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## Santa Ana Regional Water Quality Control Board

September 15, 2025

Robinson Manufacturing, Inc.  
1136 South Richfield Road  
Placentia, CA 92870  
(Via Certified Mail)

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Don Robinson  
[dondrob@earthlink.net](mailto:dondrob@earthlink.net)  
(Via Email)

Antonio Acosta  
[tonyacosta@robinsonmfginc.com](mailto:tonyacosta@robinsonmfginc.com)  
(Via Email)

Donald Robinson  
Agent for Process for Robinson Manufacturing, Inc.  
1136 South Richfield Road  
Placentia, CA 92870  
(Via Certified Mail)

### **TRANSMITTAL OF ADMINISTRATIVE CIVIL LIABILITY COMPLAINT NO. R8-2025-0017, ROBINSON MANUFACTURING, INC.**

Dear Messrs. Robinson and Acosta:

Enclosed is Administrative Civil Liability Complaint No. R8-2025-0017 (Complaint) issued to Robinson Manufacturing, Inc. (hereafter referred to as Robinson Manufacturing or Discharger) pursuant to California Water Code sections 13323 and 13385. The Complaint alleges that Robinson Manufacturing has violated section 13385, subdivision (a), paragraph (2), for failing to submit Annual Reports pursuant to section XVI, subdivision (A), of 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 1136 South Richfield Road, in the city of Placentia.

This Complaint proposes that an administrative civil liability in the amount of **fifty thousand dollars (\$50,000)** be imposed.

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KRIS MURRAY, CHAIR | ERIC LINDBERG, EXECUTIVE OFFICER

3737 Main Street, Suite 500, Riverside 92501-3339 | [www.waterboards.ca.gov/santaana](http://www.waterboards.ca.gov/santaana)

A public hearing on this matter is scheduled for the Santa Ana Water Board meeting on December 12, 2025. Pursuant to Water Code section 13323, the Discharger has the option to waive its right to a hearing. Should Robinson Manufacturing waive its right to a hearing, as described in detail in the attached Waiver Form, the Santa Ana Water Board may not hold a public hearing on this matter.

If Robinson Manufacturing chooses to waive its right to a hearing, please sign and submit the enclosed Waiver Form. The Discharger may waive their right to a hearing and pay the proposed liability (Option #1), ask to enter settlement negotiations (Option #2), or request additional time including an explanation of need (Option #3).

The Discharger should submit the attached Waiver to the Advisory Team by contacting Heraclio Pimentel via email at [Heraclio.Pimentel@waterboards.ca.gov](mailto:Heraclio.Pimentel@waterboards.ca.gov) or via phone at (916) 323-1677. Counsel for the Santa Ana Water Board Prosecution Team, Catherine Hawe, must be copied on that email at [Catherine.Hawe@waterboards.ca.gov](mailto:Catherine.Hawe@waterboards.ca.gov). The Santa Ana Water Board Prosecution Team reserves the right to object to the Discharger's request to pursue Option #2.

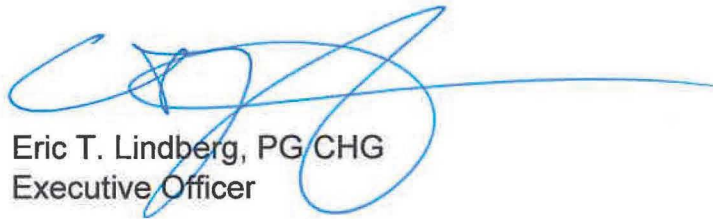
If the Discharger waives their right to a public hearing and pays the proposed liability, by selecting Option #1 and submitting full payment of the proposed liability as described in the Waiver, the December 12, 2025 hearing will not be held. Instead, this will be considered a tentative settlement of the alleged violations. The settlement will be brought before the Santa Ana Water Board or its delegee for approval following a 30-day public comment, starting from the day this Complaint is issued. Interested persons may submit comment on the proposed action during this period by submitting written comments to the Santa Ana Water Board staff via e-mail to [Michelle.Beckwith@waterboards.ca.gov](mailto:Michelle.Beckwith@waterboards.ca.gov).

If Robinson Manufacturing 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 Michelle Beckwith via phone at (951) 782-4433 or via email to [Michelle.Beckwith@waterboards.ca.gov](mailto:Michelle.Beckwith@waterboards.ca.gov) prior to **September 19, 2025**.

Procedural questions should be directed to the Advisory Team by contacting Heraclio Pimentel at the contact information listed above. The Hearing Procedures governing this enforcement action are included as an attachment.

If you have any questions regarding the Complaint or the enclosed documents, please contact Catherine Hawe, attorney for the Santa Ana Water Board Prosecution Team, via email at [Catherine.Hawe@waterboards.ca.gov](mailto:Catherine.Hawe@waterboards.ca.gov) or via phone at (916) 322-3538.

