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EDMUND G. BROWN JR.
GOVERNOR



MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

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CALIFORNIA REGIONAL WATER
QUALITY CONTROL BOARD

Los Angeles Regional Water Quality Control Board

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CALIFORNIA REGIONAL WATER
QUALITY CONTROL BOARD
LOS ANGELES REGION

October 10, 2013

Ms. Patricia Costopoulos
Senior Property Manager
407 N. Maple, L.P.
c/o Tishman Speyer
345 N. Maple Drive, Suite 201
Beverly Hills, CA 90210

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED
Claim No. 7010 3090 0002 1021 8288

**RESPONSE TO REQUEST FOR ALLEGED VIOLATION REVIEW – 407 N. MAPLE, L.P.,
407 NORTH MAPLE DRIVE, BEVERLY HILLS (ORDER NO. R4-2003-0111 AND R4-
2008-0032, NPDES PERMIT NO. CAG994004, CI NO. 8180)**

Dear Ms. Costopoulos:

Thank you for your letter dated July 26, 2013 from your representative Mr. John J. Allen of Allen Matkins Leck Gamble Mallory & Natsis LLP, responding to the June 18, 2013 Settlement Offer No. R4-2013-0076 (Settlement Offer), which assessed mandatory minimum penalties (MMPs) for violations of effluent limitations. This letter addresses your comments in this regard.

Issue:

407 N. Maple, L.P. ("Maple") asserts the 1st through 4th Quarters 2006 and the 1st and 3rd Quarters 2007 self-monitoring reports (SMRs) were timely submitted as stated in the attached Declaration of Doug Aikens, former property manager of the subject property. Additionally, the SMR for the 2nd Quarter 2012 was also timely submitted to RWQCB as evidenced by the email dated August 1, 2012 from Caitlin Kramzar, administrative assistant to the property manager

Staff Response:

Regional Board staff has reviewed the statements and evidence provided by the Permittee and has concluded that there is sufficient evidence to dismiss the alleged violations contained in the Settlement Offer. Therefore, the seven (7) late reporting violations associated with the 1st through 4th Quarters 2006, 1st and 3rd Quarters 2007, and 2nd Quarter 2012 cited in July 26, 2013 Settlement Offer No. R4-2013-0076 Exhibit "1" – Notice of Violation (NOV) are hereby dismissed. However, the effluent limit violations cited in the June 18, 2013 Settlement Offer No. R4-2013-0076 NOV attached as Exhibit "1" remain. Accordingly, the new settlement amount is \$30,000.

Since the Permittee requested a review of this violation, the Regional Board has established new deadlines. If you intend to participate in the Expedited Payment Program, you must sign and return the Acceptance of Conditional Resolution and Waiver of Right to Hearing form by **November 11, 2013**. By signing the Acceptance and Waiver, 407 N. Maple, L.P.

MARIA MEHRANIAN, CHAIR | SAMUEL UNGER, EXECUTIVE OFFICER

320 West 4th St., Suite 200, Los Angeles, CA 90013 | www.waterboards.ca.gov/losangeles

Ms. Patricia Costopoulos
407 N. Maple, L.P.
c/o Tishman Speyer

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October 10, 2013

agrees to pay the penalty of \$30,000 as indicated on the Amended Exhibit 1 – NOV and waives the right to a hearing. If you do not elect to sign the Acceptance and Waiver, you will be contacted regarding formal enforcement action that will be initiated with regard to the contested violation.

If you have any questions regarding this matter, please contact Ms. Pansy Yuen at (213) 620-6367 or by email at pansy.yuen@waterboards.ca.gov or Mr. Russ Colby at (213) 620-6373 or by email at russ.colby@waterboards.ca.gov.

Sincerely,



Paula Rasmussen
Assistant Executive Officer

Enclosures:

Amended Exhibit "1" - Notice of Violation
Amended Acceptance of Conditional Resolution and Waiver of Right to Hearing;
(proposed)
Order

cc: Ms. Vanessa Young, Office of Enforcement, State Water Resources Control Board
Mr. John J. Allen, Allen Matkins Leck Gamble Mallory & Natsis LLP
(jallen@allenmatkins.com)



Settlement Offer No. R4-2013-0076
CI No. 8180, NPDES Permit No. CAG994004

**AMENDED ACCEPTANCE OF CONDITIONAL RESOLUTION
AND WAIVER OF RIGHT TO HEARING; (proposed) ORDER**

407 N. Maple, L.P.
Settlement Offer No. R4-2013-0076
NPDES Permit No. CAG994004

By signing below and returning this Amended Acceptance of Conditional Resolution and Waiver of Right to Hearing (Acceptance and Waiver) to the Los Angeles Regional Water Quality Control Board (Regional Board), 407 N. Maple, L.P. (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 allegations of violations described in the Notice of Violation (NOV), which is attached hereto as Exhibit "1" and incorporated herein by reference.

The Permittee agrees that the NOV 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 Assistant Executive Officer. The Permittee agrees to pay the penalties required by California Water Code section 13385, in the sum of \$30,000 (Expedited Payment Amount), which shall be deemed payment in full of any civil liability pursuant to Water Code sections 13385 and 13385.1 that otherwise might be assessed for the violations described in the NOV. The Permittee understands that this Acceptance and Waiver waives the Permittee's right to contest the allegations in the NOV 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 NOV.

