

California Regional Water Quality Control Board, Los Angeles Region

**MARCH 30, 2023
HEARING PROCEDURES
FOR ADMINISTRATIVE CIVIL LIABILITY COMPLAINTS
NUMBERS R4-2022-0217-A1, -0218-A2 and -0219-A1**

**ISSUED TO
DAY TO DAY IMPORTS INC. AND VIRGIN SCENT INC. DBA ARTNATURALS (R4-2022-0217-A1); DAY TO DAY IMPORTS, INC., VIRGIN SCENT INC. DBA ARTNATURALS, LIBERTY PROPERTY LIMITED PARTNERSHIP, AND PROLOGIS, INC. (R4-2022-0218-A2); AND DAY TO DAY IMPORTS INC. AND LIBERTY PROPERTY LIMITED PARTNERSHIP (R4-2022-0219-A1)**

HEARING SCHEDULED FOR SEPTEMBER 20, 2022, AND DECEMBER 11-13, 2023¹

PLEASE READ THIS HEARING PROCEDURE CAREFULLY. FAILURE TO COMPLY WITH THE DEADLINES AND OTHER REQUIREMENTS CONTAINED HEREIN MAY RESULT IN THE EXCLUSION OF YOUR SUBMITTAL.

California Water Code section 13323 authorizes the California Regional Water Quality Control Board, Los Angeles Region (Regional Board) to impose a fine, called administrative civil liability, against any person who violates water quality requirements. The Regional Board's Prosecution Team has issued three separate Administrative Civil Liability (ACL) Complaints (and amendments thereto) that propose the Regional Board impose civil liability against Day to Day Imports Inc. (Day to Day); Virgin Scent Inc. d/b/a Artnaturals (Virgin Scent); Liberty Property Limited Partnership (Liberty); and Prologis, Inc. (Prologis) (together, Respondents) for the violations alleged in the respective ACL Complaints.

I. Hearing Dates and Location

The hearings on this matter will take place as follows:

On **September 20, 2023**, the Regional Board will hear substantive pre-trial motions.

Thereafter, on **December 11, 12, and 13**, and on additional days which may be scheduled as needed, a Hearing Panel (formed pursuant to Water Code section 13228.14) will consider evidence regarding the violations alleged in the three amended ACL Complaints. After considering the evidence, the Hearing Panel may recommend that the Regional Board impose the proposed civil liability, impose a higher or lower amount, or decline to impose any liability. The Regional Board will then hold a hearing (to be scheduled in the future) to consider the recommendations of the Hearing Panel. The Hearing Panel, and the need for such a panel, is discussed further in Section VIII.A. Please note that the Presiding Officer has not yet made a determination as to whether the three ACL Complaints will be consolidated or whether penalties and liability should be bifurcated in these proceedings, but these days are scheduled

¹ Additional days may be scheduled if necessary.

to begin the hearing(s) on these ACL Complaints regardless of that determination. **Motions to consolidate and/or bifurcate these proceedings as to penalties and liabilities are due by the deadline set forth in the “Important Deadlines” Section below.**

The hearings will be held at the following location:

To Be Determined

The Regional Board’s meeting agenda will be issued at least ten days before the meeting and posted on the Regional Board’s website at:

Home Page Los Angeles Regional Water Quality Control Board (ca.gov), or upon request from the Los Angeles Water Board by contacting Sophie Froelich at Sophie.Froelich@waterboards.ca.gov or (916) 319-8557.

The hearings may be rescheduled or continued to a later date. Please check the Regional Board’s website for the most up-to-date information.

II. Presiding Officer

For the purposes of this Hearing(s) Procedure, the Presiding Officer is the Chair of the Regional Board or another member of the Regional Board designated in writing by the Chair of the Regional Board.

III. Hearing Waiver

Water Code section 13323, subdivision (b), requires a hearing on an ACL complaint within 90 days of service of the ACL complaint; however, the Respondents may waive this right.

