



EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Los Angeles Regional Water Quality Control Board

September 16, 2015

Mr. Josh Marx, Property Manager
Kennedy Wilson 16501 Ventura, LLC
9701 Wilshire Blvd Suite 700
Beverly Hills, CA 90212

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
CLAIM NO. 7014 2120 0004 7561 9478

COMPLAINT NO. R4-2014-0050 FOR MANDATORY MINIMUM PENALTY AGAINST KENNEDY WILSON 16501 VENTURA, LLC, ENCINO EXECUTIVE PLAZA, 16501 VENTURA BOULEVARD, ENCINO, CALIFORNIA (ORDER NO. R4-2008-0032, NPDES PERMIT NO. CAG994004, CI-6722)

Dear Mr. Marx

Enclosed is Complaint No. R4-2014-0050 for Mandatory Minimum Penalties in the amount of \$12,000 against Kennedy Wilson 16501 Ventura, LLC (hereinafter Permittee) for violating waste discharge requirements contained in Regional Board Order No. R4-2008-0032. Also enclosed is a copy of the California Regional Water Quality Control Board, Los Angeles Region (Regional Board) "Hearing Procedures for Administrative Civil Liability Complaint No. R4-2014-0050" (Hearing Procedures).

Unless waived, a hearing before the Executive Officer of the Regional Board will be held on this Complaint pursuant to Executive Order No. EO-2014-01. Should the Permittee choose to waive its right to a hearing, an authorized agent must sign the waiver form attached to Complaint No. R4-2014-0050 and return it to the Regional Board by 5:00 pm on **October 16, 2015**. If we do not receive the waiver and full payment of the mandatory minimum penalty by **October 16, 2015**, this matter will be heard before the Executive Officer on **December 15, 2015**. An agenda containing the date, time, location and specific procedures of the hearing will be mailed to you prior to the hearing date.

Should you have any questions regarding this matter, please contact Dr. Matthew Buffleben at (916) 341-5891 / matthew.buffleben@waterboards.ca.gov or Mr. Russ Colby at (213) 620-6373 / russ.colby@waterboards.ca.gov.

Sincerely,

Paula Rasmussen
Assistant Executive Officer

Enclosures: Complaint No. R4-2014-0050
Exhibit "1"
Hearing Procedures

See Attached Mailing List

Mailing List

[via e-mail only]

Ms. Jennifer Fordyce, Office of Chief Counsel, SWRCB

Ms. Kailyn Ellison, Office of Enforcement, SWRCB

Ms. Vanessa Young, Office of Enforcement, SWRCB

Dr. Matthew Buffleben, Office of Enforcement, SWRCB

Ms. Jacqueline Taylor, Bureau of Environmental Protection, Los Angeles County Department of Public Health [jactaylor@ph.lacounty.gov]

Ms. Kathleen Johnson, Enforcement Division, USEPA [johnson.kathleen@epa.gov]

Ms. Nancy Woo, Water Division, USEPA [woo.nancy@epa.gov]

Ms. Alix Hobbs, Heal the Bay [ahobbs@healthebay.org]

Los Angeles Water Keeper [info@lawaterkeeper.org]

Mr. Graham Hamilton, West LA/Malibu Chapter, Surfrider Foundation

[ghamilton@wlam.surfrider.org]

Mr. Seamus Ian Innes, Long Beach Chapter, Surfrider Foundation [chair@lbsurfrider.org]

4. On May 30, 2014, the Chief Prosecutor of the Regional Board issued the Permittee Settlement Offer No. R4-2014-0050 to participate in the Expedited Payment Program (Settlement Offer). The Settlement Offer was sent via certified mail and received by the Permittee on June 2, 2014. The Settlement Offer included a Notice of Violation (NOV) notifying the Permittee of four effluent limit violations. These violations were cited in Exhibit "1" of the Settlement Offer as subject to mandatory minimum penalties (MMPs) in the total amount of \$12,000.
5. Any discharge containing pollutants violating the effluent limitations set in the waste discharge requirements is prohibited by Water Code section 13376.
6. The maximum amount of administrative civil liability assessable pursuant to Water Code section 13385 subdivision (c) is \$10,000 per day of violation plus \$10 times the number of gallons by which the volume discharged but not cleaned up exceeds 1,000 gallons.
7. Water Code section 13385 subdivision (i) requires the Regional Board to assess a mandatory minimum penalty of three thousand dollars (\$3,000) for each violation whenever the permittee violates a waste discharge requirement effluent limitation in any period of six consecutive months, except that the requirement to assess the mandatory minimum penalty shall not be applicable to the first three violations within that time period.

