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6 Attorneys for Petitioner
Milan REI X, LLC

8 **SOLID WASTE LOCAL ENFORCEMENT AGENCY**
9 **COUNTY OF ORANGE HEALTH CARE AGENCY**

10 IN THE MATTER OF:

11 Rio Santiago Facility
12 6145 E. Santiago Canyon Road
13 Orange, California 92869
14 SWIS No. 30-AB-0472

14 Milan REI X LLC (Property Owner)
15 Petitioner.

JOINT STATUS UPDATE AND
[PROPOSED] ORDER TO CONTINUE STAY
[Public Resources Code §§ 44310 et seq.]

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18 Petitioner Milan REI X, LLC (“Milan”) and Respondent, the Orange County Solid Waste
19 Local Enforcement Agency (“LEA”) (collectively referred to herein as the “Parties”), by and
20 through their respective counsel, hereby provide the following joint status update pursuant to the
21 Order of the Hearing Office entered on October 18, 2024 (“Order”).

22 **I. BACKGROUND**

23 On October 8, 2024, Milan filed a Request for Hearing (“Hearing Request”) regarding
24 matters arising under the Stipulated Notice and Order (“Stipulated N&O”) entered into by and
25 between the LEA and Milan, dated June 16, 2022. Thereafter, as set forth in the Order, the
26 Parties jointly requested that the hearing be stayed to allow Milan to explore and potentially work
27 out arrangements with the appropriate state agency with relevant expertise to consider matters at
28 issue in the Hearing Request.

1 **II. VOLUNTARY OVERSIGHT APPLICATION**

2 On November 18, 2024, Milan submitted an application for a voluntary oversight
3 agreement to the California Department of Toxic Substances Control (“DTSC”).¹ Among other
4 things, the application involved the submittal of numerous records to be reviewed by the agency.
5 Prior to and subsequent to the application, Milan’s consultant, Leighton (*nka* Verdantas), has had
6 multiple communications with DTSC staff regarding the application. On November 22, 2024,
7 DTSC informed Milan that it received the application and was moving forward with the
8 application process, including reviewing the application and conferring with the Santa Ana
9 Regional Water Quality Control Board (“Regional Board”) to determine the appropriate lead
10 regulatory agency.

11 On December 19, 2024, Milan was informed that the Regional Board was designated as
12 the most appropriate lead regulatory oversight agency for the project. Leighton has since had
13 several communications with the Regional Board, including that the Regional Board has indicated
14 that its team will be meeting January to identify its Project Manager. Thereafter, in February
15 2025, Milan anticipates scheduling a meeting with the Regional Board so that the parties may
16 develop a scope of work, estimate agency costs, and prepare and execute a voluntary oversight
17 agreement. Milan and the LEA have remained in contact regarding these developments.

18 **III. REQUEST FOR FURTHER CONTINUANCE**

19 As set forth in the attached proposed order, the Parties jointly request that the pre-hearing
20 conference be continued and that the hearing be further stayed to allow time for Milan and the
21 Regional Board to finalize the voluntary oversight agreement. The Administrative Hearing Rules
22 allow for a continuance of proceedings for good cause or where all parties agree. (AHR, § 8.)
23 After the voluntary oversight agreement with the Regional Board is completed and executed, the
24 Parties will meet and confer to amend the Stipulated N&O and as to the withdrawal of the
25 Hearing Request.

26 Accordingly, the Parties propose that by March 31, 2025, the Parties shall meet and confer
27 and submit status reports and, if necessary, proposals to the Hearing Officer for a hearing date

28 ¹ See <https://dtsc.ca.gov/brownfields/voluntary-agreements-quick-reference-guide/>.

1 and the schedule of related submissions, including but not limited to the LEA’s response to the
2 Hearing Request, the production of the administrative record, and other submissions as may be
3 necessary to promote an orderly and efficient hearing. A prehearing conference shall be held on
4 or about April 14, 2025, at which time the hearing date(s) and schedule will be determined, if
5 necessary. In the event that the Parties are able to fully resolve the matters at issue in the Hearing
6 Request, the Parties shall report to the Hearing Officer and propose availability for a status
7 conference.

8 Dated: January 15, 2025

MANATT, PHELPS & PHILLIPS, LLP

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Attorneys for Petitioner
MILAN REI X, LLC

Dated: January 15, 2025

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[PROPOSED] ORDER

Having considered the Parties’ joint request and relevant legal authority, and for good cause appearing, the Hearing Officer rules as follows:

1. The Hearing Request is further stayed until April 14, 2025.
2. By March 31, 2025, the Parties shall meet and confer and submit status reports and if necessary, proposals to the Hearing Officer for a hearing date and the schedule of related submissions, including but not limited to the LEA’s response to the Hearing Request, the production of the administrative record, and other submissions as may be necessary to promote an orderly and efficient hearing.
3. A prehearing conference shall be held on April 14, 2025, at which time the hearing date(s) and schedule will be determined.
4. In the event that the Parties are able to resolve the matters at issue in the Hearing Request, the Parties shall report to the Hearing Officer and propose availability for a status conference.

Dated: January __, 2025

By: _____

Hearing Officer Deborah Pernice Knefel

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