

California Regional Water Quality Control Board
Lahontan Region

REVISED

HEARING PROCEDURES
CONSIDERATION OF A CLEANUP AND ABATEMENT ORDER
FOR

COUNTY SANITATION DISTRICT NO. 20 OF LOS ANGELES COUNTY
AND CITY OF LOS ANGELES,
PALMDALE WATER RECLAMATION PLANT,
PALMDALE,
LOS ANGELES COUNTY

HEARING SCHEDULED FOR JUNE 13 – 14, 2012

IMPORTANT

Please read this hearing procedure carefully. Failure to comply with the deadlines and other requirements contained herein may result in the exclusion of your documents and/or testimony.

- A. The Lahontan Regional Water Quality Control Board (Water Board) must receive the following no later than 5:00 p.m. on Monday, April 30, 2012:
1. Requests from persons requesting designated party status.
 2. Objections to this hearing procedure.
- B. The Water Board must receive the following no later than 5:00 p.m. on Monday, May 21, 2012:
1. Written submission of evidence, testimony and witness lists from all designated parties including the Prosecution Team; and
 2. Written non-evidentiary policy statements from interested persons. This deadline supersedes the March 22, 2012 public notice that set forth the April 30, 2012 deadline for receiving public comment.
- C. The Water Board must receive written objections to requests for designated party status no later than 5:00 p.m. on Tuesday, May 15, 2012.
- D. The Water Board must receive the following submittals no later than 5:00 p.m. on Tuesday, June 5, 2012:
1. Written rebuttal evidence or testimony from all designated parties;
 2. Requests for separate hearings; and
 3. Written requests from designated parties or interested persons for additional time for presentation at the hearing.
 4. Written evidentiary objections (if any) to evidence or testimony submitted from all of the designated parties.
-

Background

On March 22, 2012, the Water Board Enforcement Unit circulated a proposed Cleanup and Abatement Order (CAO) for the County Sanitation District No. 20 of Los Angeles County and City of Los Angeles, Palmdale Reclamation Plant, Palmdale. The proposed CAO would require implementation of the preferred alternative and additional investigation and reporting on plume delineation and containment, along with reporting on cleanup progress. The proposed CAO includes an interim cleanup level of 7 micrograms per liter of nitrate (as nitrogen). This interim cleanup level will be evaluated as the project proceeds and may be modified in the future.

Purpose of Hearing

The purpose of the hearing is to consider relevant evidence and testimony regarding the Order. At the hearing, the Water Board will consider whether to adopt a cleanup and abatement order, what additional groundwater investigation and cleanup needed, and at what level to set an interim cleanup level. The public hearing on June 13 -14, 2012 will commence at a time and location as announced in the Water Board meeting agenda. An agenda for the meeting will be available on the Water Board's web page at <http://www.waterboards.ca.gov/lahontan/> no later than June 1, 2012.

Hearing Procedures

The hearings will be conducted in accordance with this hearing procedure or as it may be amended. A copy of the general procedures governing adjudicatory hearings before the Water Board may be found at Title 23 of the California Code of Regulations, Section 648 et seq., and is available at <http://www.waterboards.ca.gov> or upon request. In accordance with Section 648, subdivision (d), any procedure not provided by this Hearing Procedure is deemed waived. Except as provided in Section 648 and herein subdivision (b), Chapter 5 of the Administrative Procedures Act (commencing with Section 11500 of the Government Code) does not apply to this hearing.

The Water Board's Advisory Team must receive any objections to this hearing procedure **no later than 5:00 p.m. on Monday, April 30, 2012** or they will be considered waived.

Hearing Participants

Participants in this proceeding are designated as either "parties" or "interested persons." Designated parties to the hearing may present evidence and cross-examine witnesses and are subject to cross-examination. Interested persons may present non-evidentiary policy statements, but may not cross-examine witnesses and are not subject to cross-examination. Designated parties and interested persons may be asked to respond to clarifying questions from the Water Board and Advisory Team members.

