

Central Valley Regional Water Quality Control Board

REISSUED NOTICE OF PUBLIC HEARING AND ADOPTED HEARING PROCEDURE

ADMINISTRATIVE CIVIL LIABILITY COMPLAINT R5-2021-0504

JAKOB WESTSTEYN AND STEPHEN WESTSTEYN

JG WESTSTEYN DAIRY
GLENN COUNTY

NOTICE OF PUBLIC HEARING

17-18 June 2021
Remote Meeting Only
(see *instructions below*)

Deadline for Written Comments:
20 May 2021

This Reissued Notice of Public Hearing has been updated to reflect the adoption of a Hearing Procedure on 22 April 2021.

Complaint for Administrative Civil Liability

On 22 March 2021, the Executive Officer was notified that Central Valley Water Board staff had issued an Administrative Civil Liability Complaint (Complaint) to Jakob Weststeyn and Stephen Weststeyn (collectively, Dischargers) regarding the JG Weststeyn Dairy in Glenn County (Facility), which is currently regulated under WDRs Order R5-2009-0082 (WDRs Order). The Complaint alleges that the Dischargers have failed to submit several technical and monitoring program reports that are required under the WDRs Order and the Monitoring and Reporting Program (MRP) incorporated therein.

Pursuant to Water Code section 13323, subdivision (b), the Central Valley Water Board is required to conduct a hearing on the Complaint within 90 days of service, unless the named parties waive this obligation. The Board has therefore scheduled a hearing to consider the matter at its upcoming public meeting on **17-18 June 2021**. The hearing will be conducted remotely via the Zoom videoconferencing platform. In accordance with the Bagley-Keene Open Meeting Act (Gov. Code, § 11120 et seq.), an agenda will be posted to the [Board's](#)

[website](https://www.waterboards.ca.gov/centralvalley/board_info/meetings) (https://www.waterboards.ca.gov/centralvalley/board_info/meetings) at least 10 days in advance of the meeting. The agenda will specify the particular day of the hearing.

At the hearing, the Central Valley Water Board members will consider evidence regarding the violations alleged in the Complaint. After considering the evidence, the Board may: (a) assess the proposed civil liability; (b) decline to assess any civil liability; or (c) continue the hearing to a later date.

The Central Valley Water Board will also be considering a Tentative Cease and Desist Order (CDO) at the same public meeting on 17-18 June 2021. Although the Tentative CDO and Complaint involve the same Facility and some of the same parties, these matters will be heard separately. In the event that the matters are heard as a consolidated hearing, this Notice will be revised accordingly and reissued.

Adopted Hearing Procedure

Attached to this Notice is a finalized Hearing Procedure governing the conduct of proceedings related to consideration of the Complaint. Hearings on the Tentative CDO and Complaint are governed separately by their respective Hearing Procedure documents.

Prior to adoption, the Prosecution Team and Dischargers received an opportunity to comment on and propose changes to a draft version of the Hearing Procedure. Minor changes were made reflecting Prosecution Team comments. No comments were received from the Dischargers.

For the purposes of California Code of Regulations, title 23, section 648 et seq., the adopted Hearing Procedure (including any subsequent revisions thereto) is incorporated as part of this Notice. In the event that the Hearing Procedure is subsequently amended, this Notice may be reissued.

Opportunity for Public Participation

Water Code section 13323, subdivision (e) provides that “[i]nformation relating to hearing waivers and the imposition of administrative civil liability, as proposed to be imposed and as finally imposed, under this section shall be made available to the public by means of the Internet.” (See also Water Quality Enforcement Policy, Appendix A, p. 6.) In accordance with section 13323, information pertaining to this proceeding will be made available on the Central Valley Water Board’s website.

The Central Valley Water Board will consider written comments submitted by members of the public that are interested in the pending matter (Interested Persons). The parties to the proceeding will be permitted to submit formal written responses to Interested Person written comments. To allow for this, all written comments shall be submitted as early as possible, and in no case later than **5:00 pm on 20 May 2021**.

Interested Persons will also be provided the opportunity to orally present general policy statements to the Central Valley Water Board members at the hearing. Such statements will generally be limited to **3 minutes** per Interested Person, though the Board may grant additional time upon request. Interested Persons do not need to submit written statements in order to speak at the hearing.

