

Item No. 5
Doc. No. 4

January 13, 2009

Mr. Michael P. McCann, P.E.
Assistant Executive Officer
California Regional Water Quality Control Board
San Diego Region
9174 Sky Park Court, Suite 100
San Diego, CA 92123

RE: COMPLAINT NO. R9-2008-0121 ACL STUDIO 15 HOUSING PARTNERS, LLC

Dear Mr. McCann,

Enclosed with this letter is the "Waiver of 90-Day Hearing" for Studio 15 Housing Partners, LLC, for violations associated with its development located at 70 15th Street in San Diego.

Studio 15 Housing Partners will remit payment of the \$42,000 civil liability on behalf of the above referenced complaint by February 27, 2009. Due to the lead time associated with obtaining draws from our financing sources for this affordable housing development, it is necessary to extend the payment deadline associated with our waiver.

If you should have any questions about this extension, please don't hesitate to contact me at (858) 679-2828.

Respectfully,



Anna Scott
Project Manager

cc: Frank Melbourne, RWQCB

Encl.

**WAIVER OF 90-DAY HEARING REQUIREMENT FOR
ADMINISTRATIVE CIVIL LIABILITY COMPLAINT**

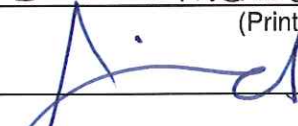
By signing this waiver, I affirm and acknowledge the following:

1. I am duly authorized to represent Studio 15 Housing Partners, LLC (hereinafter "Discharger") in connection with Amended Administrative Civil Liability Complaint No. R9-2008-0121 (hereinafter the "Complaint");
2. I am informed that California Water Code section 13323, subdivision (b), states that, "a hearing before the regional board shall be conducted within ninety (90) days after the party has been served" with the Complaint;
3. I hereby waive any right the Discharger may have to a hearing before the California Regional Water Quality Control Board, San Diego Region (Regional Board) within ninety (90) days of service of the Complaint; and
4. **(Check here if the Discharger will waive the hearing requirement and will pay the fine)**
 - a. I certify that the Discharger will remit payment for the civil liability imposed in the amount of forty-two thousand dollars (\$42,000) by check, which contains a reference to "ACL Complaint No. R9-2008-0121" and is made payable to the "State Water Resources Control Board Cleanup and Abatement Account" Payment must be received by the Regional Board by January 20, 2009, unless this waiver is accompanied by a written explanation as to when payment is likely to be received.
 - b. I understand the payment of the above amount constitutes a settlement of the Complaint for all known violations as of the date of this waiver, and that any settlement will not become final until after the thirty (30) day public notice and comment period mandated by federal regulations (40 CFR 123.27) expires. Should the Regional Board receive new information or comments during this comment period, the Regional Board's Assistant Executive Officer may withdraw the complaint, return payment, and issue a new complaint. New information or comments include those submitted by personnel of the Regional Board who are not associated with the enforcement team's issuance of the Complaint.
 - c. I understand that payment of the above amount is not a substitute for compliance with applicable laws and that continuing violations of the type alleged in the Complaint may subject the Discharger to further enforcement, including additional civil liability.

-or-

5. **(Check here if the Discharger will waive the ninety (90) day hearing requirement, but will not pay at the current time)** I certify that the Discharger will promptly engage the Regional Board staff in discussions to resolve the outstanding violation(s). By checking this box, the Discharger is not waiving its right to a hearing on this matter. I understand that this waiver is a request to delay the hearing so the Discharger and Regional Board staff can discuss settlement. It does not constitute the Regional Water Board's agreement to delay the hearing. A hearing on the matter may be held before the Regional Board if these discussions do not resolve the liability proposed in the Complaint. The Discharger agrees that this hearing may be held after the ninety (90) day period referenced in Water Code section 13323 has elapsed.
6. If a hearing on this matter is held, the Regional Board will consider whether to issue, reject, or modify the proposed Administrative Civil Liability Order, or whether to refer the matter to the Attorney General for recovery of judicial civil liability.

James Silverwood, President
(Print Name and Title)


(Signature)

January 13th, 2009
(Date)