



RECEIVED APR 27 2016

Jim COVIN

142-1N-20160425



EDMUND G. BROWN JR. GOVERNOR



MATTHEW RODRIGUEZ SECRETARY FOR ENVIRONMENTAL PROTECTION

Los Angeles Regional Water Quality Control Board

April 25, 2016

Mr. William Corn
SFI Joint Venture
11 Golden Shore, Suite 330
Long Beach, CA 90802

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED
CLAIM NO. 7015 0640 0006 6112 3400

2016 APR 29 AM 9:55
CALIFORNIA REGIONAL WATER
QUALITY CONTROL BOARD
LOS ANGELES

Mr. Scott Fairgrieve
Agent for Service of Process for
Shimmick Construction Company
8201 Edgewater Drive
Oakland, CA 94621

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED
CLAIM NO. 7015 0640 0006 6112 3417

RESPONSE TO REQUEST FOR ALLEGED VIOLATION REVIEW - SFI JOINT VENTURE, GERALD DESMOND REPLACEMENT PROJECT, 280 PIER T AVENUE (ORDER NO. R4-2013-0095, NPDES PERMIT NO. CAG994004, CI NO. 9958)

Dear Messrs. Corn and Fairgrieve:

Thank you for your submission dated February 8, 2016 regarding the Offer to Participate in Expedited Payment Program No. R4-2016-0002 for SFI Joint Venture (Permittee), which assessed mandatory minimum penalties (MMPs) for effluent violations. This letter addresses your comments in this regard.

Issue 1:

The Permittee requested a revision to the Notice of Violation and a reduction in the fines assessed in the January 29, 2016 response letter to SFI Joint Venture. The Permittee asserts calculation errors were made due to the omission of duplicate sampling for copper. Furthermore, it appears that the alleged Monthly Average violation for Nickel dated September 30, 2015, is counted twice.

Response 1:

Regional Board staff evaluated the Permittee's response. Upon further evaluation, the violations assessed in the Regional Board response letter dated January 29, 2016 have been recalculated as indicated on the Amended Exhibit "1" - Notice of Violation (attached) and the Offer has been modified. Therefore, the Daily Maximum effluent limit violation of 8.14 µg/L for copper, alleged on September 18, 2015, the Monthly Average effluent limit violation of 3.38 µg/L for copper, alleged on September 30, 2015, and the Monthly Average effluent limit violation of 17.7 µg/L for nickel, alleged on September 30, 2015 are dismissed.

Since the SFI Joint Venture requested an additional review of these violations, the Regional Board has established new deadlines. If you intend to participate in the Expedited Payment Program, you must sign and return the Acceptance of Conditional Resolution and Waiver of

Mr. William Corn
Mr. Scott Fairgrieve
SFI Joint Venture

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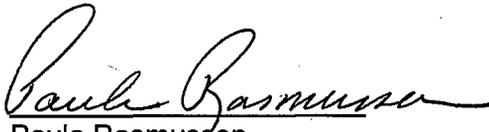
April 25, 2016

Right to Hearing form by **May 25, 2016**. By signing the revised Acceptance and Waiver, SFI Joint Venture agrees to pay the penalty of \$9,000 as indicated on the Amended Exhibit "1" – Notice of Violation and waives the right to a hearing.

If you do not elect to sign the Acceptance and Waiver, you will be contacted regarding formal enforcement action that will be initiated with regard to the contested violations.

If you have questions regarding this matter, please contact Mr. Jim Covin at (213) 576-6614 / jim.covin@waterboards.ca.gov or Mr. Russ Colby at (213) 620-6370 / russ.colby@waterboards.ca.gov.

Sincerely,



Paula Rasmussen
Assistant Executive Officer

Enclosure

Amended Exhibit "1" - Notice of Violation
Acceptance of Conditional Resolution and Waiver of Right to Hearing; (proposed) Order

cc: (via e-mail)
Mayumi Okamoto, Office of Enforcement, State Water Resources Control Board

AMENDED EXHIBIT "1" - NOTICE OF VIOLATION
Effluent Limit Violations

Violation Date	Monitoring Period	Outfall	Violation Type	Parameter	Reported Value	Permit Limit	Units	Pollutant Category	% Exceeded	Serious/Chronic	Water Code Section 13385	Penalty
09/11/15	3rd Quarter 2015	W	Daily Maximum	Nickel*	16.8	14	µg/L	2	20%	Serious	(h)1	\$3,000
09/18/15	3rd Quarter 2015	W	Daily Maximum	Copper	8.14	6.1	µg/L	2	33%	Serious	(h)1	Dismissed
09/18/15	3rd Quarter 2015	W	Daily Maximum	Nickel*	20.1	14	µg/L	2	44%	Serious	(h)1	\$3,000
09/30/15	3rd Quarter 2015	W	Monthly Average	Copper*	3.38	3	µg/L	2	13%	Chronic	(i)1	Dismissed
09/30/15	3rd Quarter 2015	W	Monthly Average	Nickel*	16.3	6.7	µg/L	2	143%	Serious	(h)1	\$3,000
09/30/15	3rd Quarter 2015	W	Monthly Average	Nickel*	17.7	6.7	µg/L	2	164%	Serious	(h)1	Dismissed
Total											\$9,000	

