

## State Water Resources Control Board

**Public Hearing by a Hearing Officer  
of the State Water Resources Control Board  
to Consider Assessment of  
Administrative Civil Liabilities**

**Wednesday January 19, 2012  
10:00 a.m.**

**Meeting Location:  
The State of California  
Public Utilities Commission Hearing Room  
320 W. 4<sup>th</sup> Street, 5<sup>th</sup> Floor  
Los Angeles, California**

### **Agenda**

*A Notice of Public Hearing was previously circulated for each of the hearings on this agenda. The Notices of Public Hearing contain procedural requirements that apply to these hearings, including deadlines for the submission of written evidence, comments, and exhibits. Those deadlines have passed. No requests for designated party status were received, so the parties to these proceedings are those identified in the Notices of Public Hearing. Any other person who would like to participate in these hearings is considered an Interested Person. Interested Persons may comment orally at the hearing, and will be limited to five minutes at the discretion of the Hearing Officer. Any person reading a statement at the hearing, is requested to provide the Hearing Officer's Legal Advisor with a copy at the Hearing.*

*The Hearing Officer will endeavor to consider all matters listed on this agenda. However, time may not allow the Hearing Officer to hear all matters listed. Matters not heard at this hearing may be carried over to a future Hearing. Parties will be notified in writing of the rescheduling of their item to a future hearing date.*

### **INTRODUCTORY ITEMS**

1. Order of Agenda Hearing Officer Direction  
*(The agenda items are numbered for identification purposes and will not necessarily be considered in this order).*
2. Hearing Officer Communication Disclosure. Information/Discussion  
[Tim Regan (916) 341-5172]

### **ENFORCEMENT ISSUES**

3. Hearing on First Amended Complaint No. OE-2011-0024 to assess Mandatory Minimum Penalties in the amount of \$201,000 pursuant to California Water Code section 13385, subdivisions (h) and (i) against Elixir Industries (former Elixir Industries, paint manufacturer). **This item has been removed from the Agenda due to the fact that a settlement has been reached. You may view the proposed settlement at this web address: [http://www.swrcb.ca.gov/water\\_issues/programs/enforcement/orders\\_actions.shtml#cmplnt2011](http://www.swrcb.ca.gov/water_issues/programs/enforcement/orders_actions.shtml#cmplnt2011)** violation of its waste discharge requirements contained in Order No. 01-149. (After a hearing to receive evidence and testimony concerning the Complaint, the Hearing Officer will make findings of fact and conclusions of law and prepare a proposed decision and order for presentation to the State Water Board at a subsequent meeting when the Board will consider whether to affirm, modify, or reject the Hearing Officer's recommendation up to the maximum provided for by law. (Comment submittal deadline for interested persons was December 19, 2011.) [Jarrod Ramsey-Lewis, (916) 341-6984]
4. Hearing on Complaint No. OE-2011-0012 to assess Mandatory Minimum Penalties in the amount of \$33,000 pursuant to California Water Code section 13385, subdivisions (h) and (i) and section 13385.1 against Channel Islands Marine Resource Institute (CIMRI) (former CIMRI facility within the City of Port Hueneme's Aquaculture Park) for violation of its waste discharge requirements contained in Order No. 01-076. (After a hearing to receive evidence and testimony concerning the Complaint, the Hearing Officer will make findings of fact and conclusions of law and prepare a proposed decision and order for presentation to the State Water Board at a subsequent meeting when the Board will consider whether to affirm, modify, or reject the Hearing Officer's recommendation up to the maximum provided for by law. (Comment submittal deadline for interested persons was December 19, 2011.) [Melissa Hall, (916) 341-5773]
5. **Adjournment of hearing.**

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### ***NOTICE***

*Additional information concerning hearing procedures, written submissions, and the record.*

**Hearing Procedures:** This proceeding will be conducted according to procedures established by the State Water Resources Control Board in regulations commencing with section 647 of title 23 of the California Code of Regulations. The Hearing Officer may establish specific procedures for each item, and consistent with section 648, subdivision (d) of title 23 of the California Code of Regulations may waive any non-statutory provisions of the regulations. Generally, all witnesses testifying before the Hearing Officer must affirm the truth of their testimony and are subject to questioning by the Hearing Officer and her advisors. Generally, the designation of parties, the prior identification of witnesses, or the cross examination of witnesses is not required. Any requests for an alternate hearing process should be made to the Hearing Officer's Advisors in advance of the meeting, and under no circumstances later than 5:00 p.m. on the Friday preceding the meeting.

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Failure to comply with the deadlines for written submissions is grounds for the Hearing Officer to refuse to admit the proposed written comments, evidence, or exhibits into evidence. (Cal. Code Regs., tit. 23, § 648.4(e).) The Hearing Officer may refuse to admit written testimony into evidence unless the proponent can demonstrate why he or she was unable to submit the material on time or that compliance with the deadline would otherwise create a hardship. If any

other party demonstrates prejudice resulting from admission of the written testimony, the Hearing Officer may refuse to admit it.

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**Administrative Record:** Material presented to the Hearing Officer as part of testimony that is to be made part of the record must be left with the Hearing Officer and her advisors. This includes photographs, slides, charts, diagrams, etc. All Board files pertaining to the items on this Agenda submitted to the Hearing Officer by staff for her consideration prior to action on the related items are hereby made a part of the record.

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**Accessibility:** Individuals requiring special accommodations or language needs should contact Dolores Renick at (213) 576-6629 or [drenick@waterboards.ca.gov](mailto:drenick@waterboards.ca.gov) at least two working days prior to the meeting. TTY/TDD/Speech -to-Speech users may dial 7-1-1 for the California Relay Service.

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**Availability of Complete Agenda Package:** A copy of the complete agenda package is available for examination at the State Water Board Offices during regular working hours (8:00 a.m. to 5:00 p.m. Monday through Friday) beginning 10 days before the Board meeting. Questions about specific items on the agenda should be directed to the staff person whose name is listed with the item.