Unless they are formally recognized as a “Designated Party” per the Hearing Procedure, Interested Persons are not parties entitled to directly participate in the proceeding, except as provided above. Interested Persons will not be permitted to present evidence (e.g., photos, eyewitness testimony, etc.). They are also not subject to cross-examination. Although the Board will consider oral and written comments from Interested Persons on matters of general policy, such comments are not admissible as evidence.

Requests for “Designated Party” Status

The attached Hearing Procedure establishes the process by which Interested Persons can apply for “Designated Party” status. Per the Hearing Procedure, the deadline for such applications is **29 April 2021**.

Public File Available for Review

The Central Valley Water Board maintains a public file containing the Complaint and related documents (including party submittals per the attached Hearing Procedure) at its office located at **11020 Sun Center Drive, Suite 200, Rancho Cordova, California 95670**.

Persons interested in reviewing the file should contact **Daniel Gamon** via email at Daniel.Gamon@WaterBoards.ca.gov. In the event that in-person file review is not possible due

to the ongoing COVID-19 pandemic, Central Valley Water Board staff will, to the extent practicable under the circumstances, be able to provide digital copies of the file.

Instructions for Access to Remote Meeting

The hearing on the Complaint will be conducted remotely via the ZOOM video conferencing platform and also broadcasted via a YouTube livestream.

If you do not intend to speak at the hearing, you can watch the meeting via YouTube livestream. The livestream URL will be included in the agenda once posted to the [Board Meeting Calendar page](https://www.waterboards.ca.gov/centralvalley/board_info/meetings) (https://www.waterboards.ca.gov/centralvalley/board_info/meetings), approximately two weeks before the first day of the meeting.

If you intend to speak at the hearing, you will need access to the ZOOM virtual meeting using the Meeting ID and Passcode. This information will be available from the Board Clerk once the agenda has been posted to the [Board Meeting Calendar page](https://www.waterboards.ca.gov/centralvalley/board_info/meetings) (https://www.waterboards.ca.gov/centralvalley/board_info/meetings), approximately two weeks before the first day of the meeting.

To obtain the ZOOM Meeting ID and Passcode, send an email with the following information to agenda5@waterboards.ca.gov.

- Subject Line: 17-18 June 2021 Speaker Comment
- Body of Email: (1) Your name;
- (2) Any individuals and/or organizations you will be representing at the hearing;
- (3) The agenda item name and agenda item number of the agenda item on which you will be speaking;
- (4) Whether you definitely intend to speak, or alternatively, whether you are unsure and will decide at the meeting (i.e., prior to the hearing itself);
- (5) Whether you intend to participate via videoconference or telephone; and
- (6) If calling in, the last three digits of the phone number you will be calling from.

The Clerk will promptly respond to your email with the Meeting ID and Password. However, if you do not send your email by 5:00 pm on the day before the meeting, there is a possibility you

will not receive a response prior to the start of the meeting. This means that you may need to begin watching the meeting via YouTube livestream until the Meeting ID and Passcode are provided. In any event, please send your email request as soon as possible once the agenda has been posted online.

To automatically receive a copy of the meeting agenda, sign up for the **Regional Board Agenda Email List** following the instructions below:

- (1) Visit the [Board Meeting Calendar page](https://www.waterboards.ca.gov/centralvalley/board_info/meetings)
(https://www.waterboards.ca.gov/centralvalley/board_info/meetings)
- (2) Click on the drop-down box on the top right-hand side of the page titled **"Subscribe Directly to the Regional Board Agenda Email List"**
- (3) Type in your **Email Address**
- (4) Type in Your **Full Name**
- (5) Click on the **"Subscribe"** button

For general questions on meeting access, to request a special accommodation, or to request interpreter services, please send an e-mail to agenda5@waterboards.ca.gov or call (916) 464-3291. Please request special accommodations or interpreter services at least 10 business days in advance of the meeting. TTY users may contact the California Relay Service at 1-800-735-2929 or voice line at 1-800-735-2922.

Questions

All questions regarding this proceeding should be addressed via email to the lead Advisory Team attorney at David.Lancaster@WaterBoards.ca.gov.