YOU ARE HEREBY GIVEN NOTICE THAT:

8. The Chief Prosecutor proposes that the Permittee be assessed a mandatory minimum penalty in the amount of \$12,000 for the violations cited in Exhibit "1". This Complaint addresses administrative civil liability for violations that are specifically identified in Exhibit "1" as subject to a mandatory minimum penalty. Refer to Exhibit "1" for the calculation of the amount of mandatory minimum penalty.
9. The Permittee may waive the right to a hearing and pay the recommended civil liability. Should the Permittee choose to waive its right to a hearing, an authorized agent must sign the waiver form attached to this Complaint and return it to the Regional Board by 5:00 pm on **October 16, 2015**. If the hearing is waived, a check in the amount of \$12,000 (payable to the *State Water Pollution Cleanup and Abatement Account*) must be received by the Regional Board by 5:00 pm on **October 16, 2015**.
10. If the Regional Board does not receive either a waiver and full payment of the recommended penalty or a waiver to engage in settlement negotiations by **October 16, 2015**, the Complaint will be heard before the Executive Officer of the Regional Board pursuant to Executive Order No. EO-2014-01. The attached "*Hearing Procedures for Administrative Civil Liability Complaint No. R4-2014-0050*" contains the date, time, location and specific procedures of the scheduled hearing of this matter.
11. If a hearing on this matter is held, the Executive Officer of the Regional Board, pursuant to authority delegated to the Executive Officer by Resolution No. R14-005, will hear evidence, determine facts, make conclusions of law and consider whether to issue an Administrative Civil Liability Order assessing the proposed liability, or a higher or lower amount. The Executive Officer may also decline to assess any liability, may continue the hearing to a later date or may refer the matter to the Attorney General for assessment of judicial civil liability.

12. There are no statutes of limitations that apply to administrative proceedings. The statutes of limitations that refer to "actions" and "special proceedings" and are contained in the California Code of Civil Procedure apply to judicial proceedings, not administrative proceedings. See *City of Oakland v. Public Employees' Retirement System* (2002) 95 Cal. App. 4th 29, 48; 3 Witkin, Cal. Procedure (4th ed. 1996) Actions, Section 405(2), p. 510.) Additionally, the State Water Resources Control Board determined that the equitable doctrine of laches does not apply to mandatory minimum penalties. (State Water Board Order Nos. 2013-0053, 2013-0054, 2013-0055, and 2013-0099.)
13. Notwithstanding the issuance of this Complaint, the Regional Board shall retain the authority to assess additional penalties for violations of the requirements of the Permittee's waste discharge requirements for which penalties have not yet been assessed or for violations that may subsequently occur.
14. This enforcement action is exempt from the provisions of the California Environmental Quality Act, California Public Resources Code section 21000 et seq., in accordance with California Code of Regulations, title 14, section 15321.
15. Regulations of the United States Environmental Protection Agency require public notification of any proposed settlement of the civil liability occasioned by violation of the Clean Water Act including NPDES permit violations. Accordingly, interested persons will be given 30 days to comment on any proposed settlement of this Complaint.



Paula Rasmussen
Assistant Executive Officer
Los Angeles Regional Water Quality Control Board

September 16, 2015

WAIVER FORM

FOR ADMINISTRATIVE CIVIL LIABILITY COMPLAINT NO. R4-2014-0050

By signing this waiver, I affirm and acknowledge the following:

I am duly authorized to represent Kennedy Wilson 16501 Ventura, LLC (hereinafter "Permittee") in connection with Administrative Civil Liability Complaint No. R4-2014-0050 (hereinafter the "Complaint"). I am informed that California Water Code section 13323, subdivision (b), states that, "a hearing before the regional board shall be conducted within 90 days after the party has been served [with the complaint]. The person who has been issued a complaint may waive the right to a hearing."

