



Santa Ana Regional Water Quality Control Board

January 26, 2026

Hixson Metal Finishing
829 Production Place
Newport Beach, CA 92663
(Via Certified Mail)

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Douglas Greene
douglas.greene@hmfgroup.com
(Via Email)

Dale Young
Agent for Service of Process for Hixson Metal Finishing
829 Production Place
Newport Beach, CA 92663
(Via Certified Mail)

TRANSMITTAL OF MANDATORY MINIMUM PENALTY COMPLAINT NO. R8-2026-0007, HIXSON METAL FINISHING

Dear Mr. Greene:

Enclosed is Mandatory Minimum Penalty Complaint No. R8-2026-0007 (Complaint) issued to Hixson Metal Finishing (hereafter referred to as Hixson or Discharger). The Complaint alleges that Hixson has violated California Water Code (Water Code) sections 13385 and 13385.1 for exceeding the Total Maximum Daily Load (TMDL) Numeric Effluent Limits (NELs) for the 2022-2023 reporting period and failure to file a discharge monitoring report for each complete period of 30 days following the deadline for submitting the report for 2021-2022 reporting period for the industrial facility located at 829 Production Place, in the city of Newport Beach.

This Complaint proposes that a mandatory minimum penalty in the amount of forty-five thousand dollars (\$45,000) be imposed. The penalty amount is the mandatory minimum penalty as authorized by Water Code sections 13385 and 13385.1.

A public hearing on this matter is scheduled for the Santa Ana Water Board meeting on April 24, 2026. Pursuant to Water Code section 13323, the Discharger has the option to waive its right to a hearing. Should Hixson waive its right to a hearing and pay the proposed liability, the Santa Ana Water Board may not hold a public hearing on this matter.

If Hixson chooses to waive its right to a hearing, please sign and submit the enclosed Waiver Form. Please make the check payable to the Cleanup and Abatement Account for forty-five

KRIS MURRAY, CHAIR | ERIC LINDBERG, EXECUTIVE OFFICER

3737 Main Street, Suite 500, Riverside 92501-3339 | www.waterboards.ca.gov/santaana

thousand dollars (\$45,000) and include the Complaint Number (No. R8-2026-0007) on the memo line. Please send the following information to the appropriate location:

Mail Waiver Form to:
RWQCB
Attn: Kaitlin Diaz
3737 Main Street, Suite 500
Riverside, CA 92501

Mail Payment to:
SWRCB – Accounting Office
Attn: Enforcement Payment
P.O. Box 1888
Sacramento, CA 95812-1888

The Discharger should submit the attached Waiver to the Advisory Team by contacting Heraclio Pimentel via email at Heraclio.Pimentel@waterboards.ca.gov or via phone at (916) 323-1677. The Prosecution Team reserves the right to object to the Discharger's request to pursue Option 2 as it is described on the waiver.

If Hixson does not wish to waive its rights to a hearing, a pre-hearing meeting with the Prosecution Team is recommended. Should you wish to schedule a pre-hearing meeting, please submit your request to Kaitlin Diaz via phone at (951) 782-4992 or via email to Kaitlin.Diaz@waterboards.ca.gov prior to **February 16, 2026**.

If this matter proceeds to hearing, the Hearing Procedure, attached hereto, provides deadlines and establishes a process for submitting evidence and arguments in this matter. Procedural questions should be directed to the Advisory Team by contacting Heraclio Pimentel at the information listed above.

If you have any questions regarding the Complaint or the enclosed documents, please contact Kaitlin Diaz via phone at (951) 782-4992 or via email at Kaitlin.Diaz@waterboards.ca.gov. All legal questions should be directed to Catherine Hawe, attorney for the Prosecution Team, Office of Enforcement, via email at Catherine.Hawe@waterboards.ca.gov or via phone at (916) 322-3538.

