



North Coast Regional Water Quality Control Board

Notice of Public Hearing and Hearing Procedure

Draft Time Schedule Order No. R1- 2025-XXXX

Sexton Properties, LLC
Humboldt Assessor Parcel Number 217-391-007-000

Notice of Public Hearing
Miners Inn Convention Center 202 N. Main St., Yreka, CA
May 7-8, 2025
Remote and In-Person Meeting

Administrative Hearing to Consider Adoption of Time Schedule and Investigative Order No. R1-2025-00XX Requiring Sexton Properties, LLC to Comply with Requirements Prescribed in Cleanup and Abatement and Investigative Order No. R1-2023-0054.

On February 18, 2025, the Executive Officer of the North Coast Regional Water Quality Control Board (North Coast Water Board or Board) was notified the above referenced Investigative and Time Schedule Order (Order) was issued to Sexton Properties LLC (Respondent or Sexton). The draft Order alleges that Sexton has failed to comply with requirements established in Cleanup and Abatement Order No. R1-2023-0054 (Cleanup Order) regarding Humboldt Assessor Parcel No. 217-391-007-000 (Property). The draft Order proposes a time schedule and establishes new deadlines to resolve the ongoing alleged violations of the Cleanup Order pursuant to Water Code section 13308. The draft Order also incorporates existing obligations imposed on Sexton under the Cleanup Order pursuant to Water Code section 13267.

The North Coast Water Board will hold a hearing to consider the draft Order at its upcoming public meeting scheduled for May 7-8, 2025. At the public hearing the North Coast Water Board will consider whether to affirm, reject, or modify the draft Order.

HECTOR BEDOLLA, CHAIR | VALERIE QUINTO, EXECUTIVE OFFICER

5550 Skylane Blvd., Suite A, Santa Rosa, CA 95403 | www.waterboards.ca.gov/northcoast

In Person and Video and Teleconference Meeting

This meeting is scheduled to occur with both a physical meeting location and an option for the public to participate from a remote location.

Live video and audio broadcasts of the public hearing will be available via the internet and can be accessed at the at the live webcasts page at www.cal-span.org. The public hearing will be recorded. At this time, this meeting is scheduled to occur on May 7-8, 2025, and this matter could be heard on either of those days. In accordance with the Bagley-Keene Open Meeting Act (Gov. Code, § 11120 et seq.), an agenda will be posted to the Board's website at least 10 days in advance of the meeting. The agenda will specify the particular day of the hearing. Please follow the [North Coast Water Board website](http://www.waterboards.ca.gov/northcoast) (www.waterboards.ca.gov/northcoast) for updates and instruction on how to participate remotely.

Hearing Procedure

Attached to this Notice is a Hearing Procedure that will apply to the proceedings related to the North Coast Water Board's consideration of the Order.

Any comments to the Hearing Procedure must be submitted by **5 p.m. on March 21, 2025**. The Hearing Procedure is subject to modification at the Board's discretion.

Opportunity for Public Participation

The North Coast Water Board will consider written comments submitted by members of the public that are interested in the pending matter (Interested Persons). Interested Persons may also request to participate directly in the hearing as a Designated Party. At this time, the Designated Parties are the Respondent and the staff identified below as part of the Prosecution who have issued the draft Order for Board consideration. See the Hearing Procedure attached for deadlines and instruction on submitting a request to be considered a Designated Party. Interested Persons who are not the parties to the proceeding will be permitted to submit formal written comments. All written comments shall be submitted as early as possible, and in no case later than **April 21, 2025**. Comments should be submitted electronically as noted in the included Hearing Procedure. Interested Persons may also orally present general policy statements to the North Coast Water Board members at the hearing. Such statements will generally be limited to **5 minutes** per Interested Person, though the Board may grant additional time upon request. Interested Persons do not need to submit written statements to speak at the hearing. Interested Persons who wish to be considered designated parties to the proceeding please see the attached Hearing Procedure for instructions.

Document Review

The draft Order and related documents, including any comments that are received on the proposed Order are part of the North Coast Water Board's public file for this matter and may be inspected or copied at the North Coast Water Board's office, 5550 Skylane Blvd, Suite A, Santa Rosa, CA. Contact the Prosecution staff listed in the Hearing Procedure to obtain a copy of the file record.

The draft Order and other relevant documents will also be available on the North Coast Water Board's website.

