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11 Attorneys for the Prosecution Team

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

14 **In the matter of:** ) **Amended Complaint No. OE-2011-0014**  
15 ) **Mandatory Minimum Penalty**  
16 ) **for**  
17 **ARDEN REALTY LIMITED** ) **Violation of California Water Code § 13376**  
18 **PARTNERSHIP** )  
19 ) **and**  
20 **LOS ANGELES, CA 90048** ) **ORDER NO. R4-2003-0111**  
21 **(NPDES No. CAG994004)**

22 This Amended Complaint to assess the mandatory minimum penalty pursuant to California Water Code  
23 (CWC) Section 13385(h) and (i) is issued to Arden Realty Limited Partnership (hereinafter Permittee)  
24 based on a finding of violations of waste discharge requirements prescribed in Order No. R4-2003-0111  
25 (NPDES No. CAG994004, CI No. 6806).

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

- 28 1. The Permittee operates the groundwater dewatering system for the New Wilshire Building  
29 facility (facility) located at 6100 Wilshire Boulevard, Los Angeles, California 90048. The  
30 Permittee discharges groundwater seepage to a storm water collection system (Latitude 34° 03'  
31 46" North, Longitude 118° 21' 38" West) that flows into Ballona Creek, a navigable water of the  
32 United States. The discharged groundwater may contain pollutants, which can degrade water

1 quality and impact beneficial uses of water, and which are defined as wastes under the Porter-  
2 Cologne Water Quality Control Act (CWC Section 13000 et seq.).

3  
4 2. On August 7, 2003 the Regional Water Quality Control Board, Los Angeles Region (Regional  
5 Water Board) adopted Order No. R4-2003-0111 (NPDES No. CAG994004) NPDES Permit and  
6 General Waste Discharge Requirements for the discharge of groundwater from construction and  
7 project dewatering to surface waters. On July 22, 2004, the Regional Water Board's Executive  
8 Officer issued a Fact Sheet and Monitoring and Reporting Program to the Permittee authorizing  
9 coverage under Order No. R4-2003-0111 for discharges from the facility

10  
11 3. In an NPDES Transfer Form received August, 15 2008, the Permittee notified the Regional  
12 Water Board that as of June 26, 2008 the Permittee no longer owned the facility.

13  
14 4. Order No. R4-2003-0111 (Effluent Limitations E.1.b.i) contains effluent limitations for  
15 biochemical oxygen demand, oil & grease, sulfides, total suspended solids, and turbidity:

16  
17

18 <b>Constituent</b>	19 <b>Unit of Measure</b>	20 <b>Discharge Limitations (Daily Maximum)</b>	21 <b>Discharge Limitations (Monthly Average)</b>
22 Biochemical Oxygen Demand	23 mg/L	30	20
24 Oil & Grease	25 mg/L	15	10
26 Sulfides	27 mg/L	1.0	---
28 Total Suspended Solids (TSS)	29 mg/L	150	50
30 Turbidity	31 NTU	150	50

32

33 5. Four (4) effluent limit violations of Order No. R4-2003-0111 were noted in the Permittee's self  
34 monitoring reports for the second and third quarter of 2006. The violations are specifically  
35 identified in Exhibit "A" to this Complaint. Exhibit "A" is attached hereto and incorporated by  
36 reference.

37 6. On December 9, 2008, the Director of the State Water Board Office of Enforcement (Office of  
38 Enforcement) issued the Permittee the Offer to Participate in Expedited Payment Program (EPP)

1 No. SWB-2008-4-0011, which included a Notice of Violation notifying the Permittee of four (4)  
2 effluent violations subject to a mandatory minimum penalty.

3  
4 7. Review of the record verified the four (4) effluent limit violations identified in EPP No. SWB-  
5 2008-4-0011 and identified six (6) additional effluent violations of Order No. R4-2003-0111  
6 either subject to or supporting a violation subject to mandatory minimum penalty. Out of the ten  
7 (10) violations, seven (7) are subject to mandatory minimum penalties and are specifically  
8 identified in Exhibit "A" to the Complaint.

