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## Central Valley Regional Water Quality Control Board

7 February 2017

Dan Biswas  
SimonCRE Raylan III LLC  
5111 North Scottsdale Road, #200  
Scottsdale AZ 85250

**CERTIFIED MAIL**  
**91 7199 9991 7035 8359 5214**

via email: dan.biswas@simoncre.com

***FINALIZED ORDER AND INVOICE FOR PAYMENT, SIMONCRE RAYLAN III LLC, DOLLAR GENERAL PIONEER, AMADOR COUNTY, WDID 5S03C373733***

Enclosed for your records is a signed copy of Central Valley Water Board Order R5-2016-0569. As described below, this Order memorializes the settlement reached between the Board and SimonCRE Raylan III LLC for violations of the *General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities, Order 2009-0009 DWQ* at the Dollar General construction project in Pioneer. This letter also serves as your invoice for payment of the agreed-upon administrative civil liability.

On 20 December 2016, SimonCRE Raylan III LLC accepted the Settlement Offer in the amount of \$55,297 and waived its right to a hearing before the Central Valley Water Board by signing the *Acceptance of Settlement Offer and Waiver of Right to Hearing (Acceptance and Waiver)* document. On 22 December 2016, the Prosecution Team posted the Settlement Offer and signed *Acceptance and Waiver* on the Water Board's website for a 30-day public comment period as required by federal regulations. The comment period ended on 23 January 2017 and no comments were received. The Prosecution Team subsequently presented the *Acceptance and Waiver* to the Central Valley Water Board's Executive Officer (acting as head of the Advisory Team) for formal endorsement of the Order on behalf of the Central Valley Water Board. A copy of the endorsed *Acceptance and Waiver*, Order R5-2016-0569, is enclosed.

As a condition of the *Acceptance and Waiver*, SimonCRE Raylan III LLC agreed to full payment of the \$55,297 administrative civil liability within 30 days of the date of an invoice from the Water Board. This letter is your invoice as described in the *Acceptance and Waiver*.

Please remit payment of **\$55,297 (fifty five thousand two hundred ninety seven dollars)** by cashier's check or certified check that references *ACL Order R5-2016-0569, WDID 5S03C373733*, made payable to the *State Water Resources Control Board Cleanup and Abatement Account*. Please send the payment to:

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KARL E. LONGLEY ScD, P.E., CHAIR | PAMELA C. CREEDON P.E., BCEE, EXECUTIVE OFFICER

11020 Sun Center Drive #200, Rancho Cordova, CA 95670 | [www.waterboards.ca.gov/centralvalley](http://www.waterboards.ca.gov/centralvalley)



Accounting Office, Attn: ACL Payment  
State Water Resources Control Board  
P.O. Box 1888  
Sacramento, CA 95812-1888

The payment must be received by **9 March 2017**.

In addition, a copy of the check must be mailed to:

Wendy Wyels  
Central Valley Water Board  
11020 Sun Center Drive, Suite 200  
Rancho Cordova, CA 95670

Late payment will result in this matter being referred to a collection agency or to the Attorney General's office for prosecution resulting in a judgment to collect from the appropriate superior court. Alternatively, the Central Valley Water Board may obtain a judgment directly from the superior court pursuant to Water Code section 13328.

If you have any questions, please contact me at (916) 464-4835 or [wwyels@waterboards.ca.gov](mailto:wwyels@waterboards.ca.gov).



WENDY WYELS, Supervisor  
Compliance and Enforcement Section

Enclosure: Order R5-2016-0569

cc: Greg Gholson, U.S. Environmental Protection Agency, Region IX, San Francisco  
Adam Laputz, Central Valley Water Board, Sacramento  
David Boyers, Office of Enforcement, State Water Resources Control Board, Sacramento  
Aaron Brusatori, Amador County, Jackson

**ORDER NO. R5-2016-0569**  
**ACCEPTANCE OF SETTLEMENT OFFER AND WAIVER OF RIGHT TO A HEARING**  
**FOR**  
**SIMONCRE RAYLAN III, LLC**  
**DOLLAR GENERAL CONSTRUCTION SITE, PIONEER**  
**AMADOR COUNTY**

By signing below and returning this *Acceptance of Settlement Offer and Waiver of Right to Hearing (Acceptance and Waiver)* to the Central Valley Water Board, SimonCRE Raylan III, LLC (Discharger) hereby accepts the Settlement Offer described in the letter dated 21 November 2015 and titled *Offer to settle Administrative Civil Liability, SimonCRE Raylan III LLC, Dollar General Pioneer, Amador County, WDID # 5S03C373733* and waives the right to a hearing before the Central Valley Water Board to dispute the alleged violations described in the Settlement Offer and its enclosures.

The Discharger agrees that the Settlement Offer shall serve as a complaint pursuant to Article 2.5 of the Water Code and that no separate complaint is required for the Central Valley Water Board to assert jurisdiction over the alleged violations. The Discharger agrees to perform the following:

- Pay an administrative civil liability in the sum of \$55,297 (fifty five thousand two hundred ninety seven dollars) by cashier's check or certified check made payable to the "State Water Resources Control Board Cleanup and Abatement Account". This payment shall be deemed payment in full of any civil liability pursuant to Water Code section 13385 that might otherwise be assessed for violations described in the Settlement Offer and its enclosures.
- Fully comply with the conditions of the *General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities, Order 2009-0009 DWQ* (General Permit) at the construction site at 16410 Meadow Vista Drive, Pioneer.

The Discharger understands that by signing this *Acceptance and Waiver*, the Discharger has waived its right to contest the allegations in the Settlement Offer and the civil liability amount for the alleged violation(s). The Discharger understands that this *Acceptance and Waiver* does not address or resolve any liability for any violation not specifically identified in the Settlement Offer and its enclosures.

Upon execution by the Discharger, the *Acceptance and Waiver* shall be returned to the following address:

Central Valley Regional Water Quality Control Board  
11020 Sun Center Drive, Suite A  
Rancho Cordova, CA 95670  
Attention: Wendy Wyels, Supervisor, Enforcement Section

The Discharger understands that federal regulations require the Prosecution Team to publish notice of and provide at least 30 days for public comment on any proposed resolution of an enforcement action for violations of an NPDES permit. Accordingly, this *Acceptance and*