Patrick Pulupa
Executive Officer

Attachments:
Hearing Procedure (Adopted 22 April 2021)

Central Valley Regional Water Quality Control Board

HEARING PROCEDURE

Effective Date: 22 April 2021

Proposed Action: Assessment of Civil Liability per Administrative Civil Liability Complaint R5-2021-0504

Hearing Date: 17/18 June 2021

Location: Zoom Videoconferencing Platform [online only]

Discharger(s): Jakob Weststeyn;
Stephen Weststeyn

Facility: JG Weststeyn Dairy, 5745 Road 65, Willows, California 95988;
CIWQS Place ID: [745264](#)

County: Glenn County

A. Applicable Laws & Regulations

For purposes of California Code of Regulations, title 23 (Title 23), section 648 et seq., this hearing constitutes an “adjudicative proceeding.” This proceeding is governed by the following statutes, regulations and policies:

- (1) California Water Code sections 13323-13328;
- (2) Title 23, sections 648 through 648.8, available review on the [State Water Board's laws and regulations page](https://www.waterboards.ca.gov/laws_regulations) (https://www.waterboards.ca.gov/laws_regulations);
- (3) Chapter 4.5 of the Administrative Procedure Act (Gov. Code, § 11400 et seq.), *excluding* Article 8 (*Language Assistance*), Article 13 (*Emergency Decision*), Article 14 (*Declaratory Decision*) and Article 16 (*Administrative Adjudication Code of Ethics*);
- (4) Evidence Code sections 801 through 805;
- (5) Government Code section 11513; and

- (6) State Water Board's [Water Quality Enforcement Policy](https://www.waterboards.ca.gov/board_decisions/adopted_orders/resolutions/2017/040417_9_final%20adopted%20policy.pdf), effective 5 October 2017 (https://www.waterboards.ca.gov/board_decisions/adopted_orders/resolutions/2017/040417_9_final%20adopted%20policy.pdf).

Apart from Government Code section 11513 (see above), Chapter 5 of the Administrative Procedure Act (Gov. Code, § 11500 et seq.) shall not apply to this hearing.

Any procedures not provided by the Hearing Procedure prescribed herein are inapplicable to this hearing.

B. Remote Hearing Only

The Administrative Procedures Act allows all or part of a hearing to be conducted by telephone, television, or other electronic means. (Gov. Code, § 11440.30), Although a party may ordinarily object to conduct of the hearing by electronic means, this provision has been **suspended** per [Executive Order N-63-20](https://www.gov.ca.gov/wp-content/uploads/2020/05/5.7.20-EO-N-63-20-text.pdf) (<https://www.gov.ca.gov/wp-content/uploads/2020/05/5.7.20-EO-N-63-20-text.pdf>), which was issued by California Governor Gavin Newsom on 7 May 2020.

C. Parties and Separation of Functions

To ensure that the Dischargers receive a fair hearing, Central Valley Water Board staff and counsel have undertaken a separation of functions wherein Board members will be advised by an "Advisory Team" comprised of staff and counsel that have not participated in development of the Complaint. (See Gov. Code, § 11425.10, subd. (a)(4).)

The Advisory Team, Prosecution Team, Dischargers and Designated Parties (if any) in this proceeding are listed below:

Advisory Team

Patrick Pulupa
Executive Officer
Central Valley Water Board
Patrick.Pulupa@WaterBoards.ca.gov

David Lancaster
Attorney
State Water Board, Office of Chief Counsel
David.Lancaster@WaterBoards.ca.gov

Adam Laputz
Assistant Executive Officer
Central Valley Water Board
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Chris Moskal
Attorney
State Water Board, Office of Chief Counsel
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Prosecution Team

John Baum
Assistant Executive Officer
Central Valley Water Board
John.Baum@WaterBoards.ca.gov

Wendy Wyels
Environmental Program Manager
State Water Board, Office of Enforcement
Wendy.Wyels@WaterBoards.ca.gov

Robert Busby
Supervising Engineering Geologist
Central Valley Water Board
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Catherine Hawe
Attorney
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Daniel Gamon
Senior Engineering Geologist
Central Valley Water Board
Daniel.Gamon@Waterboards.ca.gov

Vaneeta Chintamaneni
Attorney
State Water Board, Office of Enforcement
Vaneeta.Chintamaneni@WaterBoards.ca.gov

Sean Walsh
Environmental Scientist
Central Valley Water Board
Sean.Walsh@WaterBoards.ca.gov

Dischargers and Representatives

Jakob Weststeyn
Discharger

Joe Corp
Consultant for Dischargers
Joe@corpranch.com

Stephen Weststeyn
Discharger
Stephenw9734@hotmail.com

Designated Parties

Parties to be designated in accordance with Section F herein.