On July 22, 2022, Respondents Prologis and Liberty submitted a joint waiver form, and on July 29, 2022, Respondents Day to Day and Virgin Scent submitted a joint waiver form. Both waiver forms indicated that the Respondents waived the 90-day hearing requirement in order to engage in settlement discussions, and to extend the hearing date and/or hearing deadlines.

IV. Adjudicatory Hearing Regulatory Framework

A. Applicable Statutes and Regulations

The following statutes and regulations, and any additional statutes and regulations cross-referenced or referred to in the following statutes and regulations, as implemented by this Hearing Procedure, govern the hearings on the ACL Complaints:

1. California Water Code sections 13323, 13228.14, 13228.15.

2. 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*).
3. Evidence Code sections 801 through 805.
4. Government Code section 11513.
5. California Code of Regulations, title 23, section 648 et seq.
6. State Water Resources Control Board's Water Quality Enforcement Policy (Enforcement Policy).

These statutes and regulations are available online at https://www.waterboards.ca.gov/laws_regulations. Except as otherwise provided, Chapter 5 of the California Administrative Procedure Act (Gov. Code, § 11500 et seq.) does not apply to these hearings. (23 Cal. Code Regs., §648 subd. (b).)

B. Separation of Prosecutorial and Advisory Functions

To ensure the fairness and impartiality of these proceedings, Regional Board staff and attorneys that have prepared the Amended ACL Complaints (Prosecution Team) have been separated from Regional Board staff and attorneys that will advise the Regional Board on the Amended ACL Complaints (Advisory Team). The Advisory Team provides legal and technical advice to the Regional Board and the Hearing Panel. The Prosecution Team will present evidence for consideration by the Hearing Panel, and if necessary, to the Regional Board. Members of the Advisory Team and Prosecution Team are identified below.

Advisory Team:²

Jenny Newman, Assistant Executive Officer
Sophie N. Froelich, Attorney IV, Office of Chief Counsel
Amelia Carder, Attorney, Office of Chief Counsel
Luz Vargas, Water Resource Control Engineer

Prosecution Team:

David Boyers, Assistant Chief Counsel, Office of Enforcement
Kailyn Ellison, Attorney III, Office of Enforcement
Catherine M. Hawe, Attorney III, Office of Enforcement

² Additional staff or attorneys may be added to the Advisory Team.

Naomi Rubin, Attorney III, Office of Enforcement
Hugh Marley, Assistant Executive Officer, Los Angeles Regional Water Quality Control Board
Tamarin Austin, Attorney IV, Office of Chief Counsel
Russ Colby, Environmental Program Manager I (Supervisor)
Pavlova Vitale, Senior Environmental Scientist (Supervisor)
Scott Landon, Water Resource Control Engineer
Lydia Kim, Environmental Scientist

None of the members of the Advisory Team supervise any member of the Prosecution Team. Any members of the Prosecution Team who supervise any members of the Advisory Team are not acting as their supervisors in these proceedings. Further, members of the Advisory Team have not exercised any authority over the Prosecution Team, or advised them with respect to this matter, or vice versa. Some members of the Prosecution Team, specifically Hugh Marley and Tamarin Austin, regularly advise the Regional Board in other, unrelated matters, but are not advising the Regional Board, including the Hearing Panel, in these proceedings. Members of the Prosecution Team have not had any substantive ex parte communications with the members of the Regional Board or the Advisory Team regarding these proceedings.

C. Ex Parte Communications

Any communication regarding any issue in the proceedings to a Regional Board member or member of the Advisory Team by a Party or Interested Person that is made without notice and opportunity for all Parties to participate in the communication is considered an “ex parte” communication. Ex parte communications are prohibited, except as authorized by statute (e.g., communications regarding non-controversial procedural matters); see, Gov. Code, § 11430.10 et seq.)

D. Evidentiary Standards

Government Code section 11513 and Evidence Code sections 801 through 805 apply to the proceedings.

