
Santa Ana Regional Water Quality Control Board

March 6, 2018

Ms. Megan Bretz
The Prentice-Hall Corporation System, Inc
2710 Gateway Oaks Drive, Suite 150N
Sacramento, California 95833
(Certified Mail)

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Phillip Munoz
phillip.munoz@jbssa.com
(By Email Only)

Mr. Scott Harjehausen
Swift Beef Company
1770 Promontory Circle
Greeley, Colorado
scott@goodman-assoc.com
(Regular Mail and Email)

SETTLEMENT OFFER NO. R8-2018-0061: EXPEDITED PAYMENT PROGRAM FOR VIOLATION OF WATER CODE SECTION 13399.33(C). WDID NO. 8 33C378312

Dear Mr. Harjehausen,

This letter is to notify Swift Beef Company (hereinafter "Permittee or "you") of alleged violations of the California Water Code (Water Code). The violation is a failure to submit the 2016-17 Annual Report by September 1, 2017 for the JBS Riverside construction site located at 15555 Meridian Parkway in the City of Riverside (Site).

This is an invitation to participate in the Santa Ana Regional Water Quality Control Board's (Regional Board) Expedited Payment Program to address mandatory minimum penalties that must be assessed pursuant to California Water Code sections 13385 and 13385.1.

ALLEGED VIOLATION:

Regional Board staff alleges that the Permittee has violated provisions of the National Pollutant Discharge Elimination System (NPDES) Statewide General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities, Order No. 2009-0009-DWQ as amended by 2010-0014-DWQ and 2012-0006-DWQ (Order).

Provision I.4.c. of the Order requires that the Permittee submit an Annual Report, due to the Regional Board by **September 1 of each year**.

Regional Board staff requested that the Permittee submit the 2016-17 Annual Report in the Notices of Noncompliance (NNC) issued on September 12, 2017 and October 18, 2017. Based on information in the Storm Water Multiple Application & Report Tracking System (SMARTS), as of March 1, 2018, the Annual Report was submitted on 12/21/2017.

Pursuant to Water Code section 13399.33(c), the Permittee is subject to a minimum penalty of not less than one thousand dollars (\$1,000) plus staff costs for failing to submit the Annual Report within sixty (60) days after the first NNC was sent. The Permittee is also subject to discretionary administrative civil liabilities of up to ten thousand dollars (\$10,000) for each day in which the violation occurs. These minimum and discretionary administrative civil liabilities may be assessed by the Regional Board beginning with the date that the violations first occurred. The formal enforcement action that the Regional Board uses to assess such liability is an administrative civil liability complaint. The Regional Board may instead refer such matters to the Attorney General's Office for prosecution. If referred to the Attorney General for prosecution, the Superior Court may assess up to twenty-five thousand dollars (\$25,000) per violation.

PERMITTEE'S OPTIONS FOR RESPONSE TO OFFER:

You have two options to respond as outlined below.

1. **Accept the Expedited Payment Program offer.** If the permittee chooses to accept this offer, they must agree to pay a settlement of **\$1,890.00**. This settlement offer is based on Water Code section 13399.33(c) which requires \$1,000 per missing report plus staff costs. Staff costs in this matter are \$890.00.

This is a Conditional Offer subject to certain terms and conditions set forth below. If you choose this option, **you must sign and submit the enclosed Acceptance and Waiver form by April 6, 2018**. The form provides submittal instructions. Final closure on this action is only possible after ultimate submission of the settlement amount.

Please submit an original signed (blue ink) Acceptance and Wavier form to:

Keith Elliott, Inland Stormwater Unit
Santa Ana Regional Water Quality Control Board
3737 Main Street. Suite 500
Riverside, CA 92501-3348

In response to the Conditional Offer and payment in settlement of this enforcement action, the Regional Board will forego issuance of a formal administrative complaint,

will not refer the violation to the Attorney General, and will waive its right to seek additional discretionary civil liabilities for the violations identified in the NNCs.