Sincerely,



Eric T. Lindberg, PG, CHG
Executive Officer
Santa Ana Water Board Prosecution Team

enclosures: MMP Complaint No. R8-2026-0007
Waiver Form
Hearing Procedure

cc: Alan Kuoch, Santa Ana Water Board Advisory Team
Heraclio Pimentel, Santa Ana Water Board Advisory Team Attorney
Catherine Hawe, Santa Ana Water Board Prosecution Team Attorney
James Fortuna, Orange County, NPDES Coordinator
John Kappler, City of Newport Beach, NPDES Coordinator

**State of California
California Regional Water Quality Control Board
Santa Ana Region**

IN THE MATTER OF:

Hixson Metal Finishing)	Complaint No. R8-2026-0007
829 Production Place)	For
Newport Beach, CA 92663)	Mandatory Minimum Penalties

INTRODUCTION

This Administrative Civil Liability Complaint (Complaint) is issued to Hixson Metal Finishing (hereafter referred to as Hixson or Discharger) by the California Regional Water Quality Control Board, Santa Ana Region (Santa Ana Water Board) Executive Officer on behalf of the Santa Ana Water Board Prosecution Team pursuant to California Water Code (Water Code) sections 13323 and 13385. This Complaint is based on allegations that the Discharger exceeded the Total Maximum Daily Load (TMDL) Numeric Effluent Limits (NELs) contained in the National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Industrial Activities, Order No. 2014-0057-DWQ, NPDES No. CAS000001 (General Permit or Permit) during the 2022-2023 reporting period and failed to file discharge monitoring reports as required during the 2021-2022 reporting period, for which the Santa Ana Water Board, must impose penalties mandatory minimum penalties pursuant to Water Code sections 13385 and 13385.1.

The Executive Officer of the Santa Ana Water Board alleges the following:

BACKGROUND

1. Industrial facilities that discharge stormwater associated with industrial activities are required to obtain coverage under the General Permit. Permit coverage is required for industrial facilities with Standard Industrial Classification (SIC) codes listed in 40 Code of Federal Regulations section 122.26(b)(14) and in Attachment A of the Permit.
2. Hixson is located at 829 Production Place (Facility), in the city of Newport Beach, and is identified as an industrial facility engaged in coating materials through a chemical process such as anodizing, plating, and painting/coating. This industrial activity is described in SIC code 3471.
3. On June 23, 1993, the Discharger filed a Notice of Intent (NOI) to comply with the General Permit. The Discharger has been assigned a Waste Discharge Identification Number (WDID) 8 301010178. The Discharger has maintained its enrollment in the various versions of the General Permit to date, including in the current General Permit.

