



# California Regional Water Quality Control Board

## Central Coast Region



Linda S. Adams  
Secretary for  
Environmental  
Protection

Internet Address: <http://www.waterboards.ca.gov/centralcoast>  
895 Aerovista Place, Suite 101, San Luis Obispo, California 93401-7906  
Phone (805) 549-3147 • FAX (805) 543-0397

Arnold Schwarzenegger  
Governor

June 25, 2009

Ms. Susan Whalen  
Greka Oil & Gas, Inc.  
1660 Sinton Road  
Santa Maria, California 93458

**Certified Mail 7008 1140 0003 4708 6045**  
**Return Receipt Requested**

Dear Ms. Whalen:

### **NOTICE OF HEARING AND PROPOSED REFERRAL OF FORMAL CIVIL ENFORCEMENT TO ATTORNEY GENERAL; GREKA OIL & GAS, INC., SANTA MARIA, SANTA BARBARA COUNTY**

The prosecution staff of the Regional Water Quality Control Board, Central Coast Region (Water Board) has proposed that the Water Board hold a hearing to request the California Attorney General seek civil enforcement in state superior court against Greka Oil & Gas, Inc. (Greka) based on allegations of multiple waste discharges to waters of the state. Please find attached proposed Resolution No. R3-2009-0054 referring the matter to the California Attorney General, a staff report providing information in support of the prosecution staff's recommendation for the referral, and a formal notice of public hearing. This hearing is scheduled during the Central Coast Water Board's normally scheduled meeting in Watsonville, CA, on July 10, 2009.

Note that this is not a full evidentiary hearing. The Water Board will not adjudicate all of the evidence or the ultimate merits of the alleged violations. The prosecution staff is asking the Water Board to make a determination that there is reasonable justification to refer this matter to the Attorney General to seek relief in state superior court.

The July 10<sup>th</sup> Water Board meeting will be held at:

Watsonville City Council Chambers  
275 Main Street – 4th Floor  
Watsonville, CA 95076

The Water Board will mail you a copy of the meeting agenda in a separate mailing. You may also view the agenda on the Water Board's website at:

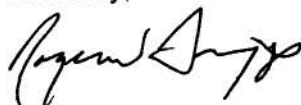
[http://www.waterboards.ca.gov/centralcoast/board\\_info/agendas/2009/2009\\_agendas.shtml](http://www.waterboards.ca.gov/centralcoast/board_info/agendas/2009/2009_agendas.shtml)

If you have questions concerning this proceeding, please contact Frances McChesney, Senior Staff Counsel, State Water Resources Control Board, P.O. Box 100, Sacramento, CA, 95812; tel. (916) 341-5174 or at [fmccchesney@waterboards.ca.gov](mailto:fmccchesney@waterboards.ca.gov).

*California Environmental Protection Agency*



Sincerely,



Roger W. Briggs  
Executive Officer

- Enclosures:
1. Proposed Resolution No. R3-2009-0054
  2. Central Coast Water Board prosecution staff report
  3. Notice of Public Hearing

**cc via electronic mail:**

Frances McChesney  
 Senior Staff Counsel  
 State Water Resources Control Board  
 Office of Chief Counsel  
 1001 I Street, 22<sup>nd</sup> Floor  
 Sacramento, CA 95814

Christian Carrigan  
 Senior Staff Counsel  
 Office of Enforcement  
 State Water Resources Control Board

**cc via mail:**

Assembly Member Pedro Nava  
 Office of Assembly Member Pedro Nava  
 101 W. Anapamu St. Ste. A  
 Santa Barbara, CA 93101

Robert Wise  
 U.S. Environmental Protection Agency, Region 9  
 75 Hawthorne Street  
 San Francisco, CA, 94105

John Holland  
 Department of Fish and Game  
 Office of Spill Prevention & Response  
 P.O. Box 944209  
 Sacramento, CA 94244

Pat Abel  
 Department of Conservation,  
 Division of Oil & Gas & Geothermal Resources,  
 District 3  
 5075 S. Bradley Rd., Suite 221  
 Santa Maria, CA 93455-5077

