




State Water Resources Control Board

TO (via email only):

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FROM: Paul Ciccarelli, Senior Staff Counsel 
Office of Enforcement (on behalf of the California Regional Water Quality Control Board, San Diego Region, Prosecution Team)

DATE: April 10, 2023

SUBJECT: PROSECUTION TEAM'S PREHEARING EVIDENCE AND ARGUMENT SUBMITTALS (EXCLUDING REBUTTAL EVIDENCE); ADMINISTRATIVE CIVIL LIABILITY COMPLAINT NO. R9-2023-0013

In accordance with the Final Hearing Procedure for Administrative Civil Liability Complaint No. R9-2023-0013 (Complaint), the San Diego Regional Water Quality Control Board Prosecution Team (Prosecution Team) submits all materials required under Section VII.A. As explained below, the Prosecution Team's prehearing evidence and argument submittals (excluding rebuttal evidence) are provided as an attachment to the email transmitting this letter and/or were uploaded to an FTP site. Instructions for accessing and downloading electronic files from the FTP site are provided below. Please let me know if there are any technical difficulties accessing or downloading from the FTP site.

Prosecution Team's Prehearing Evidence

1. Exhibit List and Exhibits – The Prosecution Team's Exhibit List is attached to the transmittal email and uploaded to the FTP site. The Exhibit List is identical to the original list provided in Attachment A of the Complaint. The Exhibit List identifies all prehearing exhibits (excluding rebuttal evidence) and provides an exhibit number, a brief description, and a date for each exhibit.

E. JOAQUIN ESQUIVEL, CHAIR | EILEEN SOBECK, EXECUTIVE DIRECTOR

Electronic copies of the exhibits are available for download on the FTP site and are located in the “Exhibits_Prosecution Team” folder. The file names of electronic copies of exhibits identify that the Prosecution Team submitted the exhibit, identify the exhibit number and the ECM document handle number, and provides a brief description (e.g., “PT Ex. 1 - 9440515 VISTA PACIFIC STORM WATER QUALITY MANAGEMENT PLAN.pdf”).

2. Witness List – The Prosecution Team’s Witness List is attached to the transmittal email and uploaded to the FTP site. The Witness List provides the name of each witness the Prosecution Team intends to call at the hearing on August 9, 2023, the subject of each witness’ proposed testimony, and the estimated time required by each witness to present direct testimony. The Prosecution Team reserves its right to call one or more expert witnesses through its rebuttal evidence submission in response to the Respondents’ arguments and evidence, if necessary, and the qualifications of each expert witness will be provided at that time.
3. Legal and Technical Arguments or Analysis – The Prosecution Team’s legal and technical arguments or analysis are presented in the Complaint. The Prosecution Team reserves its right to submit additional legal and technical arguments or analysis through its rebuttal evidence submission in response to the Respondents’ arguments and evidence, if necessary.

Instructions for FTP site

1. Go to the following website: <https://ftp.waterboards.ca.gov/>
2. Log in using the following information:
 - a. Username: RB9Public
 - b. Password: rqfa51
3. Click on the blue triangle to the left of the “2022” folder.
4. Locate and double-click on the folder named “Vista Pacific supporting docs_CMA.”
5. To download the Prosecution Team’s Exhibit List and Witness List, click on the box to the left of the “PT_Exhibit List.pdf” and “PT_Witness List.pdf,” then select “Download” near the top of the site.
6. To access all the available electronic copies of exhibits, click on the blue triangle to the left of the “Exhibits_Prosecution Team” folder. To download the entire folder, click on the box to the left of “Exhibits_Prosecution Team” folder and select “Download.” To download a specific file, click on the box to the left of the file, then select “Download.”

cc: (see transmittal email for full distribution list)