State Water Resources Control Board

Office of Enforcement
1001 I Street • Sacramento, California 95814 • (916) 341-5272
Mailing Address: P.O. Box 100 • Sacramento, California 95812-0100
FAX (916) 341-5896 • http://www.waterboards.ca.gov

Linda S. Adams
Acting Secretary for Environmental Protection

Edmund G. Brown Jr.
Governor

July 25, 2011

LB/L-Sun Cal Mandalay, LLC
c/c C.A. Rasmussen, Inc.
Attn: Tim MacDonald
Vice President
28548 Livingston Avenue
Valencia, CA 91355-4171

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
CLAIM NO.
7003 3110 0003 0767 4808

COMPLAINT NO. OE-2011-0022 FOR MANDATORY MINIMUM PENALTY AGAINST LB/L SUN CAL MANDALAY, LLC, WESTPORT AT MANDALAY BAY, WOOLEY ROAD, OXNARD CA (NPDES NO. CA0064491, CI NO. 8282)

Dear Mr. MacDonald:

Enclosed is Complaint No. OE-2011-0022 for Mandatory Minimum Penalty in the amount of $21,000 against LB/L-Sun Cal Mandalay, LLC (hereinafter Permittee) for violating waste discharge requirements contained in Regional Board Order No. R4-2002-0184. Also enclosed is a copy of the State Water Resources Control Board (State Water Board) Notice of Public Hearing to Consider an Administrative Civil Liability Complaint.

Unless waived, a hearing before a Hearing Officer of the State Water Board will be held on this Complaint pursuant to California Water Code Sections 13323(c) and 183. Should the Permittee choose to waive its right to a hearing, an authorized agent must sign the waiver form attached to Complaint No. OE-2011-0022 and return it to the Office of Enforcement **by 5:00 p.m. on August 24, 2011**. If we do not receive the waiver and full payment of the mandatory minimum penalty by **August 24, 2011**, this matter will be heard by a State Water Board Hearing Officer. An agenda containing the date, time, and location of the hearing will be mailed to you at least ten days prior to the hearing date.

If you have any questions regarding this matter, please contact Ms. Erin Mustain at (916) 445-9379.

Sincerely,

Reed Sato
Director, Office of Enforcement
State Water Resources Control Board

Enclosures

cc: [via CERTIFIED MAIL RETURN RECEIPT REQUESTED
CLAIM NO. 7003 3110 0003 0767 4884]

Mr. Mike Walline
Suncal Companies
2392 Morse Ave
Irvine, CA 92614-6234

[via email only]
Ms. Mayumi Okamoto, Office of Enforcement, State Water Resources Control Board
Ms. Erin Mustain, Office of Information Management and Analysis,
State Water Resources Control Board
Mr. Tim Regan, Office of Chief Counsel, State Water Resources Control Board
Mr. Phil, Wyels, Office of Chief Counsel, State Water Resources Control Board

REED SATO, Director (SBN 87685)
MAYUMI OKAMOTO, Staff Counsel (SBN 253243)
ANN K. B. CARROLL, Staff Counsel (SBN 240452)
Office of Enforcement
State Water Resources Control Board
1001 I Street, 16th Floor
Sacramento, California 95814
Telephone: 916-341-5674
Fax: 916-341-5896
E-mail: mokamoto@waterboards.ca.gov

Attorneys for the Prosecution Team

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

In the matter of:	)	**Complaint No. OE-2011-0022**
	)	**Mandatory Minimum Penalty**
	)	**for**
LB/L-Sun Cal Mandalay, LLC	)	**Violation of California Water Code § 13376**
	)	**and**
Woodland Hills, CA 91367	)	**ORDER NO. R4-2002-0184 (NPDES No. CA0064491)**

This Complaint to assess the mandatory minimum penalty pursuant to California Water Code (CWC) Section 13385(h) and (i) is issued to LB/L-Sun Cal Mandalay, LLC (hereinafter Permittee) based on a finding of violations of waste discharge requirements prescribed in Order No. R4-2002-0184 (NPDES No. CA0064491, CI No. 8282).

