



State Water Resources Control Board

November 8, 2011

Attn: CT Corporation System
Agent For Service of Process
Elixir Industries
818 West 7th Street
Los Angeles, California 90017

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
CLAIM NO.
7004 1160 0002 0465 8529

FIRST AMENDED COMPLAINT NO. OE-2011-0024 FOR MANDATORY MINIMUM PENALTY AGAINST ELIXIR INDUSTRIES 18037 SOUTH BROADWAY, GARDENA, CA 90247. (ORDER NO. R4-2003-0149, NPDES PERMIT NO. CA0062537, CI NO. 7104)

To the Agent for Service of Process:

Enclosed is First Amended Complaint No. OE-2011-0024 for Mandatory Minimum Penalty (MMP) in the amount of \$201,000.00 against Elixir Industries (hereinafter Permittee) for violating waste discharge requirements contained in Regional Board Order No. R4-2003-0149. This First Amended Complaint amends Complaint No. OE-2011-0024 issued to the Permittee on July 25, 2011 (hereinafter Original Complaint). The Original Complaint inadvertently failed to include violation number 876927 in the total number of effluent limit violations alleged, Exhibit "A" to the Original Complaint, or in the MMP amount. 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 First Amended Complaint No. OE-2011-0024 and return it to the Office of Enforcement by 5:00 p.m. on December 7, 2011. If we do not receive the waiver and full payment of the mandatory minimum penalty by December 7, 2011, this matter will be heard before a State Water Board Hearing Officer. An agenda containing the date, time, and location of the hearing will be mailed to you at least 10 days prior to the hearing date.

If you have any questions regarding this matter, please contact Mr. Jarrod Ramsey-Lewis, case manager, at (916) 341-6984 or Ms. Ann Carroll, staff counsel, at (916) 322-3227 or acarroll@waterboards.ca.gov.

Sincerely,

A handwritten signature in dark ink that reads "David M. Boyers".

David M. Boyers
Acting Director, Office of Enforcement

Attn: Agent for Service of Process
ELIXIR INDUSTRIES

- 2 -

November 8, 2011

State Water Resources Control Board

Enclosures

cc: [via CERTIFIED MAIL RETURN RECEIPT REQUESTED
CLAIM NO. 7004 1160 0002 0465 8536]

Mr. Dwight Knowles
Vice President, Chief Operations Officer
Elixir Industries
24800 Chrisanta Drive, Suite 210
Mission Viejo, California 92691

[via email only]

Arthur B. Cook, Hill, Farrer & Burrill, LLP, acook@hfbllp.com
Grant Peto, Hill, Farrer & Burrill, LLP, gpeto@hfbllp.com
Ms. Ann Carroll, Office of Enforcement, State Water Resources Control Board
Ms. Mayumi Okamoto, Office of Enforcement, State Water Resources Control Board
Mr. Jarrod Ramsey-Lewis, Division of Water Quality, State Water Resources Control Board
Mr. Tim Regan, Office of Chief Counsel, State Water Resources Control Board
Phil Wyels, Office of Chief Counsel, State Water Resources Control Board

1 DAVID M. BOYERS, Acting Director (SBN 199934)
2 MAYUMI OKAMOTO, Staff Counsel (SBN 253243)
3 ANN K. B. CARROLL, Staff Counsel (SBN 240452)
4 Office of Enforcement
5 State Water Resources Control Board
6 1001 I Street, 16th Floor
7 Sacramento, California 95814
8 Telephone: 916-322-3227
9 Fax: 916-341-5896
10 E-mail: acarroll@waterboards.ca.gov

11 Attorneys for the Prosecution Team

12 **STATE OF CALIFORNIA**
13 **STATE WATER RESOURCES CONTROL BOARD**

14 In the matter of:)	First Amended Complaint No. OE-2011-0024
)	
)	Mandatory Minimum Penalty
)	for
)	
15 ELIXIR INDUSTRIES)	Violation of California Water Code § 13376
)	
)	and
)	
16 18037 SOUTH BROADWAY)	ORDER NO. R4-2003-0149
17 STREET, GARDENA, CA 90247)	(NPDES No. CA0062537)
)	

18 This First Amended Complaint to assess the mandatory minimum penalty pursuant to California Water
19 Code (CWC) Section 13385(h) and (i) is issued to Elixir Industries (hereinafter Permittee) based on a
20 finding of violations of waste discharge requirements prescribed in Order No. R4-2003-0149 (NPDES
21 No. CA0062537, CI No. 7104). This First Amended Complaint amends Complaint No. OE-2011-0024
22 issued to the Permittee on July 25, 2011 (hereinafter "Original Complaint"). The Original Complaint
23 inadvertently failed to include violation number 876927 in the total number of effluent limit violations
24 alleged, Exhibit "A" to the Original Complaint, or in the mandatory minimum penalty amount.