The technical rules of evidence do not apply to the proceedings. The Parties may submit any relevant evidence that is the sort of evidence on which responsible persons are accustomed to relying in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of the evidence over objection in civil actions.

Hearsay evidence is evidence of a statement that was made other than by a witness while testifying at the hearing(s) and that is offered to prove the truth of the matter stated. Hearsay evidence may be used for the purpose of supplementing or explaining other evidence, but over timely objection shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions. An objection is timely if made before conclusion of all testimony or closing statement if one is provided.

V. Hearing Participants

A. Parties

Parties are the primary participants in the hearing(s). Parties may present written evidence, offer witness testimony, cross-examine witnesses, and provide closing statements. Parties may be asked to respond to questions from the Regional Board and Advisory Team.

The following are Parties to these proceedings:

1. Regional Board Prosecution Team (ACL Complaint Nos. R4-2022-0217-A1, R4-2022-0218-A2, R4-2022-0219-A1)
2. Respondent Day to Day (ACL Complaint Nos. R4-2022-0217-A1, R4-2022-0218-A2; R4-2022-0219-A1)
3. Respondent Prologis (ACL Complaint No. R4-2022-0218-A1)
4. Respondent Liberty (ACL Complaint Nos. R4-2022-0218-A2, R4-2022-0219-A1)
5. Respondent Virgin Scent (ACL Complaint Nos. R4-2022-0217-A1, R4-2022-0218-A2)
6. Any other person or entity designated as a party by the Presiding Officer in accordance with Section V.C.

B. Interested Persons (Non-Parties)

Interested Persons include any persons or entities that are interested in the outcome of the proceedings but that have not been designated as a party. Interested Persons may present written or oral non-evidentiary policy statements by the deadline set forth in the “Important Deadlines” section. Interested Persons are not subject to cross-examination but may be asked to respond to clarifying questions from the Regional Board and Advisory Team.

Interested Persons may not submit evidence (e.g., photographs, eye-witness testimony, and monitoring data). Any person or entity that would like to submit evidence should request to be designated as a party pursuant to Section V.C.

C. Requesting Party Status

Any Interested Person who wishes to participate in the hearing(s) as a party must submit a request in writing by the deadline listed under “Important Deadlines” below. The request must include the following information at a minimum:

1. How the issues to be addressed at the hearing(s) substantially affect the requestor’s interests, and

2. Why the existing Parties do not adequately represent the requestor's interests.

See, Gov. Code, § 11440.50; Cal. Code Regs., title 23, section 648.

The request for party status must also include any requested revisions to the Hearing Procedure.

A Party must submit any written objection to a request for party status by the deadline listed under "Important Deadlines" below.

Following the deadline to submit objections to party status requests, the Presiding Officer will promptly respond to any timely written requests for party status.

The Presiding Officer will not grant a request for party status if the Presiding Officer determines the designation of the requestor as a party will impair the interests of justice or the orderly and prompt conduct of the proceeding. The Presiding Officer, when granting a request for party status, may impose restrictions on the requestor's participation in the hearings, including limiting or excluding the use of cross-examination and other procedures, to promote the orderly and prompt conduct of the proceedings. Unless and until an Interested Persons is granted party status, the deadlines for Interested Persons shall continue to apply.

VI. Prehearing(s) Submittal of Non-Evidentiary Policy Statements by Interested Persons

A. Non-Evidentiary Policy Statements

Interested Persons must submit any written non-evidentiary policy statements regarding any of the Amended ACL Complaints they seek to proceed under by the deadline listed under "Important Deadlines" below.

Interested Persons are not required to submit written statements to speak at the hearings.

B. Responding to Interested Person Non-Evidentiary Policy Statements

A Party must submit any response to Interested Persons written policy statements by the deadline listed under "Important Deadlines" below.