Kate Sulka  
 County of Santa Barbara Fire Department  
 Protection Services Division, Hazardous  
 Materials Unit  
 195 West Highway 246, #102  
 Buellton, CA 93427

Mike Zimmer  
 Santa Barbara County Planning and  
 Development, Petroleum Office  
 123 East Anapamu Street  
 Santa Barbara, CA 93101

S/Shared/Enforcement/Greka/BdMtg7-10-09/trans\_ltr\_6-26-09

**STATE OF CALIFORNIA  
REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL COAST REGION**

**STAFF REPORT FOR REGULAR MEETING OF JULY 10, 2009**

Prepared on June 19, 2009

**ITEM NUMBER: 10**

**SUBJECT: Referral to California Attorney General's Office, Resolution No. R3-2009-0054, Greka Oil & Gas, Inc., Santa Barbara County**

**KEY INFORMATION**

Discharger: Greka Oil & Gas, Inc.  
Location: Santa Barbara County  
Discharge Type: Unauthorized discharges of crude oil, produced water, and residuary products of petroleum  
Existing Order: N/A  
This Action: **Consider Referral to Attorney General's Office**

**DISCUSSION**

**Introduction:**

The prosecution staff of the Regional Water Quality Control Board, Central Coast Region (Central Coast Water Board) recommends that the Central Coast Water Board approve Resolution No. R3-2009-0054 requesting that the California Attorney General petition the superior court to impose, assess and recover monetary civil liability, and seek appropriate injunctive and declaratory relief, from Greka Oil & Gas, Inc. ("Greka") in accordance with California Water Code ("CWC") sections 13350, 13385, and other applicable law. For more than ten years, Greka has owned, leased and operated oil production facilities in, among other areas of the Central Coast Region and Santa Barbara County, the Casmalia, Cat Canyon, Santa Maria Valley and Zaca Oilfields. Greka's facilities include oil wells, pipelines, and separation and storage facilities.

CWC sections 13350 and 13385 specify civil liabilities for certain violations. These civil liabilities may be imposed administratively by a Regional Water Board or judicially by the superior court. CWC 13350(g) states, in relevant part:

The Attorney General, upon request of a regional board or the state board, shall petition the superior court to impose, assess, and recover such sums. Except in the case of a violation of a cease and desist order, a regional board or the state board shall make such request only after a hearing, with due notice of the hearing given to all affected persons.

Central Coast Water Board staff has gathered information and evidence that the staff asserts that since 2002, Greka has caused and/or permitted at least twenty four (24) unpermitted discharges of wastes to waters of the State and/or waters of the United States, including crude

oil, produced water and residuary products of petroleum. The staff asserts that Greka has caused or permitted dozens of additional unpermitted discharges of wastes, some of which, upon further investigation, also may be demonstrated to have reached waters of the State and/or waters of the United States. Information and evidence gathered by staff indicates that the sum of these 24 illicit discharges exceeds 180,000 gallons (or approximately 4,250 barrels), and that some of the discharges may have included hazardous materials.

Surface waters in the vicinity of the spill locations include, but are not limited to, Schumann Canyon Creek, Bradley Canyon Creek, the Santa Maria River, Zaca Creek and a number of unnamed surface waters. Beneficial uses of these surface waters include municipal and domestic water supply, recreation, and aquatic life. (See Central Coast Water Board's Water Quality Control Plan (the "Basin Plan"), Table 2-1.) The groundwater underlying many of the spill locations has beneficial uses including domestic and municipal supply, agricultural supply, and industrial supply. (See Basin Plan, Chapter 2, Section I.) In addition to other standards, State Water Resources Control Board Resolution No. 68-16 (Anti-degradation Policy) also applies to underlying groundwater.

The Central Coast Water Board need not and should not adjudicate all of the evidence and the ultimate merits of the alleged liability. That is the job of the superior court. The prosecution staff is asking the Board to make a determination that there is reasonable justification to refer this matter to the Attorney General.

