

FEB 16 2021

ACCEPTANCE OF CONDITIONAL RESOLUTION AND WAIVER OF RIGHT TO HEARING; (Proposed) ORDER

<input type="checkbox"/> EO	<input type="checkbox"/> WMgmt	<input type="checkbox"/> Admin
<input type="checkbox"/> AS	<input type="checkbox"/> Member	<input type="checkbox"/> Legal
<input type="checkbox"/> Reg/MPS	<input type="checkbox"/> Cleanups	<input type="checkbox"/> Date

John Farrow and Scott Enger
Farrow Ready Mix, Inc.
Settlement Offer No. R1-2021-0004
NON-FILER ID NO. 1 49IN605923

By signing below and returning this Acceptance of Conditional Resolution and Waiver of Right to Hearing (Acceptance and Waiver) to the North Coast Regional Water Quality Control Board (Regional Water Board), Farrow Ready Mix, Inc. (hereinafter "Operator" or "you") hereby accepts the "Offer to Participate in Expedited Payment Program" dated January 28, 2021 and waives the right to a hearing before the Regional Water Board to dispute the violations described in the Notices of Noncompliance (NNCs) which are attached and incorporated herein by reference.

The Operator agrees that the Conditional Offer 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 Assistant Executive Officer. The Operator agrees to pay the administrative civil liability authorized by California Water Code section 13399.33(a)(1) and 13399.33(d), in the sum of \$7,049.85 (Expedited Payment Amount) which shall be deemed payment in full of any civil liability that otherwise might be assessed for the violations described in the NNCs and NOV. The Operator understands that this Acceptance and Waiver waives its right to contest the allegations in the NNCs and NOV and the amount of civil liability for such violations.

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

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

Diana Henriouille, Enforcement Unit
Expedited Payment Program
North Coast Regional Water Quality Control Board
5550 Skyland Blvd, Suite A
Santa Rosa, CA 95403

The Operator 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 Acceptance and Waiver, prior to execution by the Regional Water Board Executive Officer, will be published as required by law for public comment.

If no comments are received within the notice period, the Acceptance and Waiver will be presented to the Regional Water Board Executive Officer for consideration as a stipulated order assessing the uncontested penalty amount pursuant to Water Code section 13399.33. If, however, significant comments are received in opposition to the

settlement, this offer may be withdrawn. In that case, the Operator's waiver pursuant to the Acceptance and Waiver will also be treated as withdrawn. In that case, the violations will be addressed in a liability assessment proceeding. At the liability assessment hearing, the Operator will be free to make arguments as to any of the alleged violations, and the Operator's agreement to accept this conditional offer will not in any way be binding or used as evidence against the Operator. The Operator will be provided with further information on the liability assessment proceeding.

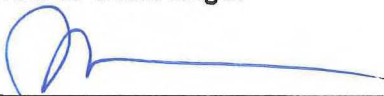
The Operator further understands that once this Acceptance and Waiver is executed by the Regional Water Board's Executive Officer, the full payment required by the deadline set forth below is a condition of this Acceptance and Waiver. In accordance with California Water Code section 13399.37(a), funds collected for violations pursuant to sections 13399.33(a)(1) shall be deposited in the Waste Discharge Permit Fund. Accordingly, the \$7,049.85 liability shall be paid by a cashiers or certified check made out to the "Waste Discharge Permit Fund" and reference this Order number. The payment must be submitted to the State Water Resources Control Board no later than thirty (30) calendar days after the date the Acceptance and Waiver is executed by the Regional Board's Executive Officer.

Please mail check to:

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

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

John Farrow or Scott Enger

By: 	<u>2-12-2021</u>
(Signed Name)	(Date)
<u>John C Farrow</u>	<u>CEO</u>
(Printed or Typed name)	(Title)

IT IS SO ORDERED PURSUANT TO CALIFORNIA WATER CODE SECTION
13399.30

By: _____
Matthias St. John
Executive Officer

Farrow_EPL_Acceptance