



California Regional Water Quality Control Board

Los Angeles Region



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Cal/EPA Secretary

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Jerry Brown
Governor

Notice of Public Meeting/ 26th Panel Hearing

Thursday, March 17, 2011

9:00 a.m.

Meeting Location:

The Metropolitan Water District of Southern California
(Board Room)
700 North Alameda Street
Los Angeles, California

Agenda

The Parties to these items must submit any written comments, a list of witnesses, and any exhibits to the Prosecution Team not later than the dates indicated in the Notice of Public Hearing for each item. Failure to comply with these requirements is grounds for the Panel to refuse to admit the proposed written comment or exhibit into evidence. (California Code of Regulations, title 23, section 648.4)

If materials are not submitted in a timely manner, the Hearing Panel 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 written comments or exhibits not timely submitted, the Hearing Panel may refuse to admit it.

The Hearing Panel is authorized to enter into closed session to deliberate on the evidence received in each of these matters. (Government Code section 1112(c) (3)).

If you are reading a statement at the hearing, please provide the Executive Assistant with a copy at the Hearing.

The Hearing will endeavor to consider all matters listed on this agenda. However, time may not allow the Panel to hear all matters listed. Matters not heard at this hearing may be carried over to the next Panel Hearing or to a future Regional Board meeting. Parties will be notified in writing of the rescheduling of their item. Please contact the Regional Board staff to find out about rescheduled items.

INTRODUCTORY ITEMS

1. Introduction of Panel.
[Fran Diamond].....Board Members Present
2. Order of Agenda.....Board Direction
(The agenda items are numbered for identification purposes and will not necessarily be considered in this order).
3. Panel Member Communication Disclosure.
[Lori Okun, (916) 341-5165; Jennifer Fordyce, (916) 324-6682].....Information/Discussion

ENFORCEMENT ISSUES

4. Hearing on Complaint No. R4-2010-0023 to assess Administrative Civil Liability in the amount of \$35,700, as well as additional liability for continuing violations, against Balcom Ranch for violation of California Water Code § 13260 for failure to submit a Notice of Intent to comply with the Regional Board's Conditional Waiver of Waste Discharge Requirements for Discharges from Irrigated Lands within the Los Angeles Region, Order No. R4-2005-0080 or, alternatively, for failure to submit a report of waste discharge, when so requested by the Regional Board. (After a hearing to receive evidence and testimony concerning the Complaint, the Panel will make findings of fact and conclusions of law, and provide a proposed decision and order for presentation to the Regional Board at a subsequent meeting when the Board will consider whether to affirm, modify, or reject the Panel's recommendation. In so doing, the Panel may meet in closed session to deliberate pursuant to Government Code section 11126(c)(3)). (Comment submittal deadline for interested persons was January 18, 2011). [Rebecca Veiga Nascimento, (213) 576 -6784]
5. Hearing on Complaint No. R4-2010-0169-M to assess Mandatory Minimum Penalties in the amount of \$63,000 pursuant to California Water Code §§ 13385, subdivisions (h) and (i), and 13385.1 against the Port of Los Angeles (New Dock Street Pump Station) for violations of its waste discharge requirements contained in Order Nos. 97-138 and R4-2006-0086. (After a hearing to receive evidence and testimony concerning the Complaint, the Panel will make findings of fact and conclusions of law, and provide a proposed decision and order for presentation to the Regional Board at a subsequent meeting when the Board will consider whether to affirm, modify, or reject the Panel's recommendation. In so doing, the Panel may meet in closed session to deliberate pursuant to Government Code section 11126(c)(3)). (Comment submittal deadline for interested persons was January 18, 2011). [Andrew Choi, (213) 576-6751]
6. Hearing on Complaint No. R4-2008-0199-M to assess Mandatory Minimum Penalties in the amount of \$675,000 pursuant to California Water Code §§ 13385, subdivision (h), and 13385.1 against Casden Properties, LLC for violations of its waste discharge requirements contained in Order Nos. R4-2003-0111 and R4-2008-0032. (After a hearing to receive evidence and testimony concerning the Complaint, the Panel will make findings of fact and conclusions of law, and provide a proposed decision and order for presentation to the Regional Board at a subsequent meeting when the Board will consider whether to affirm, modify, or reject the Panel's recommendation. In so doing, the Panel may meet in closed session to deliberate pursuant to Government Code section 11126(c) (3)). (Comment submittal deadline for interested persons was January 18, 2011). [Kristie Kao, (213) 620-6368]
7. Hearing on Complaint No. R4-2009-0010-M to assess Mandatory Minimum Penalties in the amount of \$54,000 pursuant to California Water Code § 13385.1 against the Crescenta Valley Water District for Monitoring and Reporting Program No. CI 9167 contained in Order No. R4-2003-0108. (After a hearing to receive evidence and testimony concerning the Complaint, the Panel will make findings of fact and conclusions of law, and provide a proposed decision and order for presentation to the Regional Board at a subsequent meeting when the Board will consider whether to affirm, modify, or reject the Panel's recommendation. In so doing, the Panel may meet in closed session to deliberate pursuant to Government Code section 11126(c) (3)). (Comment submittal deadline for interested persons was January 18, 2011). [Ms. Pansy Yuen, (213) 620-6367]
8. **Adjournment of current meeting.**

NOTICE

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

Hearing Procedures: The Regional Board follows procedures established by the State Water Resources Control Board. These procedures are established in regulations commencing with section 647 of title 23 of the California Code of Regulations. The Chair 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 nonstatutory provisions of the regulations. Generally, all witnesses testifying before the Regional Board must affirm the truth of their testimony and are subject to questioning by the Board Members. The Board does not, generally, require the designation of parties, the prior identification of witnesses, or the cross examination of witnesses. Any requests for an alternate hearing process should be made to the Executive Officer in advance of the meeting, and under no circumstances later than 5:00 p.m. on the Thursday preceding the Board meeting.

Written Submissions: Written materials (whether hand-delivered, mailed, e-mailed, or facsimiled) **must be received prior to the relevant deadline** established in the agenda or Notice of Public Hearing for each item. If the submitted material is more than 10 pages or contains foldouts, color graphics, maps, or similar items, 6 copies must be submitted prior to the relevant deadline.

Failure to comply with requirements for written submissions is grounds for the Chair to refuse to admit the proposed written comment or exhibit into evidence. (Cal. Code Regs., tit. 23, § 648.4(e).) The Chair 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 Chair may refuse to admit it.

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

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

Availability of Complete Agenda Package: A copy of the complete agenda package is available for examination at the Regional Board Office 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.

Electronic Information and Updates: Our web site address is <http://www.waterboards.gov/losangeles/>, then clicking on "Regional Boards". Information available online includes the Regional Board's meeting schedule, a list of the Regional Board members, past and present Executive Officer reports, program information, a list of staff and phone numbers arranged by their work unit, and links to the Santa Monica Bay Restoration Commission's home page and other governmental agencies. Last-minute changes to the agenda, such as the continuance of an item, will be posted electronically. If you need further information, please contact Jack Price at (213) 576-6669.
