearing. The Advocacy Team must prove each element of their case by a "preponderance of the evidence".

After the Advocacy Team presents its case, the other parties will follow. In this hearing, each party may support certain parts of the Advocacy Team's case, defend against other parts, and/or present entirely new arguments.

Members of the public, referred to as "interested parties," can also speak and present their views but cannot present evidence or ask questions. Interested parties may speak for a limited time about any of the issues raised in the hearing. People can speak even if they do not submit anything in writing, but they cannot present any documents. If you want to speak during the hearing, you must fill in a card that will be available at

the rear of the room. You will be called to the podium in the front of the room.

After all of the parties make their cases and the interested persons speak, the hearing will adjourn.

After the Hearing Officer considers the evidence, testimony, and the arguments made by the parties and interested persons, Ms. Doduc will recommend a decision to the entire five-member State Water Board at a regular Board meeting. The Board will decide whether to issue an order that may tell the parties when and how to investigate and clean up the site and who is responsible for portions of the cleanup cost.

Any final order will be issued by a vote of the full Board at a public meeting in Sacramento.

Dates for Ms. Doduc's recommendation and the full Board's vote, will be listed at <http://www.waterboards.ca.gov>.



Citizen's Guide To The Water Board Hearings On Perchlorate In Rialto

2007