Sincerely,



Eric T. Lindberg, PG CHG  
Executive Officer

enclosures: Administrative Civil Liability Complaint No. R8-2025-0017  
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  
Carson Capps, Santa Ana Water Board Prosecution Team Attorney  
James Fortuna, Orange County, NPDES Coordinator  
Chris Tanio, City of Placentia, NPDES Coordinator



## Santa Ana Regional Water Quality Control Board

### IN THE MATTER OF:

Robinson Manufacturing, Inc.	)	Complaint No. R8-2025-0017
1136 South Richfield Road	)	for
Placentia, CA 92870	)	Administrative Civil Liability

### INTRODUCTION

This Administrative Civil Liability Complaint (Complaint) is issued to Robinson Manufacturing, Inc., (hereafter referred to as Robinson Manufacturing or Discharger) by the Executive Officer of the California Regional Water Quality Control Board, Santa Ana Region (Santa Ana Water Board) on behalf of the Santa Ana Water Board Prosecution Team (collectively, the Parties) pursuant to California Water Code sections (Water Code) 13385 and 13323. This Complaint proposes to assess an administrative civil liability of \$50,000 based on evidence that the Discharger violated provisions of the Water Code through its failure to file Annual Reports for the 2021-2022 and 2022-2023 reporting years.

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

### BACKGROUND

1. The Discharger operates an industrial business, which is classified under Standard Industrial Classification (SIC) codes 3499 – Fabricated Metal Products, Not Elsewhere Classified, 3441 – Fabricated Structural Metal, and 3449 – Miscellaneous Structural Metal Work, is subject to the *General Permit for Stormwater Discharges Associated with Industrial Activities*, Order No. 2014-0057-DWQ, NPDES Permit No. CAS000001, (General Permit). The facility is located at 1136 South Richfield Road in the city of Placentia, California (Facility).
2. On August 30, 1995, the Discharger filed a Notice of Intent to comply with the terms of the General Permit and was assigned Waste Discharge Identification Number of 8 30I011852. General Permit section XVI.A. requires dischargers to certify and submit an Annual Report no later than July 15<sup>th</sup> of each report year. The Annual Report in the General Permit is required pursuant to Water Code section 13383.
3. Over the course of the Discharger's enrollment in the General Permit it has consistently failed to submit its Annual Report on time. Santa Ana Water Board staff have issued thirty-two (32) Notices of Non-Compliance (NNC) per the Stormwater Enforcement Act (Wat. Code § 13399.2 et seq.). These NNCs are

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based on late submission of Annual Reports and were sent to the Discharger 19 out of the last 20 years.

4. Specifically, as it pertains to violations alleged in this Complaint, the Discharger failed to submit its 2021-2022 and 2022-2023 Annual Report by their respective July 15 deadlines. The Discharger received two NNCs from the Santa Ana Water Board documenting the late submittal for both the 2021-2022 and 2022-2023 reporting years. These NNCs directed the Discharger to submit the Annual Report within 60 days of the first NNC to avoid the issuance of an administrative civil liability. The Discharger failed to submit the Annual Report as directed in the NNCs and therefore, both of these violations are subject to a mandatory penalty of no less than \$1,000 plus staff costs for each reporting year as authorized by Water Code section 13399.33.
5. For the 2021-2022 Annual Report, NNCs were issued on August 2, 2022, and September 1, 2022, in accordance with Water Code section 13399.31, via United States Postal Service certified mail. In addition, email notices regarding the late Annual Report were sent to the Discharger on August 2, 2022, and September 1, 2022. The Discharger submitted its 2021-2022 Annual Report on September 29, 2023, 441 days late.
6. For the 2022-2023 Annual Report, NNCs were issued on August 1, 2023, and August 31, 2023, in accordance with Water Code section 13399.31, via United States Postal Service certified mail. In addition, email notices regarding the late annual report were sent to the Discharger on August 1, 2023, August 31, 2023, and September 25, 2023. Santa Ana Water Board staff also made phone contact with the Discharger on September 27, 2023, September 28, 2023, and September 29, 2023. To date, the Discharger has not submitted their 2022-2023 Annual Report.

### **ALLEGED VIOLATIONS**

7. **Violation 1:** The Discharger failed to submit its 2021-2022 Annual Report by July 15, 2022, for the July 1, 2021 through June 30, 2022 reporting period.
8. **Violation 2:** The Discharger failed to submit its 2022-2023 Annual Report by July 15, 2023, for the July 1, 2022 through June 30, 2023 reporting period.

### **LEGAL AUTHORITY**

9. Pursuant to Water Code section 13385, subdivision (a)(3), any person who violates any requirement established pursuant to Water Code section 13383, is subject to administrative civil liability pursuant to Water Code section 13385, subdivision (c)(1), in an amount not to exceed ten thousand dollars (\$10,000) for each day in which the violation occurs.

10. The Discharger is in violation of General Permit section XVI.A and Water Code section 13383 for failing to submit an Annual Report by the required deadline. The alleged violations are described in more detail in Attachment A, which is herein incorporated by reference. Pursuant to Water Code section 13385, subdivision (c), the alleged violations are subject to a liability of up to \$10,000 per day of violation.

#### **MINIMUM AND MAXIMUM ADMINISTRATIVE CIVIL LIABILITY**

11. Pursuant to Water Code section 13385, subdivision (e), liability must be assessed at a level that recovers the economic benefits, if any, derived from the acts that constitute the violation. The State Water Resources Control Board's Water Quality Enforcement Policy (Enforcement Policy) requires that the adjusted Total Base Liability Amount be at least ten percent higher than the Economic Benefit amount. The Economic Benefit totals \$7,242. Therefore, the minimum liability for the alleged violations is \$7,966.
12. Pursuant to Water Code section 13385, the maximum administrative civil liability for both violations is seven million three hundred thousand dollars (\$7,300,000), based on a calculation of the total number of days of violation multiplied by the statutory maximum penalty. The 2021-2022 Annual Report was due July 15, 2022 but was submitted by the Discharger until September 29, 2023. The 2022-2023 Annual Report was due on July 15, 2023, however, to date, the Discharger has not submitted its 2022-2023 Annual Report. The Santa Ana Water Board Prosecution Team has elected to use its prosecutorial discretion to cap both violations at 365 days of violation, for a total of 730 days of violation, subjecting the Discharger to a maximum civil liability of seven million three hundred thousand dollars (\$7,300,000 = 730 days x \$10,000).