OPTION 1: Check here if the Permittee waives the hearing requirement and will pay the recommended liability.

- a. I hereby waive any right the Permittee may have to a hearing before the Regional Board.
- b. I certify that the Permittee will remit payment for the civil liability imposed in the amount of **\$12,000** by check that references "ACL Complaint No. R4-2014-0050" made payable to the "Cleanup and Abatement Account". Payment must be received by the Regional Board by **October 16, 2015** or this matter will be placed on the agenda for a hearing as initially proposed in the Complaint.
- c. I understand the payment of the above amount constitutes a proposed settlement of the Complaint, and that any settlement will not become final until after the 30-day public notice and comment period expires. Should the Regional Board receive significant new information or comments from any source (excluding the Regional Board's Prosecution Team) during this comment period, the Regional Board's Chief Prosecutor may withdraw the complaint, return payment and issue a new complaint. I understand that this proposed settlement is subject to approval by the Regional Board, and that the Regional Board may consider this proposed settlement in a public meeting or hearing. I also understand that approval of the settlement will result in the Permittee having waived the right to contest the allegations in the Complaint and the imposition of civil liability.
- d. I understand that payment of the above amount is not a substitute for compliance with applicable laws and that continuing violations of the type alleged in the Complaint may subject the Permittee to further enforcement, including additional civil liability.

- OPTION 2: Check here if the Permittee waives the 90-day hearing requirement in order to engage in settlement discussions.**

I hereby waive any right the Permittee may have to a hearing before the Regional Board within 90 days after service of the complaint, but I reserve the ability to request a hearing in the future. I certify that the Permittee will promptly engage the Regional Board Prosecution Team in settlement discussions to attempt to resolve the outstanding violation(s). By checking this box, the Permittee requests that the Regional Board delay the hearing so that the Permittee and the Prosecution Team can discuss settlement. It remains within the discretion of the Regional Board to agree to delay the hearing. Any proposed settlement is subject to the conditions described above under "Option 1".

Kennedy Wilson 16501 Ventura, LLC

(Signed Name)

(Date)

(Printed or typed name)

(Title)

EXHIBIT "1"
Violation Summary

Date	Monitoring Period	Violation Type	Parameter	Reported Value	Permit Limit	Units	Pollutant Category	% Exceeded	Serious/Chronic	Water Code Section 13385	Penalty
11/21/11	4th Quarter 2011	Daily Maximum	Total Dissolved Solids	995	950	mg/L	1	5%	Chronic	(i)1	\$0
12/09/11	4th Quarter 2011	Daily Maximum	Total Dissolved Solids	975	950	mg/L	1	3%	Chronic	(i)1	\$0
03/16/12	1st Quarter 2012	Daily Maximum	Total Dissolved Solids	960	950	mg/L	1	1%	Chronic	(i)1	\$0
04/11/12	2nd Quarter 2012	Daily Maximum	Total Dissolved Solids	1060	950	mg/L	1	12%	Chronic	(i)1	\$3,000
05/23/12	2nd Quarter 2012	Daily Maximum	Total Dissolved Solids	1260	950	mg/L	1	33%	Chronic	(i)1	\$3,000
07/16/12	3rd Quarter 2012	Daily Maximum	Total Dissolved Solids	1010	950	mg/L	1	6%	Chronic	(i)1	\$3,000
09/14/12	3rd Quarter 2012	Daily Maximum	Total Dissolved Solids	1000	950	mg/L	1	5%	Chronic	(i)1	\$3,000
										Total	\$12,000

California Regional Water Quality Control Board, Los Angeles Region

HEARING PROCEDURES FOR ADMINISTRATIVE CIVIL LIABILITY COMPLAINT NO. R4-2014-0050

ISSUED TO
KENNEDY WILSON 16501 VENTURA, LLC
ENCINO EXECUTIVE PLAZA

SCHEDULED FOR DECEMBER 15, 2015

PLEASE READ THESE HEARING PROCEDURES CAREFULLY. FAILURE TO COMPLY WITH THE DEADLINES AND OTHER REQUIREMENTS CONTAINED HEREIN MAY RESULT IN THE EXCLUSION OF YOUR DOCUMENTS AND/OR TESTIMONY.