The Director of the Office of Enforcement of the State Water Resources Control Board (State Water Board) finds the following:

1. The Permittee owned and operated Westport at Mandalay Bay (facility) located on the south side of Wooley Road, Oxnard, CA 90210 through March 4, 2004. The Permittee discharged groundwater from dewatering operations at a residential development site to four outfalls: Outfall 001 (Latitude 34° 11' 26" North, Longitude 119° 14' 2" West) to Harbor Island Canal; Outfall 002 (Latitude 34° 11' 8" North, Longitude 119° 13' 51" West) to Edison Canal; Outfall

003 (Latitude 34° 11' 16" North, Longitude 119° 13' 41" West) to Edison Canal; and Outfall 004 (Latitude 34° 11' 5" North, Longitude 119° 13' 41" West) to Edison Canal. Both the Harbor Island Canal and the Edison Canal are navigable waters of the United States. The discharged treated groundwater and storm water are susceptible to containing pollutants, which can degrade water quality and impact beneficial uses of water and which are defined as wastes under the Porter-Cologne Water Quality Control Act (CWC Section 13000 et seq.).

2. On December 12, 2002, the Regional Water Quality Control Board, Los Angeles Region (Regional Board) adopted Order No. R4-2002-0184 (NPDES No. CA0064491) which serves as NPDES Permit and Waste Discharge Requirements for the facility.

3. Order No. R4-2002-0184 (Effluent Limitations I.B.4) contains final effluent limitations for oil and grease, settleable solids, total suspended solids (TSS) and turbidity:

Constituent	Discharge Limitations (Daily Maximum) Concentration	Discharge Limitations (Daily Maximum) Mass	Discharge Limitations (Monthly Average)	Discharge Limitations (Monthly Average)
Settleable Solids	0.3 ml/L	--	0.1 ml/L	--
Total Suspended Solids	150 mg/L	12,510 lbs/day	50	4,170 lbs/day
Turbidity	150	--	50	--
Oil and Grease	15	1,251 lb/day	10	834 lbs/day

4. Seven (7) effluent limit violations of Order No. R4-2002-0184 were noted in the Permittee's self-monitoring reports for the first and second quarters of 2003. The violations were violations of the concentration limits. The mass limits were not exceeded. The violations are specifically identified in Exhibit "A" to this Complaint. Exhibit "A" is attached hereto and incorporated herein by reference.

5. On January 29, 2009, the Director of the State Water Board Office of Enforcement issued the Permittee the Offer to Participate in Expedited Payment Program (EPP) No. SWB-2008-4-0050,

which included a Notice of Violation notifying the Permittee of effluent violations subject to a mandatory minimum penalty.

6. On July 30, 2010, the Director of the State Water Board Office of Enforcement issued the Permittee an amended Offer to Participate in Expedited Payment Program (EPP) No. SWB-2008-4-0050, which indicated that staff conducted further review and several violations were found to be in error and dismissed. Staff noted additional violations that were not included in the original January 29, 2009 EPP letter.

7. Any discharge containing pollutants violating the effluent limitations set in the waste discharge requirements is prohibited by CWC Section 13376.

8. CWC Section 13385(h) requires the Water Boards to assess a mandatory minimum penalty of three thousand dollars ($3,000) for each serious violation. Pursuant to CWC Section 13385(h)(2) "a serious violation is defined as any waste discharge that violates the effluent limitations contained in the applicable waste discharge requirements for a Group II pollutant by 20 percent or more, or for a Group I pollutant by 40 percent or more. Appendix A of Part 123.45 of Title 40 of the Code of Federal Regulations specifies the Group I and II pollutants."

9. CWC Section 13385(i) requires the Water Boards to assess a mandatory minimum penalty of three thousand dollars ($3,000) for each violation whenever the permittee violates a waste discharge requirement effluent limitation in any period of six consecutive months, except that the requirement to assess the mandatory minimum penalty shall not be applicable to the first three violations within that time period.

10. The maximum amount of discretionary administrative civil liability assessable pursuant to CWC Section 13385 for each day of violation is $10,000 per day of violation plus $10 times the number of gallons by which the volume discharged but not cleaned up exceeds 1,000 gallons.

YOU ARE HEREBY GIVEN NOTICE THAT:

11. The Director of the State Water Board Office of Enforcement proposes that the Permittee be assessed a mandatory minimum penalty in the amount of $21,000 for the violations cited in Exhibit "A." Refer to Exhibit "A" for the calculation of the amount of mandatory minimum penalty.

12. The Permittee may waive the right to a hearing and pay the recommended administrative civil liability. Should the Permittee choose to waive its right to a hearing, an authorized agent must sign the waiver form attached to this Complaint and return it to the Office of Enforcement by 5:00 p.m. on **August 24, 2011**. If the hearing is waived, a check in the amount of $21,000 (payable to the State Water Pollution Cleanup and Abatement Account) must be received by the Office of Enforcement by 5:00 p.m. on **August 24, 2011**.

