

AMENDED WAIVER FORM

FOR ADMINISTRATIVE CIVIL LIABILITY COMPLAINT NO. SWB-2008-4-0027

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

I am duly authorized to represent Consolidated Drum Reconditioning Company (hereinafter "Permittee") in connection with Administrative Civil Liability Complaint No. SWB-2008-4-0027 (hereinafter the "Complaint"). 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."

*x(Check here if the Permittee waives the hearing requirement and will pay the recommended liability after the 30-day public notice and comment period expires.)*

- a. I hereby waive any right the Permittee may have to a hearing before the Regional Water Board.
- b. I certify that the Permittee will remit payment for the civil liability imposed in the amount of **\$30,000** by check that references "ACL Complaint No. SWB-2008-4-0027" made payable to the "*Cleanup and Abatement Account*". Payment must be received by the Regional Water Board within 10 calendar days of being notified by the Regional Board that the 30-day public notice and comment period expires or this matter will be placed on the Regional Board's agenda for a hearing as initially proposed in the Complaint.
- c. I understand the payment of the above amount 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 expires. Should the Regional Water Board receive significant new information or comments from any source (excluding the Water Board's Prosecution Team) during this comment period, the Regional Water Board's Assistant Executive Officer may withdraw the complaint, return payment, and issue a new complaint. I understand that this proposed settlement is subject to approval by the Regional Water Board, 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 Permittee 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 Permittee to further enforcement, including additional civil liability.

Philip M. Freeman Vice President

\_\_\_\_\_  
(Print Name and Title)

*Philip M. Freeman*

\_\_\_\_\_  
(Signature)

December 2, 2009

\_\_\_\_\_  
(Date)

**EXHIBIT "A"**  
Effluent Limit Violations

| Date     | Monitoring Period | Violation Type | Parameter | Reported Value | Permit Limit | Units | Pollutant Category | % Exceeded | Serious/Chronic | Water Code Section 13385 | Penalty         |
|----------|-------------------|----------------|-----------|----------------|--------------|-------|--------------------|------------|-----------------|--------------------------|-----------------|
| 01/25/00 | 1st Quarter 2000  | Daily Max      | MBAS      | 2.32           | 0.5          | mg/L  | 1                  | 364%       | Serious         | (h)1                     | \$3,000         |
| 02/21/00 | 1st Quarter 2000  | Daily Max      | O&G       | 32.5           | 15           | mg/L  | 1                  | 117%       | Serious         | (h)1                     | \$3,000         |
| 03/05/00 | 1st Quarter 2000  | Daily Max      | O&G       | 23             | 15           | mg/L  | 1                  | 53%        | Serious         | (h)1                     | \$3,000         |
| 10/27/00 | 4th Quarter 2000  | Daily Max      | MBAS      | 1              | 0.5          | mg/L  | 1                  | 100%       | Serious         | (h)1                     | \$3,000         |
| 01/08/01 | 1st Quarter 2001  | Daily Max      | MBAS      | 0.6            | 0.5          | mg/L  | 1                  | 20%        | Chronic         | (t)1                     | \$0             |
| 02/11/01 | 1st Quarter 2001  | Daily Max      | O&G       | 26             | 15           | mg/L  | 1                  | 73%        | Serious         | (h)1                     | \$3,000         |
| 11/29/01 | 4th Quarter 2001  | Daily Max      | MBAS      | 1.4            | 0.5          | mg/L  | 1                  | 180%       | Serious         | (h)1                     | \$3,000         |
| 11/29/01 | 4th Quarter 2001  | Daily Max      | O&G       | 46             | 0.5          | mg/L  | 1                  | 9100%      | Serious         | (h)1                     | \$3,000         |
| 12/20/01 | 4th Quarter 2001  | Daily Max      | MBAS      | 0.79           | 0.5          | mg/L  | 1                  | 58%        | Serious         | (h)1                     | \$3,000         |
| 12/20/01 | 4th Quarter 2001  | Daily Max      | O&G       | 31             | 15           | mg/L  | 1                  | 107%       | Serious         | (h)1                     | \$3,000         |
| 11/29/02 | 4th Quarter 2002  | Daily Max      | MBAS      | 1.23           | 0.5          | mg/L  | 1                  | 146%       | Serious         | (h)1                     | \$3,000         |
|          |                   |                |           |                |              |       |                    |            |                 | <b>Total</b>             | <b>\$30,000</b> |

\* Staff Calculation

\*\*See paragraph 9 for a definition of Pollutant Categories

\*\*See paragraph 10 for a definition of "Chronic"