Overview

Pursuant to Water Code section 13323, the Assistant Executive Officer of the California Regional Water Quality Control Board, Los Angeles Region ("Regional Board") has issued an Administrative Civil Liability (ACL) Complaint to Kennedy Wilson 16501 Ventura, LLC (hereafter Discharger), alleging violations of Water Code section 13385 subdivision (i) by reporting four (4) chronic effluent limit violations. Regional Board staff, represented by the Regional Board Staff Prosecution Team ("Prosecution Team") propose in the ACL Complaint that the Regional Board impose administrative civil liability on the Discharger in the amount of \$12,000.

A hearing on this matter is currently scheduled to be conducted before the Executive Officer on December 15, 2015. Pursuant to Resolution No. R14-005, the Regional Board has delegated authority to the Executive Officer to hold evidentiary hearings to consider allegations in ACL Complaints and to issue final ACL Orders on the Regional Board's behalf in certain matters. The purpose of the hearing is to consider relevant evidence and testimony regarding the ACL Complaint. At the hearing, the Executive Officer will hear evidence, determine facts, make conclusions of law and consider whether to issue an ACL Order assessing the proposed liability, or a higher or lower amount. The Executive Officer may also decline to assess any liability, or may continue the hearing to a later date. The public hearing will commence at 9:00 am or as soon thereafter as practical. The hearing will be held at:

California Regional Water Quality Control Board
Los Angeles Region
320 West 4th Street
Los Angeles, California 90013

Hearing Procedures

The hearing will be a formal adjudicative proceeding and will be conducted in accordance with these Hearing Procedures. The Executive Officer has directed the use of these standardized hearing procedures for the adjudication of such matters. The procedures governing adjudicatory hearings before the Regional Board may be found at California Code of Regulations, title 23, section 648 et seq., and are available at <http://www.waterboards.ca.gov>. Copies will be provided upon request.

In accordance with section 648(d), any procedure not provided by these Hearing Procedures are deemed waived. Except as provided in section 648(b) and herein, Chapter 5 of the California Administrative Procedure Act (Gov. Code, § 11500 et seq.) does not apply to this hearing.

Objections to these hearing procedures must be in writing and must be received by the Advisory Team no later than the deadline listed under "Important Deadlines" below, or they will be waived. Objections about the matters contained in these Hearing Procedures will not be entertained at the hearing. Failure to comply with the deadline and requirements contained herein may result in the exclusion of documents and/or testimony. The Discharger shall attempt to resolve objections to these Hearing Procedures with the Prosecution Team BEFORE submitting objections to the Advisory Team.

The procedures and deadlines herein may be amended by the Executive Officer or by the Advisory Team.

Separation of Prosecutorial and Advisory Functions

The Regional Board separates prosecutorial and adjudicative functions in matters that are prosecutorial in nature. To ensure the fairness and impartiality of this proceeding, those who will act in a prosecutorial role by presenting evidence for consideration by the Executive Officer (the "Prosecution Team") are separate from those who will provide legal and technical advice to the Executive Officer (the "Advisory Team"). Members of the Advisory Team are: Ms. Cris Morris, Senior Water Resources Control Engineer and Ms. Jennifer Fordyce, Attorney III. Members of the Prosecution Team are: Ms. Paula Rasmussen, Assistant Executive Officer, Mr. Hugh Marley, Supervising Engineering Geologist, Dr. Matthew Buffleben, Senior Water Resource Control Engineer, Mr. Russ Colby, Senior Environmental Scientist, and Ms. Kailyn Ellison, Attorney.

Any members of the Advisory Team who normally supervise any members of the Prosecution Team are not acting as their supervisors in this proceeding, and vice versa. Further, members of the Advisory Team have not exercised any authority over the Prosecution Team, or advised them with respect to this matter, or vice versa. Ms. Rasmussen regularly advises the Executive Officer in other, unrelated matters, but is not advising the Executive Officer in this proceeding. Other members of the Prosecution Team act or have acted as advisors to the Executive Officer in other, unrelated matters, but they are not advising the Executive Officer in this proceeding. Members of the Prosecution Team have not had any substantive ex parte communications with the Executive Officer or the Advisory Team regarding this proceeding.

