



Santa Ana Regional Water Quality Control Board

NOTICE OF PUBLIC HEARING AND DRAFT HEARING PROCEDURE

FOR

ADMINISTRATIVE CIVIL LIABILITY COMPLAINT R8-2024-0037 AUGUSTINE METALS, INC. and DANIEL LYNN AUGUSTINE

On March 18, 2024, the Assistant Executive Officer of the Santa Ana Regional Water Quality Control Board (Santa Ana Water Board) issued Administrative Civil Liability Complaint (ACL Complaint) R8-2024-0037 against AUGUSTINE METALS, INC. and DANIEL LYNN AUGUSTINE (collectively, Respondent) for the violations alleged in the ACL Complaint.

The Santa Ana Water Board will consider evidence regarding the violation(s) alleged in the ACL Complaint at a hearing. After considering the evidence, the Santa Ana Water Board may impose the proposed civil liability, impose a higher or lower amount, or decline to impose any liability. The Santa Ana Water Board intends to hold a public hearing on the ACL Complaint that will commence at the time and place indicated:

Date: **June 14, 2024**
Time: 9:00 a.m.
Location: Orange County Water District
18700 Ward Street
Fountain Valley, CA 92708
(Remote Participation Available)

The public may participate either in person at the physical meeting location or virtually via the Zoom meeting platform. Instructions concerning how to participate virtually are available on the Santa Ana Water Board's website at:

https://www.waterboards.ca.gov/santaana/board_info/remote_meeting/index.html.

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/2024_agendas.html.

Please check the Santa Ana Water Board's website for the most up-to-date public hearing date and location, as they are subject to change.

Adoption of Hearing Procedure

A draft Hearing Procedure has been issued that, once effective, will govern the conduct of proceedings related to consideration of the ACL Complaint.

KRISTINE MURRAY, CHAIR | JAYNE JOY, EXECUTIVE OFFICER

The Prosecution Team and the Respondent shall have the opportunity to comment on the draft Hearing Procedure, as well as to propose changes to deadlines and other substantive provisions. All comments and proposed revisions must be submitted via email to Lori.Okun@waterboards.ca.gov no later than **5:00 pm on April 5, 2024**, with a copy to all other Parties. After consideration of any comments and proposed revisions received, the Advisory Team will issue a final Hearing Procedure in consultation with the Board Chair.

Requests for “Party” Status

Once adopted, the Hearing Procedure shall govern the process by which Interested Persons apply for “Party” status. The deadline for such applications shall be no earlier than **April 5, 2024**, and may be extended based on delays in establishment of Hearing Procedure or changes to application requirements.

Opportunity for Public Participation

The Santa Ana Water Board will consider written comments submitted by members of the public that are interested in the ACL Complaint hearing (Interested Persons). The parties to the proceeding will be permitted to submit formal written responses to any written comments submitted by Interested Persons. To allow for this, all written comments from Interested Persons shall be submitted as early as possible, and in no case later than **5:00 pm on April 26, 2024**.

Interested Persons may also orally present general policy statements to the Santa Ana Water Board members at the hearing. Such statements will generally be limited to **3 minutes** per Interested Person, though the Board Chair may grant additional time upon request. Interested Persons do not need to submit written statements in order to speak at the hearing.

Unless they are formally recognized as a “Party” per the Hearing Procedure, Interested Persons are not parties entitled to directly participate in the proceeding, except as provided above. Interested Persons will not be permitted to present evidence (e.g., photos, eyewitness testimony, etc.). They are also not subject to cross-examination. Although the Board will consider oral and written comments from Interested Persons on matters of general policy, such comments are not admissible as evidence.

Public File Available for Review

The Santa Ana Water Board maintains a public file containing the ACL Complaint and related documents (including party submittals per the Hearing Procedure) at its office located at **3737 Main Street, Suite 500, Riverside, California, 92501-3348**.

Persons interested in reviewing the file should contact **Michelle Beckwith** via email at Michelle.Beckwith@waterboards.ca.gov or by phone at (951) 782-4433.

Accessibility

For general questions on meeting access, to request a special accommodation, or to request interpreter services, please send an e-mail to Jessica.Baenre@waterboards.ca.gov or call (951) 782-3285. Please request special accommodations or interpreter services at least 10 business days in advance of the meeting. TTY users may contact the California Relay Service at 1-800-735-2929 or voice line at 1-800-735-2922.

Questions

All questions regarding this proceeding should be addressed via email to the Advisory Team attorney at Lori.Okun@waterboards.ca.gov or by calling (916) 323-1667.