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4. The 2018 amendment to the General Permit (effective July 1, 2020) incorporated Total Maximum Daily Load (TMDL) specific requirements for industrial facilities discharging to an impaired waterbody, including the implementation of the TMDL Compliance Table in Attachment E. As identified in its Notice of Intent, Hixson discharges into Lower Newport Bay, which is an impaired waterbody and has associated TMDL Numeric Effluent Limitations (NELs) listed in Attachment E of the General Permit. The NELs listed for Lower Newport Bay are Total Copper (Cu) NEL of 0.00578 mg/L, Total Zinc (Zn) NEL of 0.095 mg/L, and Total Lead (Pb) NEL of 0.221 mg/L.
5. Hixson is required to sample for Zn as a requirement of Table 1 in the General Permit, which requires sampling for additional applicable parameters based on a facility's SIC Code. Hixson must also sample for Cu and Pb due to these parameters being identified in the Facility's specific pollutant source assessment. Therefore, Hixson is required to comply with and report its compliance for the Lower Newport Bay Cu, Zn, and Pb NELs listed in Attachment E.
6. The General Permit contains monitoring and reporting requirements that require Hixson to collect and analyze stormwater samples from two Qualifying Storm Events (QSEs) within the first half of each reporting year (July 1 to December 31), and two QSEs within the second half of each reporting year (January 1 to June 30) (General Permit section XI.B.) Hixson must collect samples representative of stormwater associated with industrial activities from each drainage area at all Facility discharge locations.
7. To assess compliance with effluent limitations, General Permit section XI.B.11.a. requires Hixson to submit all sampling and analytical results for all individual samples via the Water Boards Stormwater Multiple Application and Report Tracking System (SMARTS) within 30 days of obtaining results for each sampling event. Mr. Douglas Greene is the self-appointed Legally Responsible Person for the Facility. As the Legally Responsible Person, Mr. Greene is required to certify and upload the sampling data and laboratory report on behalf of the Discharger to SMARTS within 30 days of obtaining all the results for each sampling event. The ad hoc monitoring report containing the sampling data for each QSE is a discharge monitoring report pursuant to Water Code section 13385.1 because it designed to report compliance with applicable NELs.
8. In order to assess compliance with the NELs, Attachment C to the General Permit provides that dischargers shall compare all sampling and analytical results obtained from each sampling location to the corresponding instantaneous maximum NEL values in the TMDL Compliance Table E-2 per Section V.C.1. of the General Permit. An instantaneous maximum NEL exceedance occurs when two or more analytical results from samples taken for any single parameter within a reporting year exceed the instantaneous maximum NEL value.
9. During the 2022-2023 reporting period, the Discharger collected samples during three QSEs and certified and submitted the analytical data in SMARTS, as outlined

in Table 1. The first QSE was sampled on November 8, 2022, and analytical laboratory results were uploaded and submitted in an Ad Hoc Report in SMARTS, on January 4, 2023. The results from the November 8, 2022 storm event indicated that discharge locations Yard Area (B1/B2), Yard Area (B2/B3), Yard B3/B4, and Drive Area (B4/B5) exceeded the NELs for Cu and Zn.

10. The second QSE was sampled on February 24, 2023, and analytical laboratory results uploaded and submitted in an Ad Hoc Report in SMARTS, on May 3, 2023. The results from the February 24, 2023 storm event indicated that discharge locations Yard Area (B1/B2), Yard Area (B2/B3), Yard B3/B4, and Drive Area (B4/B5) exceeded the NELs for Cu and Zn.

11. The third QSE was sampled on March 10, 2023, and analytical laboratory results uploaded and submitted in an Ad Hoc Report in SMARTS, on May 3, 2023. The results from the March 10, 2023 storm event indicated that discharge locations Yard Area (B1/B2), Yard Area (B2/B3), and Yard B3/B4 exceeded the NELs for Cu and Zn.