Hearing Participants

Participants in this proceeding are designated as either "Designated Parties" or "Interested Persons."

Designated Parties are those subject to the ACL Complaint and other persons or organizations anticipated to have a substantial interest in the outcome of the hearing. Designated Parties may present written evidence, summarize their evidence orally at the hearing and cross-examine other parties' witnesses (if they are called). "Evidence" includes witness testimony, documents, and tangible objects that tend to prove or disprove the existence of any alleged fact. "Relevant evidence" is evidence that relates to any fact in dispute in the proceedings. Designated Parties are subject to cross-examination about any evidence they present.

The following participants are hereby designated as Designated Parties in this proceeding:

1. Regional Board Prosecution Team
2. Kennedy Wilson 16501 Ventura, LLC

Interested Persons include any person or organization that is interested in the outcome of the hearing, but who has not been designated as a Designated Party. Interested Persons generally may not present evidence (e.g., photographs, eye-witness testimony, and monitoring data), but may present written and/or oral non-evidentiary comments and policy statements. Interested Persons may not cross-examine witnesses and are not subject to cross-examination.

At the hearing, both Designated Parties and Interested Persons may be asked to respond to clarifying questions from the Executive Officer, Advisory Team, or others, at the discretion of the Executive Officer.

Requesting Designated Party Status

Persons or organizations who wish to participate in the hearing as a Designated Party must request designated party status by submitting a request in writing so that it is received no later than the deadline listed under "Important Deadlines" below. The request shall include an explanation of the basis for status as a Designated Party (i.e., how the issues to be addressed at the hearing affect the person, the need to present evidence or cross-examine witnesses, etc.), along with a statement explaining why the Designated Parties listed above do not adequately represent the person's or organization's interest. Any objections to these requests for designated party status must be submitted so that they are received no later than the deadline listed under "Important Deadlines" below. All participants will be notified before the hearing whether the request for designated party status is granted.

Primary Contacts

Advisory Team:

Ms. Cris Morris, Senior Water Resource Control Engineer
320 West Fourth Street, Suite 200
Los Angeles, CA 90013
Phone: (213) 620-2083
Email: cris.morris@waterboards.ca.gov

Ms. Jennifer Fordyce, Attorney III
State Water Resources Control Board, Office of Chief Counsel
Physical Address: 1001 I Street, Sacramento, CA 95814
Mailing Address: P.O. Box 100, Sacramento, CA 95812
Phone: (916) 324-6682
Email: jennifer.fordyce@waterboards.ca.gov

Prosecution Team:

Dr. Matthew Buffleben, Senior Water Resource Control Engineer
State Water Resources Control Board, Office of Enforcement
Physical Address: 1001 I Street, Sacramento, CA 95814
Mailing Address: P.O. Box 100, Sacramento, CA 95812
Phone: (916) 341-5891

Email: Matthew.Buffleben@waterboards.ca.gov

Mr. Russ Colby, Senior Environmental Scientist
320 West Fourth Street, Suite 200
Los Angeles, CA 90013
Phone: (213) 620-6373
Email: Russ.Colby@waterboards.ca.gov

Ms. Kailyn Ellison, Attorney
State Water Resources Control Board, Office of Enforcement
Physical Address: 1001 I Street, Sacramento, CA 95814
Mailing Address: P.O. Box 100, Sacramento, CA 95812
Phone: (916) 445-9557
Email: kailyn.ellison@waterboards.ca.gov

Discharger:

Mr. Josh Marx
Property Manager
Kennedy Wilson 16501 Ventura LLC
9701 Wilshire Blvd Suite 700
Beverly Hills, CA 90212