VII. Prehearing Submittals by Parties

A. Prehearing Evidence and Argument Submittals (Excluding Rebuttal Evidence)

The Parties must submit the following information in advance of the hearing(s) by the deadline listed under "Important Deadlines" below:

1. All evidence, excluding witness testimony to be presented orally at the

hearing(s), and an exhibit list providing an exhibit number and brief description of each exhibit. Evidence already in the Regional Board's public files may be submitted by reference as long as the evidence and location are clearly identified. The file names of any electronic copies of exhibits must identify the Party submitting the exhibit, the exhibit number, and a brief identification of the exhibit (e.g., "Resp Ex. 1 - Permit.pdf").

2. All legal and technical arguments or analysis.
3. The name of each witness, if any, whom the Party intends to call at the hearing(s); the subject of each witness' proposed testimony; and the estimated time required by each witness to present direct testimony.
4. The qualifications of each expert witness, if any.

B. Prehearing Rebuttal Evidence Submittals

Rebuttal evidence is evidence offered to disprove or contradict evidence presented by an opposing Party.

The Parties must submit any rebuttal evidence in advance of the hearings by the deadline listed under "Important Deadlines" below. Rebuttal evidence shall be limited to rebutting the scope of previously submitted materials; rebuttal evidence that is not responsive to previous submittals may be excluded by the Presiding Officer.

The requirement to submit rebuttal evidence in advance of the hearings applies only to rebut timely-submitted written evidence. Rebuttal evidence, **including impeachment evidence**, pertaining to an issue raised solely during oral testimony need not be submitted in advance of the hearings.

C. Prehearing Objections to Evidentiary Submittals

A Party must submit any objections to prehearing evidentiary submittals by the deadlines listed under "Important Deadlines" below. The other Parties will have an opportunity to submit responses to the objections before the Presiding Officer rules on the objections.

These deadlines do not apply to objections to late-submitted evidence.

Objections to late-submitted evidence must be made within seven days of the late submittal or at the hearing(s), whichever is earlier.

D. Prehearing Proposed Findings of Fact and Conclusions of Law

The Prosecution Team must submit, and the other Parties may submit, Proposed Findings of Fact and Conclusions of Law for consideration by the Hearing Panel. The Prosecution Team's Proposed Findings of Fact and Conclusions of Law must include its proposed penalty calculation, using the methodology prescribed by the Enforcement Policy; and the other

Parties' Proposed Findings of Fact and Conclusions of Law may include an alternative proposed penalty calculation, using the methodology prescribed the Enforcement Policy. The Parties may use this opportunity to highlight specific evidence and argument for the Hearing Panel's consideration.

Proposed Findings of Fact and Conclusions of Law must be submitted in Microsoft Word format by the deadline listed under "Important Deadlines" below. The Presiding Officer has prescribed a **20-page limit** for the Proposed Findings of Fact and Conclusions of Law.

E. Prohibition on Surprise Evidence

It is the policy of the Regional Board to discourage surprise testimony and exhibits. The Presiding Officer may refuse to admit proposed exhibits or testimony that are not submitted in accordance with these Hearing Procedures and shall refuse to do so when there is a showing of prejudice to any Party or the Regional Board. (Cal. Code Regs., tit. 23, § 648.4(e).) Excluded material will not be considered.

This prohibition does not apply to relevant impeachment evidence.

VIII. Issuance of Draft Hearing Procedures and March 8, 2023 Prehearing Conference; Future Prehearing Conferences

A. Draft Hearing Procedures and Prehearing Conference

On January 31, 2023, the Presiding Officer issued draft Hearing Procedures to all Parties (January 31, 2023 Draft Hearing Procedures). On March 6, 2023, all Parties provided objections and proposed revisions to the January 31, 2023 Draft Hearing Procedures to the Advisory Team. On March 8, 2023, the Presiding Officer conducted a pre-hearing conference where she heard all Parties speak on their objections and proposed revisions to the January 31, 2023 Draft Hearing Procedures. After considering the Parties proposed revisions to the January 31, 2023 Hearing Procedures and their statements during the pre-hearing conference on March 8, 2023, the Presiding Officer also requested that each Party provide the Advisory Team with their trial or hearing schedules for the remainder of the year 2023. The Parties provided their schedules to the Advisory Team, and thereafter, the Presiding Officer issued these Final Hearing Procedures.

