



Santa Ana Regional Water Quality Control Board

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

SPX Cooling Tech LLC
Settlement Offer No. R8-2023-0032

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 (Santa Ana Water Board), SPX Cooling Tech LLC (Discharger) hereby accepts the Santa Ana Water Board's "Offer to Participate in Expedited Payment Program" and waives the right to a hearing before the Santa Ana Water Board to dispute the violations pursuant to California Water Code section 13385.

The Discharger 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 Santa Ana Water Board to assert jurisdiction over the alleged violations through its Chief Prosecutor. The Discharger agrees to pay the administrative civil liability authorized by California Water Code section 13385, in the sum of \$39,000 (Expedited Payment Amount) which shall be deemed payment in full of any alleged civil liability pursuant to California Water Code section 13385 that otherwise might be assessed for the alleged violations described.

The Discharger understands that this Acceptance and Waiver constitutes a waiver of Discharger's right to contest the violations and the amount of civil liability for such violations; however, Discharger makes no acknowledgement or admission of liability for the violations alleged by the Santa Ana Water Board. Discharger expressly denies any liability, makes no admissions of facts or law, and expressly reserves any and all defenses regardless of execution of this Acceptance and Waiver. The Discharger understands that this Acceptance and Waiver does not address or resolve liability for any violation that is not specifically identified.

Upon Execution by the Discharger, submit the completed Acceptance and Waiver to:

David Rosas, General Stormwater Unit
Expedited Payment Letter
Santa Ana Regional Water Quality Control Board
3737 Main Street, Suite 500
Riverside, CA 92501

The Discharger understands that federal regulations set forth at title 40, Code of Federal Regulations, section 123.27(d)(2)(iii) require the Santa Ana Water 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 Santa Ana Water Board Executive Officer, will be published as required by law for public comment.

If no comments are received within the notice period, the Prosecution Team will present this Acceptance and Waiver to the Santa Ana Water Board Executive Officer to execute the Acceptance and Waiver.

KRISTINE MURRAY, CHAIR | JAYNE JOY, EXECUTIVE OFFICER

The Discharger understands that if significant comments are received in opposition to the Conditional Offer, the offer on behalf of the Santa Ana Water Board to resolve the violations may be withdrawn. In that circumstance, the Discharger will be advised of that withdrawal, and an administrative civil liability complaint may be issued, and the matter may be set for a hearing before the Santa Ana Water Board. In the event that this matter proceeds to hearing, the Discharger understands that this Acceptance and Waiver executed by the Discharger will be treated as a confidential settlement communication and will not be used as evidence in that hearing.

The Discharger further understands that once this Acceptance and Waiver is executed by the Santa Ana Water 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 13385, subdivision (n) funds collected for violations pursuant to section 13385 shall be deposited in the Cleanup and Abatement Account, the \$39,000 liability shall be paid by a cashiers or certified check made out to the "State Water Resources Control Board" referencing this Order number for deposit into the Cleanup and Abatement Account. 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 Santa Ana Water Board Executive Officer.


Please mail check to:

State Water Resources Control Board
Re: Order No. R8-2023-0032
Division of Administrative Services, Accounting Branch
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 Discharger in the making and giving of this Acceptance and Waiver. SPX Cooling Tech LLC expressly denies any liability, makes no admissions of facts or law, and expressly reserves any and all defenses regardless of execution of this Acceptance and Waiver.

SPX Cooling Tech LLC

By:


(Signed Name)

5/30/2023

(Date)

MANO ABRAHAM
(Printed or Typed Name)

SITE MANAGER
(Title)

IT IS SO ORDERED PURSUANT TO CALIFORNIA WATER CODE SECTION 13323 AND GOVERNMENT CODE SECTION 11415.60.

By:

Jayne E. Joy, PE
Executive Officer