#### **Staff Analysis and Bases for Recommendation:**

##### **Judicial Enforcement Allows More Appropriate Maximum Civil Liability Limits**

A court may impose much higher liability than the Water Board. Under CWC 13350 a court may impose maximum civil liability on a daily basis of up to \$15,000, or on a per gallon basis of up to \$20 per gallon. In an administrative Water Board proceeding under CWC 13350, this Board may only impose a maximum civil liability on a daily basis of up to \$5,000, or on a per gallon basis of a mere \$10 per gallon. Similarly, under CWC 13385, a court could impose a maximum civil liability of \$25,000 per day of violation and \$25 per gallon for every gallon over 1,000 that is not cleaned up, whereas this Board would be limited to a maximum civil liability of \$10,000 per day of violation and \$10 per gallon for every gallon over 1,000 that is not cleaned up.

Because of Greka's long history of illicit discharges of waste throughout the entire tenure of its operations in the Central Coast Region, and because of its consistent and repetitive failure to take the necessary actions to prevent those discharges, staff believes a higher civil liability than could be imposed administratively by the Water Board is warranted in this case. Attached hereto as Exhibit A is a true and correct copy of a chart prepared by staff summarizing Greka's known illicit discharges since 2002. Backup information and evidence to support the chart is in the Water Board files and available upon request. In many cases, staff cites Santa Barbara County Fire Department Incident Reports to support its summary of a particular discharge. Staff asserts that Exhibit A demonstrates that Greka has caused and/or permitted the discharge of oil and/or residuary products of petroleum on and/or in waters of the state. Since 2007 alone, Greka has experienced at least seven separate, documented discharges of wastes to waters of the State, cumulatively totaling thousands of barrels of wastes.

The State Water Resources Control Board's Enforcement Policy seeks to establish both specific and general deterrence. For Greka, which is a multi-million dollar corporation, staff

believes the availability of a potentially higher civil liability is needed to specifically deter it from continuing to cause illicit discharges and to encourage it to take the necessary steps and incur the necessary expenses to prevent future spills. Additionally, staff believes a higher civil liability than this Water Board can impose will send the appropriate message to compliant dischargers that those who do not maintain environmental compliance will not gain a competitive economic advantage.

#### Judicial Enforcement Allows Better Opportunity For Inter-Agency Coordination

In addition to the Water Board, staff is aware of at least five other federal, state and local government agencies with potential jurisdiction to pursue enforcement actions relating to some or all of the same illicit discharges the Water Board staff seeks to pursue against Greka. These include the United States Environmental Protection Agency, the California Department of Conservation, the California Department of Fish and Game, the Santa Barbara County Petroleum Office, and the Santa Barbara County Fire Department. CWC section 13350(j) states, in relevant part, that remedies available to the Water Board are "in addition to, and do not supersede or limit, any and all other remedies, civil or criminal[.]" In the event any of these government agencies wants to pursue some type of enforcement action available to it relating to Greka's illicit discharges of wastes, the California Attorney General's Office is better suited to coordinate efforts by and among government agencies, and to help assure that Greka has a full and fair opportunity to defend itself in a single proceeding.

#### The Complex Factual And Legal Issues Presented By This Matter Are Better Suited To Judicial Resolution

Staff believes that a number of complex factual and legal issues make the matter of Greka's illicit discharges more suited to judicial resolution. For example, expert testimony may be needed to determine whether certain discharges were of hazardous materials, to make jurisdictional determinations with respect to waters of the state and/or waters of the United States, to delineate whether certain discharges reached or threatened to reach waters of the State, to establish the extent of toxicity of the various discharges, to establish the nature of the harm caused by the discharges, and to set the level of economic benefit Greka received through its non-compliance. It is anticipated that Greka will offer expert testimony on these topics, and the Water Board would be at a disadvantage if it could not retain its own experts, and if it could not question Greka's experts at depositions prior to those experts testifying. The Attorney General's office has the resources and expertise to meet the challenges and time commitment necessary to engage in resolving these and other issues that are likely to be the subject of expert testimony.

It is also anticipated that Greka will want to depose a number of current and former Water Board staff, consultants, and third-party witnesses prior to an adjudicatory proceeding on its alleged illicit discharges. Greka is also likely to propound document requests, interrogatories and other requests for written information from the Water Board. It would be appropriate for the Attorney General's Office to attend depositions and to defend Water Board staff and to respond to formal written discovery, tasks it is well equipped to undertake as the State's litigation counsel.