Accessibility

Anyone requiring reasonable accommodation to participate in the public meeting should contact Deidre Wilkerson at 707-576-2220 at least five days prior to the scheduled meeting. The hearing room is accessible. TTY users may contact the California Relay Service at 800-735-2929 or voice line at 800-735-2922.

Questions

Questions regarding the draft Order, this public notice, or the Hearing Procedure should be directed to Nathan Jacobsen, Nathan.Jacobsen@waterboards.ca.gov.

Valerie Quinto

Executive Officer

Attachment: Hearing Procedure

Hearing Procedure

Proposed Action: Issuance of Order No. R1- 2025-XXXX to Sexton Properties, LLC.

Hearing Date: May 7-8, 2025 (specific date will be provided no later than 10 days prior to the hearing.)

Location: 1) Miners Inn Convention Center 202 N. Main St., Yreka, CA; and 2) Zoom Videoconferencing (online)

Respondent: Sexton Properties, LLC

IF EITHER PARTY INTENDS TO PARTICIPATE IN THE HEARING REMOTELY, PLEASE CONTACT THE ADVISORY TEAM TO OBTAIN SPECIFIC INSTRUCTIONS ON HOW TO PARTICIPATE REMOTELY VIA VIDEOCONFERENCE OR TELEPHONE

A. Applicable Laws and Regulations

This hearing constitutes an “adjudicative proceeding.” This proceeding is governed by the following statutes, regulations and policies:

- (1) Title 23, sections 648 through 648.8, available on the [State Water Board’s laws and regulations page](https://www.waterboards.ca.gov/laws_regulations) (https://www.waterboards.ca.gov/laws_regulations);
- (2) Division 7 of the Water Code (Wat. Code § 13000 et seq.);
- (3) Chapter 4.5 of the Administrative Procedure Act (Gov. Code, § 11400 et seq.);
- (4) Evidence Code sections 801 through 805;
- (5) Government Code section 11513; and
- (6) Applicable provisions of the State Water Resources Control Board’s Water Quality Enforcement Policy (https://www.waterboards.ca.gov/board_decisions/adopted_orders/resolutions/2017/040417_9_final%20adopted%20policy.pdf).

B. Parties and Separation of Functions

To ensure that the Respondent receives a fair hearing, North Coast Water Board staff and counsel have undertaken a separation of functions. Board members will be advised by an “Advisory Team” comprised of staff and counsel that have not participated in development of the Order. The staff and attorneys that have developed and issued the draft Order comprise the “Prosecution Team” and have been separated from the Advisory Team regarding the development of the Order. Members of the Prosecution Team have not communicated with North Coast Water Board members nor the Advisory Team regarding any substantive matter at issue in this proceeding. The Prosecution

Team is subject to all applicable rules and regulations as any other party to this proceeding, including the prohibition on ex parte communications with the North Coast Water Board members and members of the Advisory Team.

The members of the Advisory Team, Prosecution Team and the Respondent are listed below with contact information for each.

Advisory Team

Valerie Quinto
Executive Officer, North Coast Regional Water Quality Control Board
5550 Skylane Blvd., Suite A, Santa Rosa, CA 95043
Valerie.Quinto@waterboards.ca.gov

Nathan Jacobsen
Attorney, State Water Resources Control Board
1001 I Street Sacramento, CA 95814
(916) 341-5181
Nathan.Jacobsen@waterboards.ca.gov

Prosecution Team

This Notice and Hearing Procedure sent via email only to the following:

Heather Jidkov
Attorney, State Water Resources Control Board, Office of Enforcement
P.O. Box 100, Sacramento, CA 95812
Heather.Jidkov@waterboards.ca.gov

Claudia Villacorta, P.E.
Assistant Executive Officer, North Coast Regional Water Quality Control Board
Claudia.Villacorta@waterboards.ca.gov

Kason Grady, P.E.
Supervising Water Resource Control Engineer, North Coast Regional Water Quality Control Board
Kason.Grady@waterboards.ca.gov

Jordan Zakaria,
Senior Environmental Scientist, State Water Resources Control Board, Office of Enforcement
Jordan.Zakaria@waterboards.ca.gov

Gary Dickenson
Engineering Geologist, State Water Resources Control Board, Office of Enforcement
Gary.Dickenson@waterboards.ca.gov

Respondent

The Respondent must identify a primary point of contact or contacts for this matter. Please provide this information to the Advisory Team. This Notice and Hearing Procedure has been sent to the following individuals via email and certified mail:

Fritz Sexton
Sexton Properties, LLC
1717 Tasi Lane
McKinleyville, CA 95519
frizsex@gmail.com

C. Ex Parte Contacts Prohibited

To maintain the North Coast Water Board members' and Advisory Team's impartiality, ex parte contacts are prohibited. (See, e.g., Gov. Code, § 11430.10 et seq.) Ex parte contacts are those communications that are directed at the Board members or the Advisory Team regarding the pending matter, and which are made without notice and opportunity for all parties to participate. Communications regarding non-controversial procedural matters are not considered ex parte contacts and are therefore not restricted under this Hearing Procedure.