One of the revisions to the Draft Hearing Procedures that resulted from the March 8, 2023 Prehearing Conference, and which is reflected in the Final Hearing Procedures, is the utilization of the Hearing Panel to hear these ACL Complaints. Hearing panels are authorized pursuant to Water Code section 13228.14. During the March 8, 2023 pre-hearing conference, all Parties indicated that these ACL Complaints would take more than one day to hear. The estimated length of time to hear these ACL Complaints ranged from 2 to 3 days to a week and two weeks. Furthermore, the Parties' objections and submissions to the Advisory Team and the Board Chair to date indicate that numerous pre-hearing motions would be filed.

Upon consideration of the time needed to hear all of these ACL Complaints, and to ensure effective and efficient consideration of all the evidence in these three cases on a timely basis,

the Presiding Officer has determined that the pre-hearing motions which cannot be decided by the Presiding Officer, but instead must be decided by the Regional Board, will be heard on September 20, 2023. In addition, the Presiding Officer has determined that utilizing a Hearing Panel to hear the evidence concerning the ACL Complaints is appropriate and in the best interest of the Regional Board, staff, the public, and the Parties. The Hearing Panel will consider all of the evidence and report its proposed decision and order to the Parties and the Regional Board, in accordance with the procedures set forth in Section 13228.14 and 13228.15.

The revisions to the Draft Hearing Procedures, as set forth in these Final Hearing Procedures generally and/or in the revised Important Deadlines section, reflect the Presiding Officer's careful consideration of all Parties' schedules and their objections and proposed revisions to the Draft Hearing Procedures. This information has been used in putting together the "Important Deadlines" section below.

The Presiding Officer may further revise the Hearing Procedures for good cause (1) on the Presiding Officer's own motion or (2) upon request from any Party or Interested Person seeking party status. An Interested Person seeking party status requesting revisions to this Hearing Procedures must submit the request in writing by the deadline listed under "Important Deadlines" below. Before revising this Hearing Procedure further, the Presiding Officer will provide the Parties an opportunity to comment.

B. Future Prehearing Conferences

The Presiding Officer or her designee, upon her own motion or upon request from a Party, may schedule a Prehearing(s) Conference with the Parties to discuss any prehearing(s) matter, such as revisions to this Hearing(s) Procedure, designation of additional parties, or evidentiary objections.

IX. Hearing

A. Order of Proceeding

The Hearing Panel will conduct the hearings on the three Amended ACL Complaints (whether heard together, in a consolidated manner, or separately) generally in the order listed under California Code of Regulations, title 23, section 648.5. The Presiding Officer may modify the order of proceeding for good cause.

The following is a preliminary order of proceedings, subject to modification:

- Prosecution Team opening statement
- Respondents' opening statement (may be reserved until after Prosecution Team concludes its case)
- Prosecution Team witness testimony
 - Cross examination by Respondents
 - Re-direct, if appropriate

- Respondents' opening statement, if reserved
- Respondents' witnesses' testimony
 - Cross examination by Prosecution
 - Re-direct, if appropriate
- Comments by Interested Persons, if any
- Closing comments, Prosecution Team
- Closing comments, Respondents

B. Administration of Oath

All persons intending to testify at the hearing(s) must take the oath administered by the Presiding Officer.

C. Witnesses

Any witness providing written testimony must appear at the hearing(s) and affirm that the written testimony is true and correct and be available for cross-examination.