13. If the Office of Enforcement does not receive a waiver and full payment of the recommended penalty by **August 24, 2011**, the Complaint will be heard by a State Water Board Hearing Officer pursuant to California Water Code Sections 13323(c) and 183. The Notice of Public Hearing contains that date, time, location, and specific procedures of the scheduled hearing of this matter.

14. If a hearing on this matter is held, the State Water Board will consider whether to affirm, reject, or modify (i.e. increase the proposed civil liability above the mandatory minimum) the proposed civil liability, or whether to refer the matter to the Attorney General for assessment of judicial civil liability.

15. There are no statutes of limitation that apply to administrative proceedings. The statutes of limitation that refer to "actions" and "special proceedings" and are contained in the California Code of Civil Procedure apply to judicial proceedings, not administrative proceeding. See *City of Oakland v. Public Employees' Retirement System* (2002) 95 Cal. App. 4th 29, 48; 3 Witkin, Cal. Procedure (4th ed. 1996) Actions, Section 405(2), p. 510.)

16. Notwithstanding the issuance of this Complaint, the State Water Board and/or the Regional Board shall retain the authority to assess additional penalties for violations of the requirements of

the Permittee's waste discharge requirements for which penalties have not yet been assessed or for violations that may subsequently occur.

17. This enforcement action is exempt from the provisions of the California Environmental Quality Act, California Public Resources Code Section 21000 et seq., in accordance with California Code of Regulations, title 14, Section 15321.

18. Regulations of the United States Environmental Protection Agency require public notification of any proposed settlement of the civil liability occasioned by violation of the Clean Water Act including NPDES permit violations. Accordingly, interested persons will be given 30 days to comment on any proposed settlement of this Complaint.

Reed Sato
Director, Office of Enforcement
State Water Resources Control Board

7/25/11
Date

Effluent Limitation Violations Requiring Manadatory Minimum Penalties

#	Violation Number	Violation Date[1]	Constituent	Pollutant Group	Limitation Period	Limit	Result/ Average	Units	% Over Limit	Date 180 Days Prior	Serious[2] Violation?	Chronic?	No. of Violations within the 180 days[3]	Mandatory Fine?	Water Code	Penalty
1	877956	3/3/2003	TSS	Group I	Daily Maximum	150	770	mg/L	413%	9/4/2002	Y	N	N/A	Y	13385(h)	$3,000
2	877955	3/3/2003	Settleable Solids	Group I	Daily Maximum	0.3	3.5	ml/L	1067%	9/4/2002	Y	N	N/A	Y	13385(h)	$3,000
3	877954	3/3/2003	Turbidity	Other	Daily Maximum	150	370	NTU	N/A	9/4/2002	N	N	N/A	N		$0
4	239958	3/31/2003	TSS	Group I	Monthly Average	50	210	mg/L	320%	10/2/2002	Y	N	N/A	Y	13385(h)	$3,000
5	877960	3/31/2003	Settleable Solids	Group I	Monthly Average	0.1	1.2	ml/L	1100%	10/2/2002	Y	N	N/A	Y	13385(h)	$3,000
7	239961	3/31/2003	Turbidity	Other	Monthly Average	50	100	NTU	N/A	10/2/2002	N	Y	6	Y	13385(i)	$3,000
6	877958	5/14/2003	Oil and Grease	Group I	Daily Maximum	15	31	mg/L	107%	11/15/2002	Y	N	N/A	Y	13385(h)	$3,000
8	877959	5/31/2003	Oil and Grease	Group I	Monthly Average	10	31	mg/L	210%	12/2/2002	Y	N	N/A	Y	13385(h)	$3,000
															Total Penalty:	$21,000

TSS = Total Suspended Solids

1 - Violation occurs on sample date or last date of averaging period.
2 - For Group I pollutants, a violation is serious when the limit is exceeded by more than 40%
- For Group II pollutants, a violation is serious when the limit is exceeded by more than 20%
3 - When a serious violation occurs on the same day as a chronic, the serious violation is only assessed an MMP once and is counted last in determining the order in which multiple violations on the same day