D. Ex Parte Contacts Prohibited

To maintain the Central Valley Water Board's impartiality, ex parte contacts are prohibited. (See, e.g., Gov. Code, § 11430.10 et seq.) Ex parte contacts are those communications that are directed at the Central Valley Water Board members or the Advisory Team members, regarding the pending matter, and which are not communicated in a manner open to all other persons. Communications regarding non-controversial procedural matters are not considered ex parte contacts, and are therefore not restricted under this Hearing Procedure.

To avoid ex parte contacts in pre-hearing communications, the Dischargers should ensure that the Prosecution Team is copied on all correspondence directed to the Advisory Team, and *vice-versa*.

E. Interested Persons (Non-Parties)

The Central Valley Water Board will consider written comments submitted by members of the public that are interested in the pending matter (Interested Persons). The parties to the proceeding will be permitted to submit formal written responses to Interested Person written comments. To allow for such responses, all written comments shall be submitted as early as possible, and in no case later than 5:00 pm on **20 May 2021**.

Interested Persons will also be provided the opportunity to orally present general policy statements to the Central Valley Water Board at the hearing. Such statements will be limited to **3 minutes** per Interested Person for this hearing, though the Board Chair may grant additional time on a case-by-case basis. Interested Persons do not need to submit written statements in order to speak at the hearing.

Unless they are formally recognized as a "Designated Party" per the Hearing Procedure, Interested Persons are not parties entitled to directly participate in the proceeding, except as provided above. Interested Persons will not be permitted to present evidence (e.g., photos, eyewitness testimony, etc.). They are also not subject to cross-examination, but may asked to respond to clarifying questions from the Central Valley Water Board or the Advisory Team. Although the Board will consider oral and written comments from Interested Persons on matters of general policy, such comments are not admissible as evidence.

F. Applications for “Designated Party” Status

By default, the only parties to an adjudicative enforcement proceeding are: (1) the Prosecution Team; and (2) the Dischargers named in the proposed order. (See Gov. Code, § 11405.60; Title 23, § 648.1, subd. (a).) In some circumstances, however, it may be appropriate for certain Interested Persons to participate directly in the proceeding as a “Designated Party.” (Gov. Code, § 11440.50, Title 23, § 648.1, subd. (a).) Such determinations shall be made discretionarily on a case-by-case basis by the Executive Officer, in consultation with the Board Chair.

To request “Designated Party” status, Interested Persons must submit a written request to the Advisory Team no later than 5:00 pm on **29 April 2021**. The written request must include the following information:

- (1) An explanation of how the issues to be addressed at the hearing substantially affect the person requesting Designated Party status (Applicant);
- (2) Why the Applicant believes that the Prosecution Team and Discharger(s) will not adequately represent their interests;
- (3) A summary of the evidence that the Applicant seeks to present at the hearing, including whether they seek to present their own witness testimony; and
- (4) Whether the Applicant seeks to cross-examine the other parties’ witnesses.

The Advisory Team will promptly respond to all timely written requests for Designated Party status. The Advisory Team may request further information before the determination is made. A request for Designated Party status shall not be granted if, in the totality of circumstances, it appears that such designation will impair the interests of justice and the orderly and prompt conduct of the proceeding. The Executive Officer, in consultation with the Board Chair, may impose restrictions on the requestor’s hearing participation, including limiting or excluding the use of cross-examination and other procedures to promote the orderly and prompt conduct of the proceeding. (Gov. Code, § 11440.50, subd. (c).)

In the event that “Designated Party” status is granted, this Hearing Procedure may be revised as appropriate.