D. Hearing Time Limits

Parties: For each of the three Amended ACL Complaints, each Party to the respective Amended ALC Complaints shall have **2 hours** to present evidence. Parties should reserve time, if necessary, for rebuttal evidence, which will be considered part of each Party's 2-hour time limit. Opening and closing statements shall each be limited to one-hour for each party for each of the Amended ACL Complaints. This time is not considered part of the 2 hours to present evidence.

Pursuant to section 648.5 of Title 23 of the California Code of Regulations, questions from the Regional Board and the Advisory Team, responses to such questions, and discussion of procedural issues do not count against the 2-hour time limits. Cross examination of witnesses shall not count against the 2-hour time limits, either.

Interested Persons: Each Interested Person will have **3 minutes** to present oral, non-evidentiary comments or policy statements.

E. Requesting Additional Hearing Time

Hearing participants who would like additional time must submit their request by the deadline listed under "Important Deadlines" below. Additional time may be provided at the discretion of the Presiding Officer upon a showing that additional time is necessary.

F. Visual Presentations

Each Party may use PowerPoint and other visual presentations at the hearing(s). The presentation content shall not exceed the scope of previously submitted written material. The

Parties must submit their presentations, if any, by the deadline listed under “Important Deadlines” below.

Interested Persons may use a visual presentation as an aid to their oral, non-evidentiary comments or policy statements only with the Presiding Officer’s prior approval.

Deadlines associated with Interested Persons requesting and submitting visual presentations are listed under “Important Deadlines” below.

X. Miscellaneous

A. Submittal Timing and Format

All submittals made pursuant to this Hearing(s) Procedure must be **received by 5:00 p.m. PST** on the respective due date within the “Important Deadlines” below. All submittals must be sent to the “Primary Contacts,” identified below. Electronic copies are strongly encouraged. Parties without access to computer equipment are strongly encouraged to have their materials scanned at a copy or mailing center. The Presiding Officer will not reject materials solely for failure to provide electronic copies.

All submittals must include citations to specific evidence to support any factual assertions. Any evidence cited to in any motion or other submission set forth in the “Important Deadlines” section must be submitted in conjunction therewith, with an affidavit, if necessary.

B. Availability of Documents

The three Amended ACL Complaints and all submittals made in accordance with these Hearing Procedures are available upon request by contacting the Prosecution Team, identified in the “Primary Contacts” below.

Interested Persons may request to be included in the transmission of all submittals by contacting the Advisory Team.

C. Questions

Questions concerning these Hearing Procedures may be addressed to the Advisory Team attorneys, identified in the “Primary Contacts” below.

D. Obligation to Provide Lists of Interested Persons; Notification of Interested Persons and Affected Communities

In order to ensure appropriate outreach is done to notify affected communities of this action, **all Parties will submit a list of interested persons and entities in this action to the Advisory Team and each other by the date set forth in the Important Deadlines section below.** Each person shall be identified by their name, contact information, and their email address, if any. Each entity shall be identified by its name, primary contact person, and their email address, if any. **The Prosecution Team shall ensure that these Hearing Procedures are**

sent to all persons on the combined list of persons and entities who are interested in these ACL Complaints. The Prosecution Team shall ensure that these Hearing Procedures are posted with the ACL Complaints on the Los Angeles Water Board's website, **within 2 working days of receiving the ADA conformed Hearing Procedures from the Advisory Team.**

E. Procedural Status of the ACL Complaints to Date

As set forth above in section III, the Respondents filed forms waiving their 90-day hearing(s) requirement in part to pursue settlement. The Parties have engaged in several mediation conferences to date. On March 14, 2023, the Advisory Team learned that mediation efforts had ended.