Violation period ending the last day of May 2003

Group I Violations Assessed MMP:	6
Group II Violations Assessed MMP:	0
Other Effluent Violations Assessed MMP:	1
Total Violations Assessed MMP:	7

Mandatory Minimum Penalty = (6 Serious[3] Violations + 1 Non-Serious Violations) x $3,000 = $21,000

WAIVER FORM

FOR ADMINISTRATIVE CIVIL LIABILITY COMPLAINT NO. OE-2011-0022

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

I am duly authorized to represent LB/L-Sun Cal Mandalay, LLC (hereinafter "Permittee") in connection with Administrative Civil Liability Complaint No. OE-2011-0022 (hereinafter the "Complaint"). I am informed that California Water Code section 13323, subdivision (c), states that, "any hearing shall be before the state board, or before a member of the state board in accordance with Section 183, and shall be conducted not later than 90 days after the party has been served [with the complaint]."

☐ ***(Check here if the Permittee waives the hearing requirement and will pay the recommended liability.)***

a. I hereby waive any right the Permittee may have to a hearing before the State Water Resources Control Board Hearing Officer.

b. I certify that the Permittee will remit payment for the civil liability imposed in the amount of **$21,000** by check that references "ACL Complaint No. OE-2011-0022" made payable to the "*State Water Pollution Cleanup and Abatement Account*". Payment must be received by the State Water Board **by 5:00 p.m. on August 24, 2011** or this matter will be placed on the State Water Board's agenda for a hearing as initially proposed in the Complaint.

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 expires. Should the State Water Board receive significant new information or comments from any source (excluding the Water Board's Prosecution Team) during this comment period, the Director of the State Water Board Office of Enforcement may withdraw the complaint, return payment, and issue a new complaint. I understand that this proposed settlement is subject to approval by the State Water Board, and that the State Water Board may consider this proposed settlement in a public meeting or hearing. I also understand that approval of the settlement will result in the Permittee having waived the right to contest the allegations in the Complaint and the imposition of civil liability.

d. I understand that payment of the above amount is not a substitute for compliance with applicable laws and that continuing violations of the type alleged in the Complaint may subject the Permittee to further enforcement, including additional civil liability.

_____

(Print Name and Title)

_____

(Signature)

_____

(Date)

HEARING OF THE
STATE WATER RESOURCES CONTROL BOARD

1001 "I" Street
P.O. Box 100
Sacramento, California 95814
(916) 341-5272

ACLC No. OE-2011-0022

NOTICE OF PUBLIC HEARING

TO CONSIDER AN ADMINISTRATIVE CIVIL LIABILITY COMPLAINT

DISCHARGER	DISCHARGE LOCATION	RECEIVING WATERS
LB/L-Sun Cal Mandalay, LLC	South side of Wooley Road, Oxnard, CA 90210	Harbor Island Canal the Edison Canal

Administrative Civil Liability Complaint ("ACLC") No. OE-2011-0022 alleges that to LB/L-Sun Cal Mandalay, LLC (Permittee) violated waste discharge requirements contained in Regional Board Order No. R4-2002-0184 by failing to comply with effluent limits. As stated in the ACLC, State Water Board staff, represented by the State Water Board Staff Prosecution Team (Prosecution Team), recommends that a penalty of $21,000 be assessed against LB/L-Sun Cal Mandalay, LLC for these violations.

Pursuant to Water Code section 13323(c) and section 183, a member of the State Water Board (hereinafter "Hearing Officer") will convene a hearing to hear evidence, determine facts, and to propose a recommendation to the State Water Board about resolution of the ACLC.

This notice sets forth procedures and outlines the process to be used at this hearing.

I. HEARING DATE AND LOCATION

Date: October 19-20, 2011
Time: 10:00 A.M.
Place: 320 W. 4th Street
Los Angeles, CA 90013
* Room location TBD

II. AVAILABILITY OF DOCUMENTS

The ACLC and other documents concerning the subject of the ACLC are available for inspection and copying between the hours of 8:00 a.m. and 5:00 p.m. at the following address:

California Regional Water Quality Control Board
Los Angeles Region
320 West 4th Street, Suite 200
Los Angeles, CA 90013

Arrangements for file review and/or copies of the documents may be made by calling Mr. Hugh Marley of the Los Angeles Regional Board at (213) 620-6375. Comments received, the Prosecution Team's proposed Hearing Report and Order, and other subsequent relevant documents will be available as they are received or generated.

