

HEARING PROCEDURE

Administrative Civil Liabilities Against

Mr. Robert French

Circle A Gas Station

Marysville, Yuba County

This is the time and place for a public hearing to receive relevant evidence and testimony regarding the proposed ACL Complaint. At the hearing, the Regional Board will consider whether to adopt the proposed assessment, modify it or reject it. If it adopts an assessment the Regional Board will issue an Administrative Civil Liability Order.

This hearing will be conducted in accordance with the Meeting Procedures published with the meeting agenda and with the applicable Notice of Public Hearing.

The Regional Board will be advised by Pamela Creedon, Executive Officer of the Regional Board, Ken Landau, Assistant Executive Officer, and Lori Okun, Senior Staff Counsel for the Regional Board. The Regional Board's Enforcement Team is comprised of Mr. Jack Del Conte, Assistant Executive Officer, Mr. Brian Newman, Supervising WRC Engineer, Mr. Joseph Mello, Sr. Engineering Geologist, and Mr. Michael Kenning, Engineering Geologist. Patrick Pulupa, Staff Counsel, will represent the Enforcement Staff at the Regional Board hearing. The Board Members, the EO, and Lori Okun have not engaged in any substantive conversations regarding the issues involved in this proceeding with the Enforcement Team or its representative. Pamela Creedon conducts general oversight over the staff's enforcement activities, but has not exercised any authority or

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discretion over the Enforcement Team with respect to this matter. Lori Okun is normally assigned to supervise Patrick Pulupa, however, she is not acting as his supervisor for this proceeding. Patrick Pulupa is currently advising the Regional Board in other, unrelated matters, but neither he nor the Enforcement Team will be advising the Regional Board in this matter. The Enforcement Team is considered a party for the purposes of this proceeding.

At this time evidence should be introduced on the following issues:

- 1. Whether Mr. Robert French violated provisions of Cleanup and Abatement Order No. R5-2006-0722, and;**
- 2. Whether the Board should order Mr. Robert French to pay an Administrative Civil Liability penalty totaling \$50,000, or some other amount, for the violation, or whether the Board should take some alternate action.**

All persons expecting to testify, please stand at this time, raise your right hand and take the following oath:

**"Do you swear the testimony you are about to give is the truth?"
If so, answer "I do."**

Designated parties are as follows:

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- **Regional Board Enforcement staff**
- **Mr. Robert French**

The Designated Parties are subject to cross-examination.

The Regional Board staff and Mr. Robert French will each be allowed a total of 25 minutes during this hearing for direct testimony, rebuttal testimony, cross-examination of other designated parties, and any other presentation to the Board. The Parties may use their time as they choose. The Chair may modify these procedures and time allocations as needed and upon request. The timer will be adjusted to show the time remaining for the party speaking. At the discretion of the Chair, the timer may be stopped for procedural discussions, questions from Board members, or other causes.

All other parties are interested persons, and shall limit their testimony to three (3) minutes.

A timer will be used.

The order of this hearing is as follows:

- 1. Testimony by Regional Board staff followed by cross-examination of Regional Board staff**
- 2. Testimony by Mr. Robert French, followed by cross-examination of Mr. Robert French**
- 3. Comments by interested persons**
- 4. Rebuttal Testimony and Closing Statement by Mr. Robert French**