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

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4 1. From approximately 1954 through 2005, the Permittee operated the Elixir Industries paint
5 manufacturing facility (facility) located at 18037 South Broadway, Gardena, CA 90247. At the
6 facility, the Permittee produced paint, lacquer, glue, caulking, extruded aluminum products,
7 doors, vents, and plastics under several company names. During the facility's operation, the
8 Permittee used seventeen underground storage tanks that reportedly contained lacquer thinner,
9 isopropyl alcohol, 250 paint thinner, 265 paint thinner, 350 paint thinner, butyl acetate, methyl
10 ethyl keytone, 150 butanol, toluene, xylenes, resin, Plas-t-Kote resin, waste solvents, and gasoline
11 in its operations. Soil and groundwater contamination were found on-site, which had originated
12 from leaking underground storage tanks and/or associated piping. The Permittee is the nation's
13 largest independent supplier to both the factory built housing and recreational vehicle industries,
14 with fourteen operating divisions throughout the United States. The facility is currently leased to
15 another party.

16
17 2. In 1992, the Permittee installed a pump-and-treat, groundwater remediation system to remove
18 non-aqueous phase liquids. The system consisted of six extraction wells and an onsite granulated
19 carbon treatment unit. The Permittee discharged the treated groundwater to a storm drain
20 (Latitude 33° 51' 00" North, Longitude 118° 16' 45" West) and subsequently to the Dominguez
21 Channel, a navigable water of the United States. The treated groundwater is susceptible to
22 containing pollutants, which can degrade water quality and impact beneficial uses of water, and
23 which are defined as wastes under the Porter-Cologne Water Quality Control Act (CWC Section
24 13000 et seq.).

25
26 3. On December 4, 2003 the Regional Water Quality Control Board, Los Angeles Region (Regional
27 Board) adopted Order No. R4-2003-0149 (NPDES No. CA0062537) NPDES Permit and Waste
28 Discharge Requirements to regulate discharges from the Facility. Order No. R4-2003-0149
29 became effective on the same date it was adopted.

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1 4. Order No. R4-2003-0149 (Effluent Limitation B.5) contains an interim effluent limitation for
2 mercury. The interim effluent limitation for mercury was effective from December 4, 2003
3 through June 30, 2006:

4 Constituent	5 Unit of Measure	6 Discharge Limitations (Daily Maximum)	7 Discharge Limitations (Monthly Average)
8 Mercury	9 $\mu\text{g/L}$	10 2.1	11 ---

12 5. Order No. R4-2003-0149 (Effluent Limitation B.4) contains final effluent limitations for pH and
13 mercury:

14 Constituent	15 Unit of Measure	16 Discharge Limitations (Daily Maximum)	17 Discharge Limitations (Monthly Average)
18 pH	19 Standard pH units	20 Between 6.5 – 8.5	21 Between 6.5 – 8.5
22 Mercury	23 $\mu\text{g/L}$	24 0.102	25 0.051

26 6. Seventy (70) effluent limits violations of Order No. R4-2003-0149 were noted in the Permittee's
27 self-monitoring reports for the first, second, third, and fourth quarters of 2003 and 2004,
28 respectively; the third and fourth quarter of 2006; and the first quarter of 2007. The violations are
29 specifically identified in First Amended Exhibit "A" to this Complaint. First Amended Exhibit
30 "A" is attached hereto and incorporated herein by reference.

31 7. On December 9, 2008, the Executive Director of the State Water Resources Control Board (State
32 Water Board) issued the Permittee the Offer to Participate in Expedited Payment Program (EPP)
No. SWB-2008-4-0039, which included a Notice of Violation notifying the Permittee of three (3)
serious effluent violations subject to a mandatory minimum penalty.

33 8. On July 30, 2010, the Director of the State Water Board's Office of Enforcement issued the
Permittee an amended Offer to Participate in EPP No. SWB-2008-4-0039, which included a
Notice of Violation notifying the Permittee of forty-one (41) serious effluent violations subject to
a mandatory minimum penalty (Finding No. 7). Amended EPP No. SWB-2008-4-0039
misidentified one (1) violation, (Violation ID No. 876923) as not being subject to a mandatory
minimum penalty. Further review determined Violation ID No. 876923 to be the third violation in
six consecutive months (see also Violation Id Nos. 876922 and 876927) and therefore subject to a

1 mandatory minimum penalty. Further review of the record identified additional pH and mercury
2 mass limitation violations subject to a mandatory minimum penalty.

3
4 9. Any discharge containing pollutants violating the effluent limitations set in the waste discharge
5 requirements is prohibited by CWC Section 13376.

6
7 10. CWC Section 13385(h) requires the Water Boards to assess a mandatory minimum penalty of
8 three thousand dollars (\$3,000) for each serious violation. Pursuant to CWC Section 13385(h)(2)
9 “a serious violation is defined as any waste discharge that violates the effluent limitations
10 contained in the applicable waste discharge requirements for a Group II pollutant by 20 percent or
11 more, or for a Group I pollutant by 40 percent or more. Appendix A of Part 123.45 of Title 40 of
12 the Code of Federal Regulations specifies the Group I and II pollutants.”