Finally, staff is aware of a number of lawsuits between Greka, its landlords, neighboring property owners and others that could implicate who is legally responsible for certain liabilities. The Attorney General's Office is better suited to sort out the complex and changing legal relationships between Greka and these third parties.

**Alternatives:**

The Water Board has options in this case. It can refer this matter to the Attorney General to pursue a judicial assessment of civil liability, it can direct Water Board staff to seek appropriate administrative enforcement action, such as issuing a complaint for administrative civil liability, or it can opt to take no action. Under the first option, a court would assess civil liability. Under the second option, the Water Board would decide the appropriate civil liability for the alleged violations.

**Conclusion:**

Prosecution staff asserts that ample evidence of violations exists to subject Greka to an enforcement proceeding under CWC sections 13350 and 13385. Because of the complexity of this case as described in this staff report, a judicial assessment of liability is most appropriate. Staff recommends that the Water Board refer this matter to the California Attorney General's Office.

**ATTACHMENTS**

1. Resolution No. R3-2009-0054 – Referral of Formal Civil Enforcement to the California Attorney General, Greka Oil & Gas, Inc.
2. Exhibit A – Known Spills of Crude Oil, Produced Water and Residuary Products of Petroleum Discharged to Waters of the State and/or Waters of the United States from 2002 – 2008 by Greka Oil & Gas, Inc.

S/Shared/Enforcement/Greka/BoardMtg7-10-09/staff\_report\_final

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL COAST REGION  
895 Aerovista Place, Suite 101  
San Luis Obispo, California**

**RESOLUTION NO. R3-2009-0054  
July 10, 2009**

**Referral of Formal Civil Enforcement to the California Attorney General  
Greka Oil & Gas, Inc.**

The Regional Water Quality Control Board, Central Coast Region ("Water Board" or "Central Coast Water Board") hereby finds:

1. Greka Oil & Gas, Inc. ("Greka") has owned, operated and/or leased oil production facilities in the Central Coast Region, Santa Barbara County, for over ten (10) years.
2. Within the last three years, Greka has caused and/or permitted the unpermitted discharge of wastes, including, but not limited to, crude oil, produced water and residuary products of petroleum from its facilities in the Central Coast Region to waters of the State and/or waters of the United States, in violation of California Water Code ("CWC") sections 13350, 13385, and all applicable law.
3. CWC sections 13350 and 13385, respectively, allow the Water Board to request that the California Attorney General petition the superior court to impose, assess, and recover administrative civil liabilities for violations of sections 13350, 13385, and all applicable law. Under the CWC, civil liabilities imposed judicially may be higher than those imposed administratively.
4. Judicial enforcement of the CWC allows for the assessment of more appropriate maximum civil liability for Greka's violations of the CWC in this case.
5. Judicial enforcement by the California Attorney General allows a better opportunity for inter-agency coordination of enforcement efforts relating to Greka's unpermitted discharge of wastes in this case.
6. The complex factual and legal issues presented by this case are better suited for development and presentation by the California Attorney General and for judicial resolution.

Item No. 10, Attachment 1  
July 10, 2009 Meeting  
Resolution R3-2009-0054

7. The Water Board has provided the requisite notice to the public and to Greka so that each has had adequate opportunity to be heard at the public hearing at which this Resolution is adopted.

**THEREFORE, BE IT RESOLVED THAT:** The Central Coast Water Board hereby requests that the California Attorney General petition the superior court for an assessment of civil liability, for appropriate injunctive and declaratory relief, if any, and for any other form of relief the superior court deems necessary and proper against Greka Oil & Gas, Inc. for its violations of and in accordance with California Water Code sections 13350, 13385, and all applicable law.

Any person affected by this action may petition the State Water Board to review the action in accordance with section 13320 of the California Water Code and Title 23, California Code of Regulations, Section 2050. The State Board must receive the petition within 30 days of the date of this Resolution. Copies of the law and regulations applicable to filing petitions will be provided upon request.

I, Roger W. Briggs, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of a Resolution adopted by the California Regional Water Quality Control Board, Central Coast Region, on July 10, 2009.