2. **Contest the violation.** To contest the violation, the Permittee must submit in writing the basis of your challenge with supporting evidence. For example, you may have evidence that you previously submitted your Annual Report(s) prior to September 1, 2017 or you are no longer in business. If you choose this option, you must **submit your written documentation by April 6, 2018**. We will review your submission and, if we agree, we will notify you in writing that you are no longer considered in violation of the permit and that our enforcement action has been withdrawn. All responses should be directed to Keith Elliott at the address listed in the above paragraph.

If you do not respond in a manner described in the above options, Regional Board staff will prepare an administrative civil liability complaint for the violations cited in the NNC. The liability amount sought in the administrative civil liability complaint and/or imposed by the Regional Board may be higher than the liability amount set forth in this Conditional Offer. Moreover, additional staff costs may be considered in the recommended liability amount in an administrative civil liability complaint.

CONDITIONS FOR REGIONAL BOARD ACCEPTANCE OF RESOLUTION:

Federal regulations require the Regional Board to publish notice of, and to provide at least thirty (30) days for public comment on, any settlement of an enforcement action addressing NPDES permit violations (40 C.F.R. section 123.27(d)(2)(iii)).

If you accept the Expedited Payment Program offer, the settlement will be published in the following manner:

1. Upon receipt of the Permittee's Acceptance and Waiver, the Annual Reports, and other requested technical reports on or before **April 6, 2018**, Regional Board staff will publish a notice of the proposed resolution of the alleged violations.
2. If Regional Board staff receives no comments within the notice period, the Regional Board Executive Officer will execute the Acceptance and Waiver as a stipulated order assessing the uncontested penalty amount pursuant to Water Code section 13399.33. You will then be notified that payment is due within 30 days. Failure to pay the penalty within that time frame may result in further liability, referral of the matter to the Attorney General, and/or may void the offer to participate in this Expedited Payment Program.
3. If Regional Board staff receives significant comments in opposition to the settlement, this offer may be withdrawn. In that case, the Permittee's waiver pursuant to the Acceptance and Waiver will also be treated as withdrawn. In that case, the violations will be addressed through a formal enforcement action.

This Expedited Payment Program offer does not address or resolve liability for any violation that is not specifically identified in the attached NNC. The Regional Board reserves the right to pursue formal enforcement of any violations not specifically cited in the attached NNCs.

Should you have any questions about this Expedited Payment Program or Notice of Noncompliance, please contact Keith Elliott at (951) 782-4925 or at keith.elliott@waterboards.ca.gov regarding this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jayne Joy".

Jayne Joy
Assistant Executive Officer

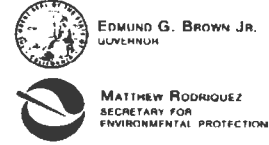
Enclosures:

Notice of Noncompliance dated September 12, 2017
Notice of Noncompliance dated October 18, 2017
Acceptance of Conditional Resolution and Waiver of Right to Hearing

cc: (via email)

Catherine Hawe, Office of Enforcement, State Water Resources Control Board

1st Notice of Noncompliance



Santa Ana Regional Water Quality Control Board

September 12, 2017

Jamie Buck
Swift Beef Company
1770 Promontory Circle
Greeley, CO 80634

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

NOTICE OF NON-COMPLIANCE: FAILURE TO COMPLY WITH THE GENERAL PERMIT FOR STORM WATER DISCHARGES ASSOCIATED WITH CONSTRUCTION AND LAND DISTURBANCE ACTIVITIES, ORDER NO. 2009-0009-DWQ, NPDES NO. CAS00002 (GENERAL PERMIT) WDID NO. 8 33C378312

Dear Mr. Buck:

Your construction site identified as JBS Riverside, located at 15555 Meridian Parkway, in the city of Riverside is regulated under the General Permit and is identified by WDID **8 33C378312**. Section XVI.A. of the General Permit requires that an Annual Report be submitted by September 1st each year via the online SMARTS database. Our records show that your annual report for the July 1, 2016 to June 30, 2017 reporting period has not been submitted.

