

NOTICE OF PUBLIC HEARING
TO CONSIDER TENTATIVE CEASE AND DESIST ORDER

NO. R3-2016-0015
ISSUED TO

**Dave Robertson; Centrally Grown, Inc.; and Centrally
Grown Holdings, LLC**

NOTICE IS HEREBY GIVEN THAT A HEARING WILL BE HELD
BEFORE THE REGIONAL WATER QUALITY CONTROL BOARD,
CENTRAL COAST REGION ON JULY 28-29, 2016

Background

On or around April 29, 2016, the Assistant Executive Officer of the Regional Water Quality Control Board, Central Coast Region (Central Coast Water Board) served a tentative Cease and Desist Order (CDO) on Dave Robertson, Centrally Grown, Inc. and Centrally Grown Holdings, LLC (collectively: Discharger) which would order, among other things, the cessation of the discharge of waste from the onsite wastewater treatment and effluent disposal system (WWTS) unless and until such time as the Discharger can operate the system within the constraints of Water Quality Order No. 97-10-DWQ, which governs discharges to land by small domestic wastewater treatment systems. A hearing will be held on July 28 or 29, 2016, to determine if the Central Coast Water Board will issue the Cease and Desist Order to the Discharger.

Purpose of Hearing

The purpose of the hearing is to receive relevant evidence and testimony regarding the tentative CDO. At the hearing, the Central Coast Water Board will consider whether to adopt the tentative order.

The public hearing on **July 28-29, 2016**, will commence no earlier than 10 a.m. or as soon thereafter as practical, or as announced in the Central Coast Water Board meeting agenda. The meeting will be held at the Water Board office in San Luis Obispo located at 895 Aerovista Place - Suite 101 San Luis Obispo, CA 93401. 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.

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 Jessica Jahr at the address indicated below by **May 6, 2016**.

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) Dave Robertson
- (3) Centrally Grown Holdings, LLC
- (4) Centrally Grown, Inc.

CONTACT INFORMATION: PRIMARY CONTACTS

BOARD ADVISORY STAFF	
John Robertson Executive Officer RWQCB, Central Coast Region 895 Aerovista Place, Suite 101 San Luis Obispo, CA 93401 John.Robertson@waterboards.ca.gov	Jessica Jahr, Esq. State Water Resources Control Board Office of Chief Counsel P.O. Box 100 Sacramento, CA 95812 (916) 341-5168 Jessica.Jahr@waterboards.ca.gov
BOARD PROSECUTION STAFF	
Michael Thomas Assistant Executive Officer RWQCB, Central Coast Region 895 Aerovista Place, Suite 101 San Luis Obispo, CA 93401 Michael.Thomas@waterboards.ca.gov	Nickolaus Knight, Attorney III State Water Board, Office of Enforcement P.O. Box 100 Sacramento, CA 95812 Phone: (916) 327-0127 Nickolaus.Knight@waterboards.ca.gov
Harvey Packard RWQCB, Central Coast Region 895 Aerovista Place, Suite 101 San Luis Obispo, CA 93401 (805) 542-4639 Harvey.Packard@waterboards.ca.gov	Thea Tryon RWQCB, Central Coast Region 895 Aerovista Place, Suite 101 San Luis Obispo, CA 93401 (805) 542-4776 Thea.Tryon@waterboards.ca.gov
DISCHARGER	
Centrally Grown Dave Robertson 7432 Exotic Gardens Drive Cambria CA 93428 1(800)717-4379 Centrally Grown Holdings, LLC (Agent for Service Resigned) Dave Robertson, CEO 2200 Hollyridge Drive Los Angeles CA 90068-3517 Centrally Grown, Inc. Dave Robertson, CEO 2200 Hollyridge Drive Los Angeles CA 90068-3517	Centrally Grown, Inc. Agent for Service: Incorp Services, Inc. 5716 Corsa Ave., Suite 110 Westlake, CA 91362-7354 Dave Robertson 2200 Hollyridge Drive Loa Angeles, CA 90068-3517

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: Jessica Jahr, Senior Staff Counsel and John Robertson, Executive Officer. Members of the Prosecution Staff are: Nickolaus Knight, Senior Staff Counsel, Michael Thomas, Assistant Executive Officer, Harvey Packard, and Thea Tryon.

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 oral communication pertaining to the investigation, preparation, or prosecution of the tentative CDO 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 oral). 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 **May 6, 2016**, to Jessica Jahr by delivery or email at the addresses noted above. 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 **May 13, 2016**. The parties will be notified by 5 p.m. on **May 18, 2016**, 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 45 minutes to testify, present evidence, and cross-examine witnesses and five minutes for closing statements, and each interested person shall have three minutes to present non-evidentiary policy statements. 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 Jessica Jahr at the above-listed address and an electronic file to John Robertson, Executive Officer, at the above listed addresses, no later than 5 p.m. as described herein:

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

For the Prosecution Staff's Initial Production: no later than 5 p.m. on **June 3, 2016**. For the Discharger and each Designated Party's Evidentiary Submission, no later than 5 p.m. on **June 17, 2016**. For the Prosecution's Rebuttal Submission, no later than 5 p.m. on **July 1, 2016**. For every evidentiary deadline, 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 the deadline described above.

Interested persons may submit one electronic copy of non-evidentiary policy statements by the **June 24, 2016**.

Evidentiary Objections

A designated party objecting to evidence proposed by another party must submit a written objection by 5 p.m. on **July 8, 2016**, to Jessica Jahr, State Water Resources Control Board, P.O. Box 100, Sacramento, CA, 95812, and in electronic format to jessica.jahr@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 Jessica Jahr, State Water Resources Control Board, P.O. Box 100, Sacramento, CA, 95812; tel. (916) 341-5168, or by electronic mail, as indicated above.

IMPORTANT DEADLINES
[proposed]

April 29, 2016

Tentative CDO and Proposed Hearing Procedures
Issued by Prosecution Staff

May 6, 2016	Objections due on draft Hearing Notice
May 6, 2016	Deadline for submission of request for designated party status
May 13, 2016	Advisory Staff issues final Hearing Notice
May 13, 2016	Deadline for opposition to request for designated party status.
May 18, 2016	Advisory Staff issues decision on requests for designated party status, if any.
June 3, 2016	Prosecution Staff's Deadline for submission of evidence and legal argument.
June 17, 2016	Discharger's Deadline for submission of evidence and legal argument.
June 24, 2016	Interested parties' deadline for submission of non-evidentiary policy statements.
July 1, 2016	Prosecution Staff's deadline for submission of rebuttal evidence and legal argument.
July 8, 2016	Deadline for submission of evidentiary objections
July 15, 2016	Rulings on evidentiary objections, if any
July 28-29, 2016	Hearing Date

(PROPOSED)

John M. Robertson
Executive Officer

DATE