---

Roger W. Briggs, Executive Officer



### Exhibit A

Greka Oil & Gas, Inc. – Known Spills of Crude Oil, Produced Water and Residuary Products of Petroleum Discharged to Waters of the State and/or Waters of the United States from 2002 – 2008.

	<b>Spill Date</b>	<b>Estimated Volume Spilled (gallons)</b>
1	2/21/02	6,000
2	4/27/03	10,500
3	1/21/04	500
4	11/5/04	210
5	11/9/04	840
6	12/14/04	125
7	1/23/05	630
8	3/15/05	Unknown
9	6/8/05	8,400
10	6/17/05	4,200
11	7/13/05	3,990
12	8/11/05	925
13	10/25/05	85
14	12/7/05	21,000
15	5/4/06	1,680
16	5/16/06	10
17	8/10/06	65
18	1/30/07	170
19	2/12/07	Unknown
20	6/8/07	15
21	7/16/07	3,780
22	12/7/07	33,600
23	1/5/08	84,000
24	12/27/08	9,240
<b>Estimated Total Gallons</b>		<b>189,965*</b>

\* Approximately 4,500 barrels

Item No. 10, Attachment 2 July 10, 2009 Meeting Exhibit A – Known Spills
--

NOTICE OF PUBLIC HEARING  
TO CONSIDER REFERRAL TO ATTORNEY GENERAL'S OFFICE

RESOLUTION NO. R3-2009-0054  
REGARDING

**Greka Oil & Gas, Inc.**

**NOTICE IS HEREBY GIVEN THAT A HEARING WILL BE HELD  
BEFORE THE REGIONAL WATER QUALITY CONTROL BOARD,  
CENTRAL COAST REGION, ON JULY 10, 2009**

**Background**

For over ten years, Greka has owned, leased and operated oil production facilities in, among other areas of the Central Coast Region and Santa Barbara County, the Casmalia, Cat Canyon, Santa Maria Valley and Zaca Oilfields. Greka's facilities include oil wells, pipelines, and separation and storage facilities. Central Coast Water Board staff has gathered information and evidence indicating that, since 2002, Greka has caused and/or permitted at least twenty four (24) unpermitted discharges of wastes to waters of the State and/or waters of the United States, including crude oil, produced water and residuary products of petroleum. Information and evidence gathered by staff indicates that the sum of these 24 illicit discharges exceeds 180,000 gallons (or approximately 4,250 barrels), and that some of the discharges may have included hazardous materials. Staff recommends that the Water Board approve Resolution No. R3-2009-0054 requesting that the California Attorney General petition a court of competent jurisdiction to impose, assess and recover civil liability, as well as appropriate injunctive and declaratory relief, from Greka Oil & Gas, Inc. ("Greka") in accordance with California Water Code ("CWC") sections 13350, 13385, and other applicable law.

**Purpose of Hearing**

The purpose of the hearing is to provide the Central Coast Water Board an opportunity to determine that there is reasonable justification to refer this matter to the Attorney General. The Water Board need not and should not adjudicate all of the evidence and the ultimate merits of the alleged liability, which would be the job of the superior court upon the Attorney General's prosecution. At the hearing, the Water Board will consider whether to adopt, modify, or reject the proposed resolution. If it adopts the resolution, the Water Board will thereby refer the matter to the Attorney General's Office to seek recovery of judicial civil liability.

The public hearing on July 10, 2009, is not time certain, and will commence in the order it is taken up by the Central Coast Water Board during the meeting. The meeting is scheduled to begin at 8:30 a.m. The meeting will be held at the Water Board meeting at the Watsonville City Council Chambers, 275 Main Street, 4<sup>th</sup> Floor, Watsonville, CA 95076. An agenda for the meeting will be issued at least ten days

before the meeting and will be posted on the Central Coast Water Board's web page at:

[www.waterboards.ca.gov/centralcoast](http://www.waterboards.ca.gov/centralcoast)

### **Hearing Procedures**

A copy of the procedures governing an adjudicatory hearing before the Central Coast Water Board may be found at Title 23 of the California Code of Regulations, § 648 et seq., and is available at <http://www.waterboards.ca.gov> or upon request. Except as provided in Title 23 of the California Code of Regulations (CCR), § 648(b), Chapter 5 of the Administrative Procedures Act (commencing with § 11500 of the Government Code) does not apply to adjudicatory hearings before the Central Coast Water Board. This Notice provides additional requirements and deadlines related to the proceeding. THIS NOTICE MAY BE AMENDED BY THE ADVISORY STAFF AS NECESSARY. FAILURE TO COMPLY WITH THE DEADLINES AND REQUIREMENTS CONTAINED HEREIN MAY RESULT IN THE EXCLUSION OF DOCUMENTS AND/OR TESTIMONY. Any objections to the procedure set forth in this Notice must be submitted to Frances McChesney at the address indicated below by July 3, 2009.