#### **PROPOSED LIABILITY**

13. Pursuant to Water Code section 13385, subdivision (e), in determining the amount of civil liability, the regional board shall take into consideration the nature, circumstances, extent, and gravity of the violation or violations, whether the discharge is susceptible to cleanup or abatement, the degree of toxicity of the discharge, and, with respect to the violator, the ability to pay, the effect on the ability to continue in business, any voluntary cleanup efforts undertaken, any prior history of violations, the degree of culpability, economic benefit or savings, if any, resulting from the violation, and other matters as justice may require.
14. The State Water Board) adopted Resolution 2023-0043, thereby adopting the Enforcement Policy, which became effective on November 7, 2024. The Enforcement Policy establishes a methodology for assessing administrative civil liability. The use of this methodology addresses the factors that are required to be considered when imposing civil liability, including those set forth in Water Code section 13327 and 13385, subdivision (e). This policy can be found at:



[https://www.waterboards.ca.gov/water\\_issues/programs/enforcement/docs/2024/2024-enforcement-policy.pdf](https://www.waterboards.ca.gov/water_issues/programs/enforcement/docs/2024/2024-enforcement-policy.pdf).

15. A detailed description of the application of the penalty methodology is included as Attachment A and is incorporated by reference herein.
16. Based on consideration of the above facts and after applying the penalty methodology as shown in Attachment A, the Executive Officer of the Santa Ana Water Board proposes that civil liability be imposed administratively on the Discharger pursuant to Water Code section 13385, subdivision (c), in the amount of fifty thousand dollars (\$50,000).

### **REGULATORY CONSIDERATIONS**

17. Notwithstanding issuance of this Complaint, the Santa Ana Water Board retains the authority to assess administrative civil liability or otherwise pursue any enforcement action authorized by law for any violations that have not yet been assessed or for violations that may subsequently occur.
18. 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 impose, and the proposed administrative civil liability.
19. 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).
20. Payment of the assessed liability does not absolve the Discharger from complying with the General Permit.

### **ROBINSON MANUFACTURING, INC. IS HEREBY GIVEN NOTICE THAT:**

21. The Santa Ana Water Board Prosecution Team proposes an administrative civil liability in the amount of fifty thousand dollars (\$50,000). The amount of the proposed civil liability is based upon a review of the factors cited in Water Code section 13385, subdivision (e), as well as the Enforcement Policy, and includes consideration of the economic benefit or savings resulting from violations.
22. A hearing on this matter will be held at a regular meeting before the Santa Ana Water Board on December 12, 2025 at the Orange County Sanitation District, located at 18480 Bandilier Circle, Fountain Valley, CA 92708, in accordance with the Hearing Procedure issued concurrently with this Complaint, 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 of the proposed liability of fifty thousand dollars (\$50,000).
- b. The Discharger waives the 90-day hearing requirement in order to extend the hearing date (checking the box next to Option 2) and returning it to the Santa Ana Water Board, along with rationale for the extension.



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Eric T. Lindberg, PG CHG  
Executive Officer



**ATTACHMENT A**  
**Specific Factors Considered for**  
**Administrative Civil Liability Complaint No. R8-2025-0017**  
**Robinson Manufacturing, Inc.**

Robinson Manufacturing, Inc. is alleged to have violated the *General Permit for Storm Water Discharges Associated with Industrial Activities*, Order No. 2014-0057-DWQ, National Pollutant Discharge Elimination System (NPDES) Permit No. CAS000001 (General Permit) at its industrial facility located at 1136 South Richfield Road in the City of Placentia (Facility). The Discharger obtained coverage under the General Permit by submitting a Notice of Intent (NOI) on August 30, 1995, and was assigned Waste Discharge Identification Number 8 30I011852 thereby becoming subject to all provisions of the General Permit.

The State Water Resources Control Board's Water Quality 2024 Enforcement Policy ([Enforcement Policy](#))<sup>1</sup> establishes a methodology for determining administrative civil liability by addressing the factors that are required to be considered under California Water Code (Water Code) section 13385, subdivision (e). Each factor of the ten-step approach and its application to each violation is discussed below, as is the basis for assessing the corresponding score.

**Violation 1: The Discharger failed to submit its 2021-2022 Annual Report on July 15, 2022, as required by the General Permit.**

General Permit section XVI.A. requires dischargers to certify and submit, via the online database Stormwater Multiple Application and Report Tracking System (SMARTS), an Annual Report no later than July 15th of each reporting year using the standardized format in SMARTS. For the 2021-2022 reporting year, the Discharger should have submitted its Annual Report by July 15, 2022. The Discharger submitted its 2021-2022 Annual Report on September 29, 2023. The Annual Report was 441 days late, but the Santa Ana Regional Water Quality Control Board Prosecution Team (Santa Ana Water Board Prosecution Team) has exercised its discretion to end the period of violation on the last day before the next Annual Report is due, resulting in 365 total days of alleged violation. Water Code section 13385 subdivision (c) authorizes the Santa Ana Water Board to assess a penalty of up to \$10,000 for each day of violation.

