



Lahontan Regional Water Quality Control Board

August 25, 2021

WDID NO. 6A09LT000084

Kevin Evans
Bijou Marketplace, LLC
199 S. Los Robles Ave. #840
Pasadena, CA 91101
kevans@halferty.com

CERTIFIED MAIL
7019 1640 0001 8065 8462
RETURN RECEIPT REQUESTED

FINALIZED ORDER AND INVOICE FOR PAYMENT, BIJOU MARKETPLACE, LLC, SOUTH LAKE TAHOE COMMERCIAL PROJECT, EL DORADO COUNTY

Enclosed for your records is a signed copy of Lahontan Regional Water Quality Control Board (Lahontan Water Board) Order No. R6T-2021-0033. As described below, this Order memorializes the settlement reached between the Lahontan Water Board and Bijou Marketplace, LLC for violations of the *General Waste Discharge Requirements and National Pollutant Discharge Elimination System General Permit for Storm Water Discharges Associated with Construction Activity in the Lake Tahoe Hydrologic Unit, Order No. R6T-2016-0010* at the South Lake Tahoe Commercial Project. This letter also serves as your invoice for payment of the agreed-upon administrative civil liability.

On June 18, 2021, Bijou Marketplace, LLC accepted the Settlement Offer in the amount of \$58,773 and waived its right to a hearing before the Lahontan Water Board by signing the *Acceptance of Settlement Offer and Waiver of Right to Hearing (Acceptance and Waiver)* document. On June 30, 2021, 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. No comments were received. The Prosecution Team then presented the *Acceptance and Waiver* to the Lahontan Water Board's Executive Officer (acting as head of the Advisory Team) for formal endorsement of the Order on behalf of the Lahontan Water Board. A copy of the endorsed *Acceptance and Waiver*, Order No. R6T-2021-0033, is enclosed.

As a condition of the *Acceptance and Waiver*, Bijou Marketplace LLC agreed to full payment of the \$58,773 administrative civil liability within 30 days of the date of an invoice from the Lahontan Water Board. This letter constitutes your invoice.

Please remit payment of **\$58,773 (fifty-eight thousand seven hundred seventy-three dollars)** by cashier's check or certified check that references *ACL Order No. R6T-2021-0033* and is made to the *State Water Resources Control Board Cleanup and Abatement Account*. Please send the payment to:

PETER C. PUMPHREY, CHAIR | MICHAEL R. PLAZIAK, EXECUTIVE OFFICER

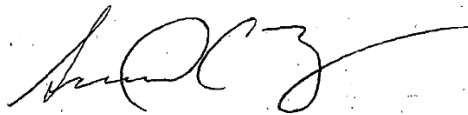
State Water Resources Control Board
Accounting Office, Attn: ACL Payment
P.O Box 1888
Sacramento, CA 95812-1888

The payment must be received by **September 24, 2021**. In addition, a copy of the check must be mailed to:

Scott C. Ferguson, P.E.
Lahontan Water Quality Control Board
2501 Lake Tahoe Blvd.
South Lake Tahoe, CA 96150

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 Lahontan 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 (530) 542-5432 or at scott.ferguson@waterboards.ca.gov.



SCOTT C. FERGUSON, P.E.
Supervising Water Resources Control Engineer

Enclosure: Order No. R6T-2021-0033

cc: Michael Plaziak, Executive Officer, Lahontan Water Board
Ben Letton, Assistant Executive Officer, Lahontan Water Board
Elizabeth Beryt, Office of Chief Counsel, State Water Board
David Boyers, Office of Enforcement, State Water Board
Wendy Wyels, Office of Enforcement, State Water Board
Robert Tucker, Enforcement Coordinator, Lahontan Water Board
Lisa Scorable, Lahontan Water Board
Jason Burke, City of South Lake Tahoe
Peter C. Pumphrey, Chair, Lahontan Water Board
Eric Sandel, Vice Chair, Lahontan Water Board
Kimberly Cox, PhD, Member, Lahontan Water Board
Keith Dyas, Member, Lahontan Water Board
Amy Horne, Member, Lahontan Water Board
Don Jardine, Member, Lahontan Water Board
Essra Mostafavi, Member, Lahontan Water Board

ORDER NO. R6T-2021-0033
ACCEPTANCE OF SETTLEMENT OFFER AND WAIVER OF RIGHT TO A HEARING
FOR
BIJOU MARKETPLACE, LLC
EL DORADO COUNTY

By signing below and returning this *Acceptance of Settlement Offer and Waiver of Right to Hearing (Acceptance and Waiver)* to the California Regional Water Quality Control Board, Lahontan Region, (Lahontan Water Board), Bijou Marketplace, LLC (Discharger) hereby accepts the Settlement Offer described in the letter dated May 14, 2021 and titled *Offer to Settle Administrative Civil Liability, Bijou Marketplace, LLC, South Lake Tahoe Commercial Project, El Dorado County, WDID 6A09LT000084* and waives the right to a hearing before the Lahontan 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 Lahontan 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 **\$58,773** (fifty-eight thousand seven hundred seventy-three 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.

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:

Lahontan Regional Water Quality Control Board
Attention: Scott C. Ferguson
2501 Lake Tahoe Boulevard,
South Lake Tahoe, CA 96150

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* 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 Lahontan Water Board's Executive Officer for formal endorsement on behalf of the Lahontan 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*.

Bijou Marketplace, LLC

By: original signed by Thomas B. Wilson

Title: Trustee of the Thomas Wilson 2017 Trust, Managing Member

Date: 6/18/21

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

By: 
Michael R. Plaziak, PG, Executive Officer

Date: August 25, 2021