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

Ms. Pansy Yuen, Enforcement Unit
Expedited Payment Program
Regional Water Quality Control Board, Los Angeles Region
320 West 4th Street, Suite 200
Los Angeles, California 90013

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 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 cause the Regional Board Executive Officer to question the Expedited Payment Amount, the Regional Board Executive Officer will execute the Acceptance and Waiver.

Settlement Offer No. R4-2013-0076
CI No. 8180, NPDES Permit No. CAG994004

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 NOV may be withdrawn. In that circumstance, the Permittee will be advised of the withdrawal and an administrative civil liability complaint may be issued and the matter may be set for a hearing before the Regional Board. For such a liability 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 the 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 13385(n)(1), funds collected for violations of effluent limitations and reporting requirements pursuant to section 13385 shall be deposited in the State Water Pollution Cleanup and Abatement Account. Accordingly, the \$30,000 liability shall be paid by a cashiers or certified check for \$30,000 made out to the "State Water Pollution Cleanup and Abatement Account". The payment must be submitted to the Regional Board no later than ten (10) calendar days after the date the Permittee receives written notice that the Regional Board Executive Officer has executed this Acceptance and Waiver.

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.

407 N. Maple, L.P.

By: Patricia Costopoulos
(Signed Name)

10/16/2013
(Date)

Patricia Costopoulos
(Printed Name)

Senior Property Manager
(Title)

IT IS SO ORDERED PURSUANT TO WATER CODE SECTION 13385

Date: _____

By: _____
Samuel Unger, P.E.
Executive Officer

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CALIFORNIA
QUALITY CONTROL DIVISION
LOS ANGELES REGION

AMENDED EXHIBIT "1" - NOTICE OF VIOLATION
Effluent Limit Violations

Date	Monitoring Period	Violation Type	Parameter	Reported Value	Permit Limit	Units	Pollutant Category	% Exceeded	Serious/Chronic	Water Code Section 13385	Penalty
09/06/07	3rd Quarter 2007	Monthly Average*	Total Suspended Solids	100	50	mg/L	1	100%	Serious	(h)1	\$3,000
02/26/09	1st Quarter 2009	Monthly Average*	Settleable Solids	0.3	0.1	ml/L	1	200%	Serious	(h)1	\$3,000
12/31/09	4th Quarter 2009	Monthly Average*	Settleable Solids	0.3	0.1	ml/L	1	200%	Serious	(h)1	\$3,000
10/13/10	4th Quarter 2010	Daily Maximum	Settleable Solids	3.0	0.3	ml/L	1	900%	Serious	(h)1	\$3,000
10/31/10	4th Quarter 2010	Monthly Average*	Settleable Solids	3.0	0.1	ml/L	1	2900%	Serious	(h)1	\$3,000
11/18/10	4th Quarter 2010	Daily Maximum	Residual Chlorine	0.23	0.1	mg/L	2	130%	Serious	(h)1	\$3,000
03/24/11	1st Quarter 2011	Monthly Average*	Settleable Solids	0.3	0.1	ml/L	1	200%	Serious	(h)1	\$3,000
02/14/12	1st Quarter 2012	Daily Maximum	BOD ₅ 20°C	32	30	mg/L	1	7%	Chronic	(i)1	\$0
02/29/12	1st Quarter 2012	Monthly Average*	BOD ₃ 20°C	32	20	mg/L	1	60%	Serious	(h)1	\$3,000
07/06/12	3rd Quarter 2012	Daily Maximum	BOD ₅ 20°C	84	30	mg/L	1	180%	Serious	(h)1	\$3,000
07/31/12	3rd Quarter 2012	Monthly Average*	BOD ₅ 20°C	84	20	mg/L	1	320%	Serious	(h)1	\$3,000
							Total				\$30,000

AMENDED EXHIBIT "1" - NOTICE OF VIOLATION

Late Reporting Violations

Reporting Period	Violation Type	Due Date	Received Date	Days Late	# of Complete 30-Day Periods	Serious/Chronic	Water Code Section 13385	Amount Per 30-Day Period	Penalty
1 st Quarter 2006	Late Report	05/15/2006	04/12/2007	332	11	Serious	(h)(1)	B	Dismissed
2 nd Quarter 2006	Late Report	08/15/2006	04/12/2007	240	8	Serious	(h)(1)	B	Dismissed
3 rd Quarter 2006	Late Report	11/15/2006	01/29/2007	75	2	Serious	(h)(1)	B	Dismissed
4 th Quarter 2006	Late Report	02/15/2007	04/12/2007	56	1	Serious	(h)(1)	\$3,000	Dismissed
1 st Quarter 2007	Late Report	05/15/2007	06/26/2008	408	13	Serious	(h)(1)	B	Dismissed
3 rd Quarter 2007	Late Report	11/15/2007	3/12/2008 ^A	118	3	Serious	(h)(1)	\$3,000	Dismissed
2 nd Quarter 2012	Late Report	08/15/2012	05/09/2013	267	8	Serious	(h)(1)	B	Dismissed
							Total		\$0
							Settlement Total		\$30,000

^A Annual report received on 3/12/2008 containing 3rd Quarter 2007 monitoring report. 3rd Quarter 2007 report received on 06/26/2008.^B Pursuant to California Water Code Section 13385.1(b)