**ENFORCEMENT POLICY – PENALTY CALCULATION**

**Step 1 and Step 2 – Actual or Potential for Harm for Discharge Violations and Assessments for Discharge Violations**

These steps are not applicable to the violation because this is a non-discharge violation.

**Step 3 – Per Day Assessments for Non-Discharge Violations**

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<sup>1</sup> The violations alleged in this complaint pre-date the effective date of the 2024 Enforcement Policy, therefore, consistent with Attachment D to the Enforcement Policy, substantive changes included in the 2024 Enforcement Policy are not applied to these violations.

Step 3 of the Enforcement Policy directs the Santa Ana Water Board to calculate a per day factor for non-discharge violations by considering the Potential for Harm and Deviation from Requirement using Table 3 in the Enforcement Policy.

Potential for Harm: Moderate

The Discharger's failure to submit the 2021-2022 Annual Report by the General Permit's deadline has a moderate potential for harm because it substantially impaired the Santa Ana Water Board's ability to perform its regulatory functions. The Annual Report provides important information to the Santa Ana Water Board about the Discharger's facility which is necessary in order to implement the industrial stormwater program. Because the Discharger did eventually submit the Annual Report, the Santa Ana Water Board has access to the necessary data to ensure compliance and protect water quality but not in a timely manner. Therefore, the potential for harm is moderate.

Deviation from Requirement: Moderate

A moderate deviation from requirement is appropriate because the General Permit requires submittal of an Annual Report each year for all facilities enrolled with NOI coverage. The Discharger's late submittal of its Annual Report partially compromised the intended effectiveness of the General Permit's reporting requirement. Santa Ana Water Board staff were able to eventually review the Discharger's Annual Report, but it was significantly after the required deadline. Therefore, the deviation from requirement is moderate.

Per Day Factor: 0.35

Using a moderate Potential for Harm and a moderate Deviation from Requirement, the per day factor for this violation from Table 3 of the 2024 Enforcement Policy is 0.35.

Days of Violation:

Days of violation for Violation 1 began to accrue on July 16, 2022, the first date on which the Annual Report was late. The Discharger submitted its 2021-2022 Annual Report on September 29, 2023, 441 days after the deadline. The Santa Ana Water Board Prosecution Team is exercising its discretion to end the period of violation on the last day before the next Annual Report is due, resulting in 365 days of violation for Violation 1.

Multiple Day Violation Reduction:

The Discharger's failure to submit its 2021-2022 Annual Report did not cause daily detrimental impacts to the environment and did not cause daily detrimental impacts to the regulatory program. Failure to submit the Annual Report does not have a daily detrimental impact to the environment because the Discharger is still required to implement all Best Management Practices (BMPs) and otherwise comply with the provisions of the General Permit. Nor does the failure to submit the Annual Report result in a daily detrimental impact to the regulatory program. Therefore, the Santa Ana Water Board Prosecution Team has elected to reduce the days of violation as allowed by the Enforcement Policy.

Based on the application of the multiple day reduction, the total number of days of violation for Violation 1 is  $(30 + (30/5) + (365-60)/30) = 36+10= 46$ .

Initial Liability Amount:

\$10,000 [maximum statutory liability per day violation] x 46 [days of violation] x 0.35 [per day factor]

$$\mathbf{\$10,000 \times 46 \text{ days} \times 0.35 = \$161,000}$$

**Step 4 – Adjustment Factors**

The Enforcement Policy then requires consideration of the discharger's conduct, specifically, the discharger's culpability, degree of cleanup and cooperation, and compliance history.

Culpability: 1.3

For culpability, the Enforcement Policy prescribes an adjustment using a multiplier between 0.75 to 1.5. The lower multiplier applies to accidental incidents and the higher multiplier for intentional and negligent behavior.

The Discharger has been negligent in its failure to submit its Annual Report on time. The Discharger has been consistently late in submitting its Annual Report almost every year it has been enrolled in the General Permit, starting in 1996. Throughout the Discharger's enrollment in the General Permit, Santa Ana Water Board staff engaged in outreach to remind the Discharger of the requirement to submit its Annual Report. Santa Ana Water Board staff has issued Notices of Non-Compliance (NNCs) pursuant to Water Code section 13399.25 et seq. to the Discharger providing specific instructions on how to submit the Annual Report and indicating that the Annual Report was past due for 19 out of the Discharger's 29 years it has been enrolled in the General Permit. The NNCs relevant to this violation were sent on August 2, 2022, and September 2, 2022, and were received by the Discharger as confirmed by United States Postal Service certified mail return receipts. Therefore, a factor of 1.3 is assigned for Culpability.

### History of Violations: 1.0

The Discharger does not have a history of violations that have been formally adjudicated by the Santa Ana Water Board. Therefore, a neutral factor of 1.0 is applied.

### Cleanup and Cooperation: 1.3

This factor reflects the extent to which a discharger voluntarily cooperates in returning to compliance and correcting environmental damage. A multiplier between 0.75 and 1.5 is to be used, with a higher multiplier reflecting a lack of cooperation in obtaining compliance.