Ex Parte Communications

While this adjudicative proceeding is pending, the California Government Code forbids Designated Parties and Interested Persons from engaging in ex parte communications regarding this matter with the Executive Officer and the Advisory Team, except during the public hearing itself. An ex parte communication is a written or verbal communication, either direct or indirect, that relates to the investigation, preparation, or prosecution of the ACL Complaint between a Designated Party or an Interested Person and the Executive Officer or a member of the Advisory Team that occurs in the absence of other parties and without notice and opportunity for all parties to participate in the communication (see Gov. Code, § 11430.10 et seq.). However, if the communication is copied to all other persons (if written) or is made in a manner open to all other persons (if verbal), then the communication is not considered an ex parte communication. Therefore, any written communication to the Executive Officer or the Advisory Team before the hearing must also be copied to all other Designated Parties. Communications regarding non-controversial procedural matters, including a request for a continuance, are permissible ex parte communications and are not restricted.

The following communications to the Advisory Team must be copied to all Designated Parties: objections to these Hearing Procedures; requests for modifications to these Hearing Procedures; requests for designated party status, or objections thereto; and all written evidence, arguments, or policy statements from Designated Parties. This is not an all-inclusive list of ex parte communications.

Hearing Time Limits

To ensure that all participants have an opportunity to participate in the hearing, the following time limits shall apply: each Designated Party shall have a combined total of **30** minutes to present evidence (including evidence presented by witnesses called by the Designated Party), to cross-examine

witnesses (if warranted), and to provide opening and/or closing statements. Each Interested Person shall have 3 minutes to present a non-evidentiary policy statement. Participants with similar interests or comments are requested to make joint presentations, and participants are requested to avoid redundant comments. Participants who would like additional time must submit their request to the Advisory Team so that it is received no later than the deadline listed under "Important Deadlines" below. Additional time may be provided at the discretion of the Advisory Team (prior to the hearing) or the Executive Officer (at the hearing) upon a showing that additional time is necessary. Such showing shall explain what testimony, comments, or legal or technical argument requires extra time, and why it could not have been provided in writing by the applicable deadline. Decisions will be based upon the complexity and the number of issues under consideration, the extent to which the Designated Parties have coordinated and/or have similar interests, and the time available for the hearing.

A timer will be used, but will not run during questions from the Executive Officer and the Advisory Team or the responses to such questions, or during discussions of procedural issues.

Submission of Evidence, Argument and Policy Statements

The Prosecution Team and all other Designated Parties (including the Discharger) must submit the following information in advance of the hearing, which must be received no later than the deadline listed under "Important Deadlines" below:

1. All evidence (other than witness testimony to be presented orally at the hearing) that the Designated Party would like the Executive Officer to consider. Evidence and exhibits already in the public files of the Regional Board may be submitted by reference, as long as the exhibits and their location are clearly identified in accordance with California Code of Regulations, title 23, section 648.3. The Executive Officer will not generally receive copies of materials incorporated by reference unless copies are provided by the Designated Party proffering the evidence as part of the Designated Party's evidentiary submission. Referenced materials are generally not posted on the Regional Board's website.
2. All legal and technical arguments or analysis.
3. The name of each witness, if any, whom the Designated Party intends to call at the hearing, the subject of each witness' proposed testimony, and the estimated time required by each witness to present direct testimony.
4. The qualifications of each expert witness, if any.

Prosecution Team: The Prosecution Team's information must include the legal and factual basis for its claims against each Discharger; a list of all evidence on which the Prosecution Team relies (which must include, at a minimum, all documents cited in the ACL Complaint or other material submitted by the Prosecution Team); and the witness information required under items 3-4 for all witnesses, including Regional Board staff. The Prosecution Team shall submit this information so that it is received no later than the deadline listed under "Important Deadlines" below.

Designated Parties (including the Discharger): All Designated Parties shall submit comments, arguments or analysis regarding the ACL Complaint along with any additional supporting evidence not cited by the Regional Board's Prosecution Team; and the witness information required under items 3-4 for all witnesses, including Regional Board staff. Designated Parties shall submit this information so that it is received no later than the deadline listed under "Important Deadlines" below.

