

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LAHONTAN REGION**

2501 Lake Tahoe Boulevard, South Lake Tahoe, CA 96150

HEARING PROCEDURES

Concerning

CONSIDERATION OF AN ADMINISTRATIVE CIVIL LIABILITY ORDER

Concerning

The City of Adelanto

IMPORTANT

1. The Lahontan Regional Water Quality Control Board (Water Board) must receive the following submittals no later than 5:00 p.m. on Monday, April 28, 2008:
 - a. Requests from persons requesting designated party status
 - b. Objections to these hearing procedures
2. The Water Board must receive written objections to requests for designated party status no later than noon on Friday, May 2, 2008.
3. The Water Board must receive the following submittals no later than noon on Monday, May 12, 2008:
 - a. Written comments on the Administrative Civil Liability Complaint from designated parties
 - b. Written non-evidentiary policy statements from interested persons
4. The Water Board must receive written evidentiary objections no later than noon on Friday, May 16, 2008.
5. The Water Board must receive written rebuttals to any comments on the Administrative Civil Liability Complaint or on written non-evidentiary policy statements no later than 5:00 p.m. on Friday, May 23, 2008.

BACKGROUND

The Assistant Executive Officer of the Water Board issued Complaint for Administrative Civil Liability No. R6V-2008-0012 in the amount of \$15,000 to the City of Adelanto. The Administrative Civil Liability Complaint (Complaint) alleges that the City of Adelanto failed to submit a quarterly status report required by Cease and Desist Order No. R6V-2007-24 by the October 15, 2007 due date. The report was submitted on November 7, 2007. The Complaint may be obtained from the Water Board's website at www.waterboards.ca.gov/lahontan or by contacting Mike Plaziak at (760) 241-6583 or mplaziak@waterboards.ca.gov.

PURPOSE OF PUBLIC HEARING

The City of Adelanto has not waived its right to a public hearing. The public hearing is intended to provide the City of Adelanto with an opportunity to address and contest allegations set forth in Complaint No. R6V-2008-0012. Interested persons will also have an opportunity to provide non-evidentiary policy statements during the public hearing. Following receipt of testimony, the Water Board will consider whether to issue an administrative civil liability order to the City of Adelanto in the amount of \$15,000 or some different amount, to reject any proposed order, or to refer the matter to the California Attorney General.

PUBLIC HEARING DATE AND LOCATION

A public hearing concerning this matter will be held during a regularly scheduled Water Board meeting on June 11-12, 2008. The location of the meeting has not yet been determined. An agenda announcement for this meeting will be posted at: <http://www.waterboards.ca.gov/lahontan> no later than May 23, 2008. The announcement will be sent to all designated parties and known interested parties.

HEARING PARTICIPANTS

The Prosecution Team consists of staff members Robert S. Dodds, Assistant Executive Officer; Chuck Curtis, Division Manager; Mike Plaziak, Division Manager; Scott Ferguson, Chief, Enforcement Unit; and Staff Counsel Mayumi Okamoto. The function of the Prosecution Team, as a designated party and advocate, is to present evidence in support of the Prosecution Team's position in order to create an administrative record that would support a decision in the Prosecution Team's favor.

The Advisory Team consists of Harold Singer, Executive Officer, and Staff Counsel David Coupe. The Advisory Team's responsibilities include receiving and distributing hearing submittals, maintaining the administrative record, mailing out hearing-related correspondence and other documents, assisting the Board Chair with conducting the hearing, and assisting the Board members with formulating a decision. The Advisory Team may select technical staff to assist them and such staff will be members of this team.

Interested persons are non-designated parties. Interested persons may present non-evidentiary policy statements. Interested persons (1) are not entitled to present evidence (either written or through evidentiary testimony); (2) are not subject to cross-examination; and (3) may not cross-examine other parties.

The following participants are designated as parties for this hearing:

1. Water Board Staff (Prosecution Team)
2. The City of Adelanto

Other persons may request designated party status. The Advisory Team must receive any such requests by **5:00 p.m. on Monday, April 28, 2008**. Copies of any request for designated party status, and all attachments, must also be sent to the Prosecution Team and the City of Adelanto (see contact information below). Although the due date is April 28, 2008, persons wishing to become designated parties are encouraged to submit such requests as soon as possible so the Chair can consider the request before the due date for written materials. The request must explain the basis for status as a Designated Party and

in particular how the person is directly affected by this matter. Rulings on such requests are within the sole discretion of the Chair of the Water Board. All designated parties must comply with the deadlines below for submitting written materials and objections, even if the Chair has not yet ruled on a pending request for designated party status.

If the Chair denies a request for designated party status, any timely non-evidentiary policy statements the requestor has submitted will be included in the administrative record. If the requestor has already submitted evidentiary materials, these may be admitted into the record at the discretion of the Chair. The evidentiary materials will not become part of the record absent an express ruling by the Chair.

CONDUCT OF HEARING

The procedures governing Water Board meetings may be found in California Code of Regulations, title 23, section 648 et seq. 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/laws_regulations/. Information on meeting and hearing procedures is also available by contacting Ms. Laurie Applegate at (530) 542-5414.