The following participants are hereby designated as parties in this proceeding:

- (1) Water Board Prosecution Team
- (2) County Sanitation District No. 20 of Los Angeles County, and City of Los Angeles, Palmdale Water Reclamation Plant, Palmdale

Requesting Designated Party Status

Persons who wish to participate in the hearing as a designated party must request party status by submitting a request in writing (with copies to the existing designated parties) **no later than 5:00 p.m. on Monday, April 30, 2012** to Lauri Kemper, Water Board Assistant Executive Officer and one copy to Kimberly Niemeyer, Advisory Team counsel, at the addresses provided below. The request shall include an explanation of the basis for status as a designated party (e.g., how the issues to be addressed in the hearing and the potential actions by the Water Board affect the person), the contact information required of designated parties as provided below, and a statement explaining why the party or parties designated above do not adequately represent the person's interest. Any opposition to the request must be submitted **no later than 5:00 p.m. on Tuesday, May 15, 2012**.

Primary Contacts

For the Water Board (Advisory Team):

Originals and specified number of copies of all documents to:	And one copy to:
Lauri Kemper, Assistant Executive Officer Regional Water Quality Control Board, Lahontan Region 2501 Lake Tahoe Boulevard South Lake Tahoe, CA 96150 lkemper@waterboards.ca.gov Phone (530) 542-5436 Fax (530) 544-2271	Kim Niemeyer, Staff Counsel State Water Resources Control Board, Office of Chief Counsel 1001 I Street Sacramento, CA 95814 kniemeyer@waterboards.ca.gov Phone (916) 341-5547 Fax (916) 341-5199

For Water Board Staff (Prosecution Team):

One copy of all documents to both:	
Harold J. Singer, Executive Officer, and Chuck Curtis, Supervising WRCE Regional Water Quality Control Board, Lahontan Region 2501 Lake Tahoe Boulevard South Lake Tahoe, CA 96150 hsinger@waterboards.ca.gov cc to ccurtis@waterboards.ca.gov Phone (530) 542-5412 Fax (530) 544-2271	Laura Drabandt, Staff Counsel State Water Resources Control Board, Office of Enforcement 1001 I Street Sacramento, CA 95814 ldrabandt@waterboards.ca.gov Phone (916) 341-5180 Fax (916) 341-5896

For: Discharger

One copy of all documents to:	
Grace R. Chan General Manger and Chief Engineer LA County Sanitation District P.O. Box 4998 Whittier, CA 90607-4998 GChan@lacsds.org	Gina Marie Lindsey Chief Executive Officer Los Angeles World Airports Administration E Bldg M 10th Floor 1 World Way Los Angeles, CA 90045
Mike Sullivan LA County Sanitation District P.O. Box 4998 Whittier, CA 90607-4998 MSullivan@lacsds.org	Robert Freeman Environmental Management Div. Los Angeles World Airports Administration E Bldg M 10th Floor 1 World Way Los Angeles, CA 90045 rfreeman@lawa.org

Separation of Functions

To help ensure the fairness and impartiality of this proceeding, the functions of those who will act in a prosecutorial role by presenting evidence for consideration by the Water Board (Prosecution Team) have been separated from those who will provide advice to the Water Board (Advisory Team). Members of the Advisory Team are: Lauri Kemper, Assistant Executive Officer, Alan Miller, Senior Water Resources Control Engineer, and Kim Niemeyer, Staff Counsel. Members of the Prosecution Team are: Harold Singer, Executive Officer, Chuck Curtis, Supervising Water Resources Control Engineer, and Laura Drabandt, Staff Counsel. 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. Members of the Prosecution Team may have acted as advisors to the Water Board in other, unrelated matters, but they are not advising the Water Board in this proceeding. Members of the Prosecution Team have not had any ex parte communications with the members of the Water Board or the Advisory Team regarding this proceeding.

Ex Parte Communications

The designated parties and interested persons are forbidden from engaging in ex parte communications regarding this matter with members of the Advisory Team or members of the Water Board. An ex parte contact is any written or verbal communication pertaining to the investigation, preparation or prosecution of the proposed Cease and Desist Orders between a member of a designated party or interested person on the one hand, and a Water Board member or an Advisory Team member on the other hand, unless the communication is copied to all other designated parties (if written) or made in a manner open to all other designated parties (if verbal). Communications regarding non-controversial procedural matters are not ex parte contacts and are not restricted. Communications among one or more designated parties and interested persons themselves are not ex parte contacts.