The Discharger was uncooperative with Santa Ana Water Board staff, who attempted to assist the Discharger in correcting conditions of noncompliance. Despite having received two NNCs specifically related to the 2021-2022 Annual Report, dated August 2, 2022, and September 1, 2022, the Discharger did not submit its Annual Report until September 29, 2023, after the final deadline of September 30, 2022. In addition to the NNCs, Santa Ana Water Board staff attempted to contact the Discharger by phone and email on September 22, 2022 and September 26, 2022. Therefore, a factor of 1.3 is assigned for Cleanup and Cooperation.

## **Step 5 – Determination of Total Base Liability Amount**

The Total Base Liability Amount for the violation is determined by multiplying the Initial Liability Amount determined in Step 3 by the Step 4 adjustment factors.

\$161,000 [initial liability amount] x 1.3 [culpability] x 1.0 [violation history] x 1.3 [cleanup and cooperation]

$$\mathbf{\$161,000 \times 1.3 \times 1.0 \times 1.3 = \$272,090}$$

Steps 6 through 10 are applied to the combined Total Base Liability Amount for all violations and will be discussed after the Total Base Liability Amount has been determined for the remaining violations.

### **Violation 2: The Discharger failed to submit its 2022-2023 Annual Report on July 15, 2023, as required by the General Permit.**

General Permit section XVI.A. requires dischargers to certify and submit, via the online database Stormwater Multiple Application and Report Tracking System (SMARTS), an Annual Report no later than July 15th of each reporting year using the standardized format in SMARTS. For the 2022-2023 reporting year, the Discharger should have submitted its Annual Report by July 15, 2023. The Discharger failed to submit the 2022-2023 Annual Report. The Annual Report is over 365 days late, but the Santa Ana Water Board Prosecution Team has exercised discretion to end the period of violation on the last day

before the next Annual Report is due, even though the violation is ongoing, resulting in 365 days of violation. Water Code section 13385 subdivision (c) authorizes the Santa Ana Water Board to assess a penalty of up to \$10,000 for each day of violation.

### **Step 1 and Step 2 – Actual or Potential for Harm for Discharge Violations and Assessments for Discharge Violations**

These steps are not applicable to the violation because this is a non-discharge violation.

### **Step 3 – Per Day Assessments for Non-Discharge Violations**

Step 3 of the Enforcement Policy directs the Santa Ana Water Board to calculate a per day factor for non-discharge violations by considering the Potential for Harm and Deviation from Requirement using Table 3 in the Enforcement Policy.

Potential for Harm: Moderate

The Discharger's failure to submit the 2022-2023 Annual Report by the General Permit's deadline has a moderate potential for harm because it substantially impaired the Santa Ana Water Board's ability to perform its regulatory functions. The Annual Report provides important information to the Santa Ana Water Board about the Discharger's facility which is necessary in order to implement the industrial stormwater program. The Discharger has not submitted the Annual Report to date so the impact to the regulatory function is increased. However, Santa Ana Water Board staff have access to historic data from this Facility to reference. Therefore, the potential for harm is moderate.

Deviation from Requirement: Major

A major deviation from requirement is appropriate because the General Permit requires submittal of an Annual Report each year for all facilities enrolled with NOI coverage. The Discharger's continued failure to submit the 2022-2023 Annual Report has totally compromised the intended effectiveness of the General Permit's reporting requirement. Therefore, the deviation from requirement is major.

Per Day Factor: 0.55

Using a moderate Potential for Harm and a major Deviation from Requirement, the per day factor for this violation from Table 3 of the 2024 Enforcement Policy is 0.55.

Days of Violation:

Days of violation for Violation 2 began to accrue after the Discharger missed the July 15, 2023 deadline for submission of their Annual Report. As of September 15, 2025, the Discharger has not submitted the 2022-2023 Annual Report. The Santa Ana Water Board Prosecution Team is exercising its discretion to end the period of violation on the last day before the next Annual Report is due, resulting in 365 days of violation for Violation 2.

Multiple Day Violation Reduction:

The Discharger's failure to submit its 2022-2023 Annual Report did not cause daily detrimental impacts to the environment and did not cause daily detrimental impacts to the regulatory program. Failure to submit the Annual Report does not have a daily detrimental impact to the environment because the Discharger is still required to implement all Best Management Practices (BMPs) and otherwise comply with the provisions of the General Permit. Nor does the failure to submit the Annual Report result in a daily detrimental impact to the regulatory program. Therefore, the Santa Ana Water Board Prosecution Team has elected to reduce the days of violation as allowed by the Enforcement Policy.

Based on the application of the multiple day reduction, the total number of days of violation for Violation 2 is  $(30 + (30/5) + (365-60)/30) = 36+10= 46$ .

Initial Liability Amount:

$\$10,000$  [maximum statutory liability per day violation] x 46 [days of violation] x 0.55 [per day factor]

$$\mathbf{\$10,000 \times 46 \text{ days} \times 0.55 = \$253,000}$$

**Step 4 – Adjustment Factors**

The Enforcement Policy then requires consideration of the discharger's conduct, specifically, the discharger's culpability, degree of cleanup and cooperation, and compliance history.

Culpability: 1.4

For culpability, the Enforcement Policy prescribes an adjustment using a multiplier between 0.75 to 1.5. The lower multiplier applies to accidental incidents and the higher multiplier for intentional and negligent behavior.