Rebuttal: Any Designated Party who would like to submit evidence, legal or technical arguments, or policy statements to rebut information submitted by other Designated Parties, shall submit this rebuttal information so that it is received no later than the deadline listed under "Important Deadlines" below. "Rebuttal" means evidence, analysis, or comments offered to disprove or contradict other submissions. Rebuttal shall be limited to the scope of the materials previously submitted. Rebuttal information that is not responsive to information previously submitted may be excluded.

Final Hearing Package and Proposed Order: The Prosecution Team will submit the Final Hearing Package and a proposed Order so that it is submitted no later than the deadline listed under "Important Deadlines" below.

Copies: The Executive Officer and the Advisory Team will receive copies of all submitted materials. If hard copies of the submitted materials are provided to the Executive Officer and the Advisory Team, the materials will be printed or copied double-sided in black and white on 8.5"x11" paper. Designated Parties who are concerned about print quality or the size of all or part of their written materials should provide an extra four paper copies for the Executive Officer and the Advisory Team. For voluminous submissions, the Executive Officer and Advisory Team may receive copies in electronic format only. Electronic copies may also be posted on the Regional Board's website. Designated Parties without access to computer equipment are strongly encouraged to have their materials scanned at a copy or mailing center. The Executive Officer will not reject materials solely for failure to provide electronic copies.

Interested Persons: Interested Persons who would like to submit written non-evidentiary policy statements are encouraged to submit them to the Advisory Team as early as possible, but they must be received by the deadline listed under "Important Deadlines" below to be included in the Executive Officer's hearing package. Interested persons should be aware that this matter may settle without further notice, and therefore timely submittal by the deadline may be the only opportunity for an Interested Person to comment on the subject of the ACL Complaint. If the hearing proceeds as scheduled, the Executive Officer will also receive oral comments from Interested Persons during the hearing. Interested Persons do not need to submit written comments in order to speak at the hearing.

Prohibition on Surprise Evidence: In accordance with California Code of Regulations, title 23, section 648.4, the Regional Board endeavors to avoid surprise testimony or evidence. Absent a showing of good cause and lack of prejudice to the parties, the Executive Officer may exclude evidence and testimony that is not submitted in accordance with these Hearing Procedures. Excluded evidence and testimony will *not* be considered by the Executive Officer and will *not* be included in the administrative record for this proceeding.

Presentations: PowerPoint and other visual presentations may be used at the hearing, but their content shall not exceed the scope of other submitted written material. These presentations must be provided to the Advisory Team at or before the hearing in electronic format, and hard copy if requested by the Advisory Team, so that they may be included in the administrative record.

Witnesses: All witnesses who have submitted written testimony shall appear at the hearing to affirm that the testimony is true and correct, and shall be available for cross-examination by Designated Parties.

Administrative Record and Availability of Documents

The ACL Complaint and evidentiary documents submitted in accordance with these Hearing Procedures shall be considered part of the official administrative record for this matter. Other submittals received for this proceeding will be added to the administrative record absent a contrary ruling by the Executive Officer. Written transcriptions of oral testimony or comments that are made at the hearing will be included in the administrative record.

These documents may be inspected and copied between the hours of 8:00 a.m. and 5:00 p.m. at the Regional Board's office located at 320 West Fourth Street, Suite 200 Los Angeles, California 90013. Arrangements for document review and/or obtaining copies of the documents may be made by contacting the Prosecution Team Primary Contact above. Appointments are encouraged so the documents can be readily available upon arrival.

Questions

Questions concerning this proceeding may be addressed to the Advisory Team attorney (contact information above).

IMPORTANT DEADLINES

All submissions must be received by 5:00 p.m. on the respective due date below.^{1,2} Where both electronic and hard copy formats are required to be submitted to the Prosecution Team, a complete electronic copy must be received by 5:00 p.m. on the respective due date below, and a complete hard copy may follow via overnight delivery so that it is received by the Prosecution Team the next day.