Swift Beef Company is consequently in violation of Section XVI.A. of the General Permit for failure to submit a complete 2016-2017 Annual Report. We request that you submit a complete **2016-2017 Annual Report** via the online SMARTS database no later than **October 13, 2017**.

The online SMARTS database is available at:

<https://smarts.waterboards.ca.gov>

Please note that in order to submit the annual report, the Legally Responsible Person (LRP) or the legal owner of the property must complete the e-Authorization Form if the e-Authorization Form was not processed in the prior years. This form can be accessed, once logged into SMARTS, under the main menu. Click on the "Update User Profile" link on the left. The LRP must complete the form shown, sign it, and mail the original form to one of the Sacramento addresses noted at the end of the e-Authorization Form. You will be notified when the e-Authorization Form has been processed, enabling you to submit the report electronically.

You must also provide a statement explaining why the annual report was not submitted by the September 1 deadline, propose the measures you will take to ensure timely

submittals in the future, and upload the statement as part of SMARTS annual report Attachments.

Failure to submit the requested information within 30 days of the date of this letter will result in further enforcement action, which may include civil monetary penalties of up to \$10,000 for each day of violation. Please note that Section 13399.33 of the California Water Code stipulates a mandatory minimum penalty of \$1,000 to those permittees that do not submit their annual reports after notification.

Should you need assistance in completing the Annual Report or have any questions relating to SMARTS, please contact the SMARTS Helpdesk at stormwater@waterboards.ca.gov. You may also contact Keith Elliott at 951-782-4925 or keith.elliott@waterboards.ca.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "A Sturdivant". The signature is written in a cursive style with a large initial "A" and a long, sweeping underline.

Ann Sturdivant, PG, CEG, CHG
Supervising Engineering Geologist
Chief, Groundwater and Regulatory Division

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OFFICIAL USE

7016 2070 0000 6603 3041

Certified Mail Fee \$ **\$3.30**

9/12/2017

Extra Services & Fees (check box, add fee as appropriate)
 Return Receipt (hardcopy) \$ **\$2.70**

Return Receipt (electronic) \$ _____

Certified Mail Restricted Delivery \$ _____

Adult Signature Required \$ _____

Adult Signature Restricted Delivery \$ _____

Postmark
Here

1st NNC

Postage \$ **\$4.17**

8 33C378312

Total Postage and Fees \$ **\$6.47**

480924

Sent To **Mr. Jamie Buck**

Street and Apt. No. (or P.O. Box No.)
Swift Beer Company

City, State, ZIP+4®
1470 Promontory Circle

Greely, CO 80634

PS Form 3800, April 2013 Edition See Reverse for Instructions

Certified Mail service provides the following benefits:

- A receipt (the portion of the Certified Mail label).
 - A unique identifier for your mailpiece.
 - Electronic verification of delivery or attempted delivery.
 - A record of delivery (including the recipient's signature) that is retained by the Postal Service™ for a specified period.
- Important Reminders:**
- You may purchase Certified Mail service with First-Class Mail®, First-Class Package Service®, or Priority Mail® service.
 - Certified Mail service is *not* available for international mail.
 - Insurance coverage is *not* available for purchase with Certified Mail service. However, the purchase of Certified Mail service does not change the insurance coverage automatically included with certain Priority Mail items.
 - For an additional fee, and with a proper endorsement on the mailpiece, you may request the following services:
 - Return receipt service, which provides a record of delivery (including the recipient's signature). You can request a hardcopy return receipt or an electronic version. For a hardcopy return receipt, complete PS Form 3811, *Domestic Return Receipt*; attach PS Form 3811 to your mailpiece; for an electronic return receipt, see a retail associate for assistance. To receive a duplicate return receipt for no additional fee, present this USPS®-postmarked Certified Mail receipt to the retail associate.
 - Restricted delivery service, which provides delivery to the addressee specified by name, or to the addressee's authorized agent.
 - Adult signature service, which requires the signer to be at least 21 years of age (not available at retail).
 - Adult signature restricted delivery service, which requires the signer to be at least 21 years of age and provides delivery to the addressee specified by name, or to the addressee's authorized agent (not available at retail).
 - To ensure that your Certified Mail receipt is accepted as legal proof of mailing, it should bear a USPS postmark. If you would like a postmark on this Certified Mail receipt, please present your Certified Mail item at a Post Office™ for postmarking. If you don't need a postmark on this Certified Mail receipt, detach the barcoded portion of this label, affix it to the mailpiece, apply appropriate postage, and deposit the mailpiece.
- IMPORTANT: Save this receipt for your records.**