G. Pre-Hearing Submittals

To avoid the introduction of surprise testimony and exhibits (Title 23, § 648.4, subd. (a)), and to minimize the need for oral argument and testimony at the hearing, this Hearing Procedure requires the parties to submit documentary evidence (§ 648.4, subd. (c)), witness information (§ 648.4, subd. (b)), and legal/technical memoranda to the Advisory Team prior to the hearing. Absent a showing of good cause and lack of prejudice to the parties, the Board Chair may

exclude materials that are not submitted in accordance with this Hearing Procedure. Excluded materials will not be considered by the Board. (§ 648.4, subd. (e).)

The provisions of this Hearing Procedure are controlling over any contrary instructions or guidance previously provided by Central Valley Water Board administrative staff for prior matters. Any further questions regarding non-substantive procedural or logistical matters (e.g., file naming, formatting, etc.) may be directed to the Advisory Team attorney, who will promptly respond to all inquiries.

1. Electronic Submittals to Advisory Team [All Parties]

All pre-hearing submittals and rebuttals to the Advisory Team under this Hearing Procedure shall occur electronically via [File Transfer Protocol](https://ftp.waterboards.ca.gov/WebInterface/login.html) (FTP) (<https://ftp.waterboards.ca.gov/WebInterface/login.html>), except as otherwise provided below. Parties may obtain FTP log-in information from the Advisory Team.

Once a party has uploaded its materials to the FTP site, the party shall notify the Advisory Team and other parties via email, and identify each of the files that have been uploaded.

Exhibits shall be uploaded as sequentially numbered pdf files with file names in all lower case, and following the naming conventions set forth below:

Prosecution Team: **weststeyn_aclc_pt_exh_###.pdf**

Dischargers: **weststeyn_aclc_disch_exh_###.pdf**

In the event that there are additional Designated Parties participating in the proceeding, the Advisory Team will provide additional instructions regarding file naming.

2. Submittal Index [All Parties]

Except as otherwise expressly provided below, each pre-hearing submittal shall be accompanied by a table listing each document included as part of the submittal. The table shall include the following columns: *Document Title*; *Exhibit Number*; *Exhibit Date* (i.e., when the document was generated); and *File Name*.

3. Prosecution Team Submittals

No later than 5:00 pm on **6 May 2021**, the Prosecution Team shall submit the following materials to the Advisory Team:

- (1) All documentary evidence supporting adoption of the proposed order, with each document separately designated as sequentially-numbered exhibit (i.e., Exhibit 1, Exhibit 2, Exhibit 3, etc.). Each finding in the proposed order shall be supported by exhibits and/or witness testimony to be offered at the hearing.
- (2) [OPTIONAL] A memorandum articulating the Prosecution Team's legal arguments and technical analyses in support of the proposed order.
- (3) A Witness Information Sheet containing the name of each witness the Prosecution Team intends to call to testify at the hearing; the subject matter of their testimony and the estimated time required for each witness. If any of the proposed witnesses will be testifying as an expert (see Evid. Code, § 800 et seq.), the memorandum shall also include the witnesses' qualifications as an expert.

4. Discharger and Designated Party Submittals

No later than 5:00 pm on **27 May 2021**, the Dischargers and any Designated Parties shall submit the following materials to the Advisory Team:

- (1) Any additional documentary evidence that supports the submitting party's position with respect to the proposed order. These materials shall be separately designated as sequentially-numbered exhibits, starting with "Exhibit 1."
- (2) [OPTIONAL] A memorandum articulating the submitting party's legal arguments and technical analyses in support of their position(s) with respect to the proposed order.
- (3) A Witness Information Sheet witness information sheet containing the name of each witness the submitting party intends to call to testify at the hearing; the subject matter of their testimony and the estimated time required for each witness. If any of the proposed witnesses will be testifying as an expert (see Evid. Code, § 800 et seq.), the memorandum shall also include the witnesses' qualifications as an expert.

5. Rebuttal Evidence [All Parties; Optional]

Notwithstanding the pre-hearing evidence submission deadlines specified above, the parties will be permitted to introduce additional evidence necessary to disprove or contradict evidence submitted by another party (Rebuttal Evidence). Submittals of Rebuttal Evidence may also be

accompanied by a supplemental memorandum responding to legal and/or technical arguments raised in the other parties' briefing.

