



Santa Ana Regional Water Quality Control Board

March 16, 2026

K2 Minerals, LLC
Attn: Wajhat Ahmed
10411 Live Oak Avenue
Fontana, CA 92337
(Via Certified Mail)

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Wajhat Ahmed
Accounting@k2mineralsinc.com
Wahmed@k2mineralsinc.com

Omar Siddiqui
Agent for Service of Process for K2 Minerals, LLC
333 City Boulevard West, Floor 17
Orange, CA 92868
(Via Certified Mail)

TRANSMITTAL OF ADMINISTRATIVE CIVIL LIABILITY COMPLAINT NO. R8-2026-0017, K2 MINERALS, LLC

Dear Mr. Ahmed:

Enclosed is Administrative Civil Liability Complaint No. R8-2026-0017 (Complaint) issued to K2 Minerals, LLC (hereafter referred to as K2 Minerals or Discharger). The Complaint alleges that K2 Minerals violated California Water Code (Water Code) section 13399.30 for failure to submit a Notice of Intent (NOI) and thereby obtain coverage under the State's National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Industrial Activities, Order No. 2014-0057-DWQ as amended by Order No. 2015-0122-DWQ and Order No. 2018-0028-DWQ, NPDES No. CAS000001 (General Permit) for the industrial facility located at 10411 Live Oak Avenue, in the city of Fontana.

This Complaint proposes that an administrative civil liability in the amount of eight thousand four hundred dollars (\$8,400) be imposed. The penalty amount is the mandatory minimum penalty including staff costs as authorized by Water Code section 13399.33, subdivisions (a)(1) and (d).

A public hearing on this matter is scheduled for the Santa Ana Water Board meeting on June 12, 2026. Pursuant to Water Code section 13323, the Discharger has the option to waive its right to a hearing. Should K2 Minerals waive its right to a hearing, submit the Notice of Intent, and pay the recommended liability, the Santa Ana Water Board may not hold a public hearing on this matter.

JOHN SCANDURA, CHAIR | ERIC LINDBERG, EXECUTIVE OFFICER

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

If K2 Minerals chooses to waive its right to a hearing, please sign and submit the enclosed Waiver Form. Please make the check payable to the Waste Discharge Permit Fund for eight thousand four hundred dollars (\$8,400) and include the Complaint Number (No. R8-2026-0017) 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: Sarah Fong
P.O. Box 1888
Sacramento, CA 95812-1888

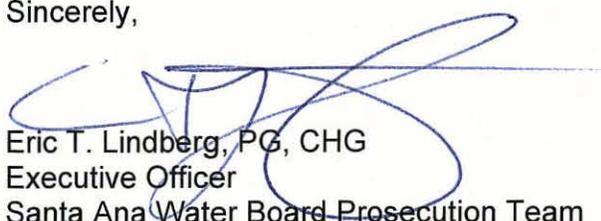
The Discharger should also e-mail the attached Waiver to the Advisory Team by contacting Heraclio Pimentel via email at Heraclio.Pimentel@waterboards.ca.gov or via phone at (916) 323-1677. The Prosecution Team reserves the right to object to the Discharger's request to pursue Option 2 as described on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

If K2 Minerals 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 **April 3, 2026**.

If this matter proceeds to hearing, the attached Hearing Procedures provide relevant deadlines and establish the process for submitting evidence and argument 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 email at Kaitlin.Diaz@waterboards.ca.gov or via phone at (951) 782-4992. All legal questions should be directed to Carson Capps, attorney for the Prosecution Team, Office of Enforcement, via email at Carson.Capps@waterboards.ca.gov or via phone at (916) 341-5273.

Sincerely,



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

enclosures: ACL Complaint No. R8-2026-0017
Waiver Form
Hearing Procedures

cc: Alan Kuoch, Santa Ana Water Board Advisory Team
Heraclio Pimentel, Esq., Santa Ana Water Board Advisory Team Attorney
Brian Covellone, Santa Ana Water Board Prosecution Team
Carson Capps, Esq., Santa Ana Water Board Prosecution Team Attorney
Arlene Chun, San Bernardino County FCD, NPDES Coordinator
Gia Kim, City of Fontana, NPDES Coordinator

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

IN THE MATTER OF:

K2 Minerals, LLC)	Complaint No. R8-2026-0017
10411 Live Oak Avenue)	For
Fontana, CA 92337)	Administrative Civil Liability

This Administrative Civil Liability Complaint (Complaint) is issued to K2 Minerals, LLC (hereafter referred to as K2 Minerals or Discharger) pursuant to California Water Code (Water Code) section 13399.33, which authorizes the imposition of civil liability administratively, and Water Code section 13323, which authorizes the issuance of this Complaint. This Complaint is based on allegations that the Discharger failed to submit a Notice of Intent (NOI) thereby obtaining coverage under the General Permit (defined below) in accordance with Water Code section 13399.30, for which the California Regional Water Quality Control Board, Santa Ana Region (Santa Ana Water Board), must impose a penalty pursuant to Water Code section 13399.33.