The entire file will become a part of the administrative record of this proceeding, irrespective of whether individual documents are specifically referenced during the hearing or contained in the Hearing binder. However, the entire file might not be present at the hearing. Should any parties or interested persons desire that the Prosecution Team bring to the hearing any particular documents that are not included in the Hearing binder, they must submit a written or electronic request to the Case Manager of the Prosecution Team (identified in section V below) so that it is received **by 5:00 p.m. on October 1, 2011**. The request must identify the documents with enough specificity for the Prosecution Team to locate them. (Documents in the Hearing binder will be present at the hearing.)

III. NATURE OF HEARING

This will be a formal adjudicative hearing pursuant to section 648 et seq. of title 23 of the California Code of Regulations. Chapter 5 of the California Administrative Procedure Act (commencing with section 11500 of the Government Code) relating to formal adjudicative hearings does not apply to adjudicative hearings before the State Water Board, except as otherwise specified in the above-referenced regulations.

IV. PARTIES TO THE HEARING

The following are the parties to this proceeding:

1. LB/L-Sun Cal Mandalay, LLC
2. State Water Board Staff Prosecution Team

All other persons who wish to participate in the hearing as a designated party shall request party status by submitting a written or electronic request to the Legal Advisor to the Hearing Officer identified in section VIII below so that it is received by **5:00 p.m. on August 4, 2011**. All requests for designation as a party shall include the name, phone number, and email address of the person who is designated to receive notices about this proceeding. The request shall also include a statement explaining the reasons for their request (e.g., how the issues to be addressed in the hearing and the potential actions by the State Water Board affect the person), and a statement explaining why the parties designated above do not adequately represent the person's interest. The requesting party will be notified before the hearing whether the request is granted. All parties will be notified if other persons are so designated.

V. COMMUNICATIONS WITH THE PROSECUTION TEAM

The California Administrative Procedure Act requires the State Water Board to separate prosecutorial and adjudicative functions in matters that are prosecutorial in nature. A Prosecution Team, comprised of the State Water Board enforcement and other staff, will serve as the complainant in the proceedings and is a designated party. The Case Manager over this matter, who will coordinate the efforts of the Prosecution Team, is Erin Mustain, Water Resource Control Engineer from the State Water Board. Mayumi Okamoto will advise the Prosecution Team prior to and at the panel hearing. Neither Ms. Okamoto nor the members of the Prosecution Team will be advising the State Water Board in this matter or have engaged in any substantive conversations regarding the issues involved in this proceeding with any of the Board Members or the advisors to the hearing panel (identified below).

Any communication with the Prosecution Team prior to the hearing should be directed to the Case Manager:

Erin Mustain
Office of Enforcement
1001 I Street, 16th Floor
Sacramento, CA 95814
(916) 445-9379
emustain@waterboards.ca.gov

VI. PUBLIC COMMENTS AND SUBMITTAL OF EVIDENCE

A. Submittals By Parties.

Not later than **September 12, 2011**, the Prosecution Team will send the parties a preliminary Hearing binder containing the most pertinent documents related to this proceeding and a PowerPoint presentation, which summarizes the evidence and testimony that the Prosecution Team will present and rely upon at the hearing.

LB/L-Sun Cal Mandalay, LLC is required to submit:

1) Any additional documents or evidence the Party wants the Hearing Officer to consider,
2) A summary of any testimony the Party intends to present, and
3) A statement regarding how much time the Party needs to present the case

to the attention of the Case Manager of the Prosecution Team (as identified above) and other designated parties so that it is received **by 5:00p.m. on September 21, 2011**. All documentation listed above must be received by the deadline, or it may be excluded from consideration by the Hearing Officer. The Prosecution Team shall have the right to present additional evidence in rebuttal of matters submitted by any other party.

The Prosecution Team will send to the Hearing Officer and the parties a final Hearing binder no later than **October 11, 2011**. An agenda containing the date, time, and location of the hearing will be mailed to LB/L-Sun Cal Mandalay, LLC at least ten days prior to the hearing date.

B. Submittals By Interested Persons.

Persons who are not designated as parties, above, that wish to comment upon or object to the proposed ACLC, or submit evidence for the Hearing Officer to consider, are invited to submit them in writing to the Prosecution Team (as identified above). To be evaluated and responded to by Prosecution Team, included in the final Hearing binder, and fully considered by the Hearing Officer in advance of the hearing, any such written materials must be received **by 5:00 p.m. on August 24, 2011**. If possible, please submit written comments in Word format electronically to Erin Mustain. Interested persons should be aware the State Water Board is entitled to settle this matter without further notice, and therefore a timely submittal by this date may be the only opportunity to comment upon the subject of this ACLC. If the hearing proceeds as scheduled, the Hearing Officer will also receive oral comments from any person during the hearing (see below).

