



Central Valley Regional Water Quality Control Board

4 May 2017

Robert Guerena
RELP Metro LLC
Seefried Properties
9830 Colonnade Blvd, Suite 600
San Antonio, TX 78230

CERTIFIED MAIL
91 7199 9991 7036 6990 3247

via email: RobertGuerena@Seefriedproperties.com

FINALIZED ORDER AND INVOICE FOR PAYMENT, RELP METRO LLC, METRO AIRPARK, SACRAMENTO COUNTY, WDID 5S34C376516

Enclosed for your records is a signed copy of Central Valley Water Board Order R5-2017-0527. As described below, this Order memorializes the settlement reached between the Board and RELP Metro LLC for violations of the *General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities, Order 2009-0009 DWQ* at the Metro AirPark construction project in Sacramento. This letter also serves as your invoice for payment of the agreed-upon administrative civil liability.

On 23 March 2017, RELP Metro LLC accepted the Settlement Offer in the amount of \$214,920 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 28 March 2017, 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 28 April 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 R5-2017-0527, is enclosed.

As a condition of the *Acceptance and Waiver*, RELP Metro LLC agreed to full payment of the \$214,920 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 **two hundred fourteen thousand nine hundred twenty dollars (\$214,920)** by cashier's check or certified check that references *ACL Order R5-2017-0527, WDID 5S34C376516*, made payable to the *State Water Resources Control Board Cleanup and Abatement Account*. Please send the payment to:

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



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

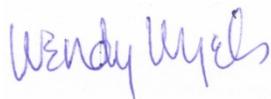
The payment must be received by **5 June 2017**.

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.



WENDY WYELS, Supervisor
Compliance and Enforcement Section

Enclosure: Order R5-2017-0527

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

ORDER NO. R5-2017-0527
ACCEPTANCE OF SETTLEMENT OFFER AND WAIVER OF RIGHT TO A HEARING
FOR
REL P METRO, LLC
METRO AIRPARK
SACRAMENTO 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, RELP Metro LLC (Discharger) hereby accepts the Settlement Offer described in the letter dated 15 February 2017 and titled *Offer to settle Administrative Civil Liability, RELP Metro LLC, Metro Airpark, Sacramento County, WDID 5S34C376516* 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 \$214,920 (two hundred fourteen thousand nine hundred twenty 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 Metro Airpark construction site.

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
Attention: Wendy Wyels, Supervisor, Enforcement Section
11020 Sun Center Drive, Suite A
Rancho Cordova, CA 95670

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 Waiver*, prior to being formally endorsed by the Central Valley Water Board Executive Officer (acting as head of the Advisory Team), will be published as required by law for public comment.

If no comments are received within the notice period that cause the Prosecution Team to reconsider the Settlement Offer, then the Prosecution Team will present this *Acceptance and Waiver* to the Central Valley Water Board's Executive Officer for formal endorsement on behalf of the Central Valley Water Board.

The Discharger understands that if significant comments are received in opposition to the settlement, then the offer may be withdrawn by the Prosecution Team. If the Settlement 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(s) will be addressed in a formal enforcement action. An administrative civil liability complaint may be issued and the matter may be set for a hearing.

The Discharger understands that once this *Acceptance and Waiver* is formally endorsed and an Order Number is inserted, then the full payment is a condition of this *Acceptance and Waiver*. An invoice will be sent upon endorsement, and full payment will be due within 30 days of the date of the invoice.

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*.

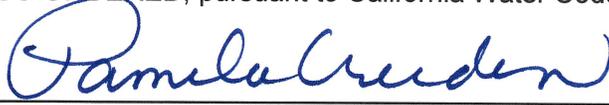
RELP Metro LLC

By: SEE ATTACHED SIGNATURE BLOCK

Title: _____

Date: _____

IT IS SO ORDERED, pursuant to California Water Code section 13385.

By: 
Pamela Creedon, Executive Officer

Date: 5-4-17

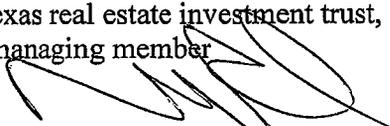
**SIGNATURE BLOCK FOR ACCEPTANCE OF SETTLEMENT OFFER AND WAIVER
OF RIGHT TO A HEARING FOR:**

**REL P METRO, LLC
METRO AIRPARK
SACRAMENTO, COUNTY**

**REL P METRO, LLC, a Delaware limited liability
company**

By: **MPLD, LLC, a Delaware limited liability
company, its sole member**

By: **MP Logistics Development REIT,
a Texas real estate investment trust,
its managing member**

By: 
Name: David J. Beck
Title: Executive Managing Director
Date: 3-23-18