The Prosecution Team 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 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) as stated in Section III therein. General 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 General Permit. Furthermore, dischargers which have a valid reason to not obtain General Permit coverage may submit a Notice of Non-Applicability (NONA). The NONA covers multiple reasons why an entity is not required to be permitted including (1) facility closure, (2) not the legal owner, (3) incorrect SIC code, (4) eligibility for the Conditional Exclusion (No Exposure Certification or NEC), and (5) the facility not discharging to waters of the United States.
2. On August 11, 2023, Mr. Wajhat Ahmed, the self-appointed Legal Responsible Person (LRP) for the Discharger, certified via a NONA, that the facility located at 10411 Live Oak Avenue, in the city of Fontana (Facility), is a wholesale distributor of construction related materials, classified under SIC code 5032. Per Attachment A of the General Permit, facilities operating under SIC code 5032 are not subject to the General Permit. Since Mr. Ahmed self-reported that the Facility was operating under SIC 5032, Waste Discharge Identification (WDID) No. 8 36NNA002686 was automatically assigned to the Facility.
3. On September 26, 2024, Santa Ana Water Board staff conducted an inspection, with plant manager Mr. Luciano Lopez present, to verify that onsite activities at the Facility fall under SIC code 5032. At the conclusion of the inspection, staff determined that K2

JOHN SCANDURA, CHAIR | ERIC LINDBERG, EXECUTIVE OFFICER

Minerals performs onsite activities, including manufacturing dry mixture concrete, which is classified under SIC code 3272. Therefore, K2 Minerals did not meet the conditions for a NONA as defined in Section I.S of the General Permit Fact Sheet.

4. On October 7, 2024, the Santa Ana Water Board issued a Notice of Non-Compliance (NNC) to K2 Minerals. The NNC required the Discharger to submit a Notice of Intent (NOI) to obtain General Permit coverage via SMARTS no later than November 5, 2024.
5. On November 6, 2024, a second NNC was issued to K2 Minerals for the continued failure to submit an NOI to obtain General Permit coverage. The NNC required the Discharger to submit an NOI via SMARTS no later than December 5, 2024.
6. On November 8, 2024, Santa Ana Water Board staff responded to an email sent from Ms. Kee Taylor, sister of the LRP, requesting an extension and questioning the inspector's SIC code determination for the Facility. Staff responded with evidence based upon the inspection and denied the extension request.
7. On November 26, 2024, Santa Ana Water Board staff sent a courtesy reminder email to the Discharger regarding the December 5, 2024, deadline, and stated that failure to submit an NOI to obtain General Permit coverage, as requested, will result in a mandatory minimum penalty of at least \$5,000 under Section 13399.33, subdivision (a)(1), of the Water Code.
8. On December 3, 2024, Santa Ana Water Board staff sent a second courtesy reminder email to the Discharger regarding the December 5, 2024, deadline. The email provided help guides to assist the Discharger in obtaining coverage under the General Permit and reiterated the consequences for failing to obtain coverage. Ms. Taylor and Santa Ana Water Board staff exchanged emails relating to onsite activities at the Facility and submitting the NOI via SMARTS to obtain General Permit coverage.
9. On December 5, 2024, the Discharger submitted an NEC application via SMARTS.
10. On December 11, 2024, the NEC application was returned by State Water Resources Control Board Stormwater Help Desk (Stormwater Help Desk) staff in order for the Discharger to submit an NOI application. The Discharger subsequently submitted an NOI application on the same date.
11. On December 12, 2024, the NOI application was returned by Stormwater Help Desk staff because the Discharger had not uploaded the required Storm Water Pollution Prevention Plan (SWPPP). Santa Ana Water Board staff emailed the Discharger the justification for requiring an NOI as opposed to an NEC and reiterated the requirements for an NOI application and accompanying SWPPP.
12. On January 21, 2025, the Santa Ana Water Board issued Conditional Settlement Offer No. R8-2025-0009 to K2 Minerals, inviting the Discharger to participate in an Expedited Payment Program relating to violations of the General Permit, which would have provided the opportunity for the Discharger to resolve the alleged violations by

paying a mandatory minimum penalty of \$5,645, including staff costs. In addition, staff advised the Discharger that they are still required to submit an NOI via SMARTS to obtain General Permit coverage. The Discharger was given a deadline of February 19, 2025, to respond to the Conditional Settlement Offer.

