

**ACCEPTANCE OF CONDITIONAL RESOLUTION AND WAIVER OF RIGHT TO  
HEARING  
SETTLEMENT AGREEMENT AND STIPULATION FOR ENTRY OF  
ADMINISTRATIVE CIVIL LIABILITY (ACL) ORDER NO. R3-2020-0011 (UPON  
EXECUTION)**

Pacific Harvest Seafoods, Inc.  
EPL No. R3-2020-0011  
WDID: 3 35IN605564

By signing below and returning this *Acceptance of Conditional Resolution and Waiver of Right to Hearing* (Acceptance and Waiver) to the Central Coast Regional Water Quality Control Board (Central Coast Water Board), Pacific Harvest Seafoods Inc. Mike Litchko (Discharger) hereby accepts the Conditional Offer to Participate in Expedited Payment Program for Failure to Enroll Under the General Permit for Storm Water Discharges Associated With Industrial Activities, NPDES No. CAS000001, State Water Board Order No. 2014-0057-DWQ” (Conditional Offer), dated December 26, 2019, and waives the right to a hearing before the Central Coast Water Board to dispute the alleged violation described in the Conditional Offer and incorporated herein by reference.

The Discharger agrees that the Conditional Offer shall serve as a complaint pursuant to Division 7, Chapter 5, Article 2.5 of the California Water Code and that no separate complaint is required for the Central Coast Water Board to assert jurisdiction over the alleged violation through its enforcement staff. The Discharger agrees to perform the following:

- Pay an administrative civil liability in the sum of eight thousand four hundred and eighty-five dollars and seventy-four cents (\$8,485.74) by check made payable to the “State Water Resources Control Board Waste Discharge Permit Fund”. This payment shall be deemed payment in full of any civil liability pursuant to Water Code section 13399.33(a)(1) that might otherwise be assessed for the violation described in the Conditional Offer.
- If not yet completed, electronically obtain coverage under general waste discharge requirements by enrolling under the new General Permit using the SMARTS database and paying the required enrollment fee. The Discharger must enroll using SMARTS to submit a complete Notice of Intent, a facility site map, a Storm Water Pollution Prevention Plan, and certifying the application.

The Discharger understands that this Acceptance and Waiver does not address or resolve liability for any violation that is not specifically identified in the Conditional Offer.

Expedited Payment Letter (EPL) No. R3-2020-0011  
Settlement Agreement and Stipulation for Entry of  
Administrative Civil Liability Order No. R3-2020-0011

Upon signature by the Discharger, the Discharger shall return this Acceptance and Waiver to the following address:

Central Coast Regional Water Quality Control Board  
Attention: Thea Tryon, Supervising Engineering Geologist  
895 Aerovista Place, Suite 101  
San Luis Obispo, CA 93401

The Discharger understands that federal regulations require Central Coast Water Board enforcement staff to publish notices of any proposed settlement of an enforcement action for violations of a National Pollution Discharge Elimination System (NPDES) permit, and to provide at least thirty (30) days for public comment.

Accordingly, Central Coast Water Board staff will publish this Acceptance and Waiver for public comment before being presented to the Central Coast Water Board Executive Officer.

If no comments are received within the public comment period that cause Central Coast Water Board enforcement staff to reconsider the Conditional Offer, then staff will present this Acceptance and Waiver to the Central Coast Water Board Executive Officer for consideration as Settlement Agreement and Stipulation for Entry of Administrative Civil Liability Order No. R3-2020-0011 (Stipulated Order) on behalf of the Central Coast Water Board.

The Discharger understands that if significant comments are received in opposition to the Conditional Offer, then Central Coast Water Board enforcement staff may withdraw the offer. If the Conditional Offer is withdrawn, then the Discharger will be notified and the Discharger's waiver pursuant to the Acceptance and Waiver will also be treated as withdrawn. The unresolved violation will be addressed in a revised settlement offer or in a formal enforcement action. In the latter case, an administrative civil liability complaint may be issued and the matter may be set for a public hearing before the Central Coast Water Board.

The Discharger understands that no payments are due at the time it returns the signed Acceptance and Waiver to the Central Coast Water Board. The Discharger understands that once the Stipulated Order is signed by the Central Coast Water Board Executive Officer, Central Coast Water Board staff will send the Discharger this Acceptance and Waiver as an executed Stipulated Order with payment instructions and a due date. Furthermore, the Discharger understands that a full and timely payment of the administrative civil liability shown above is a condition of this Acceptance and Waiver. Failure to pay the liability in full by the required due date may subject the Discharger to further liability, referral of the matter to the Attorney General, and may void the Stipulated Order.

Expedited Payment Letter (EPL) No. R3-2020-0011  
Settlement Agreement and Stipulation for Entry of  
Administrative Civil Liability Order No. R3-2020-0011

Central Coast Water Board staff will send the Discharger an invoice with the signed Stipulated Order, and the Discharger will then have thirty (30) days from the date it is signed by the Executive Officer to pay the liability.

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

By: Pacific Harvest Seafoods, Inc  
M. Litchko 1/31/2020  
(Signed Name)

By: M. LITCHKO 1/31/2020  
(Printed or Typed name)

Title: LRP

Date: January 31, 2020

Expedited Payment Letter (EPL) No. R3-2020-0011  
Settlement Agreement and Stipulation for Entry of  
Administrative Civil Liability Order No. R3-2020-0011

IT IS SO ORDERED, pursuant to Water Code Section 13323 and Government Code  
section 11415.60

By:

---

John M. Robertson  
Executive Officer  
Central Coast Water Board

File Location: R:\RB3\Shared\SW\Facilities\SanBenito\Indus\NF\_Pacific Harvest Seafood\EPL\EPL  
Acceptance-Waiver Form\_Pacific Harvest Seafoods\_R3-2020-0011.docx