

California Regional Water Quality Control Board  
Lahontan Region

## PUBLIC PARTICIPATION IN THE ENFORCEMENT HEARING PROCESS

---

Many steps take place before the Lahontan Water Board makes its decision regarding proposed formal enforcement actions (e.g., Cease and Desist Orders, Administrative Civil Liability Orders (fines) at a public hearing. One important element in the Lahontan Water Board's decision-making process is **public participation**. This document helps to identify how the public can participate in the Lahontan Water Board's decision-making process regarding formal enforcement actions brought before the Lahontan Water Board.

There are four major sequential steps involved with Lahontan Water Board decision-making process that include: 1) The Proposed Enforcement Action, 2) Hearing Procedures, 3) Evidence Submittal, Rebuttal, and Objections, and 4) Lahontan Water Board Public Hearing. **The Public**, which includes but is not limited to, any private citizen, public official, interested agency, or organization that is not identified as a "Designated Party" by the Hearing Procedures, has multiple opportunities to participate in the Lahontan Water Board's public hearing process, as described below.

### Step 1: The Proposed Enforcement Action

The Lahontan Water Board's Prosecution Team (Prosecution Team) gathers evidence and presents its case by releasing a proposed enforcement action, either a complaint or proposed enforcement order. The proposed enforcement actions contain allegations regarding responsible parties and violations of laws, regulations, and/or permit requirements, in addition to requirements for taking corrective actions or paying fines.

Hearing Procedures are released by the Lahontan Water Board's Advisory Team (Advisory Team) at the same time or shortly after the proposed enforcement action is released. The Hearing Procedures, in part, identify how and when the Public participates in the Lahontan Water Board's decision-making process regarding the proposed enforcement actions. The Hearing Procedures and proposed enforcement actions can be found through this Lahontan Water Board webpage:

[http://www.waterboards.ca.gov/lahontan/water\\_issues/programs/enforcement/index.shtml](http://www.waterboards.ca.gov/lahontan/water_issues/programs/enforcement/index.shtml)

## Step 2: Hearing Procedures

The Hearing Procedures identify numerous opportunities for submitting evidence, testimony, and public comments in preparation for the public hearing. The Hearing Procedures also explain how the public hearing itself will proceed.

### **Opportunity #1 for Public Participation-Objections to Hearing Procedures**

The Hearing Procedures establish a deadline for all parties, including the Public, to review and submit objections/requests regarding the Hearing Procedures.

### **Opportunity #2 for Public Participation-Request for Designated Party Status**

The Hearing Procedures establish an opportunity for Public participants to request Designated Party status. Designated Party status allows the participant to submit evidence relevant to the allegations, to cross-examine witnesses, and to be cross-examined.

### **Opportunity #3 for Public Participation-Request for Additional Presentation Time**

The Hearing Procedures establish time limits for presentations at the public hearing. All parties, including the Public, may request additional time to present information at the public hearing. Such requests must be accompanied with an explanation of why the additional time is necessary.

## Step 3: Evidence Submittal, Rebuttal, and Objections

The Hearing Procedures require the Designated Parties (Prosecution Team, Responsible Parties, Parties granted Designated Party status) to submit their evidence and supporting documentation by specific deadlines. This information is posted on the Lahontan Water Board's web site as it is received.

### **Opportunity #4 for Public Participation-Comments Regarding the Allegations**

Public participants have an opportunity to review the Designated Parties' information and the proposed enforcement action and submit written comments regarding the Designated Parties' information and the proposed enforcement action.

## Step 4: Water Board Hearing

The Lahontan Water Board's meeting agenda is typically posted approximately three weeks before the scheduled Lahontan Water Board public hearing. The meeting agenda identifies the specific date, meeting location, and approximate starting time for the public hearing. The meeting agenda can be found at this Lahontan Water Board webpage:

[http://www.waterboards.ca.gov/lahontan/board\\_info/](http://www.waterboards.ca.gov/lahontan/board_info/)

### **Opportunity #5 for Public Participation-Oral Presentation**

The Public may present oral comments at the Lahontan Water Board's public hearing regarding the proposed enforcement action.

The Hearing Procedures establish deadlines for submitting the information the Lahontan Water Board will largely rely upon in making its decision regarding proposed formal enforcement actions. The section titled, "Instructions for All Submittals" describes how to submit information in preparation for the public hearing. Be sure to read and follow these instructions. Doing so will help ensure that your valuable input, as a public participant, will be included in the Lahontan Water Board's Enforcement Public Hearing Process.

If you have questions, please contact Sue Genera, Executive Assistant to Patty Z. Kouyoumdjian, Executive Officer, at (530) 542-5414, or [Sue.Genera@waterboards.ca.gov](mailto:Sue.Genera@waterboards.ca.gov). She will either answer your questions, or make sure that the appropriate Lahontan Water Board staff member responds to your questions.