The Discharger has been negligent in its failure to submit its Annual Report. The Discharger has been consistently late in submitting its Annual Report almost every year it has been enrolled in the General Permit, starting in 1996. The Discharger's culpability increased between Violations 1 and 2 because the Discharger received additional



outreach and education from Santa Ana Board staff between the due dates of the 2021-2022 Annual Report and the 2022-2023 Annual Report. Throughout the Discharger's enrollment in the General Permit, Santa Ana Water Board staff engaged in outreach to remind the Discharger of the requirement to submit its Annual Report. Santa Ana Water Board staff has issued NNCs pursuant to Water Code section 13399.25 et seq. to the Discharger providing specific instructions on how to submit the Annual Report and indicating that the Annual Report was past due for 19 out of the Discharger's 29 years it has been enrolled in the General Permit. The NNCs relevant to this violation were sent on August 1, 2023, and August 31, 2023, and were received by the Discharger as confirmed by United States Postal Service certified mail return receipts. Therefore, a factor of 1.4 is assigned for Culpability.

#### History of Violations: 1.0

The Discharger does not have a history of violations that have been formally adjudicated by the Santa Ana Water Board. Therefore, a neutral factor of 1.0 is applied.

#### Cleanup and Cooperation: 1.4

This factor reflects the extent to which a discharger voluntarily cooperates in returning to compliance and correcting environmental damage. A multiplier between 0.75 and 1.5 is to be used, with a higher multiplier when there is a lack of cooperation.

The Discharger was uncooperative with the Santa Ana Water Board's staff, who attempted to assist the Discharger in correcting conditions of noncompliance. Despite having received two NNCs specifically related to the 2022-2023 Annual Report, dated August 1, 2023 and August 31, 2023, to date, the Discharger has not submitted this Annual Report. In addition to the NNCs, Santa Ana Water Board staff contacted the Discharger by phone on September 27, 2023, September 28, 2023, and September 29, 2023, as well as by email on August 1, 2023, August 31, 2023, and September 25, 2023. Therefore, a factor of 1.4 is assigned for Cleanup and Cooperation.

### **Step 5 – Determination of Total Base Liability Amount**

The Total Base Liability Amount for the violation is determined by multiplying the Initial Liability Amount determined in Step 3 by the Step 4 adjustment factors.

\$253,000 [initial liability amount] x 1.4 [culpability] x 1.0 [violation history] x 1.4 [cleanup and cooperation] =

$$\mathbf{\$253,000 \times 1.4 \times 1.0 \times 1.4 = \$495,880}$$

### **Combined Base Liability Amount for All Violations**

The combined Total Base Liability for Violations 1 and 2 is determined by adding the base liability amount of each violation.

$\$272,090$  [Violation 1] +  $\$495,880$  [Violation 2] = Combined Total Base Liability

**$\$272,090 + \$495,880 = \$767,970$**

### **Step 6 – Economic Benefit**

Estimated Economic Benefit: \$7,242

The Enforcement Policy requires the Economic Benefit Amount to be estimated for every violation. The economic benefit is any savings or monetary gain derived from the act or omission that constitutes the violation.

The Enforcement Policy provides that the United States Environmental Protection Agency's Economic Benefit of Noncompliance Model (BEN model) should be used to calculate the economic benefit equal to the present value of the avoided costs plus the "interest" on delayed costs. This calculation reflects the fact that the Discharger has had the use of the money that should have been used to avoid the instance of noncompliance. Using the BEN Model, the Discharger has derived an economic benefit of \$7,242.

Pursuant to California Water Code section 13385 subdivision (e), civil liability, at a minimum, must be assessed at a level that recovers the economic benefit, if any, derived from the acts that constitute a violation. The alleged violations resulted in avoided expenses that have significantly benefited the Discharger.

### **Step 7 – Other Factors as Justice May Require**

In accordance with Step 7 of the Enforcement Policy, the total base liability amount may be adjusted under the provision for "other factors as justice may require" if express findings are made. The Prosecution Team believes that the amount of \$767,970 is disproportionate to assessments for similar conduct under the Stormwater Enforcement Act of 1998. The Storm Water Enforcement Act requires that a mandatory minimum penalty of \$1,000 plus staff costs be assessed for each missing report. The Discharger's conduct here, as described in the above analysis, warrants the assessment of discretionary penalties that are greater than the mandatory minimum penalty under the Storm Water Enforcement Act, but less than the statutory maximum under Water Code section 13385.

In addition, the Santa Ana Water Board Prosecution Team notes that the Facility is located in a designated Disadvantaged Community as described in the Enforcement Policy. According to CalEnviroScreen, a tool developed by the California Office of

Environmental Health Hazard Assessment for purposes of identifying impacted communities by taking into consideration pollutant exposure and its effects, as well as health and socioeconomic status, the Facility is located in a census tract with a score of 95 out of 100 for pollution. Resolution R8-2024-0029, adopted on March 15, 2024, reaffirmed the Santa Ana Water Board's commitment to uphold the human right to water, protect public health, beneficial uses, and particularly address communities that carry a disproportionate burden from environmental pollution within the Santa Ana River watershed. Therefore, residents in this community bear a disproportionate burden of pollution and it is appropriate to impose a liability greater than the amount authorized pursuant to the Stormwater Enforcement Act.

Thus, the Prosecution Team proposed an adjustment yielding a total base liability amount of \$50,000.