To avoid ex parte contacts in pre-hearing communications, the Respondent should ensure that the Prosecution Team is copied on all correspondence directed to the Advisory Team, and *vice-versa*.

D. Interested Persons

The North Coast Water Board will consider written comments submitted by members of the public that are interested in the pending matter (Interested Persons). The parties to the proceeding will be permitted to submit formal written responses to Interested Persons' written comments. To allow for such responses, all written comments shall be submitted as early as possible, and in no case later than April 21, 2025. Interested Persons will also be provided the opportunity to orally present general policy statements to the North Coast Water Board at the hearing. Such statements will be limited to 5 minutes, though the Board Chair may grant additional time on a case-by-case basis. Interested Persons do not need to submit written statements in order to speak at the hearing.

1. Requesting Designated Party Status

By default, the only parties to an adjudicative enforcement proceeding are: (1) the Prosecution Team; and (2) the Respondent named in the Proposed Order. In some circumstances, however, it may be appropriate for certain Interested Persons to participate directly in the proceeding as a “Designated Party.” Such determinations shall be made discretionarily on a case-by-case basis by the Advisory Team, in consultation with the Board Chair.

To request “Designated Party” status, Interested Persons are required to submit a written request to the Advisory Team, including any comments on the Hearing Procedure no later than **March 21, 2025**. The request must include a brief explanation of how the person will be affected by the potential action, the person’s need to present evidence and/or cross examine witnesses, and why an existing Party (Prosecution Team or Respondent) will not adequately represent the person’s interest.

E. Pre-Hearing Submittals

To avoid the introduction of surprise testimony and exhibits (title 23, § 648.4, subd. (a)), and to minimize the need for extensive oral argument and testimony at the hearing, this Hearing Procedure requires the parties to submit documentary evidence, witness information, and legal/technical memoranda prior to the hearing. Absent a showing of good cause and lack of prejudice to the parties, the Board Chair may exclude materials that are not submitted in accordance with this Hearing Procedure. Excluded materials will not be considered by the Board. (§ 648.4, subd. (e).)

1. Submittals shall be submitted electronically

All communications related to this proceeding shall be submitted electronically via email, per the email addresses listed in section B. All communications to the Advisory Team shall be directed to the attorney for the Advisory Team, who shall serve as the primary point of contact for the Advisory Team. Communications to the Prosecution Team shall, at a minimum, be sent to the attorney(s) for the Prosecution Team. The Board will accept required pre-hearing submittals and evidence via a FTP site. Instructions for uploading and downloading documents on the FTP site will be provided. Parties must provide notice via email to the Advisory Team and to the other party when documents are uploaded to the FTP site.

2. Prosecution and Respondent Submittals

The following items shall be submitted prior to the hearing by the dates specified:

(1) The Prosecution Team shall submit all documentary evidence supporting adoption of the proposed order. The Respondent shall submit all documentary evidence that supports its position with respect to the proposed order. Each document submitted shall be separately designated as sequentially-numbered exhibit (i.e., Exhibit 1, Exhibit 2, Exhibit 3, etc.).

(2) The Prosecution Team and Respondent are not required to, but are strongly encouraged to submit a memorandum articulating the party's legal arguments and evidentiary analyses in support of its position on the proposed order.

(3) The Prosecution Team and Respondent shall submit a Witness Information Sheet containing the name of each witness the party intends to call to testify at the hearing; the subject matter of their testimony and the estimated time required for each witness.

The Prosecution Team shall submit items (1)-(3) above no later than **April 7, 2025**, to the Advisory Team with a copy provided to the Discharger:

The Respondent shall submit these items no later than **April 21, 2025** to the Advisory Team with a copy provided to the Prosecution Team.

(4) Written Evidentiary Objections from the Parties must be received by **April 26, 2025**.

(5) Rebuttal Evidence and responses to any written comments received from Interested Parties. Both Parties may submit Rebuttal evidence. "Rebuttal" means evidence, analysis, or comments offered to disprove or contradict other Designated Parties' submissions. Both parties may also submit written responses to comments received from Interested Persons. Rebuttal and responses to comments from Interested Persons must be received by **April 26, 2025**. Parties may rebut oral testimony offered at the hearing.