13. On January 29, 2025, Stormwater Help Desk staff made a note on the Discharger's NOI application that an appropriate SWPPP needed to be uploaded to the application and resubmitted.
14. On February 12, 2025, Santa Ana Water Board staff sent a courtesy email reminder to the Discharger regarding the Conditional Settlement Offer deadline of February 19, 2025 to participate in the Expedited Payment Program.
15. On March 4, 2025, Santa Ana Water Board staff sent the Discharger an email regarding the failure to submit all required documents via SMARTS in order to obtain NOI coverage and for failing to respond to the Conditional Settlement Offer. Ms. Taylor responded to Santa Ana Water Board staff by requesting an additional inspection.
16. On March 20, 2025, Santa Ana Water Board staff met with Ms. Taylor onsite to perform an inspection of the Facility. At the conclusion of the inspection, staff again confirmed that K2 Minerals performs onsite activities covered by the General Permit and does not meet the conditions for a NONA. Staff handed Ms. Taylor a copy of the Conditional Settlement Offer, and Ms. Taylor signed a document receipt form. After the site inspection, staff emailed Ms. Taylor and again provided guidance on how to obtain coverage.
17. On March 21, 2025, Ms. Taylor provided a synopsis of emails between herself and staff at the Santa Ana Water Board and the State Water Board contesting the violations identified in the Conditional Settlement Offer.
18. On March 24, 2025, Santa Ana Water Board staff sent an email to Ms. Taylor requesting additional information related to her previous email. Ms. Taylor responded, attaching a copy of a draft SWPPP and requested staff to review it.
19. On March 26, 2025, Santa Ana Water Board staff responded to Ms. Taylor regarding the SWPPP, but also requested the Discharger submit the NOI application and formally respond to the Conditional Settlement Offer. Ms. Taylor responded with an attached document to again formally contest the violation identified in the Conditional Settlement Offer.
20. On April 14, 2025, Santa Ana Water Board staff contacted Ms. Taylor via email to request an in-person meeting to discuss her formal contest of the Conditional Settlement Offer. There was no response.
21. On April 29, 2025, Santa Ana Water Board staff sent a second email to Ms. Taylor to request a meeting regarding her formal contest to the Conditional Settlement Offer. There was no response.

22. To date, the Discharger has neither submitted a complete NOI application nor responded to the Conditional Settlement Offer and continues to ignore outreach efforts made by Santa Ana Water Board staff.

LEGAL AUTHORITY

23. Section 13399.30 of the Water Code requires the regional boards to identify dischargers of stormwater that have not obtained coverage under an appropriate stormwater NPDES permit.
24. Pursuant to Water Code section 13399.30, subdivision (a)(2), the Santa Ana Water Board provides an NNC to any person that is identified to have failed to obtain coverage under an appropriate stormwater NPDES permit. The first NNC directs the Discharger within 30 days from the date on which the Santa Ana Water Board provided notice, to submit the appropriate NOI.
25. Pursuant to Water Code section 13399.30, subdivision (b), regional boards shall send a second NNC to a discharger who fails to submit the appropriate NOI within 30 days from the date on which the first notice was sent pursuant to 13399.30(a).
26. Pursuant to Water Code section 13399.30, subdivision (c)(2), if a discharger fails to submit the required NOI within 60 days from the date on which the first NNC was sent, and after receiving a second NNC, the regional boards shall impose the penalties described in Water Code section 13399.33, subdivision (a).

PROPOSED LIABILITY AND ASSESSMENT OF COSTS

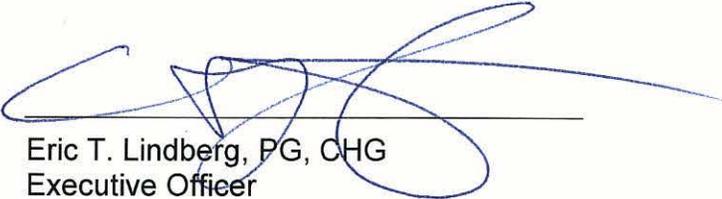
27. Pursuant to Water Code section 13399.33, subdivision (a)(1), the Santa Ana Water Board shall administratively impose a penalty in an amount that is not less than five thousand dollars (\$5,000) against a discharger who fails to submit the required NOI in accordance with Water Code section 13399.30. The Santa Ana Water Board shall impose this administrative civil liability unless it makes express findings setting forth the reasons for its failure to do so, based on specific factors required to be considered pursuant to Water Code section 13399.33, subdivision (a)(2).
28. Water Code section 13399.33, subdivision (d), further requires the recovery of costs incurred by the Santa Ana Water Board for enforcement actions against dischargers who fail to submit the required NOI in accordance with Water Code section 13399.30. Staff spent twenty-five point twenty-two (25.22) hours on this enforcement action resulting in total staff costs of three thousand four hundred dollars (\$3,400).
29. Therefore, the mandatory minimum liability for the violation alleged herein, including staff costs, is eight thousand four hundred dollars (\$8,400).

REGULATORY CONSIDERATIONS

30. 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.
31. 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.
32. 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).

K2 MINERALS, LLC IS HEREBY GIVEN NOTICE THAT:

33. The Prosecution Team of the Santa Ana Water Board proposes an administrative civil liability in the amount of eight thousand four hundred dollars (\$8,400). The amount of the proposed liability is based on the mandatory minimum penalties authorized to be imposed under Water Code section 13399.33, subdivisions (a)(1) and (d).
34. A hearing on this matter will be conducted at the Santa Ana Water Board meeting scheduled for June 12, 2026, unless one of the following 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 eight thousand four hundred dollars (\$8,400).
 - 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.



Eric T. Lindberg, PG, CHG
Executive Officer



Santa Ana Regional Water Quality Control Board

WAIVER FORM FOR ADMINISTRATIVE CIVIL LIABILITY COMPLAINT NO. R8-2026-0017

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

I am duly authorized to represent K2 Minerals, LLC in connection with Administrative Civil Liability Complaint No. R8-2026-0017 (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 K2 Minerals, LLC waives the hearing requirement and will pay the liability in full.)

- a. I hereby waive any right K2 Minerals, LLC may have to a hearing before the Santa Ana Water Board.
- b. I certify that K2 Minerals, LLC will remit payment for the proposed penalty in the full amount of **eight thousand four hundred dollars (\$8,400)** by submitting a check made payable to the *“Waste Discharge Permit Fund,”* that references *“Complaint No. R8-2026-0017.”*
- 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 Prosecution Team 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 K2 Minerals, LLC 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 K2 Minerals, LLC to further enforcement, including additional civil liability.

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(OPTION 2: Check here if K2 Minerals, LLC 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 K2 Minerals, LLC may have to a hearing before the Santa Ana Water Board within 90 days after service of the Complaint. By checking this box, K2 Minerals, LLC requests that the Santa Ana Water Board delay the hearing and/or hearing deadlines so that K2 Minerals, LLC 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

**DRAFT HEARING PROCEDURE
FOR ADMINISTRATIVE CIVIL LIABILITY COMPLAINT
R8-2026-0017**

**ISSUED TO
K2 MINERALS, LLC
SAN BERNARDINO COUNTY**

HEARING SCHEDULED FOR JUNE 12, 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 administrative civil liability, against any person who violates water quality requirements and California Water Code section 13323 authorizes the issuance of this Complaint. The Santa Ana Water Board's Prosecution Team has issued Administrative Civil Liability (ACL) Complaint R8-2026-0017 (Complaint) that proposes the Santa Ana Water Board impose a civil liability against K2 Minerals, LLC (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 June 12, 2026. The hearing will be held at the following location:

Inland Empire Utilities Agency
6075 Kimball Avenue, Building A
Chino, CA 91708

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 if the evidence supports the conclusion that the violation(s) likely occurred.

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 Administrative Civil Liability Complaint (Waiver Form)*, included with the Complaint, by the deadline listed under "Important Deadlines" below. 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. 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. The Enforcement Policy is available online at https://www.waterboards.ca.gov/water_issues/programs/enforcement/docs/2024/2024-enforcement-policy.pdf. 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
Nick Amini, Supervising Water Resource Control Engineer, Santa Ana Water Board
Michelle Beckwith, Senior Environmental Scientist (Sup.), Santa Ana Water Board
Kaitlin Diaz, Environmental Scientist, Santa Ana Water Board
Carson Capps, Attorney, 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. K2 Minerals, LLC
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 a 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 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 any other Party 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 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 listed in 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 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

Carson Capps, Attorney
Office of Enforcement, State Water Resources Control Board
801 K Street, Suite 2300, Sacramento, CA 95814
Carson.Capps@waterboards.ca.gov
(916) 341-5273

Respondent:

Wajhat Ahmed, Legally Responsible Person
K2 Minerals, LLC
10411 Live Oak
Fontana, CA 92337
wahmed@k2mineralsinc.com
(714) 875-7424

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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
March 16, 2026	Prosecution Team issues Complaint, Hearing Procedure, and other related materials	
March 23, 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.
March 30, 2026	Parties' deadline to submit objections to Party status requests	Section V.C.
	Respondent's deadline to submit Waiver Form	Section III
April 13, 2026	Interested Persons' deadline to submit written non-evidentiary policy statements	Section VI.A
April 27, 2026	Prosecution Team's deadline to submit prehearing evidence and argument (excluding rebuttal evidence)	Section VII.A
May 8, 2026	Remaining Parties' (including the Respondent(s)) deadline to submit prehearing evidence and argument (excluding rebuttal evidence)	Section VII.A
May 22, 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
May 29, 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
June 10, 2026	Parties' deadline to submit copy of visual presentations	Section IX.F
June 12, 2026	Hearing Date	