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Mr. Jamie Buck
Swift Beef Company
1770 Promontory Circle
Greeley, CO 80634
WDID: 8 33C378312 AppID: 480924
9/12/2017




9590 9403 0887 5223 0738 53

2. Article Number (Transfer from service label)

7016 2070 0000 6805 3041

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X  Agent
 Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1?

If YES, enter delivery address below: Yes
 No

3. Service Type

- Adult Signature
- Adult Signature Restricted Delivery
- Certified Mail®
- Certified Mail Restricted Delivery
- Collect on Delivery
- Collect on Delivery Restricted Delivery
- Priority Mail Express®
- Registered Mail™
- Registered Mail Restricted Delivery
- Return Receipt for Merchandise
- Signature Confirmation™
- Signature Confirmation Restricted Delivery

USPS TRACKING#



9590 9403 0887 5223 0738 53



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

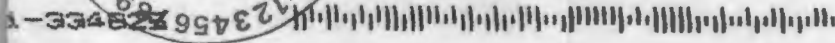
United States
Postal Service

• Sender: Please print your name, address, and ZIP+4® in this box•

SANTA ANA REGIONAL
WATER QUALITY CONTROL BOARD
3737 MAIN STREET, SUITE 500
RIVERSIDE, CA 92501-3348



ATTN: INLAND STORM WATER
2016-2017 Construction General Permit
1st NNC (KLE)



Kronson, Amy@Waterboards

From: Stormwater@Waterboards
Sent: Monday, August 21, 2017 1:32 PM
To: Stormwater@Waterboards
Subject: Construction General Permit Annual Report Reminder (DUE SEPT 1) Region 8

Hello,

This email serves as a second reminder of important upcoming requirements in the Statewide Storm Water Construction General Permit

ANNUAL REPORT

The 2016-2017 Annual Report is **due by September 1, 2017**. Submittal is required through the Storm Water Multiple Application and Report Tracking System (SMARTS).

For instructions on how to enter the Annual Report, please review the following Annual Report help guide for SMARTS: http://www.waterboards.ca.gov/water_issues/programs/stormwater/docs/construction/cgp_annual_report.pdf

Failing to submit the Annual Report is a violation of the Statewide Storm Water Construction General Permit, so please submit your report before September 1, 2017.

For help with accessing your SMARTS account (UserID/Password) please send an email to stormwater@waterboards.ca.gov

Thank You,
Storm Water Section
Division of Water Quality
State Water Resources Control Board

Kronson, Amy@Waterboards

From: Stormwater@Waterboards
Sent: Monday, August 21, 2017 1:34 PM
To: Stormwater@Waterboards
Subject: Construction General Permit Annual Report Reminder (DUE SEPT 1) Region 9

Hello,

This email serves as a second reminder of important upcoming requirements in the Statewide Storm Water Construction General Permit

ANNUAL REPORT

The 2016-2017 Annual Report is **due by September 1, 2017**. Submittal is required through the Storm Water Multiple Application and Report Tracking System (SMARTS).

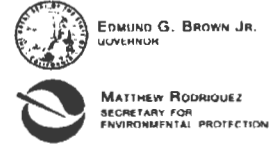
For instructions on how to enter the Annual Report, please review the following Annual Report help guide for SMARTS: http://www.waterboards.ca.gov/water_issues/programs/stormwater/docs/construction/cgp_annual_report.pdf

Failing to submit the Annual Report is a violation of the Statewide Storm Water Construction General Permit, so please submit your report before September 1, 2017.

