

Los Angeles Regional Water Quality Control Board

Notice of Executive Officer Hearing

**Tuesday, December 15, 2015
10:00 a.m.**

Meeting Location:
**The State of California
Public Utilities Commission Hearing Room
320 W. 4th Street, 5th Floor
Los Angeles, California 90013**

Agenda

California Water Code section 13223 authorizes the Los Angeles Regional Water Quality Control Board (Regional Board) to delegate any of its powers and duties to its Executive Officer except for certain non-delegable powers and duties. An evidentiary hearing before the Executive Officer to consider administrative civil liability (ACL) Complaints and to issue ACL orders does not fall under one of the non-delegable duties specified in section 13223. The Regional Board adopted Resolution No. R14-005, delegating to its Executive Officer the authority to hold evidentiary hearings to consider allegations in ACL Complaints and to issue final ACL Orders on the Regional Board's behalf in certain matters. The purpose of the hearing is to consider relevant evidence and testimony regarding the ACL Complaint. At the hearing, the Executive Officer will hear evidence, determine facts, make conclusions of law and consider whether to issue an ACL Order assessing the proposed liability, or a higher or lower amount. The Executive Officer may also decline to assess any liability, or may continue the hearing to a later date.

The hearing will be a formal adjudicative proceeding and will be conducted in accordance with pre-established Hearing Procedures (including submission deadlines) for each ACL Complaint. The Hearing Procedures for each item are available on the Regional Board's website. A copy of the Hearing Procedures was included along with the ACL Complaint. The procedures governing adjudicatory hearings before the Regional Board may be found at California Code of Regulations, title 23, section 648 et seq., and are available at <http://www.waterboards.ca.gov>. In accordance with section 648(d), any procedure not provided by the Hearing Procedures for each item is deemed waived. Failure to comply with the deadlines and requirements contained in the Hearing Procedures may result in the exclusion of documents and/or testimony.

Please be advised that, generally, all witnesses testifying before the Executive Officer must affirm the truth of their testimony and are subject to questioning by the Executive Officer and his or her advisors.

1. **Introduction**.....Executive Officer

2. **Order of Agenda.** Note that the agenda items are numbered for identification purposes only and may not necessarily be considered in this order.

- ~~3. Hearing on Complaint No. R4-2014-0050 to assess Mandatory Minimum Penalties in the amount of \$12,000 pursuant to California Water Code section 13385, subdivision (h), against Kennedy Wilson 16501 Ventura, LLC for violations of its waste discharge requirements contained in Order No. R4-2008-0032. (After a hearing to receive evidence and testimony concerning the Complaint, the Executive Officer will make findings of fact and conclusions of law, and may adopt, modify, or reject the recommended mandatory minimum penalties). (Comment submittal deadline for interested persons was October 16, 2015). [Matthew Buffleben, (916) 341-5891]~~

ITEM #3 HAS BEEN PULLED – PERMITTEE SETTLED

4. Hearing on Complaint No. R4-2014-0055 to assess Mandatory Minimum Penalties in the amount of \$6,000 pursuant to California Water Code section 13385, subdivision (h), against Brentwood on Wilshire, LLC for violations of its waste discharge requirements contained in Order No. R4-2008-0032. (After a hearing to receive evidence and testimony concerning the Complaint, the Executive Officer will make findings of fact and conclusions of law, and may adopt, modify, or reject the recommended mandatory minimum penalties). (Comment submittal deadline for interested persons was October 16, 2015). [Andrew Choi, (213) 576-6791]
5. Hearing on Complaint No. R4-2014-0086 to assess Mandatory Minimum Penalties in the amount of \$2,500 pursuant to California Water Code section 13399.33, subdivision (c), against Simi Valley Auto Wrecking, Inc. for violations of its waste discharge requirements contained in Order No. 2009-0009-DWQ as amended by Order No. 2010-014-DWQ. (After a hearing to receive evidence and testimony concerning the Complaint, the Executive Officer will make findings of fact and conclusions of law, and may adopt, modify, or reject the recommended mandatory minimum penalties). (Comment submittal deadline for interested persons was October 16, 2015). [Ali Rahmani, (213) 620-2122]
6. Hearing on Complaint No. R4-2014-0144 to assess Mandatory Minimum Penalties in the amount of \$1,500 pursuant to California Water Code section 13399.33, subdivision (c), against Larry Ready for violations of its waste discharge requirements contained in Order No. 97-03-DWQ. (After a hearing to receive evidence and testimony concerning the Complaint, the Executive Officer will make findings of fact and conclusions of law, and may adopt, modify, or reject the recommended mandatory minimum penalties). (Comment submittal deadline for interested persons was October 16, 2015). [Ali Rahmani, (213) 620-2122]

7. **Adjournment.**

Ex Parte Communications: While an adjudicative proceeding is pending, the California Government Code forbids Designated Parties and Interested Persons from engaging in ex parte communications regarding this matter with the Executive Officer and the Advisory Team, except during the public hearing itself. An ex parte communication is a written or verbal communication, either direct or indirect, that relates to the investigation, preparation, or prosecution of the ACL Complaint between a Designated Party or an Interested Person and the Executive Officer or a member of the Advisory Team that occurs in the absence of other parties and without notice and opportunity for all parties to participate in the communication (see Gov. Code, § 11430.10 et seq.).

However, if the communication is copied to all other persons (if written) or is made in a manner open to all other persons (if verbal), then the communication is not considered an ex parte communication. Therefore, any written communication to the Executive Officer or the Advisory Team before the hearing must also be copied to all other Designated Parties. Communications regarding non-controversial procedural matters, including a request for a continuance, are permissible ex parte communications and are not restricted.

Accessibility: The hearing will be conducted at a facility that is accessible to people with disabilities. Individuals requiring special accommodations or language needs should contact Dolores Renick at (213) 576-6629 or Dolores.Renick@waterboards.ca.gov at least 5 working days prior to the hearing. 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 for each item 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 Executive Officer hearing. Questions about specific items on the agenda should be directed to the Board staff person whose name and contact information are indicated with the item.

Electronic Information and Updates: Our web site address is <http://www.waterboards.ca.gov/losangeles/>. 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 Khalid Abdullah at (213) 576-6675.