Table 1

Discharge Location	Sample Collection Date	Parameter	Result (mg/L)	NEL (mg/L)	Serious MMP Applies	Count Toward Chronic	Chronic MMP Applies	Mandatory Minimum Penalty (MMP)
Yard Area (B1/B2)	11/8/2022	Copper, Total	0.039	0.00578	No	N/A	No	-
Yard Area (B1/B2)	11/8/2022	Zinc, Total	2.0	0.095	No	N/A	No	-
Yard Area (B2/B3)	11/8/2022	Copper, Total	0.1	0.00578	No	N/A	No	-
Yard Area (B2/B3)	11/8/2022	Zinc, Total	0.92	0.095	No	N/A	No	-
Yard B3/B4	11/8/2022	Copper, Total	0.042	0.00578	No	N/A	No	-
Yard B3/B4	11/8/2022	Zinc, Total	0.51	0.095	No	N/A	No	-
Drive Area (B4/B5)	11/8/2022	Copper, Total	0.027	0.00578	No	N/A	No	-
Drive Area (B4/B5)	11/8/2022	Zinc, Total	0.16	0.095	No	N/A	No	-
Yard Area (B1/B2)	2/24/2023	Copper, Total	0.043	0.00578	Yes	1	No	\$3,000
Yard Area (B1/B2)	2/24/2023	Zinc, Total	0.81	0.095	Yes	2	No	\$3,000
Yard Area (B2/B3)	2/24/2023	Copper, Total	0.074	0.00578	Yes	1	No	\$3,000
Yard Area (B2/B3)	2/24/2023	Zinc, Total	0.59	0.095	Yes	2	No	\$3,000
Yard B3/B4	2/24/2023	Copper, Total	0.029	0.00578	Yes	1	No	\$3,000
Yard B3/B4	2/24/2023	Zinc, Total	0.42	0.095	Yes	2	No	\$3,000
Drive Area (B4/B5)	2/24/2023	Copper, Total	0.02	0.00578	Yes	1	No	\$3,000
Drive Area (B4/B5)	2/24/2023	Zinc, Total	0.14	0.095	Yes	2	No	\$3,000
Yard Area (B1/B2)	3/10/2023	Copper, Total	0.017	0.00578	Yes	3	No	\$3,000
Yard Area (B1/B2)	3/10/2023	Zinc, Total	0.17	0.095	Yes	4	Yes	\$3,000
Yard Area (B2/B3)	3/10/2023	Copper, Total	0.034	0.00578	Yes	3	No	\$3,000
Yard Area (B2/B3)	3/10/2023	Zinc, Total	0.33	0.095	Yes	4	Yes	\$3,000
Yard B3/B4	3/10/2023	Copper, Total	0.016	0.00578	Yes	3	No	\$3,000
Yard B3/B4	3/10/2023	Zinc, Total	0.26	0.095	Yes	4	Yes	\$3,000
Drive Area (B4/B5)	3/10/2023	Copper, Total	0.006	0.00578	No	3	No	-
Total MMP for NEL Exceedances:								\$42,000

12. As seen in Table 1, Hixson exceeded the instantaneous maximum Cu NEL of 0.00578 mg/L and the instantaneous maximum Zn NEL of 0.095 mg/L for discharge locations Yard Area (B1/B2), Yard Area (B2/B3), Yard B3/B4, and Drive Area (B4/B5) on November 8, 2022, February 24, 2023, and March 10, 2023. The NEL exceedances trigger a violation of the General Permit per Section V.C.1. Table 1 shows how each of these data points is subject to an MMP as either a serious or chronic MMP.

13. During the 2021-2022 reporting period, Hixson collected one QSE on March 28, 2022, as outlined in Table 2. The Discharger received the analytical laboratory report on April 22, 2022, however, did not submit the data in SMARTS until June 24, 2022, which was 63 days late. The report should have been uploaded within 30 days of receipt from the laboratory, or no later than May 22, 2022.

As seen in Table 2, the Discharger failed to submit its ad hoc monitoring report as required by the General Permit. Each period of 30 days is assessed an MMP as detailed below.

Table 2								
Reporting Period	Lab Report Attachment ID	Applicable TMDL Pollutants	Sample Date	Lab Report Date	SMARTS Submitted Date	Number of Days	Number of Violations	MMP
2021-2022	Attachment ID No. 3130505/3130506	Copper, Zinc, and Lead	3/28/2022	4/22/2022	6/24/2022	63	1	\$3,000
Total MMP for Reporting Violations:								\$3,000

LEGAL AUTHORITY

14. Section 13385 of the Water Code requires the regional boards to assess mandatory minimum penalties for serious or chronic violations.

15. Pursuant to Water Code section 13385 subdivision (h), the Discharger is subject to a mandatory minimum penalty of three thousand dollars (\$3,000) for specific serious violation. The statute provides, in relevant part:

“A mandatory minimum penalty of three thousand dollars (\$3,000) shall be assessed for each serious violation. For the purposes of this section, a ‘serious violation’ means any waste discharge that violates the effluent limitations contained in the applicable waste discharge requirements ...”