VII. HEARING PROCEDURES

Adjudicative proceedings before the Hearing Officer generally will be conducted in the following order:

Opening statement by Hearing Officer
Administration of oath to persons who intend to testify
Prosecution Team presentation
Discharger presentation
Designated parties' presentation (if applicable)
Interested persons' comments
Prosecution Team rebuttal
Questions from Hearing Officer
Deliberations (in open or closed session)
Announcement of recommendation to the State Water Board

While this is a formal administrative proceeding, the Hearing Officer does not generally require the cross-examination of witness, or other procedures not specified in this notice, that might typically be expected of parties in a courtroom.

Parties will be advised by the Hearing Officer after the receipt of public comments, but prior to the date of the hearing, of the amount of time each party will be allocated for presentations. That decision will be based upon the complexity and the number of issues under consideration, the extent to which the parties have coordinated, the number of parties and interested persons anticipated, and the time available for the hearing. The parties should contact the Case Manager **by 5:00 p.m. on September 21, 2011** to state how much time they believe is necessary for their presentations (see Section VI. A above). It is the State Water Board's intent that reasonable requests be accommodated.

Interested persons are invited to attend the hearing and present oral comments. Interested persons may be limited to approximately five (5) minutes each, for their presentations, in the discretion of the Hearing Officer, depending on the number of persons wishing to be heard. Persons with similar concerns or opinions are encouraged to choose one representative to speak.

For accuracy of the record, all important testimony should be in writing, and delivered as set forth above. All evidence, including all written materials, must be received by the deadlines identified in Section IV.A, and IV.B., above, or it may be excluded from consideration by the Hearing Officer. The Hearing Officer will include in the administrative record written transcriptions of oral testimony or comments made at the hearing.

VIII. COMMUNICATIONS WITH THE HEARING OFFICER

A. *Ex Parte* Communications Prohibited.

As an adjudicative proceeding, State Water Board members and their advisors may not discuss the subject of this hearing with any person, except during the public hearing itself, except in the limited circumstances and manner described in this notice. **Any communications to the State Water Board, Hearing Officer, or Hearing Officer Advisors before the hearing must also be copied to the Prosecution Team and other Party(ies), as identified above.**

B. Hearing Officer Advisors.

The Hearing Officer will be advised before and during the hearing by a technical advisor, Tim Regan, Senior Staff Counsel, and/or Phil Wyels, Assistant Chief Counsel. None of these individuals has exercised any authority or discretion over the Prosecution Team, or advised them with respect to this matter.

C. Objections to manner of hearing and resolution of any other issues.

1. Parties or interested persons with procedural requests different from or outside of the scope of this notice should contact the Case Manager at any time, who will try to accommodate the requests. Agreements between a party and the Prosecution Team will generally be accepted by the Hearing Officer as stipulations.

2. Objections to (a) any procedure to be used or not used during this hearing, (b) any documents or other evidence submitted by the Prosecution Team, or (c) any other matter set forth in this notice, must be submitted in writing by **5:00 p.m. on September 21, 2011** to the Legal Advisor to the Hearing Officer:

Tim Regan
State Water Resources Control Board
1001 I Street, 22nd Floor
Sacramento, CA 95814
(916) 341-5172
TRegan@waterboards.ca.gov

Untimely objections will be deemed waived. Procedural objections about the matters contained in this notice will not be entertained at the hearing. Further, except as otherwise stipulated, any procedure not specified in this hearing notice will be deemed waived pursuant to section 648(d) of Title 23 of the California Code of Regulations, unless a timely objection is filed.

3. Any issues outside the scope of those described in section C.2, above, that cannot be resolved by stipulation shall be brought to the attention of the Legal Advisor to the Hearing Officer, as set forth in section C.2, **by 5:00 p.m. on September 21, 2011** if possible, and if not possible, then at the earliest possible time with an explanation about why the issue could not have been raised sooner.

IX. QUESTIONS ABOUT NOTICE

Questions about notice may be directed to the Case Manager of the Prosecution Team, or the Legal Advisor to the Hearing Officer as described above.

Date: July 25, 2011