(6) The Prosecution Team issued a draft Order on February 18, 2025. The Respondent may submit a proposed order and the Prosecution Team may submit any revisions to the draft Order by **April 30, 2025**.

(7) Slide Presentations. Slide presentations (e.g., PowerPoint) may be used at the hearing provided their contents do not exceed the scope of previously submitted material. Copies of the slide presentation must be provided by **12 p.m. May 5, 2025**

F. Conduct of Hearing

1. The following Time Limits apply to the hearing.

Prosecution Team: 60 minutes

Respondent: 60 minutes

Interested Parties [*if any*]: 5 minutes

The above time limits are proposed based on a review of the draft Order and in consideration of title 23, section 648.5, subdivision (a), which specifies that adjudicative proceedings be conducted with a view toward securing relevant information expeditiously without unnecessary delay and expense to the parties and the Board. The parties may propose alternative limits for consideration.

The parties may allocate their allotted time as they see fit between presenting evidence and testimony, cross-examining adverse witnesses, making opening and closing statements. A timer will be used to track how much time has elapsed. This timer will be paused during Board questions and party responses to Board questions. Additional time may be provided at the discretion of the Board Chair (at the hearing), upon a showing that additional time is necessary.

2. Witness Testimony

All witnesses who have submitted written testimony shall be available to appear during the hearing to affirm that the written testimony is true and correct, and shall be subject for cross-examination. All persons intending to testify at the hearing shall take the oath administered by the presiding officer. (Gov. Code, § 11513; Cal. Code Regs., tit. 23, § 648.5, subd. (a)(3).)

3. Rules of Evidence

The proceeding shall be conducted in accordance with the provisions and rules of evidence set forth in Government Code section 11513. Hearsay evidence may be used to supplement or explain other evidence, but over timely objection shall not be sufficient in itself to support a finding unless it would be admissible over objection in a civil action. Evidence already in the North Coast Water Board's files may be submitted by reference if the location of the evidence is clearly identified. (Cal. Code Regs., tit. 23, § 648.3.)

G. Hearing Order

The hearing will generally proceed in the order listed below, subject to modification by the Board Chair:

- i. Opening Statements (Prosecution followed by Respondent)
- ii. Prosecution Team Case Presentation and Direct Testimony from Witnesses
- iii. Cross-Examination of Prosecution Witnesses
- iv. Respondent Case Presentation and Direct Testimony from Witnesses
- v. Cross-examination of Respondent witnesses
- vi. Rebuttal (Prosecution followed by Respondent)
- vii. Closing Arguments (Prosecution followed by Respondent)
- viii. Public Comments
- ix. Board deliberation and consideration; the Board may meet in closed session

Note: The Parties are allowed to use their time for re-direct or re-cross examination.

H. Important Deadlines

The following list summarizes the important deadlines in this matter. The parties may request extensions or modifications to the deadlines; however, any granting or denial of a request shall be at the discretion of the Board Chair in consult with the Advisory Team. All submissions are due at 5 p.m. on the listed date, unless otherwise noted.

Important Dates:

February 18, 2025: Prosecution Team issues Draft Order R1-2025-XXXX

March 21, 2025: Parties submit any comments or objections to the Hearing Procedure. Interested Persons submit requests to be Designated Parties including any comments or objections on the Hearing Procedure.

April 7, 2025: Prosecution Team submits supporting evidence, legal/technical memorandum, witness list.

April 21, 2025: Interested Persons submit written comments.

April 21, 2025: Respondent submits supporting evidence, legal/technical memorandum, witness list.

April 26, 2025: Rebuttal evidence due, any responses to Interested Persons' comments. Any written objections to evidence due.

April 30, 2025: Respondent may submit proposed Order ,Prosecution Team may submit revisions to Order, if any.

May 5, 2025, 12 pm: Parties submit presentation slides.

I. Prehearing Conferences and Summary Report

The Advisory Team may schedule additional pre-hearing conferences to resolve objections or any other outstanding prehearing issues, if needed. Pre-hearing conferences will be held telephonically or through videoconferencing. Prior to the hearing, the Advisory Team will prepare an Executive Officer Summary Report summarizing the matters involved in the proceeding, and the positions taken by each of the other parties. Once finalized, the Summary Report will be provided to the parties and included in the agenda materials for the proceedings.