The Prosecution Team, the City of Adelanto and its representatives, and interested persons may speak at the Water Board meeting, and are expected to orally summarize their written submittals. Persons making presentations should confine statements to the issues pertinent to this hearing only. Oral testimony should be brief and may be limited by the Water Board Chair to allow all interested persons time to be heard.

Each of the designated parties will have a total of **30 minutes** to present (summarize) its comments on the proposed administrative civil liability order and to cross-examine witnesses. Designated parties will have an **additional 5 minutes** to provide a closing statement. Interested persons will each have **5 minutes** to comment on the proposed administrative civil liability order. The Chair will preside over these proceedings and may, in his discretion, call for one or more breaks during the hearing.

Water Board members and Advisory Team members may ask questions of any Designated Party or interested person at any time during the hearing. The time for asking and answering these questions will not count against time limits.

The Water Board may deliberate on this matter in closed session. (Gov. Code §11126, subd. (c)(3).)

SUBMISSION OF WRITTEN MATERIALS

Any objections to these procedures must be submitted in writing. The Water Board and all designated parties must receive the written objections by **noon on Monday, April 28, 2008**.

Designated parties and interested persons may submit to the Water Board and to all designated parties, written materials on the proposed Administrative Civil Liability Order. The Water Board and designated parties must receive these materials by **noon on Monday, May 12, 2008**. This material will be made available to the Water Board members. "Written materials" include documentary evidence, legal or technical argument or analysis, and non-evidentiary policy statements.

In addition to the above written materials, Designated Parties may submit written objections to any timely evidence that another Designated Party submits by the May 12, 2008 deadline. *Written* evidentiary objections must be received by **noon on Friday, May 16, 2008**. Oral objections may be made at the hearing.

Written objections or materials received after the May 12, 2008 or May 16, 2008 deadlines will not be accepted, except at the discretion of the Chair. Untimely written material or objections will not be accepted or incorporated into the administrative record if doing so would prejudice the Water Board, or any Designated Party. The Chair may choose to modify this rule upon a showing of severe hardship. (Cal. Code of Regs., tit. 23, §§ 648.1 & 648.4.) Any person seeking to submit late written materials must justify why the materials could not have been submitted earlier.

Designated parties may also submit any technical reports, testimony, and other evidentiary material in response to any technical reports, testimony and any other evidentiary material that are submitted by noon on Monday May 12, 2008. The deadline to submit any response to comments is **5:00 p.m. on Friday, May 23, 2008**. This deadline does not preclude the ability to present rebuttal testimony at the hearing.

INSTRUCTIONS FOR SUBMITTING DOCUMENTS

Copies of all written materials, objections, and requests for designated party status related to the proposed Administrative Civil Liability Order must be sent (via email or in paper form) to:

For the Water Board (Advisory Team):

Originals of all documents to:	And one copy to:
Harold J. Singer Executive Officer Regional Water Quality Control Board, Lahontan Region 2501 Lake Tahoe Boulevard South Lake Tahoe, CA 96150 hsinger@waterboards.ca.gov Phone (530) 542-5412 Fax (530) 544-2271	David Coupe, Esq. Staff Counsel State Water Resources Control Board, Office of Chief Counsel 1001 I Street Sacramento, CA 95814 dcoupe@waterboards.ca.gov Phone (916) 327-4439 Fax (916) 341-5199

For Water Board Staff (Prosecution Team):

One copy of all documents to:	And one copy to:
Robert S. Dodds Assistant Executive Officer Regional Water Quality Control Board, Lahontan Region 2501 Lake Tahoe Boulevard South Lake Tahoe, CA 96150 rdodds@waterboards.ca.gov Phone (530) 542-5410 Fax (530) 544-2271	Mayumi Okamoto, Esq. Staff Counsel State Water Resources Control Board, Office of Enforcement 1001 I Street Sacramento, CA 95814 mokamoto@waterboards.ca.gov Phone (916) 341-5445 Fax (916) 341-5284

For the City of Adelanto:

One copy of all documents to:	
John R. Sponsler APUA Director City of Adelanto 11600 Air Expressway Adelanto, CA 92301	Phone (760) 246-2300 x3006 Fax (760) 246-8421

Designated Parties must submit fifteen (15) paper copies of all written materials to Harold Singer at the above address.

Extra copies of procedural or evidentiary objections and requests for designated party status are not required. These documents can be submitted on paper, by email or by fax, as long as they are provided to all of the above individuals.

Anyone having questions on the Administrative Civil Liability Complaint, the proposed order for Administrative Civil Liability or other related documents should contact Robert S. Dodds at (530) 542-5410. Interested persons may download the above listed and related documents from the Water Board's website at www.waterboards.ca.gov/lahontan. If you do not have Internet access and would like to receive a hardcopy of these documents, you may request a copy to be mailed to you by telephoning Laurie Applegate at (530) 542-5414. These documents may be inspected and copied at the Water Board's office, Monday through Friday, excluding holidays, between 8:00 a.m. and 5:00 p.m.

HEARING FACILITIES

The hearing facilities will be accessible to persons with disabilities. Individuals requiring special accommodations are requested to contact Ms. Laurie Applegate at (530) 542-5414 at least five (5) working days prior to the hearing. 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.

Dated: April 18, 2008



Harold J. Singer
Executive Officer