



GAVIN NEWSOM
GOVERNOR



JARED BLUMENFELD
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Santa Ana Regional Water Quality Control Board

April 17, 2019

Mr. Bob Kubashek
LBACPT Industrial Company VI LLC
3347 Michelson Drive, Suite 200
Irvine, CA 92612

TRANSMITTAL OF ACCEPTANCE OF CONDITIONAL RESOLUTION NO. R8-2019-0023 FOR WDID NO. 8 33C375894

Dear Mr. Kubashek:

Please find enclosed the signed copy of the Acceptance of Conditional Resolution Order No. R8-2019-0023 for your records.

The **\$1,597.00** liability includes staff costs and must be paid by a cashiers or certified check made out to the "State Water Resources Control Board." The check must reference Order number **R8-2019-0023** for deposit into the Waste Discharge Permit Fund no later than May 17, 2019.

Please mail the check to either address below:

Overnight Delivery Service:

State Water Resources Control Board,
Re: Settlement Offer No. R8-2019-0023; WDID No. 8 33C375894
Division of Administrative Services, Accounting Branch
1001 I Street, 18th Floor
Sacramento, California 95814

Regular Mail:

State Water Resources Control Board,
Re: Settlement Offer No. R8-2019-0023; WDID No. 8 33C375894
Division of Administrative Services, Accounting Branch
P.O. Box 1888
Sacramento, California 95812-1888

WILLIAM RUH, CHAIR | HOPE SMYTHE, EXECUTIVE OFFICER

3737 Main St., Suite 500, Riverside, CA 92501 | www.waterboards.ca.gov/santaana

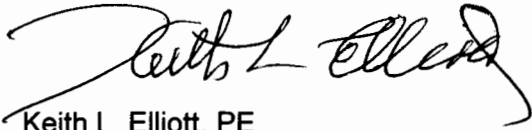
Mr. Bob Kubashek
LBACPT Industrial Company VI LLC
R8-2019-0023; WDID No. 8 33C375894

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April 17, 2019

If you have any questions regarding this correspondence, please contact me at kelliott@waterboards.ca.gov or by calling (951) 782-4925.

Sincerely,



Keith L. Elliott, PE
WRCE
Inland Stormwater Unit

Enclosures: Signed Acceptance of Conditional Resolution Order No. R8-2019-0023

cc: Ms. Catherine Hawe, Office of Enforcement, State Water Resources Control Board

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

By signing below and returning this Acceptance of Conditional Resolution and Waiver of Right to Hearing (Acceptance and Waiver) to the Santa Ana Regional Water Quality Control Board (Regional Board), LBACPT Industrial Company VI LLC (Permittee) hereby accepts the "Offer to Participate in Expedited Payment Program" and waives the right to a hearing before the Regional Board to dispute the violations described in the Notices of Noncompliance (NNCs) which are enclosed and incorporated herein by reference.

The Permittee agrees that the Expedited Payment Program 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 Chief Prosecutor. The Permittee agrees to pay the administrative civil liability authorized by California Water Code section 13399.30, in the sum of **\$1597** (Expedited Payment Amount) which shall be deemed payment in full of any civil liability pursuant to California Water Code section 13399.30 that otherwise might be assessed for the violations described in the NNCs.

The Permittee understands that this Acceptance and Waiver waives its right to contest the allegations in the NNCs and the amount of civil liability for such violations. The Permittee understands that this Acceptance and Waiver does not address or resolve liability for any violation that is not specifically identified in the enclosed NNCs.

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

Santa Ana Regional Water Quality Control Board
Attn: Keith Elliott, Inland Stormwater Unit
3737 Main Street, Suite 500
Riverside, California 92501

The Permittee 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 and provide at least thirty (30) days for public comment on any proposed resolution of an enforcement action addressing NPDES permit violations. This Acceptance and Waiver will be published for public comment prior to execution by the Regional Board Executive Officer, accordingly. If no comments are received within the notice period that causes the Regional Board Executive Officer to question the Expedited Payment Amount, the Regional Board Executive Officer will execute the Acceptance and Waiver.

The Permittee understands that if significant comments are received in opposition to the Expedited Payment Amount, the offer on behalf of the Regional Board to resolve the violations set forth in the Notice of Noncompliance letters, may be withdrawn. In that circumstance, the Permittee will be advised of that withdrawal. An administrative civil liability complaint may be issued and the matter may be set for a hearing before the Regional Board. If this matter proceeds to hearing, the Permittee understands that this Acceptance and Waiver executed by the Permittee will be treated as a settlement communication and will not be used as evidence in that hearing.

The Permittee further understands that once this Acceptance and Waiver is executed by the Regional Board 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(c) and 13399.33(d) shall be deposited in the Waste Discharge Permit Fund. Accordingly, the **\$1597** liability amount including staff costs, shall be paid by a cashiers or certified check made out to the "**State Water Resources Control Board**" referencing Order number **R8-2019-0023** for deposit into the Waste Discharge Permit Fund. 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 Executive Officer.

Please mail check to the

Overnight Delivery Service:

State Water Resources Control Board,
Re: Settlement Offer No. R8-2019-0023; WDID No. 8 33C375894
Division of Administrative Services, Accounting Branch
1001 I Street, 18th Floor,
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Division of Administrative Services, Accounting Branch
P.O. Box 1888
Sacramento, California 95812-1888

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

LBACPT Industrial Company VI LLC

By: Bob Kubichek 2/25/19
(Signed Name) (Date)

Bob Kubichek Director of Development
(Printed or Typed name) (Title)

IT IS SO ORDERED PURSUANT TO CALIFORNIA WATER CODE SECTION 13399.30

Date: 4/17/19

By: Hope Smythe
Hope Smythe
Executive Officer