By default, subdivision (f) of Title 23, section 648.4 permits parties to introduce Rebuttal Evidence for the first time during the hearing. However, the Hearing Procedure may waive this provision and require pre-submission of Rebuttal Evidence (Title 23, § 648, subd. (d).)

To maintain fairness, ensure orderly conduct of the proceeding, and avoid "surprise evidence" (see Title 23, § 648.4, subd. (a)), this Hearing Procedure requires that Rebuttal Evidence be submitted to the Advisory Team and other parties no later than **noon on the day prior to the hearing**. The requirement to submit rebuttal evidence in advance of the hearing applies only to rebut timely-submitted written evidence; the parties will have the opportunity to rebut oral testimony submitted at the hearing.

6. Responses to Interested Persons Written Comments [All Parties; Optional]

The parties may elect to submit written responses to written comments from Interested Persons. All such responses must be submitted to the Advisory Team no later than 5:00 pm on **3 June 2021**. This submittal may occur via email and need not be accompanied by an updated index table. In lieu of a written response, the parties may also address such comments at the hearing.

7. Summary Agenda Sheet [Advisory Team]

Prior to the hearing, the Advisory Team shall prepare a Summary Agenda Sheet summarizing the ongoing controversies involved in the proceeding, and the positions taken by each of the other parties. Once finalized, the Summary Agenda Sheet will be sent to the parties via email.

8. Proposed Administrative Civil Liability Order [Prosecution Team—Mandatory; Other Parties—Optional]

Pursuant to Government Code section 11425.10, subdivision (a)(6), the Central Valley Water Board's decision on the Complaint shall be in writing, based on the record, and include a statement of the factual and legal basis of the decision. (See also Gov. Code, § 114250.20.)

No later than 5:00 pm on **15 June 2021**, the Prosecution Team shall submit a proposed Administrative Civil Liability Order (Proposed Order) for review by the Advisory Team and transmittal to the Central Valley Water Board for consideration at the hearing. Additionally, the other parties may submit alternative Proposed Orders for review by the Advisory Team, provided they submitted by the same deadline specified above.

These submittals shall occur via email and need not be accompanied by an updated index table. The Proposed Order shall be submitted both as a Microsoft Word file and as a PDF.

9. Presentation Slides [All Parties; Mandatory If Slides Are Used]

No later than 5:00 pm on **15 June 2021**, the parties shall provide the Advisory Team with their presentation slides for use at the hearing, as a PowerPoint file (or similar format) and PDF printout (for inclusion in the administrative record). This submittal may occur via email and need not be accompanied by an updated index table. If the party does not intend to present slides at the hearing, no submittals are required from the party.

Notwithstanding the above deadline, the Parties may revise their presentations to reflect any Rebuttal Evidence submitted prior to the hearing. Revised presentations shall be submitted to the Advisory Team at the earliest possible opportunity.

H. Conduct of Hearing

1. Hearing Time Limits

“Adjudicative proceedings shall be conducted in a manner ... deem[ed] most suitable to the particular case with a view toward securing relevant information expeditiously without unnecessary delay and expense to the parties and to the Board.” (Title 23, § 648.5, subd. (a).) To that end, it has been determined that the following time limits shall apply to the Parties at the hearing.

Prosecution Team:	30 Minutes
Dischargers:	30 Minutes
Designated Parties [<i>if any</i>]:	10 Minutes

The above time limits are based on the Advisory Team’s review of the allegations within the Complaint, and based on experience in similar enforcement proceedings, and any input from the parties.

The parties may allocate their allotted time as they see fit between presenting evidence and testimony, cross-examining adverse witnesses, and making a closing statement. Discussions on procedural issues will not count against the parties’ allotments. A timer will be used to track how much time has elapsed. This timer will be paused during Board questions and party responses to Board questions. Additional time may be provided at the discretion of the Board Chair (at the hearing), upon a showing that additional time is necessary.

2. Witness Testimony

At the hearing, witness testimony shall be limited to those subjects previously specified in the party's Witness Information Sheet (see above). Upon request, the Board may permit testimony on additional subjects, provided that it will not result in undue prejudice to the other parties.