16. A serious violation means any waste discharge that violates the effluent limitation contained in the applicable waste discharge requirements for a Group II pollutant by 20 percent. (Wat. Code § 13385(h)(2).) Appendix A to Section 123.45 of Title 40 of the Code of Federal Regulations categorizes pollutants as being in Group I or Group II. Per these regulations, Copper, Zinc, and Lead are Group II pollutants.

17. The Discharger is also subject to chronic MMPs. Pursuant to Water Code section 13385 subdivision (i)(1) a mandatory minimum penalty of three thousand dollars (\$3,000) shall be assessed for each violation whenever the Discharger violates the effluent limitation four or more times in any six consecutive month period except that the mandatory minimum penalty is not applicable to the first three violations.
18. Pursuant to Water Code section 13385.1, the failure to file a discharge monitoring report required pursuant to Water Code section 13383 for each complete period of 30 days following the deadline for submitting the report constitutes a serious violation and is also subject to a Mandatory Minimum Penalty per Water Code section 13385, subdivision (h).

PROPOSED MANDATORY MINIMUM PENALTY

19. Pursuant to Water Code section 13385 subdivisions (h) and (i), the Santa Ana Water Board shall administratively impose a penalty of three thousand dollars (\$3,000) for each serious and chronic violation.

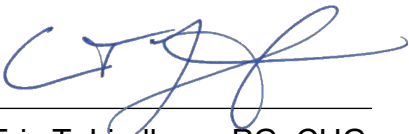
REGULATORY CONSIDERATIONS

20. Notwithstanding issuance of this Complaint, the Santa Ana Water Board retains the authority to assess additional penalties for any violations that have not yet been assessed or for violations that may subsequently occur.
21. An administrative civil liability may be imposed pursuant to the procedures described in Water Code section 13323. An administrative civil liability complaint alleges the act or failure to act that constitutes a violation of law, the provision of law authorizing administrative civil liability to be imposed, and the proposed administrative civil liability.
22. Issuance of this Complaint is an enforcement action and is therefore exempt from the provisions of the California Environmental Quality Act (Pub. Res. Code section 21000 et seq.) pursuant to title 14, California Code of Regulations sections 15308 and 15321, subdivision (a), paragraph (2).

HIXSON METAL FINISHING IS HEREBY GIVEN NOTICE THAT:

23. The Santa Ana Water Board Prosecution Team proposes an administrative civil liability in the amount of forty-five thousand dollars (\$45,000). The amount of the proposed liability is based on the mandatory minimum penalties authorized to be imposed under Water Code section 13385, subdivisions (h) and (i).
24. A hearing on this matter will be held at the Santa Ana Water Board meeting scheduled on April 24, 2026 at the Irvine Ranch Water District located at 15600 Sand Canyon Avenue, Irvine, CA 92618, unless one of the following options occurs:

- a. The Discharger waives the hearing by completing the Waiver Form (checking off the box next to Option 1), attached herein, and returning it to the Santa Ana Water Board, along with payment for the proposed liability of forty-five thousand dollars (\$45,000).
 - b. The Discharger waives the 90-day hearing requirement in order to extend the hearing date (checking off the box next to Option 2) and returning it to the Santa Ana Water Board, along with rationale for the extension. After receipt of the Waiver, the Advisory Team will consider the request and determine whether or not to reschedule the hearing date.
25. If a hearing is held, it will be governed by the attached Notice of Public Hearing and Hearing Procedure.
26. During the hearing, the Santa Ana Water Board will hear testimony and arguments and affirm, reject, or modify the proposed MMP amount, or determine whether to refer the matter to the Attorney General for recovery of judicial civil liability.



