California Regional Water Quality Control Board, Santa Ana Region

REVISED HEARING PROCEDURE FOR MANDATORY MINIMUM PENALTY COMPLAINT R8-2026-0007

ISSUED TO HIXSON METAL FINISHING ORANGE COUNTY

HEARING SCHEDULED FOR JUNE 12, 2026

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 13385 authorizes the California Regional Water Quality Control Board, Santa Ana Region (Santa Ana Water Board) to impose a fine, called mandatory minimum penalty, against any person who violates water quality requirements and California Water Code section 13323, which authorizes the issuance of this Complaint. The Santa Ana Water Board's Prosecution Team has issued a Administrative Civil Liability Complaint R8-2026-0007 (Complaint) for Mandatory Minimum Penalties (MMPs) that proposes the Santa Ana Water Board impose a mandatory minimum penalty against Hixson Metal Finishing (Respondent) for the violations alleged in the Complaint.

I. HEARING DATE AND LOCATION

The Santa Ana Water Board has scheduled a hearing to consider this matter on **June 12, 2026**. At the hearing, the Santa Ana Water Board will consider evidence regarding the violation(s) alleged in the Complaint. After considering the evidence, the Santa Ana Water Board must impose the proposed mandatory minimum penalty.

The hearing will be held at the following location:

Inland Empire Utilities Agency
6075 Kimball Avenue, Building A
Chino, CA 91708

The Santa Ana Water Board's meeting agenda will be issued at least ten days before the meeting and posted on the Santa Ana Water Board's website at https://www.waterboards.ca.gov/santaana/board_info/agendas/2026_agendas.html. The hearing may be rescheduled or continued to a later date. Please check the Santa Ana Water Board's website for the most up-to-date information.

II. PRESIDING OFFICER

For the purposes of this Hearing Procedure, the Presiding Officer is the Chair of the Santa Ana Water Board, or another member of the Regional Water Board designated in writing by the Chair of the Santa Ana Water Board.

III. HEARING WAIVER

Water Code section 13323, subdivision (b), requires a hearing on the Complaint within 90 days of service of the Complaint; however, the Respondent may waive this right. The Respondent may decide to waive the hearing requirement and pay the full proposed liability amount and settle the Complaint, contingent on the Santa Ana Water Board's approval of the settlement. Alternatively, the Respondent may decide to waive the right to a hearing within 90 days to (1) engage in settlement discussions or (2) seek additional time to prepare for the hearing.

To waive the hearing requirement for any of the above reasons, the Respondent should complete and submit the *Waiver Form for Mandatory Minimum Penalty Complaint (Waiver Form)*, included with the Complaint, by the deadline listed under "Important Deadlines" below. If there are multiple Respondents, each of them must submit a separate waiver. Any request to postpone the hearing must be approved by the Presiding Officer.

IV. ADJUDICATORY HEARING REGULATORY FRAMEWORK

A. Applicable Statutes and Regulations

The following statutes and regulations, as implemented by this Hearing Procedure, govern the hearing on the Complaint:

1. California Water Code section 13323.
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 for Government Code section 11513, chapter 5 of the California Administrative Procedure Act (Gov. Code § 11500 et seq.) does not apply to this hearing.

B. Separation of Prosecutorial and Advisory Functions

Santa Ana Water Board staff and attorneys that have prepared the Complaint (Prosecution Team) have been separated from Santa Ana Water Board staff and attorneys that will advise the Santa Ana Water Board on the Complaint (Advisory Team). The Prosecution Team will present evidence for consideration by the Santa Ana Water Board. The Advisory Team provides legal and technical advice to the Santa Ana Water Board. Members of the Advisory Team and the Prosecution Team are identified below.