### **Hearing Participation**

Participants in this proceeding are designated as either "parties" or "interested persons." Designated parties to the hearing may present evidence and cross-examine witnesses and are subject to cross-examination. Interested persons may present non-evidentiary policy statements, but may not cross-examine witnesses and are not subject to cross-examination. Both designated parties and interested persons may be asked to respond to clarifying questions from the Central Coast Water Board, staff or others, at the discretion of the Water Board.

The following participants are hereby designated as parties in this proceeding:

- (1) Central Coast Water Board Prosecution Staff
- (2) Greka Oil & Gas, Inc.

### **Contacts**

#### **Advisory Staff:**

Frances L. McChesney, Esq.  
Senior Staff Counsel  
State Water Resources Control Board  
Office of Chief Counsel  
P.O. Box 100  
Sacramento, CA 95812  
(916)341-5174  
[fmcchesney@waterboards.ca.gov](mailto:fmcchesney@waterboards.ca.gov)

Roger W. Briggs  
Executive Officer  
Regional Water Quality Control Board, Central Coast Region  
895 Aerovista Place, Suite 101  
San Luis Obispo, CA 93401  
[rbriggs@waterboards.ca.gov](mailto:rbriggs@waterboards.ca.gov)

**Prosecution Staff:**

Christian Carrigan  
Senior Staff Counsel  
State Water Resources Control Board  
Office of Enforcement  
P.O. Box 100  
Sacramento, CA 95812  
(916)322-3626  
[ccarrigan@waterboards.ca.gov](mailto:ccarrigan@waterboards.ca.gov)

Michael Thomas  
Assistant Executive Officer  
Regional Water Quality Control Board, Central Coast Region  
895 Aerovista Place, Suite 101  
San Luis Obispo, CA 93401  
(805)542-4623  
[mthomas@waterboards.ca.gov](mailto:mthomas@waterboards.ca.gov)

Todd Stanley  
Enforcement Unit  
Regional Water Quality Control Board, Central Coast Region  
895 Aerovista Place, Suite 101  
San Luis Obispo, CA 93401  
[tstanley@waterboards.ca.gov](mailto:tstanley@waterboards.ca.gov)

Harvey Packard  
Pollution Prevention Section Manager  
Regional Water Quality Control Board, Central Coast Region  
895 Aerovista Place, Suite 101  
San Luis Obispo, CA 93401  
[hpackard@waterboards.ca.gov](mailto:hpackard@waterboards.ca.gov)

Rich Chandler  
Site Cleanup Unit  
Regional Water Quality Control Board, Central Coast Region  
895 Aerovista Place, Suite 101  
San Luis Obispo, CA 93401  
[rsanderson@waterboards.ca.gov](mailto:rsanderson@waterboards.ca.gov)

**Discharger:**

Greka Oil & Gas, Inc.  
1660 Sinton Road  
Santa Maria, CA 93458

**Separation of Functions**

To help ensure the fairness and impartiality of this proceeding, the functions of those who will act in a prosecutorial role by presenting evidence for consideration by the Central Coast Water Board (Prosecution Staff) have been separated from those who will provide advice to the Water Board (Advisory Staff). Members of the Advisory Staff are: Frances McChesney, Senior Staff Counsel, and Roger Briggs, Executive Officer. Members of the Prosecution Staff are: Christian Carrigan, Senior Staff Counsel, Michael Thomas, Assistant Executive Officer, Todd Stanley, Enforcement Unit, and Harvey Packard, Pollution Prevention Section Manager, and Rich Chandler, Site Cleanup Unit. This Notice has been issued by the Advisory Staff based on a draft proposed by the Prosecution Staff.