9  
10 8. On July 25, 2011, the Director of the Office of Enforcement issued Complaint No. OE-2011-  
11 0014 in the amount of \$177,000 in mandatory minimum penalties for seven (7) effluent limit  
12 violations and fifty-two (52) late reporting violations related to the 1<sup>st</sup> Quarter 2006 monitoring  
13 report. Subsequent to issuing the Complaint, the Permittee submitted a declaration by Erinn  
14 Lalezari regarding the timely submission of the 1<sup>st</sup> Quarter 2006 monitoring report. Based on this  
15 declaration, the Director of the Office of Enforcement withdrew the Complaint to dismiss the  
16 alleged violations related to the 1<sup>st</sup> Quarter 2006 monitoring report as the Prosecution Team does  
17 not have evidence to dispute the declaration by the Permittee's representative.

18  
19 9. This Amended Complaint addresses the remaining effluent limit violations that are specifically  
20 identified in Exhibit "A" to the Amended Complaint as being subject to mandatory minimum  
21 penalties.

22  
23 10. Any discharge containing pollutants violating the effluent limitations set in the waste discharge  
24 requirements is prohibited by CWC Section 13376.

25  
26 11. CWC Section 13385(h) requires the Water Boards to assess a mandatory minimum penalty of  
27 three thousand dollars (\$3,000) for each serious violation. Pursuant to CWC Section 13385(h)(2)  
28 "a serious violation is defined as any waste discharge that violates the effluent limitations  
29 contained in the applicable waste discharge requirements for a Group II pollutant by 20 percent  
30 or more, or for a Group I pollutant by 40 percent or more. Appendix A of Part 123.45 of Title 40  
31 of the Code of Federal Regulations specifies the Group I and II pollutants."  
32

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

6  
7 13. The maximum amount of discretionary administrative civil liability assessable pursuant to CWC  
8 Section 13385 for each day of violation is \$10,000 per day of violation plus \$10 times the  
9 number of gallons by which the volume discharged but not cleaned up exceeds 1,000 gallons.

10  
11 **YOU ARE HEREBY GIVEN NOTICE THAT:**

12  
13 14. The Director of the State Water Board Office of Enforcement proposes that the Permittee be  
14 assessed a mandatory minimum penalty in the amount of \$21,000.00 for the violations cited in  
15 Exhibit "A." Refer to Exhibit "A" for the calculation of the amount of mandatory minimum  
16 penalty.

17  
18 15. The Permittee may waive the right to a hearing and pay the recommended administrative civil  
19 liability. Should the Permittee choose to waive its right to a hearing, an authorized agent must  
20 sign the waiver form attached to this Complaint and return it to the Office of Enforcement by  
21 5:00 pm on November 28, 2011. If the hearing is waived, a check in the amount of \$21,000.00  
22 (payable to the State Water Pollution Cleanup and Abatement Account) must be received by the  
23 Office of Enforcement by 5:00 pm on November 28, 2011.

24  
25 16. If the Office of Enforcement does not receive a waiver and full payment of the recommended  
26 penalty by November 28, 2011, the Complaint will be heard before the State Water Board  
27 Hearing Officer pursuant to California Water Code Sections 13323(c) and 183. The Notice of  
28 Public Hearing contains that date, time, location, and specific procedures of the scheduled  
29 hearing of this matter.

30  
31 17. If a hearing on this matter is held, the State Water Board will consider whether to affirm, reject,  
32 or modify (i.e. increase the proposed civil liability above the mandatory minimum) the proposed

1 civil liability, or whether to refer the matter to the Attorney General for assessment of judicial  
2 civil liability.

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

9  
10 19. Notwithstanding the issuance of this Complaint, the State Water Board and/or the Regional  
11 Water Board shall retain the authority to assess additional penalties for violations of the  
12 requirements of the Permittee's waste discharge requirements for which penalties have not yet  
13 been assessed or for violations that may subsequently occur.

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

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

23  
24  
25 David Boyers  
26 David M. Boyers  
27 Acting Director, Office of Enforcement  
State Water Resources Control Board