<p>September 16, 2015</p>	<ul style="list-style-type: none"> ▪ Prosecution Team issues ACL Complaint, Hearing Procedures and other related materials. <p><u>Hard Copies to:</u> All other Designated Parties (by certified mail)</p> <p><u>Electronic or Hard Copies to:</u> All known Interested Persons, Advisory Team</p>
<p>September 28, 2015</p>	<ul style="list-style-type: none"> ▪ Objections due on Hearing Procedures. ▪ Deadline to request "Designated Party" status. <p><u>Electronic or Hard Copies to:</u> All other Designated Parties, All known Interested Persons, Advisory Team</p> <p><u>Electronic and Hard Copies to:</u> Prosecution Team</p>
<p>October 1, 2015</p>	<ul style="list-style-type: none"> ▪ Deadline to submit objections to requests for Designated Party status. <p><u>Electronic or Hard Copies to:</u> All other Designated Parties, All known Interested Persons, Advisory Team</p> <p><u>Electronic and Hard Copies to:</u> Prosecution Team</p>
<p>October 16, 2015</p>	<ul style="list-style-type: none"> ▪ Discharger's deadline to submit <i>Hearing Waiver Form</i>.³ <p><u>Electronic or Hard Copy to:</u> Prosecution Team</p> <ul style="list-style-type: none"> ▪ Interested Persons' written comments are due. <p><u>Electronic or Hard copies to:</u> All Designated Parties, Advisory Team</p>
<p>October 19, 2015*</p>	<ul style="list-style-type: none"> ▪ Advisory Team transmits decision on requests for designated party status. ▪ Advisory Team transmits decision on objections to Hearing Procedures. <p><u>Electronic or Hard Copies to:</u> All Designated Parties, All known Interested Persons</p>
<p>October 27, 2015*</p>	<ul style="list-style-type: none"> ▪ Prosecution Team's deadline for submission of information required under "Submission of Evidence, Argument and Policy Statements," above. <p><u>Electronic or Hard Copies to:</u> All other Designated Parties, All known Interested Persons, Advisory Team</p>
<p>November 16, 2015*</p>	<ul style="list-style-type: none"> ▪ Remaining Designated Parties' (including the Discharger's) deadline to submit all information required under "Submission of Evidence, Argument, and Policy Statements" above. This includes all written comments regarding the ACL Complaint. <p><u>Electronic or Hard Copies to:</u> All other Designated Parties, All known Interested Persons, Advisory Team</p> <p><u>Electronic and Hard Copies to:</u> Prosecution Team</p>

¹ With the exception of the deadline to submit the Final Hearing Package and proposed Order.

² Where a deadline falls on a weekend or holiday, the deadline is extended to the next business day.

³ Pursuant to California Water Code section 13323(b), persons subject to an ACL Complaint have the right to a hearing before the Regional Board within 90 days of receiving the ACL Complaint, but this right can be waived (to facilitate settlement discussions, for example). By submitting the waiver form, the Discharger is not waiving the right to a hearing; unless a settlement is reached, the Board will hold a hearing prior to imposing administrative civil liability. However, if the Board accepts the waiver, all deadlines marked with an "*" will be revised if a settlement cannot be reached.

<p>November 30, 2015*</p>	<ul style="list-style-type: none"> ▪ All Designated Parties shall submit any rebuttal evidence, any rebuttal to legal/ technical arguments and/or policy statements and all evidentiary objections. ▪ Deadline to request Prehearing Conference. <p><u>Electronic or Hard Copies to:</u> All other Designated Parties, All known Interested Persons, Advisory Team</p> <p><u>Electronic and Hard Copies to:</u> Prosecution Team</p>
<p>December 2, 2015*</p>	<ul style="list-style-type: none"> ▪ Deadline to submit requests for additional time at the hearing. <p><u>Electronic or Hard Copies to:</u> All other Designated Parties, All known Interested Persons, Advisory Team</p>
<p>December 4, 2015*</p>	<ul style="list-style-type: none"> ▪ Prosecution Team sends Final Hearing Package and proposed Order. <p><u>Electronic or Hard Copies to:</u> Executive Officer, Advisory Team, All other Designated Parties</p>
<p>December 8, 2015*</p>	<ul style="list-style-type: none"> ▪ Advisory Team transmits hearing time limits <p><u>Electronic or Hard Copies to:</u> All Designated Parties, All known Interested Persons</p>
<p>December 15, 2015*</p>	<ul style="list-style-type: none"> ▪ Hearing