As stated above, the Board Chair held a prehearing conference with all Parties on March 8, 2023. During the prehearing conference, and in various submissions to the Board Chair and the Advisory Team prior to the time the prehearing conference was held, the Parties have raised numerous procedural and substantive issues, including but not limited to:

- Due process concerns relating to the issuance of the Cleanup and Abatement Order (CAO) that is the subject of ACL Complaint R4-2022-0219-A1.
- Due process concerns relating to the Regional Board's separation of functions for the hearing on these ACL Complaints;
- Fifth Amendment concerns;
- Dismissal of Respondent Prologis;
- Consolidation of the ACL Complaints;
- Whether Liberty's challenge to the issuance of the CAO should be heard before the ACL Complaints; and
- Bifurcation of liabilities and penalties phases of the case.

Deadlines for submission of the briefing for the outstanding procedural and substantive issues are set forth in the "Important Deadlines" section below. **Any legal briefs submitted on any issue related to these Amended ACL Complaints (including but not limited to any identified in the Important Deadlines section below) shall not exceed ten (10) pages in length unless otherwise noted in the Important Deadlines section.**

PRIMARY CONTACTS

Advisory Team:

Jenny Newman, Assistant Executive Officer
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Respondents:

For Respondents Liberty and Prologis:

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For Respondents Virgin Scent and Day to Day:

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IMPORTANT DEADLINES

Note: Where a deadline falls on a weekend or state holiday, the deadline is extended to the following business day.

Deadline	<u>Event</u>	<u>Hearing Procedures Section</u>
March 30, 2023	Hearing Procedures Issue	
April 7, 2023	Deadline for all Parties to submit list of known Interested Persons to the Advisory Team	Section X.D
April 17, 2023	Interested Persons' deadline to request party status (If requesting party status, this is also the deadline to request revisions to Hearing(s) Procedures)	Section V.C
May 1, 2023	Parties' deadline to submit objections to Interested Persons' party status requests	Section V.C
May 2, 2023	Opening briefs due on whether to consolidate the hearing(s) on the ACL Complaints. Opening briefs due on whether to bifurcate the hearing(s) with respect to penalties and liabilities phases of the hearings.	Section I, Section X.E
May 17, 2023	Opposition briefs due on whether to consolidate the hearing(s) on the ACL Complaints. Opposition briefs due on whether to or bifurcate the hearing(s) with respect to penalties and liabilities phases of the hearing(s).	Section I, Section X.E
July 17, 2023	Deadline to file all substantive pretrial motions, including but not limited to those discussed in the March 8, 2023	Section X.E

	prehearing conference. This deadline does not include motions to exclude evidence to be offered by any Party at the hearing, or motions that are otherwise set forth below.	
August 18, 2023	Deadline to file oppositions to substantive pretrial motions filed on July 17, 2023	Section X.E
September 20, 2023	Date on which Regional Board will hear pretrial motions submitted on July 17, 2023	Section I
October 1, 2023	Prosecution Teams' deadline to submit prehearing evidence and argument (excluding rebuttal evidence)	Section VII.A
November 1, 2023	Respondents' and any Designated Parties' deadline to submit prehearing evidence and argument (excluding rebuttal evidence)	Section VII.A
November 15, 2023	Parties' deadline to submit prehearing rebuttal evidence Deadline to submit requests for additional hearing time	Section VII.B
November 22, 2023	Parties' deadline to submit all evidentiary objections or prehearing motions	Section VII.C
November 29, 2023	Parties' deadline to submit Proposed Findings of Fact (with citations to supporting evidence) and Conclusions of Law (20 pages) ³	Section VII.D
December 7, 2023	Parties' deadline to submit copy of visual presentations Interested Persons' deadline to submit a request to use visual presentations and a copy of the presentation	Section IX.F
December 8, 2023	Interested Persons' deadline to submit written non-evidentiary policy	Section VII.C

³ Note, these are proposed findings submitted by all Parties. These are not final findings, which will be issued by the Board after it considers the recommendation of the Hearing Panel.

	statements	
December 11, 2023	Parties' deadline to submit responses to Interested Persons' non-evidentiary policy statements	Section VI.B
December 11-13, 2023	ACL Complaint Hearing Dates in front of Hearing Panel	