All witnesses who have submitted written testimony shall be available to appear during the hearing (to affirm that the testimony is true and correct), and shall be subject for cross-examination. The failure of a witness to be available during the hearing may result in the submitted testimony being treated as hearsay. (Title 23, § 648.4, subds. (d)-(e).)

All persons intending to testify at the hearing shall take the oath administered by the presiding officer. (Gov. Code, § 11513; Cal. Code Regs., tit. 23, § 648.5, subd. (a)(3).)

3. Rules of Evidence

The proceeding shall be conducted in accordance with the provisions and rules of evidence set forth in Government Code section 11513.

Hearsay shall be admissible as evidence, subject to the provisions of Government Code section 11513.

Evidence already in the Central Valley Water Board's files may be submitted by reference if the location of the evidence is clearly identified. (Cal. Code Regs., tit. 23, § 648.3.)

4. Presentations

Slide presentations (e.g., PowerPoint) may be used at the hearing, provided their contents do not exceed the scope of previously submitted material. Central Valley Water Board administrative staff will be running the presentation at the party's direction.

I. Requests for Extensions

Parties may request the extension of any deadline specified in this Hearing Procedure. Such requests shall be made via email to the Advisory Team, with the other parties copied on the email. Objections to the requested extension will be considered, provided they are promptly raised by the other parties. In any event, the granting or denial of a request shall be exclusively within the discretion of the Executive Officer, in consultation with the Board Chair.

J. Modifications to Hearing Procedure

This Hearing Procedure may be revised by the Board Chair after appropriate notice and opportunity to be heard. For the purposes of this section, the extension of a deadline shall not be construed as a revision to the Hearing Procedure.

K. Communication via Email

To the extent practicable, all communications between the parties prior to the hearing shall occur via email, per the email addresses listed under the **Contact Information** section below.

At a minimum, all emails to the Prosecution Team shall include the attorneys for the Prosecution Team, **Catherine Hawe** (Catherine.Hawe@WaterBoards.ca.gov) and **Vaneeta Chintamaneni** (Vaneeta.Chintamaneni@WaterBoards.ca.gov), who shall serve as the primary points of contact for the Prosecution Team (i.e., in lieu of including all members on the email). Alternatively, the parties may elect to include each Prosecution Team member on each email.

All emails to the Advisory Team shall be directed to the attorneys for the Advisory Team, **David Lancaster** (David.Lancaster@WaterBoards.ca.gov) and **Chris Moskal** (Christopher.Moskal@WaterBoards.ca.gov), who shall serve as the primary points of contact for the Advisory Team; the parties may elect to include other members of the Advisory Team as well. See **Section D** for prohibition on ex parte contacts.

Except as directed otherwise in writing (i.e., by the Dischargers), **Stephen Weststeyn** (Stephenw9734@hotmail.com) and **Joe Corp** (Joe@corpranch.com) shall serve as the primary points of contact for the Dischargers, and shall be conclusively presumed to have provided the other named dischargers with notice of the email communication.

SUMMARY OF DEADLINES

Table 1—Deadliness

DATE	REQUIRED ACTIONS / DEADLINES
Thursday, 22 April 2021 (8 weeks before Meeting)	<i>Adoption of Hearing Procedure</i>
Thursday, 29 April 2021 (7 weeks before Meeting)	Requests for Designated Party Status
Thursday, 6 May 2021 (6 weeks before Meeting)	Pre-Hearing Submittals from Prosecution Team
Thursday, 20 May 2021 (4 weeks before Meeting)	Written Comments from Interested Parties
Thursday, 27 May 2021 (3 weeks before Meeting)	Pre-Hearing Submittals from Dischargers and Designated Parties (if any)
Thursday, 3 June 2021 (2 weeks before Meeting)	Responses to Written Comments from Interested Persons
Tuesday, 15 June 2021	Presentation Slides for Hearing Proposed Administrative Civil Liability Order
Thursday, 17 June 2021	First Day of Meeting
Friday, 18 June 2021	Second Day of Meeting

CONTACT INFORMATION

Advisory Team

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Prosecution Team

John Baum

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Robert Busby

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Daniel Gamon

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Sean Walsh

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Wendy Wyels

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