



California Regional Water Quality Control Board

San Francisco Bay Region



Linda S. Adams
Acting Secretary for
Environmental Protection

1515 Clay Street, Suite 1400, Oakland, California 94612
(510) 622-2300 • Fax (510) 622-2460
<http://www.waterboards.ca.gov/sanfranciscobay>

Edmund G. Brown, Jr.
Governor

Attachment B

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

By signing below and returning this Acceptance of Conditional Resolution and Waiver of Right to Hearing (Acceptance and Waiver) to the San Francisco Bay Regional Water Quality Control Board (Regional Water Board), Indian Springs Resort & Spa (Resort) hereby accepts the Expedited Payment Program for its technical reporting (Expedited Payment Program) and waives the right to a hearing before the Water Board to dispute the allegation of violation.

The Resort agrees that the Notice of Violation shall serve as a complaint pursuant to Article 2.5 of the California Water Code (CWC) and that no separate complaint is required for the Regional Water Board to assert jurisdiction over the alleged violations through its Assistant Executive Officer.

The Resort agrees to **pay discretionary penalties** authorized by CWC section 13268(a)(1) and (b)(1), **in the sum of \$1,600** (Expedited Payment Amount) by cashier's check or by certified check made payable to the San Francisco Bay Regional Water Quality Control Board for deposit in the State Water Board Waste Discharge Permit Fund, which shall be deemed payment in full of any civil liability pursuant to CWC section 13268 that otherwise might be assessed for the violations described in the Notice of Violation.

Upon execution by the Resort, the Acceptance and Waiver shall be returned to the following:

Expedited Payment Program
San Francisco Bay Regional Water Quality Control Board
Attn: Laurie Taul
1515 Clay Street, Suite 1400
Oakland, CA 94612

The Resort understands that pursuant to the State Water Resources Control Board's Water Quality Enforcement Policy, the Regional Water Board will publish notice of and provide at least thirty (30) days for public comment on any proposed resolution of an enforcement action. Accordingly, this Acceptance and Waiver, prior to being formally endorsed by the Executive Officer of the Regional Water Board, will be published on the Water Board's website, www.swrcb.ca.gov/sanfranciscobay/, as required by law for public comment.

If no comments are received within the notice period that cause the Executive Officer of the Regional Water Board to reconsider the Expedited Payment Amount, the Executive Officer will formally endorse this Acceptance and Waiver.

The Resort understands that if significant comments are received in opposition to the Expedited Payment Amount, the offer on behalf of the Regional Water Board to resolve the violations set forth in the Notice of Violation may be withdrawn. If the Regional Water Board's offer is withdrawn, the Resort will be advised of that withdrawal in writing, and the Resort's waiver pursuant to the Acceptance and Waiver will also be treated as withdrawn. After the Regional Water Board's offer and the Resort's waiver are deemed withdrawn, the unresolved violations will be addressed in a formal enforcement action. An administrative civil liability complaint may be issued and the matter may be set for a hearing before the Regional Water Board or the State Water Board. For such a liability hearing, the Resort understands that this Acceptance and Waiver endorsed by the Resort shall be treated as a settlement communication and shall not be used as evidence in that hearing.

The Resort understands that once this Acceptance and Waiver is formally endorsed by the Executive Officer of the Regional Water Board, the full payment required by the deadline set forth below is a condition of this Acceptance and Waiver. The Resort shall pay the **Expedited Payment Amount of \$1,600 by a cashier's check or certified check for the full amount made payable to the San Francisco Bay Regional Water Quality Control Board** for deposit into the "State Water Board Waste Discharge Permit Fund." The payment will be submitted to the Regional Water Board's Expedited Payment Program, at the address listed above no later than sixty (60) calendar days after the date the Resort receives written notice of that the Executive Officer of the Regional Water Board has formally endorsed this "Acceptance and Waiver."

I hereby affirm that I am duly authorized to act on behalf of and to bind the Indian Springs Resort & Spa in the making and giving of this Acceptance and Waiver.

By: Erik Fair 4-20-11
(Signed Name) (Date)

ERIK FAIR
(Printed or typed name)

General Manager
(Title)

IT IS SO ORDERED PURSUANT TO CALIFORNIA WATER CODE SECTION 13268

By: _____ (Date)
Bruce H. Wolfe
Executive Officer
San Francisco Bay Regional Water Quality Control Board