**Ex Parte Communications**

The designated parties and interested persons are forbidden from engaging in *ex parte* communications regarding this matter with members of the Advisory Staff or members of the Central Coast Water Board. An *ex parte* contact is any written or verbal communication pertaining to the investigation, preparation or prosecution of the Resolution between a member of a designated party or interested party on the one hand, and a Central Coast Water Board member or an Advisory Staff member on the other hand, unless the communication is copied to all other designated and interested parties or made at a proceeding open to all other parties and interested persons (if verbal). Communications regarding non-controversial procedural matters are not *ex parte* contacts and are not restricted. Communications among the designated and interested parties themselves are not *ex parte* contacts.

**Requesting Designated Party Status**

Persons who wish to participate in the hearing as a designated party, and not already listed above, shall request party status by submitting a request in writing (with copies to the designated parties) no later than 5 p.m. on **July 3, 2009**, to Frances McChesney, Senior Staff Counsel, State Water Resources Control Board, P.O. Box 100, Sacramento, CA, 95812 or electronically to [fmccchesney@waterboards.ca.gov](mailto:fmccchesney@waterboards.ca.gov). The request shall include an explanation of the basis for status as a designated party (e.g., how the issues to be addressed in the hearing and the potential actions by the Central Coast Water Board affect the person) and a statement explaining why the party or parties designated above do not adequately represent the person's interest. Any opposition to the request must be submitted by 5 p.m. on **July 7, 2009**. The parties will be notified by 5 p.m. on **July 8, 2009**, as to whether the request has been granted or denied.

### **Hearing Time limits**

To ensure that all participants have an opportunity to participate in the hearing, the following time limits shall apply: each designated party shall have 5 minutes to testify, present evidence, and cross-examine witnesses, and 5 minutes for closing statements, and each interested person shall have 3 minutes to present a non-evidentiary policy statement. Participants with similar interests or comments are requested to make joint presentations, and participants are requested to avoid redundant comments. Additional time may be provided at the discretion of the hearing officer upon a showing that additional time is necessary.

### **Written Evidence, Exhibits and Policy Statements**

Designated parties shall submit in writing one paper copy and an electronic file (e.g., pdf via email or CD) of the following information to Frances McChesney, Senior Staff Counsel, at the above listed address and 9 paper copies and an electronic file to Roger Briggs, Executive Officer, at the above listed address, no later than 5 p.m. on **July 3, 2009**.

1. All documentary evidence and exhibits proposed to be offered at the hearing.
2. All legal and technical arguments or analysis.

In addition to the foregoing, each designated party shall send one electronic copy of the above materials to each of the other designated parties at the address or addresses provided above by 5 p.m. on **July 3, 2009**.

Interested persons may submit one (1) copy of non-evidentiary policy statements by the start of the hearing.

### **Evidentiary Objections**

A designated party objecting to evidence proposed by another party must submit a written objection by 5 p.m. on **July 7, 2009**, to Frances McChesney, Senior Staff Counsel, State Water Resources Control Board, P.O. Box 100, Sacramento, CA, 95812, and in electronic format to [fmcchesney@waterboards.ca.gov](mailto:fmcchesney@waterboards.ca.gov), and a copy to all other designated parties. The Advisory Staff will notify the parties about further action to be taken on such objections.

### **Questions**

Questions concerning this proceeding may be addressed to Frances McChesney, Senior Staff Counsel, State Water Resources Control Board, P.O. Box 100, Sacramento, CA, 95812; tel. (916) 341-5174.

**IMPORTANT DEADLINES**

July 3, 2009	Deadline for submission of request for designated party status and objection to Notice
July 7, 2009	Deadline for opposition to request for designated party status
July 8, 2009	Decision issued on request for designated party status, if any
July 3, 2009	Deadline for submission of evidence and legal argument
July 7, 2009	Deadline for submission of evidentiary objections
July 8, 2009	Rulings on evidentiary objections, if any
July 10, 2009	Hearing Date

---

Roger W. Briggs  
Executive Officer

---

DATE

S/Shared/Enforcement/Greka/BdMtg7-10-09/hearing\_notice