13
14 11. CWC Section 13385(i) requires the Water Boards to assess a mandatory minimum penalty of
15 three thousand dollars (\$3,000) for each violation whenever the permittee violates a waste
16 discharge requirement effluent limitation in any period of six consecutive months, except that the
17 requirement to assess the mandatory minimum penalty shall not be applicable to the first three
18 violations within that time period

19
20 12. The maximum amount of discretionary administrative civil liability assessable pursuant to CWC
21 Section 13385 for each day of violation is \$10,000 per day of violation plus \$10 times the number
22 of gallons by which the volume discharged but not cleaned up exceeds 1,000 gallons.

23
24 **YOU ARE HEREBY GIVEN NOTICE THAT:**

25
26 13. The Acting Director of the State Water Board Office of Enforcement proposes that the Permittee
27 be assessed a mandatory minimum penalty in the amount of \$201,000.00 for the violations cited
28 in Exhibit “A.” Refer to Exhibit “A” for the calculation of the amount of mandatory minimum
29 penalty.

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1 14. Should the Permittee choose to waive its right to a hearing, an authorized agent must sign the
2 stipulation for continuance of hearing attached to this Complaint and return it to the State Water
3 Board by 5:00 p.m. on December 7, 2011.

4
5 15. If the State Water Board does not receive the stipulation for continuance of hearing, the
6 Complaint will be heard before the State Water Board Hearing Officer pursuant to California
7 Water Code Sections 13323(c) and 183 on January 18-19, 2011. The Notice of Public Hearing
8 issued to the Permittee on November 8, 2011 contains the date, time, location, and specific
9 procedures of the scheduled hearing of this matter.

10
11 16. If a hearing on this matter is held, the State Water Board will consider whether to affirm, reject,
12 or modify (i.e. increase the proposed civil liability above the mandatory minimum up to the
13 maximum penalty provided for by law) the proposed civil liability, or whether to refer the matter
14 to the Attorney General for assessment of judicial civil liability.

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

21
22 18. Notwithstanding the issuance of this Complaint, the State Water Board and/or the Regional Board
23 shall retain the authority to assess additional penalties for violations of the requirements of the
24 Permittee’s waste discharge requirements for which penalties have not yet been assessed or for
25 violations that may subsequently occur.

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

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20. 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.

David M. Boyers
Acting Director, Office of Enforcement
State Water Resources Control Board

Date

**WAIVER FORM
FOR FIRST AMENDED COMPLAINT NO. OE-2011-0024
FOR MANDATORY MINIMUM PENALTIES**

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

I am duly authorized to represent Elixir Industries (hereinafter "Permittee") in connection with First Amended Administrative Civil Liability Complaint No. OE-2011-0024 (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 **\$201,000.00** by check that references "ACL Complaint No. OE-2011-0024" made payable to the "State Water Pollution Cleanup and Abatement Account". Payment must be received by the State Water Board by December 7, 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 of Permittee's Representative)

(Signature)

(Date)

**HEARING OF THE
STATE WATER RESOURCES CONTROL BOARD**

**1001 ‘T’ Street
P.O. Box 100
Sacramento, California 95814
(916) 341-5272**

First Amended ACLC No. OE-2011-0024

NOTICE OF PUBLIC HEARING

TO CONSIDER AN ADMINISTRATIVE CIVIL LIABILITY COMPLAINT

<u>DISCHARGER</u>	<u>DISCHARGE LOCATION</u>	<u>RECEIVING WATERS</u>
PERMITTEE	18037 South Broadway Street Gardena, CA 90247	Dominguez Channel

First Amended Administrative Civil Liability Complaint (“ACLC”) No. OE-2011-0024 alleges that Elixir Industries (Permittee) violated waste discharge requirements contained in Regional Water Board Order No. R4-2003-0149 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 \$201,000.00 be assessed against Elixir Industries 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: January 18-19, 2012
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 Water 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 December 29, 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. Elixir Industries
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 December 7, 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 Jarrod Ramsey-Lewis, Water Resource Control Engineer from the State Water Board. Mayumi Okamoto will advise the Prosecution Team prior to and at the 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 Officer (identified below).

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

Jarrod Ramsey-Lewis, PE
Office of Enforcement
1001 I Street, 16th Floor
Sacramento, CA 95814
(916) 341-6984
JRamsey-Lewis@WaterBoards.ca.gov

VI. PUBLIC COMMENTS AND SUBMITTAL OF EVIDENCE

A. Submittals By Parties.

Not later than **December 9, 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.

Elixir Industries. is required to submit:

- 1) Any additional documents or evidence Elixir Industries wants the Hearing Officer to consider,
- 2) A summary of any testimony Elixir Industries intends to present, and
- 3) A statement regarding how much time Elixir Industries 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 **5:00pm on December 19, 2011**. 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 **January 9, 2012**. An agenda containing the date, time, and location of the hearing will be mailed to Elixir Industries 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 December 19, 2011**. If possible, please submit written comments in Word format electronically to the Case Manager. 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 December 19, 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 and received by the Legal Advisor to the Hearing Officer (identified below) by **5:00 p.m. on December 19, 2011**:

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 December 19, 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: November 8, 2011