Hearing Time Limits

The following time limits shall apply: each designated party shall have a combined one hour to present evidence, cross-examine witnesses, and provide a closing statement; and each interested person shall have five (5) 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 (designated parties or interested persons) who would like additional time must submit their request to the Advisory Team with copies to the designated parties **no later than 5:00 p.m. on Tuesday, June 5, 2012**. Additional time may be provided at the discretion of the Advisory Team (prior to the hearing) or the Water Board Chair (at the hearing) upon a showing that additional time is necessary.

Evidence, Exhibits and Policy Statements

The following information must be submitted in advance of the hearing:

1. All written evidence and exhibits that the designated parties would like the Water Board to consider. Evidence and exhibits already in the public files of the Water Board may be submitted by reference as long as the exhibits and their location are clearly identified in accordance with Title 23, CCR, Section 648.3.
2. All legal and technical arguments or analysis.
3. The name of each witness, if any, whom the designated parties 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.

The designated parties shall submit an original, 15 hard copies (double sided and three-hole punched) and one electronic copy of the information to Lauri Kemper, Water Board Assistant Executive Officer, one copy to Kim Niemeyer, Staff Counsel, and hard copies to the other designated parties as listed in the section above specifying primary contacts **no later than 5:00 p.m. on Monday, May 21, 2012**.

All designated parties have the opportunity to submit rebuttal evidence or testimony. This material shall be submitted **no later than 5:00 p.m. on Tuesday, June 5, 2012**. The original, 15 hard copies (double sided and three-hole punched) and one electronic copy of the material must be submitted to Lauri Kemper, Water Board Assistant Executive Officer, one copy to Kim Niemeyer, Staff Counsel, and hard copies to the other designated party as listed in the section above specifying primary contacts

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 **no later than 5:00 p.m. on Monday, May 21, 2012**. Interested persons do not need to submit written comments in order to speak at the hearing.

In accordance with Title 23, California Code of Regulations, section 648.4, the Water Board endeavors to avoid surprise testimony or evidence. Absent a showing of good cause and lack of prejudice to the parties, the Water Board may exclude evidence and testimony that is not submitted in accordance with this hearing procedure. Excluded evidence and testimony will not be considered by the Water Board and will not be

included in the administrative record for this proceeding. Power Point and other visual presentations may be used at the hearing, but their content may not exceed the scope of other timely submitted written material. A written and electronic copy of such material that Designated Parties or Interested Persons intend to present at the hearing must be submitted to the Advisory Team at or before the hearing for inclusion in the administrative record. Additionally, any witness who has submitted written testimony for the hearing shall appear at the hearing and affirm that the written testimony is true and correct, and shall be available for cross-examination.

Request for Pre-hearing Conference

A designated party may request that a pre-hearing conference be held before the hearing in accordance with Water Code section 13228.15. A pre-hearing conference may address any of the matters described in subdivision (b) of Government Code section 11511.5. Requests must contain a description of the issues proposed to be discussed during that conference, and must be submitted to the Advisory Team, with a copy to all other designated parties (see Note on page 3 of these procedures), as early as practicable.

Evidentiary Objections

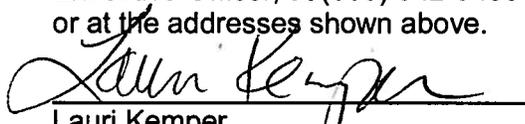
The Water Board Advisory Team (original to Lauri Kemper, Assistant Executive Officer, and one copy to Kim Niemeyer, Staff Counsel) must receive all written objections to the evidence or testimony submitted by any of the Designated Parties **no later than 5:00 p.m. on Tuesday, June 5, 2012**. Any objections must also be sent to the other designated parties (see Note on page 3 of these procedures). The Advisory Team will notify the parties about further action to be taken on such objections (if any) and when that action will be taken.

Evidentiary Documents and File

The proposed Cleanup and Abatement Order and related evidentiary documents are on file and may be inspected or copied at the Water Board office at 2501 Lake Tahoe Boulevard, South Lake Tahoe. This file shall be considered part of the official administrative record for this hearing. Other submittals received for this proceeding will be added to this file and will become a part of the administrative record absent a contrary ruling by the Water Board Chair.

Questions

Questions concerning these proceedings may be addressed to Lauri Kemper, Assistant Executive Officer, at (530) 542-5436 or Kim Niemeyer, Staff Counsel, at (916) 341-5549 or at the addresses shown above.


Lauri Kemper
Assistant Executive Officer

DATE: May 1, 2012