

**WAIVER FORM
ADMINISTRATIVE CIVIL LIABILITY COMPLAINT NO. R9-2012-0065**

2012 NOV -1 P 3: 35

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

I am duly authorized to represent Ariel Suites, L.P. in connection with Administrative Civil Liability Complaint No. R9-2012-0065 (hereinafter "Complaint"). I am informed that Water Code section 13323, subdivision (b), states that, "a hearing before the regional board shall be conducted within 90 days after the party has been served [with the Complaint]. The person who has been issued a complaint may waive the right to a hearing."

(OPTION 1: Check here if Ariel Suites, L.P. waives the hearing requirement and will pay the liability.)

a. I hereby waive any right Ariel Suites, L.P. may have to a hearing before the San Diego Water Board.

b. I certify that Ariel Suites, L.P. will remit payment for the civil liability imposed in the amount of one hundred and thirty-eight thousand dollars (\$138,000) by check that references "ACL Complaint No. R9-2012-0065" made payable to the "State Water Resources Control Board." Payment must be received by the San Diego Water Board by October 23, 2012 or this matter will be placed on the San Diego Water Board's agenda for a hearing as initially proposed in the Complaint.

November 2, 2012

→ Deadline extended per Catherine Hagan email dated 10/19/12 (attached).

JED

c. I understand the payment of the above amount constitutes a proposed settlement of the Complaint, and that any settlement will not become final until after the 30-day public notice and comment period. Should the San Diego Water Board receive significant new information or comments from any source (excluding the San Diego Water Board's Prosecution Team) during this comment period, the San Diego Water Board's Assistant Executive Officer may withdraw the complaint, return payment, and issue a new complaint. I understand that this proposed settlement is subject to approval by the San Diego Water Board, and that the San Diego Water Board will consider this proposed settlement in a public meeting or hearing. I also understand that approval of the settlement will result in Ariel Suites, L.P. having waived the right to contest the allegations in the Complaint and the imposition of civil liability.

(OPTION 2: Check here if Ariel Suites, L.P. waives the 90-day hearing requirement in order to extend the hearing date and/or hearing deadlines. Attach a separate sheet with the amount of additional time requested and the rationale.) I hereby waive any right Ariel Suites, L.P. may have to a hearing before the San Diego Water Board within 90 days after service of the complaint. By checking this box, Ariel Suites, L.P. requests that the San Diego Water Board delay the hearing and/or hearing deadlines so that Ariel Suites, L.P. may have additional time to prepare for the hearing. It remains within the discretion of the San Diego Water Board to approve the extension.

Stephen Dowlan

Print Name

[Signature]

Signature

Owners Representative

Title

11/1/12

Date