For help with accessing your SMARTS account (UserID/Password) please send an email to stormwater@waterboards.ca.gov

Thank You,
Storm Water Section
Division of Water Quality
State Water Resources Control Board

2nd Notice of Noncompliance



Santa Ana Regional Water Quality Control Board

October 18, 2017

Ms. Jamie Buck
Swift Beef Company
1770 Promontory Circle
Greeley, CO 80634

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

FINAL NOTICE OF NON-COMPLIANCE - GENERAL PERMIT FOR STORM WATER DISCHARGES ASSOCIATED WITH CONSTRUCTION AND LAND DISTURBANCE ACTIVITIES, ORDER NO. 2009-0009-DWQ, NPDES NO. CAS000002

Dear Ms. Buck:

The construction site identified as JBS Riverside, located at 15555 Meridian Parkway, in the city of Riverside is regulated under the General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (General Permit) and is identified by **8 33C378312**.

Section XVI.A. of the General Permit requires that an Annual Report be submitted by September 1st each year via the online SMARTS database. Our records show that your annual report for the July 1, 2016 to June 30, 2017 reporting period has not been submitted.

Swift Beef Company is consequently in violation of Section XVI.A. of the General Permit for failure to submit a complete **2016-2017 Annual Report**. We request that you submit a complete 2016-2017 Annual Report via the online SMARTS database no later than **November 13, 2017**.

The online SMARTS database is available at <https://smarts.waterboards.ca.gov>.

Please note that in order to submit the annual report, the Legally Responsible Person (LRP) or the legal owner of the property must complete the e-Authorization Form if the e-Authorization Form was not processed in the prior years. This form can be accessed, once logged into SMARTS, under the main menu. Click on the "Update User Profile" link on the left. The LRP must complete the form shown, sign it, and mail the original form to one of the Sacramento addresses noted at the end of the e-Authorization Form. You will be notified when the e-Authorization Form has been processed, enabling you to submit the report electronically.

You must also provide a statement explaining why the annual report was not submitted by the September 1 deadline, describe the measures you will take to ensure timely

Ms. Jamie Buck
Swift Beef Company

- 2 -

October 18, 2017

submittals in the future, and upload the statement as part of SMARTS annual report Attachments.

Failure to submit the requested information by **November 13, 2017**, will result in further enforcement action, which may include civil monetary penalties of up to \$10,000 for each day of violation. Please note that Section 13399.33 of the California Water Code stipulates a mandatory minimum penalty of \$1,000 to those permittees who do not submit their annual reports after notification.

Should you need assistance in completing the Annual Report or have any questions relating to SMARTS, please contact the SMARTS Helpdesk at stormwater@waterboards.ca.gov. You may also contact Keith Elliott at 951-782-4925 or keith.elliott@waterboards.ca.gov.

Sincerely,

Original Signed by:

Lauma Willis
Environmental Program Manager
Chief, Planning Division
Santa Ana Regional Water Quality Control Board

Water Boards Storm Water Multiple Application & Report Tracking System		Help	Logout					
You are logged-in as: Keith Elliott - . If this account does not belong to you, please log out.		Navigate To: <input style="width: 100px;" type="text"/>						
Annual Reports								
The application is organized into different tabs. Please complete all applicable tabs before submitting the form. If you want to complete the application at a later time, please click on "Save & Exit".								
WDID/App ID: 8 33C378312 - 480924	Owner: Swift Beef Company	Certified Date: 11/22/2016						
Status: Active	1770 Promontory Circle Greeley CO 80634	Processed Date: 12/02/2016						
Order No: 2009-0009-DWQ	Site: JBS Riverside	NOT Effective Date:						
Permit Type: Construction - NOI	15555 Meridian Parkway Riverside CA 92555	Previous ID: -						
Owner Info Developer Info Site Info Risk Addl. Site Info Post Construction Billing Info Attachments Certification Requirements Reports								
Inspections Violations Enforcement Actions Admin Changes Tasks Print Notes Status History Linked Users NOTs COIs								
The following are the Annual Reports associated with this NOI. Click on "Report ID" to view/edit the report details. Click on "Details" to view/print the complete report.								
Report ID	Report Type	Report Period	Required Flag	Due Date	Status	Submission Date	Submitted By	Print
973174	Annual	2017-18	Y	09/01/2018	Future			
909408	Annual	2016-17	Y	09/01/2017	Submitted	12/21/2017	Jamie Buck	Details
Fields marked with * are mandatory fields.								
© 2017 State of California. Conditions of Use Privacy Policy								

