

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION**

ADVISORY TEAM SUMMARY REPORT

APRIL 8, 2026

ITEM NO. 8

SUBJECT

Administrative Civil Liability Hearing: Reconsideration of Administrative Civil Liability (ACLO) No. R9-2022-0094 against Baldwin & Sons, Inc., et al. Portola Center South Construction Site, pursuant to Peremptory Writ of Administrative Mandate. (Wayne Chiu, Alex Sauerwein)

DISCUSSION

This hearing is to reconsider Administrative Civil Liability Order No. R9-2022-0094 following direction from the Superior Court of California, Orange County on December 22, 2025. The San Diego Water Board will reopen the hearing to reconsider ACL Order No. R9-2022-0094 in light of the Court's Ruling. The scope of the hearing is limited only to the two issues noted by the Court in its Ruling. No other issues will be reconsidered.

The hearing will be based solely on evidence already in the administrative record for this matter. The introduction or reference to any new evidence, whether it be oral or written, is prohibited and will not be accepted. Any new written comments or arguments are also prohibited and will not be accepted.

At the hearing, the parties may present oral comments or arguments only. The Prosecution Team and Dischargers are expected to inform the San Diego Water Board what they believe the Board should do in light of the Court's Ruling. Specific to the per gallon penalty portion of Violation 1, the parties should focus their oral comments on whether evidence in the existing administrative record supports a new calculation of the amount of stormwater discharged and, if so, what volume the Board should use for a per gallon penalty. References to existing evidence in the record should be noted by document title and Bates stamp page number.

The administrative record for this item has been provided to the Parties and Board Members via the San Diego Water Board's FTP Site. An email was sent on March 27, 2026, by Advisory Team Counsel with the password to access the administrative record.

PUBLIC NOTICE

San Diego Water Board staff notified the Parties of this action on March 25, 2026. The 10-day public notification period has been satisfied.

SUPPORTING DOCUMENTS

1. Hearing Procedures
2. ACLO No. R9-2022-0094
3. Ruling on Submitted Matter – 9/04/2025
4. Judgment Granting Peremptory Writ of Administrative Mandamus – 12/22/2025
5. Peremptory Writ of Administrative Mandamus – 12/22/2025