10/25/11  
Date

**Effluent Limitation Violations Requiring Mandatory Minimum Penalties**

#	Violation Number	Violation Date*	Constituent	Pollutant Group	Limitation Period	Limit	Result/Average	Units	% Over Limit	Date 180 Days Prior**	Effluent Violations in Past 180 Days	Serious*** Violation?	Exempted from MMP?	Penalty
1	904260	1/10/06	Biochemical Oxygen Demand DM	I	Daily	30	35.4	mg/L	18	7/14/05	1	No	No	\$0
2	904261	1/31/06	Biochemical Oxygen Demand Monthly AVG	I	Daily	20	23.9	mg/L	20	8/4/05	2	No	No	\$0
3	904262	1/31/06	Turbidity Monthly AVG	OEY	Monthly	50	81.1	NTU	62	8/4/05	3	No	No	\$0
4	557696	6/22/06	Oil & Grease DM	I	Daily	15	15000	mg/L	99900	12/24/05	4	Yes	No	\$3,000
5	557697	6/22/06	Sulfides DM	I	Daily	1	2.35	mg/L	135	12/24/05	5	Yes	No	\$3,000
6	557694	6/30/06	Total Suspended Solids Monthly AVG	I	Monthly	50	60	mg/L	20	1/1/06	6	No	No	\$3,000
7	557695	6/30/06	Oil & Grease Monthly AVG	I	Monthly	10	15000	mg/L	149900	1/1/06	7	Yes	No	\$3,000
8	904263	7/17/06	Sulfides DM	I	Daily	1	4.15	mg/L	315	1/18/06	7	Yes	No	\$3,000
9	904265	7/24/06	Sulfides DM	I	Daily	1	2.92	mg/L	192	1/25/06	8	Yes	No	\$3,000
10	562060	9/30/06	Turbidity Monthly AVG	OEY	Monthly	50	141	NTU	182	4/3/06	7	No	No	\$3,000

\$21,000

\* Violation occurs on sample date or last date of averaging period.

\*\* Includes violations occurring on 'day zero' of the past 180 days.

\*\*\* For Group I pollutants, a violation is serious when the limitation for the parameter of concern is exceeded by more than 40%.

For Group II pollutants, a violation is serious when the limitation for the parameter of concern is exceeded by more than 20%.

**Violation period ending the last day of September 2006**

Group I Violations Subject to MMPs:	8	Group I Violations Assessed MMP:	6
Group II Violations Subject to MMPs:	0	Group II Violations Assessed MMP:	0
Other Effluent Violations Subject to MMPs:	2	Other Effluent Violations Assessed MMP:	1
Total Violations Subject to MMP:	10	Total Violations Assessed MMP:	7
Violations Exempt from MMPs:	0		
Total Effluent Violations:	10		

**Mandatory Minimum Penalty = (5 Serious Violations + 2 Non-Serious Violations) x \$3,000 = \$21,000**

WAIVER FORM

FOR ADMINISTRATIVE CIVIL LIABILITY AMENDED COMPLAINT NO. OE-2011-0014

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

I am duly authorized to represent Arden Realty Limited Partnership (hereinafter "Permittee") in connection with Amended Administrative Civil Liability Complaint No. OE-2011-0014 (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 a Hearing Officer of the State Water Resources Control Board.
- b. I certify that the Permittee will remit payment for the civil liability imposed in the amount of **\$21,000.00** by check that references "Amended ACL Complaint No. OE-2011-0014" 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 November 28, 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 "T" Street  
P.O. Box 100  
Sacramento, California 95814  
(916) 341-5272

Amended ACLC No. OE-2011-0014

**NOTICE OF PUBLIC HEARING**

**TO CONSIDER AN ADMINISTRATIVE CIVIL LIABILITY COMPLAINT**

<b>DISCHARGER</b>	<b>DISCHARGE LOCATION</b>	<b>RECEIVING WATERS</b>
Arden Realty Limited Partnership.	6100 WILSHIRE BOULEVARD, LOS ANGELES, CA 90048	Ballona Creek

Amended Administrative Civil Liability Complaint ("ACLC") No. OE-2011-0014 alleges that Arden Realty Limited Partnership (Permittee) violated waste discharge requirements contained in Regional Water Board Order No. R4-2003-0111 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 \$21,000.00 be assessed against Arden Realty Limited Partnership 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. Arden Realty Limited Partnership
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 5, 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 **November 29, 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.

Arden Realty Limited Partnership. is required to submit:

- 1) Any additional documents or evidence Arden Realty Limited Partnership wants the Hearing Officer to consider,
- 2) A summary of any testimony Arden Realty Limited Partnership intends to present, and
- 3) A statement regarding how much time Arden Realty Limited Partnership 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 Arden Realty Limited Partnership 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 November 28, 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: October 25, 2011