Mendoza, Reyna@Waterboards

From: Elliott, Keith@Waterboards
Sent: Monday, October 23, 2017 8:32 AM
To: 'jamie.buck@jbssa.com'
Subject: WDID 8 33C378312 2nd NNC for 2016-2017 CGP Annual Report
Attachments: C378312_2016-2017_2ndNNC_CertMail to Owner.pdf

Dear Ms. Buck,

You have been designated to receive a copy of the attached document.

Program Type: Construction Permit WDID Number: 8 33C378312 SMARTS AppID: 480924
Site's Name: JBS Riverside
Site's Registered Location: 15555 Meridian Parkway, Riverside
Site's Designated Legally Responsible Person Contact: Jamie Buck (jamie.buck@jbssa.com)
Site's Designated Operator Contact: Jamie Buck (jamie.buck@jbssa.com)
Site's Designated Contact: Jamie Buck (jamie.buck@jbssa.com)
Site's Designated Developer Contact: Jamie Buck (Jamie.buck@jbssa)

In an effort to improve efficiency the Santa Ana Regional Water Quality Control Board no longer mails paper copies to those designated to receive copies (cc's) of letters and other documents; these are transmitted through email only.

All large attachments and other documents (such as tentative and adopted orders), will be posted on our website and not attached to this e-mail notification. To access these documents, please see our website at: <http://www.waterboards.ca.gov/santaana>

Document(s) can be viewed using Adobe Acrobat Reader. The free reader can be downloaded from www.adobe.com or from our web site.

If you have any questions or have received this email in error, please contact the SMARTS Helpdesk at stormwater@waterboards.ca.gov, reply to this email, or call me at the phone number below.

Sincerely,

Keith L. Elliott, P.E., QSD
Water Resource Control Engineer
Inland Storm Water Unit
Santa Ana Regional Water Quality Control Board
3737 Main Street, Ste. 500
Riverside, CA 92501-3348
951-782-4925 Voice
951-781-6288 Fax
Keith.Elliott@waterboards.ca.gov

Mendoza, Reyna@Waterboards

From: Buck, Jamie <Jamie.Buck@jbssa.com>
To: Elliott, Keith@Waterboards
Sent: Monday, October 23, 2017 8:51 AM
Subject: Read: WDID 8 33C378312 2nd NNC for 2016-2017 CGP Annual Report

Your message

To: Buck, Jamie
Subject: WDID 8 33C378312 2nd NNC for 2016-2017 CGP Annual Report
Sent: Monday, October 23, 2017 9:32:09 AM (UTC-07:00) Mountain Time (US & Canada)

was read on Monday, October 23, 2017 9:50:18 AM (UTC-07:00) Mountain Time (US & Canada).

The information transmitted is intended only for the person or entity to which it is addressed and may contain confidential and/or privileged material. Any review, retransmission, dissemination or other use of, or taking of any action in reliance upon this information by persons or entities other than the intended recipient is prohibited. If you received this in error, please contact the sender and delete the material from any computer. This email has been checked for viruses. However, JBS USA Food Company and its constituent companies cannot accept responsibility for loss or damages arising from use of this email or attachments and we recommend that you subject these to your virus checking procedures prior to use.

Kronson, Amy@Waterboards

From: Stormwater@Waterboards
Sent: Monday, August 21, 2017 1:27 PM
To: Stormwater@Waterboards
Subject: Construction General Permit Annual Report Reminder (DUE SEPT 1) Region 1

Hello,

This email serves as a second reminder of important upcoming requirements in the Statewide Storm Water Construction General Permit

ANNUAL REPORT

The 2016-2017 Annual Report is **due by September 1, 2017**. Submittal is required through the Storm Water Multiple Application and Report Tracking System (SMARTS).