Advisory Team:
Alan Kuoch, Supervising Engineering Geologist, Santa Ana Water Board
Heraclio Pimentel, Attorney III, Office of Chief Counsel
Desta Matsuda, Attorney, Office of Chief Counsel

Prosecution Team:
Eric Lindberg, Executive Officer, Santa Ana Water Board
Brian Covellone, Assistant Executive Officer, Santa Ana Water Board
Michelle Beckwith, Senior Environmental Scientist (Sup.), Santa Ana Water Board
Kaitlin Diaz, Environmental Scientist, Santa Ana Water Board
Nick Amini, Supervising Water Resource Control Engineer, Santa Ana Water Board
Catherine Hawe, Attorney IV, Office of Enforcement

Any members of the Advisory Team who normally supervise any member of the Prosecution Team are not acting as their supervisors in this proceeding, and vice versa. 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. Eric Lindberg, Executive Officer, regularly advises the Santa Ana Water Board in other, unrelated matters, and other members of the Prosecution Team may have previously acted as advisors to the Santa Ana Water Board in other, unrelated matters, but no members of the Prosecution Team are advising the Santa Ana Water Board in this proceeding. Members of the Prosecution Team have not had any substantive ex parte communications with the Santa Ana Water Board or the Advisory Team regarding this proceeding.

C. Ex Parte Communications

Any communication regarding any issue in this proceeding to a Santa Ana Water 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). (Gov. Code § 11430.10 et seq.)

D. Evidentiary Standards

Government Code section 11513 and Evidence Code sections 801 through 805 apply to this proceeding.

The technical rules of evidence do not apply to this proceeding. The Parties may submit any relevant evidence that is the sort of evidence on which responsible persons are accustomed to rely 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 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 object 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. 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 Santa Ana Water Board and Advisory Team.

The following are Parties to this proceeding:

1. Santa Ana Water Board Prosecution Team
2. Hixson Metal Finishing
3. 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 proceeding but that have not been designated as a party. Interested Persons may present written or oral non-evidentiary policy statements. Interested Persons are not subject to cross-examination but may be asked to respond to clarifying questions from the Regional Water 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 as 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 substantially affect the requestor's interests; and,
2. Why the existing Parties do not adequately represent the requestor's interests.

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 of 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 hearing participation, including limiting or excluding the use of cross-examination and other procedures, to promote the orderly and prompt conduct of the proceeding. Unless and until an Interested Person is granted party status, the deadlines for Interested Persons shall continue to apply.

VI. PREHEARING 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 the MMP Complaint by the deadline listed under "Important Deadlines" below.

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

B. Responding to Interested Persons Non-Evidentiary Policy Statements

A Party must submit any response to Interested Person 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 by the deadline listed under "Important Deadlines" below:

1. All evidence, excluding witness testimony to be presented orally at the hearing, and an exhibit list providing an exhibit number and brief description of each exhibit. Evidence already in the Regional Water 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; the subject of each witness' proposed testimony; and the estimated time required by each witness to present direct testimony.
4. The qualifications of each 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 hearing 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 hearing applies only to rebut timely-submitted written evidence. Rebuttal evidence pertaining to an issue raised solely during oral testimony need not be submitted in advance of the hearing.

C. Prehearing Objections to Evidentiary Submittals

A Party must submit any objections to prehearing evidentiary submittals by the deadlines listed under "Important Deadlines" below.

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, 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 Santa Ana Water Board and Advisory Team. The Proposed Findings of Fact and Conclusions of Law must include the Party's proposed penalty calculation, using the methodology prescribed by the Enforcement Policy. The Parties may use this opportunity to highlight specific evidence and argument for the Santa Ana Water Board'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 may prescribe a page limit for the Proposed Findings of Fact and Conclusions of Law.

E. Prohibition on Surprise Evidence

It is the policy of the Santa Ana Water Board to discourage the introduction of surprise testimony and exhibits. The Presiding Officer may refuse to admit proposed exhibits or testimony into evidence that are not submitted in accordance with this Hearing Procedure and shall refuse to do so when there is a showing of prejudice to any Party or the Santa Ana Water Board, except where the party seeking to introduce the proposed exhibits or testimony demonstrates that compliance with this Hearing Procedure would create severe hardship. Excluded material will not be considered.