2016 APR 29 AM 9:55
 CALIFORNIA REGIONAL WATER
 QUALITY CONTROL BOARD
 LOS ANGELES REGION

* Staff Calculation

**AMENDED ACCEPTANCE OF CONDITIONAL RESOLUTION
AND WAIVER OF RIGHT TO HEARING; (proposed) ORDER**

SFI Joint Venture
Amended Settlement Offer No. R4-2016-0002
NPDES Permit No. CAG994004

By signing below and returning this Amended Acceptance of Conditional Resolution and Waiver of Right to Hearing (Amended Acceptance and Waiver) to the Los Angeles Regional Water Quality Control Board (Regional Board), SFI Joint Venture (Permittee) hereby accepts the Amended "Offer to Participate in Expedited Payment Program" and waives the right to a hearing before the Regional Board to dispute the allegations of violations described in the Amended Notice of Violation (NOV), which is attached hereto as Exhibit "1" and incorporated herein by reference.

The Permittee agrees that the Amended NOV shall serve as a complaint pursuant to Article 2.5 of the California Water Code and that no separate complaint is required for the Regional Board to assert jurisdiction over the alleged violations through its Chief Prosecutor. The Permittee agrees to pay the penalties required by California Water Code section 13385, in the sum of \$9,000 (Amended Expedited Payment Amount), which shall be deemed payment in full of any civil liability pursuant to Water Code sections 13385 and 13385.1 that otherwise might be assessed for the violations described in the Amended NOV. The Permittee understands that this Amended Acceptance and Waiver waives its right to contest the allegations in the Amended NOV and the amount of civil liability for such violations.

The Permittee understands that this Amended Acceptance and Waiver does not address or resolve liability for any violation that is not specifically identified in the Amended NOV.

Upon execution by the Permittee, the completed Amended Acceptance and Waiver shall be returned to:

Jim Covin, Enforcement Unit
Expedited Payment Program
Los Angeles Regional Water Quality Control Board
320 West 4th Street, Suite 200
Los Angeles, California 90013

The Permittee understands that federal regulations set forth at title 40, Code of Federal Regulations, section 123.27(d)(2)(iii) require the Regional Board to publish notice of and provide at least thirty (30) days for public comment on any proposed resolution of an enforcement action addressing NPDES permit violations. Accordingly, this Amended Acceptance and Waiver, prior to execution by the Regional Board Executive Officer, will be published as required by law for public comment.

If no comments are received within the notice period that causes the Regional Board Executive Officer to question the Amended Expedited Payment Amount, the Regional Board Executive Officer will execute the Amended Acceptance and Waiver.

The Permittee understands that if significant comments are received in opposition to the Amended Expedited Payment Amount, the offer on behalf of the Regional Board to resolve the

violations set forth in the Amended NOV may be withdrawn. In that circumstance, the Permittee will be advised of the withdrawal and an administrative civil liability complaint may be issued and the matter may be set for a hearing before the Regional Board. For such a liability hearing, the Permittee understands that this Amended Acceptance and Waiver executed by the Permittee will be treated as a settlement communication and will not be used as evidence in that hearing.

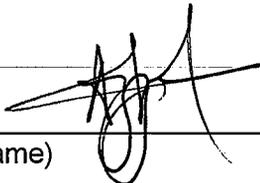
The Permittee further understands that once the Amended Acceptance and Waiver is executed by the Regional Board Executive Officer, the full payment required by the deadline set forth below is a condition of this Amended Acceptance and Waiver. In accordance with California Water Code section 13385(n)(1) and California Water Code section 13385.1(c)(1), funds collected for violations of effluent limitations and reporting requirements pursuant to sections 13385 and 13385.1 shall be deposited in the State Water Pollution Cleanup and Abatement Account. Accordingly, the \$9,000 liability shall be paid by a cashiers or certified check made out to the "State Water Pollution Cleanup and Abatement Account". The payment must be submitted to the State Water Resources Control Board no later than thirty (30) calendar days after the date the Amended Acceptance and Waiver is executed by the Regional Board Executive Officer.

Please mail the check to:

State Water Resources Control Board
ATTN: ACL PAYMENT
Division of Administrative Services, Accounting Branch
1001 I Street, 18th Floor, [95814]
P.O. Box 1888
Sacramento, California 95812-1888

I hereby affirm that I am duly authorized to act on behalf of and to bind the Permittee in the making and giving of this Acceptance and Waiver.

SFI Joint Venture

By: 
(Signed Name)

4/28/16
(Date)

AZZAM SAAD
(Printed or Typed Name)

Contracts Manager
(Title)

IT IS SO ORDERED PURSUANT TO CALIFORNIA WATER CODE SECTION 13385

By: _____
Samuel Unger, P.E.
Executive Officer

(Date)