For instructions on how to enter the Annual Report, please review the following Annual Report help guide for SMARTS:

http://www.waterboards.ca.gov/water_issues/programs/stormwater/docs/construction/cgp_annual_report.pdf

Failing to submit the Annual Report is a violation of the Statewide Storm Water Construction General Permit, so please submit your report before September 1, 2017.

For help with accessing your SMARTS account (UserID/Password) please send an email to stormwater@waterboards.ca.gov

Thank You,

Storm Water Section

Division of Water Quality

State Water Resources Control Board

Kronson, Amy@Waterboards

From: Stormwater@Waterboards
Sent: Monday, August 21, 2017 1:29 PM
To: Stormwater@Waterboards
Subject: Construction General Permit Annual Report Reminder (DUE SEPT 1) Region 2

Hello,

This email serves as a second reminder of important upcoming requirements in the Statewide Storm Water Construction General Permit

ANNUAL REPORT

The 2016-2017 Annual Report is **due by September 1, 2017**. Submittal is required through the Storm Water Multiple Application and Report Tracking System (SMARTS).

For instructions on how to enter the Annual Report, please review the following Annual Report help guide for SMARTS:

http://www.waterboards.ca.gov/water_issues/programs/stormwater/docs/construction/cgp_annual_report.pdf

Failing to submit the Annual Report is a violation of the Statewide Storm Water Construction General Permit, so please submit your report before September 1, 2017.

For help with accessing your SMARTS account (UserID/Password) please send an email to stormwater@waterboards.ca.gov

Thank You,

Storm Water Section

Division of Water Quality

State Water Resources Control Board

Waiver

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

Swift Beef Company
Settlement Offer No. R8-2018-0061
WDID No. 8 33C378312

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), Swift Beef Company (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 (NNC) which are attached 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 \$1,890.00 (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 NNCs.

Upon execution by the Permittee, the completed Acceptance and Waiver and Annual Report(s) shall be returned to:

Keith Elliott, Inland Stormwater Unit
Expedited Payment Program
Santa Ana Regional Water Quality Control Board
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 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 Board Executive Officer, will be published as required by law for public comment.

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

Settlement Offer No. R8-2018-0061
WDID No. 8 33C378312

set forth in the NOV's may be withdrawn. In that circumstance, the Permittee 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 Regional Board. In the event that 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.

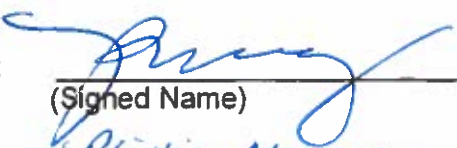
The Permittee further understands that once this Acceptance and Waiver is executed by the Regional Board Executive Officer, the full payment required by the deadline set forth below is a condition of this Acceptance and Waiver. In accordance with California Water Code section 13399.37(a), funds collected for violations pursuant to sections 13399.33(c) and 13399.33(d) shall be deposited in the Waste Discharge Permit Fund. Accordingly, the \$1,890.00 liability including staff costs shall be paid by a cashier's or certified check made out to the "State Water Resources Control Board" referencing this Order number 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:

State Water Resources Control Board
Re: Order No. R8-2018-0061
Division of Administrative Services, Accounting Branch
1001 I Street, 18th Floor, 95814
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.

Swift Beef Company

By:  March 13, 2018
(Signed Name) (Date)
Phillip Munoz Safety Mgr./EHSS
(Printed or Typed name) (Title)

IT IS SO ORDERED PURSUANT TO CALIFORNIA WATER CODE SECTION 13399.30

Date: _____

By: _____
Hope Smythe
Executive Officer

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City, State, ZIP+4® **2710 Gateway Oaks Drive, Suite 150N
Sacramento, CA 95833**

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions