

**WAIVER FORM – JOHN D. SWEENEY
ACL COMPLAINT No. R2-2016-1008**

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

The undersigned is duly authorized to sign on behalf of Pt. Buckler Club, LLC in connection with Administrative Civil Liability (ACL) Complaint noted above (hereinafter the "Complaint") have been served with the Complaint and accompanying documents. I am named as a Discharger in the Complaint, and as that term is used in this form. I am informed that California 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: PAY THE CIVIL LIABILITY

(Check here, and in the appropriate box in subsection b, if the Discharger waives the hearing requirement and will pay the civil liability.)

- a. I hereby waive any right the Discharger may have to a hearing before the Regional Water Board.
- b. I certify that the Discharger will remit payment for the proposed civil liability following one of the payment options below (please place a "✓" or "✗" in the appropriate box and fill in blanks if appropriate):

Pay a portion to the State and pay the remaining balance (up to a maximum of 50 percent of the assessed liability, less any Regional Water Board staff costs) towards the Supplemental Environment Projects (SEP) Fund to supplement the Regional Monitoring Program (RMP). This SEP Fund will supplement RMP studies that would not otherwise be conducted through the Regional Water Board's annually approved RMP cost allocations. The guiding principal of the RMP is to collect data and communicate information about water quality in the San Francisco Estuary in support of management decisions to restore and protect beneficial uses of the region's waters. Information about the RMP is at <http://www.sfei.org/rmp>. Funding for the RMP is managed and administered by the non-profit San Francisco Estuary Institute. No funds will go to the Regional Water Board. The Regional Water Board will consider the Discharge to have fulfilled its obligation for this SEP after its contribution to the SEP Fund has been received by the Institute. Selection of this SEP Fund option does not change the total amount the Discharger will pay.

\$ 2,300,000 Maximum allowable portion that can be paid to the SEP Fund.

\$ _____ Leave blank unless the Discharger chooses to pay less than the maximum allowable to the SEP Fund; in this case, then indicate the amount to be paid to the SEP Fund.

\$ _____ Indicate the amount to be paid to the State which is **\$2,300,000** unless the Discharger has chosen to pay less than the maximum allowable to the SEP Fund. If the Discharger has chosen to pay less than the maximum allowable to the SEP Fund, then enter the amount to be paid to the State, which shall be the balance of the total assessed liability and the amount the Discharger chooses to pay to the SEP Fund.

\$ 4,600,000 Total amount of assessed liability. This amount must equal the sum of the above, either lines 1 plus 3, or lines 2 plus 3.

Selection of the SFP Fund option will involve payment by two checks, one payable to the "State Water Resources Control Board" and the other to the "Regional Monitoring Program." The Regional Water Board will send an invoice for any payment that is due to the Institute for the SEP Fund, and the State Water Resources Control Board will send an invoice for payment that is due to the State.

Pay full amount of **\$4,600,000** by check to the State following the directions above for payment to the "State Water Resources Control Board," with a copy of payment to the Regional Water Board.

- c. I understand the payment of the above amount(s) 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 Regional Water Board receive significant new information or comments from any source (excluding the Regional Water Board Prosecution Team) during this comment period, the Regional Water Board's Assistant Executive Officer may withdraw the complaint, return any payment received,

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and issue a new complaint. I understand that this proposed settlement is subject to approval by the Regional Water Board or its Executive Officer, and that the Regional Water Board may consider this proposed settlement in a public meeting or hearing. I also understand that approval of the settlement will result in the Discharger having waived the right to contest the allegations in the Complaint and the imposition of civil liability.

- d. 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.
- e. I understand that if timely payment(s) is (are) not received, the Regional Water Board will adopt an ACL order requiring payment.

OPTION 2: REQUEST A TIME EXTENSION

(Check here if the Discharger 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 the Discharger may have to a hearing before the Regional Water Board within 90 days after service of the Complaint. By checking this box, the Discharger requests that the Regional Water Board delay the hearing and/or hearing deadlines so that the Discharger may have additional time to prepare for the hearing. It remains within the discretion of the Regional Water Board Advisory Team to approve the extension.

OPTION 3: ENGAGE IN SETTLEMENT DISCUSSIONS

(Check here if the Discharger waives the 90-day hearing requirement in order to engage in settlement discussions.)

I hereby waive any right the Discharger may have to a hearing before the Regional Water Board within 90 days after service of the Complaint, but I reserve the ability to request a hearing in the future. I certify that the Discharger will contact the Regional Water Board Prosecution Team within five business days of submittal of this waiver to request that the Prosecution Team engage in settlement discussions to attempt to resolve the outstanding violation(s). As part of a settlement discussion, the Discharger may propose a supplemental environmental project to the extent such a project is authorized by law and the State Water Resources Control Board Policy on Supplemental Environmental Projects. By checking this box, the Discharger requests that the Regional Water Board Advisory Team delay the hearing so that the Discharger and the Prosecution Team can discuss settlement. The Prosecution Team may choose to engage in settlement discussions but keep the hearing on calendar, despite receiving a waiver. It remains within the discretion of the Regional Water Board Advisory Team to agree to delay the hearing. Any proposed settlement is subject to the conditions described above under "Option 1c and d."

Print Name and Title

Signature

Date