Eric T. Lindberg, PG, CHG
Executive Officer
Santa Ana Board Prosecution Team

Santa Ana Regional Water Quality Control Board

WAIVER FORM FOR MANDATORY MINIMUM PENALTY COMPLAINT NO. R8-2026-0007

By signing this waiver, I affirm and acknowledge the following:

I am duly authorized to represent Hixson Metal Finishing in connection with Mandatory Minimum Penalty Complaint No. R8-2026-0007 (Complaint). I am informed that California Water Code section 13323, subdivision (b), states that, *“a hearing before the regional board shall be conducted within 90 days after the party has been served. The person who has been issued a complaint may waive the right to a hearing.”*

☐ **(OPTION 1: Check here if Hixson Metal Finishing waives the hearing requirement and will pay the liability in full.)**

- a. I hereby waive any right Hixson Metal Finishing may have to a hearing before the Santa Ana Water Board.
- b. I certify that Hixson Metal Finishing will remit payment for the proposed civil liability in the full amount of **forty-five thousand dollars (\$45,000)** by submitting a check that references *Complaint No. R8-2026-0007*, made payable to the *State Water Resources Control Board - Cleanup and Abatement Account*. The Santa Ana Water Board may adopt an Order requiring payment after public notice and comment as described below.
- c. I understand the payment of the above amount constitutes a proposed settlement of the Complaint, and that any settlement will not become final until after the 30-day public notice and comment period. Should the Santa Ana Water Board receive significant new information or comments from any source (excluding the Santa Ana Water Board's Prosecution Team) during this comment period, the Santa Ana Water Board's Executive Officer may withdraw the Complaint, return payment, and issue a new complaint. I understand that this proposed settlement is subject to approval by the Santa Ana Water Board (or the Santa Ana Water Board's delegee), and that the Santa Ana Water Board may consider this proposed settlement in a public meeting or hearing. I also understand that approval of the settlement will result in Hixson Metal Finishing having waived the right to contest the allegations in the Complaint and the imposition of civil liability.
- d. I understand that payment of the above amount is not a substitute for compliance with applicable laws and that continuing violations of the type

alleged in the Complaint may subject Hixson Metal Finishing to further enforcement, including additional civil liability.

☐

(OPTION 2: Check here if Hixson Metal Finishing waives the 90-day hearing requirement in order to extend the hearing date and/or hearing deadlines. Attach a separate sheet with the amount of additional time requested and the rationale.)

I hereby waive any right Hixson Metal Finishing may have to a hearing before the Santa Ana Water Board within 90 days after service of the Complaint. By checking this box, Hixson Metal Finishing requests that the Santa Ana Water Board delay the hearing and/or hearing deadlines so that Hixson Metal Finishing may have additional time to prepare for the hearing. Please provide a written explanation of why additional time is needed. It remains within the discretion of the Santa Ana Water Board to approve the extension and the Prosecution Team reserves the right to object to this delay.

(Print Name and Title)

(Signature)

(Date)

California Regional Water Quality Control Board, Santa Ana Region

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

**ISSUED TO
HIXSON METAL FINISHING
ORANGE COUNTY**

HEARING SCHEDULED FOR APRIL 24, 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 April 24, 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:

Irvine Ranch Water District
15600 Sand Canyon Avenue
Irvine, CA 92618

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

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
3737 Main Street, Suite 500, Riverside, CA 92501
Michelle.Beckwith@waterboards.ca.gov
(951) 782-4433

Catherine Hawe, Attorney IV
Office of Enforcement, State Water Resources Control Board
801 K Street, Suite 2300, Sacramento, CA 95814
Catherine.Hawe@waterboards.ca.gov
(916) 322-3538

Respondent:

Douglas Greene, Legally Responsible Person
Hixson Metal Finishing
829 Production Place
Newport Beach, CA 92663
doug@hixsonmetalfinishing.com
(949) 645-4800

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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
March 9, 2026	Prosecution Team's deadline to submit prehearing evidence and argument (excluding rebuttal evidence)	Section VII.A
March 23, 2026	Remaining Parties' (including the Respondent(s)) deadline to submit prehearing evidence and argument (excluding rebuttal evidence)	Section VII.A
April 3, 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
April 10, 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
April 22, 2026	Parties' deadline to submit copy of visual presentations	Section IX.F
April 24, 2026	Hearing Date	