VIII. REVISIONS TO HEARING PROCEDURE AND PREHEARING CONFERENCE

A. Revisions to Hearing Procedure

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

B. Prehearing Conference

The Presiding Officer for Santa Ana Water Board, upon its own motion or upon request from a Party, may schedule a Prehearing Conference with the Parties to discuss any prehearing matter, such as revisions to this Hearing Procedure, designation of additional parties, or evidentiary objections.

IX. HEARING

A. Order of Proceeding

The Presiding Officer will conduct the hearing on the MMP Complaint 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.

B. Administration of Oath

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

C. Witnesses

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

D. Hearing Time Limits

Parties: Each Party will have a combined total of 30 minutes to present evidence (including examining witnesses), cross-examine witnesses, and provide a closing statement.

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

Questions from the Regional Water Board and the Advisory Team, responses to such questions, and discussion of procedural issues do not count against these time limits.

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. The presentation content shall not exceed the scope of previously submitted written materials. 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.

X. MISCELLANEOUS

A. Submittal Timing and Format

All submittals made pursuant to this Hearing Procedure must be received by 5:00 p.m. on the respective due date with the "Important Deadlines" below. All submittals must be sent to the "Primary Contacts," identified below. Electronic copies are 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.

B. Availability of Documents

The MMP Complaint and all submittals made in accordance with this Hearing Procedure 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 this Hearing Procedure may be addressed to the Advisory Team attorney, identified in the "Primary Contacts" below.

PRIMARY CONTACTS

Advisory Team:
Alan Kuoch, Supervising Engineering Geologist
California Regional Water Quality Control Board, Santa Ana Region
3737 Main Street, Suite 500, Riverside, CA 92501
Alan.Kuoch@waterboards.ca.gov
(951) 394-9475

Heraclio Pimentel, Attorney
Office of Chief Counsel, State Water Resources Control Board
1001 I Street Sacramento, CA 95814
Heraclio.Pimentel@waterboards.ca.gov
(916) 323-1677

Prosecution Team:

Michelle Beckwith, Senior Environmental Scientist (Sup.)
California Regional Water Quality Control Board, Santa Ana Region
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Catherine Hawe, Attorney IV
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Respondent:
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Charles H. Pomeroy, Attorney for Respondent
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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	Event	Hearing Procedure Section
January 26, 2026	Prosecution Team issues Complaint, Hearing Procedure, and other related materials	
February 2, 2026	Parties' deadline to request revisions to Hearing Procedure	Section VIII.A
	Interested Persons' deadline to request party status (If requesting party status, this is also the deadline to request revisions to Hearing Procedure)	Section V.C.
February 9, 2026	Parties' deadline to submit objections to party status requests	Section V.C.
	Respondent's deadline to submit Waiver Form	Section III
February 23, 2026	Interested Persons' deadline to submit written non-evidentiary policy statements	Section VI.A
April 10, 2026	Prosecution Team's deadline to submit prehearing evidence and argument (excluding rebuttal evidence)	Section VII.A
May 1, 2026	Remaining Parties' (including the Respondent(s)) deadline to submit prehearing evidence and argument (excluding rebuttal evidence)	Section VII.A
May 22*, 2026	Parties' deadline to submit prehearing rebuttal evidence	Section VII.B
	Parties' deadline to submit responses to Interested Person non-evidentiary policy statements	Section VI.B
	Parties' deadline to submit objections to prehearing evidence submittals (excluding rebuttal evidence)	Section VII.C
	Deadline to submit requests for additional hearing time	Section IX.E
May 29*, 2026	Parties' deadline to submit objections to prehearing rebuttal evidence	Section VII.C
	Parties' deadline to submit Proposed Findings of Fact and Conclusions of Law	Section VII.D
June 10, 2026	Parties' deadline to submit copy of visual presentations	Section IX.F
June 12, 2026	Hearing Date	

* Per the Advisory Team's March 5 e-mail, the Advisory Team requests that the Parties submit documents due on May 22 and May 29 by Noon, *if possible*. Nonetheless, the Advisory Team will still accept documents submitted by 5:00 p.m. on May 22 and 29 as timely per section X.A