The Santa Ana Water Board Prosecution Team accrued \$7,784 in staff costs associated with the investigation and preparation of the violations alleged herein. However, consistent with the discussion above, the Prosecution Team has not elected to seek reimbursement of these costs due to the overall total liability.

### **Step 8 – Ability to Pay and Ability to Continue in Business**

The Enforcement Policy provides that if there is sufficient financial information available to assess the violator's ability to pay the Total Base Liability Amount or to assess the effect of the Total Base Liability Amount on the violator's ability to continue in business, the Total Base Liability Amount may be adjusted to address the ability to pay or to continue in business. There is no obligation to ensure that a violator has the ability to pay or continue in business, but, rather, the Santa Ana Water Board is obligated to consider these factors when imposing a civil liability under the Water Code.

The Santa Ana Water Board Prosecution Team has sufficient financial information necessary to suggest that the Discharger has the ability to pay the proposed civil liability. The Discharger's Business Profile Record reported sales from the Facility in 2023 to exceed \$7,156,000. Based on this publicly available information, the Discharger has the ability to pay the proposed penalty and remain in business.

### **Step 9 – Maximum and Minimum Liability Amounts**

The Enforcement Policy directs the Santa Ana Water Board to consider the maximum and minimum liability amounts for each alleged violation.

#### **Maximum Liability Amount: \$7,300,000**

The maximum liability is set by statute. Water Code section 13385 allows the Santa Ana Water Board to impose daily liability in an amount not to exceed \$10,000 per day, per violation. The maximum liability amount for Violation 1 is \$3,650,000 = \$10,000 x 365

days. The maximum liability amount for Violation 2 is  $\$3,650,000 = \$10,000 \times 365$  days. Total maximum liability is  $\$3,650,000 + \$3,650,000 = \$7,300,000$ .

Minimum Liability Amount: \$7,966

The Santa Ana Water Board is bound by statute to recover, at minimum, the economic benefit to the violator in an action for violations of Water Code section 13385. The Santa Ana Water Board should strive to impose civil liabilities 10 percent greater than the economic benefit to the violator. The Enforcement Policy states that “the adjusted Total Base Liability Amount should be at least 10 percent higher than the Economic Benefit Amount so that liabilities are not construed as the cost of doing business and that the assessed liability provides a meaningful deterrent to future violations”. The minimum liability amount is \$7,966 ( $\$7,242 \times 1.1$ ).

### **Step 10 – Final Proposed Liability Amount**

Final Proposed Liability Amount: \$50,000

Based on the foregoing analysis, and consistent with the Enforcement Policy, the final liability amount proposed for the failure to submit the annual reports is \$50,000.

## Santa Ana Regional Water Quality Control Board

### WAIVER FORM FOR ADMINISTRATIVE CIVIL LIABILITY COMPLAINT NO. R8-2025-0017

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

I am duly authorized to represent Robinson Manufacturing, Inc. in connection with Administrative Civil Liability Complaint No. RB-2025-0017 (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 [with the Complaint]. The person who has been issued a complaint may waive the right to a hearing.*"

☐ **(OPTION 1: Check here if Robinson Manufacturing, Inc. waives the hearing requirement and will pay the liability in full.)**

- a. I hereby waive any right Robinson Manufacturing, Inc. may have to a hearing before the Santa Ana Regional Water Quality Control Board (Santa Ana Water Board).
- b. I certify that Robinson Manufacturing, Inc. will remit payment for the proposed civil liability in the full amount of fifty thousand dollars (\$50,000) by submitting a check that references *Complaint No. RB-2025-0017*, made payable to the *State Water Resources Control Board - Cleanup and Abatement Account*. Proof of payment must be received by the Santa Ana Water Board office no later than October 30, 2025, or the Santa Ana Water Board may adopt an Order requiring payment.
- 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, 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 Robinson Manufacturing, Inc. having waived the right to contest the allegations in the Complaint and the imposition of civil liability.

Waiver

- 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 the Discharger to further enforcement, including additional civil liability.

- ☐ ***(OPTION 2: Check here if Robinson Manufacturing, Inc. waives the 90-day hearing requirement in order to engage in settlement discussions.)***

I hereby waive any right Robinson Manufacturing, Inc. may have to a hearing before the Santa Ana Water Board within 90 days after service of the Complaint, but I reserve the ability to request a hearing in the future. I certify that Robinson Manufacturing, Inc. will promptly engage the Santa Ana Water Board Prosecution Team in settlement discussions to attempt to resolve the outstanding violation(s). It remains within the discretion of the Santa Ana Water Board to agree to delay the hearing. Any proposed settlement is subject to the conditions described above under "Option 1."

- ☐ ***(OPTION 3: Check here if Robinson Manufacturing, Inc. 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 Robinson Manufacturing, Inc. may have a hearing before the Santa Ana Water Board within 90 days after service of the Complaint. By checking this box, Robinson Manufacturing, Inc. requests that the Santa Ana Water Board delay the hearing and/or hearing deadlines so that the Discharger 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.

\_\_\_\_\_  
(Print Name and Title)

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)



**California Regional Water Quality Control Board, Santa Ana Region**

**HEARING PROCEDURE  
FOR ADMINISTRATIVE CIVIL LIABILITY COMPLAINT  
R8-2025-0017**

**ISSUED TO  
ROBINSON MANUFACTURING, INC.  
ORANGE COUNTY**

**HEARING SCHEDULED FOR DECEMBER 12, 2025**

**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 13323 authorizes the California Regional Water Quality Control Board, Santa Ana Region (Regional Water Board) to impose a fine, called administrative civil liability, against any person who violates water quality requirements. The Regional Water Board's Prosecution Team has issued an Administrative Civil Liability (ACL) Complaint that proposes the Regional Water Board impose civil liability against Robinson Manufacturing, Inc. (Respondent) for the violations alleged in the ACL Complaint.

**I. HEARING DATE AND LOCATION**

The Regional Water Board has scheduled a hearing to consider this matter on December 12, 2025. At the hearing, the Regional Water Board will consider evidence regarding the violation(s) alleged in the ACL Complaint. After considering the evidence, the Regional Water Board may impose the proposed civil liability, impose a higher or lower amount, or decline to impose any liability.

The hearing will be held at the following location:

Orange County Sanitation District  
18480 Bandilier Circle  
Fountain Valley, CA 92708

The Regional Water Board's meeting agenda will be issued at least ten days before the meeting and posted on the Regional Water Board's website at [https://www.waterboards.ca.gov/santaana/board\\_info/agendas/2025\\_agendas.html](https://www.waterboards.ca.gov/santaana/board_info/agendas/2025_agendas.html). The hearing may be rescheduled or continued to a later date. Please check the Regional 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 Regional Water Board, or another member of the Regional Water Board designated in writing by the Chair of the Regional Water Board.

## III. HEARING WAIVER

Water Code section 13323, subdivision (b), requires a hearing on the ACL Complaint within 90 days of service of the ACL 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 ACL Complaint, contingent on the Regional 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 ACL 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 ACL 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](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**

Regional Water Board staff and attorneys that have prepared the ACL Complaint (Prosecution Team) have been separated from Regional Water Board staff and attorneys that will advise the Regional Water Board on the ACL Complaint (Advisory Team). The Prosecution Team will present evidence for consideration by the Regional Water Board. The Advisory Team provides legal and technical advice to the Regional Water Board. Members of the Advisory Team and the Prosecution Team are identified below.

### Advisory Team:

Alan Kuoch, Supervising Engineering Geologist, Regional Water Board  
Heraclio Pimentel, Attorney III, Office of Chief Counsel

### Prosecution Team:

Eric Lindberg, P.G., C.H.G., Executive Officer, Regional Water Board  
Michelle Beckwith, Senior Environmental Scientist (Sup.), Regional Water Board  
Katie Barbour, Environmental Scientist, Regional Water Board  
Nick Amini, Supervising Water Resource Control Engineer, Regional Water Board  
Carson Capps, Attorney, Office of Enforcement  
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 Regional Water Board in other, unrelated matters, and other members of the Prosecution Team may have previously acted as advisors to the Regional Water Board in other, unrelated matters, but no members of the Prosecution Team are advising the Regional Water Board in this proceeding. Members of the Prosecution Team have not had any substantive ex parte communications with the Regional Water Board or the Advisory Team regarding this proceeding.

## **C. Ex Parte Communications**

Any communication regarding any issue in this proceeding to a Regional 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 Regional Water Board and Advisory Team.

The following are Parties to this proceeding:

1. Regional Water Board Prosecution Team
2. Robinson Manufacturing, Inc.
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 ACL 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 Regional 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 Regional 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 Regional 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 Regional 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 Regional 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 ACL 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 ACL 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](mailto:Alan.Kuoch@waterboards.ca.gov)  
(951) 394-9475

Heraclio Pimentel, Attorney III  
Office of Chief Counsel, State Water Resources Control Board  
1001 I Street Sacramento, CA 95814  
[Heraclio.Pimentel@waterboards.ca.gov](mailto: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](mailto: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](mailto:Catherine.Hawe@waterboards.ca.gov)  
(916) 322-3538

**Respondent:**

Don Robinson, Owner  
Robinson Manufacturing, Inc.  
1136 South Richfield Road  
Placentia, CA 92870  
[dondrob@earthlink.com](mailto:dondrob@earthlink.com)  
(714) 524-7395

Left intentionally blank.

### **IMPORTANT DEADLINES**

*Note: Where a deadline falls on a weekend or state holiday, the deadline is extended to the following business day.*

<b>Deadline</b>	<b>Event</b>	<b>Hearing Procedure Section</b>
<b>September 15, 2025</b>	Prosecution Team issues ACL Complaint, Hearing Procedure, and other related materials	
<b>September 24, 2025</b>	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.
<b>September 30, 2025</b>	Parties' deadline to submit objections to party status requests	Section V.C.
	Respondent's deadline to submit Waiver Form	Section III
<b>October 15, 2025</b>	Interested Persons' deadline to submit written non-evidentiary policy statements	Section VI.A
<b>October 29, 2025</b>	Prosecution Team's deadline to submit prehearing evidence and argument (excluding rebuttal evidence)	Section VII.A
<b>November 10, 2025</b>	Remaining Parties' (including the Respondent(s)) deadline to submit prehearing evidence and argument (excluding rebuttal evidence)	Section VII.A
<b>November 24, 2025</b>	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
<b>December 1, 2025</b>	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
<b>December 11, 2025</b>	Parties' deadline to submit copy of visual presentations	Section IX.F
<b>December 12, 2025</b>	Hearing Date(s)	