

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

ADMINISTRATIVE CIVIL LIABILITY COMPLAINT R5-2013-0519

IN THE MATTER OF

DONAHUE SCHRIBER ASSET MANAGEMENT CORPORATION
FOR
ROCKLIN CROSSINGS
PLACER COUNTY

This Complaint is issued to Donahue Schriber Asset Management Corporation (hereafter Discharger) pursuant to Water Code 13385, which authorizes the imposition of Administrative Civil Liability, and Water Code section 13323, which authorizes the Executive Officer to issue this Complaint. This Complaint is based on evidence that the Discharger violated provisions of the National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities, Order No. 2009-0009-DWQ (NPDES No. CAS000002).

The Executive Officer of the Central Valley Regional Water Quality Control Board (Central Valley Water Board or Board) alleges the following:

Background

1. Rocklin Crossings, LLC and Rocklin Holdings, LLC are the property owners of Rocklin Crossings and Rocklin Crossings Detention Basin construction sites, and Donahue Schriber Asset Management Corporation (Donahue Schriber) is the property owner of the Dominguez Loop Road and Center at Secret Ravine construction sites. Collectively, all four construction sites will be referred to as the Rocklin Crossings construction sites, or Site(s) in this Complaint.
2. All four Sites are contiguous and are located southeast of the intersection of Interstate 80 and Sierra College Boulevard in Placer County. The Sites cover 59.4 acres and are being developed for two anchor tenants (Walmart and Home Depot), multiple smaller retail stores and restaurants, parking lots, and a two-acre storm water detention basin.
3. S.D. Deacon Corporation of California (S.D. Deacon) is the general contractor and is responsible for all phases of construction under contract to Donahue Schriber.
4. On 2 September 2009, the State Water Resources Control Board adopted the National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities, Order No. 2009-0009-DWQ (NPDES No. CAS000002) (General Permit). This Order became effective on 1 July 2010.
5. On 16 July 2012, Donahue Schriber, acting as the property owners' representative, applied for permit coverage under the General Permit for the Rocklin Crossings construction sites by filing four Notice of Intent applications on the Water Board's SMARTS (Storm Water Multiple Application and Tracking System) data management system. Donahue Schriber determined that all four projects are Risk Level 2 sites based on Project Sediment Risk and Receiving Water Risk under the terms of the General Permit. Janet Petersen, Vice President of Development Services with Donahue Schriber, is listed as the legally responsible person (LRP) for the Rocklin Crossing construction sites, and Donahue Schriber is responsible for complying with all elements of the General Permit at all four Sites. This Complaint is being issued to Donahue Schriber, only, because of its status as the LRP for the Sites.

6. On 18 July 2012, the Notices of Intent for the four Rocklin Crossings construction sites were approved and the Sites were assigned the following Waste Discharge Identification Numbers (WDID #).

Site Name	WDID #
Rocklin Crossings	5S31C364098
Rocklin Crossings Detention Basin	5S31C364108
Dominguez Loop Road	5S31C364102
Center at Secret Ravine	5S31C364105

7. Among other items, the General Permit requires that:
- (a) Dischargers shall minimize or prevent pollutants in storm water discharges and authorized non-storm water discharges through the use of controls, structures, and management practices that achieve BAT (best available technology economically achievable) for toxic and non-conventional pollutants and BCT (best conventional control technology) for conventional pollutants. (General Permit, Section V.A.2);
 - (b) Risk Level 2 dischargers shall implement appropriate erosion control BMPs (runoff and soil stabilization) in conjunction with sediment control BMPs for areas under active construction (General Permit, Attachment D, Section E);
 - (c) A State-certified Qualified SWPPP Developer (QSD) shall prepare a site-specific Storm Water Pollution Prevention Plan (SWPPP) and dischargers identify the Risk Level prior to construction (General Permit, Sections XIV, A. and VIII); and
 - (d) Risk Level 2 dischargers shall ensure a Qualified SWPPP Practitioner (QSP) develops a Rain Event Action Plan (REAP), a written document specific for each rain event, that when implemented is designed to protect all exposed portions of a site within 48 hours prior to any likely precipitation event. A REAP must be developed when there is a forecast of 50% or greater probability of precipitation in the project area (General Permit, Attachment D, Section H) and is to be implemented no later than 24 hours prior to the likely precipitation event
8. The Discharger completed site-specific SWPPPs for all four Rocklin Crossings sites and uploaded the SWPPPs to the SMARTS data management system between 12 July and 13 July 2012. As listed in SMARTS, construction activities for all four Sites were scheduled to begin on 25 July 2012 and are to be completed by 15 October 2013.
9. Section 3 of the site-specific SWPPP for the Rocklin Crossings construction sites states that the entire site will be disturbed during the rough grading phase, and that straw mulch will be applied to all disturbed soils prior to any forecast rain event. The SWPPP states that straw mulch will be applied as a temporary erosion control BMP and shall be applied in conformance with the CASQA (California Stormwater Quality Association) BMP Factsheet EC-6. However, as described below, the Discharger did not follow its SWPPP because it failed to apply straw mulch to disturbed soils prior to a rain event and failed to implement appropriate erosion and sediment control BMPs.

Chronology

10. On 22 October 2012, Water Board staff conducted an inspection at the Site following an approximate one inch rain event in the Rocklin area. No construction activity was observed from the construction entrance at Sierra College Boulevard. Ponding was observed on graded lots,

and staff observed that no erosion controls were installed on active construction areas visible from the construction entrance. The lack of erosion control BMPs on a Risk Level 2 site prior to a rain event is a violation of the General Permit. Staff contacted Janet Petersen on 25 October 2012 and arranged a site meeting for 31 October 2012.

11. On 31 October 2012, Water Board staff met with Janet Petersen and S.D. Deacon staff and completed a thorough inspection of the four Sites. Staff observed that perimeter sediment controls were in place and appeared to be working; however, no erosion control best management practices (BMPs) were installed across the active construction sites. The Discharger was in the process of stabilizing completed building pads with tree mulch, and covering some perimeter slopes with tree mulch. Following the inspection, staff discussed stabilizing all active construction areas prior to rain events as required by the General Permit.
12. Starting on 2 November 2012 and continuing weekly to 18 February 2013, S.D. Deacon provided a weekly summary of construction activities and activities completed to stabilize the Sites. Active construction through November 2012 included drilling and blasting granite outcrops and using the rock and soil to fill portions of the Center at Secret Ravine and the Dominguez Loop Road sites. As of 26 November 2012, S.D. Deacon reported in its weekly summary that multiple areas were stabilized with rock, tree mulch, or hydro-mulch, and that future parking lot areas had not been graded and would contain all storm water in low spots. As documented in later weekly summary reports, between 26 and 28 November 2012, three earthen berms were added to the temporary haul roads in the parking lot areas, and an area at the southwest end of the Dominguez Loop Road site was excavated for temporary water storage during the forecasted rain events.
13. Temporary water storage was not addressed in the SWPPP, although updated SWPPP maps provided in weekly summaries showed the water storage features described above. However, Board staff did not find documentation in the record that the temporary storage basin or the earthen berms were designed with consideration of the size of the impending storm event or that they were equipped with overflow protection such as a rocked spillway to protect the structures from failure. The installation of temporary water storage areas, if engineered and designed correctly, is considered a BMP. However, the General Permit requires that *both* erosion control and sediment control BMPs be installed. The Discharger did not install the appropriate combination of BMPs.
14. From 28 November 2012 through 5 December 2012, multiple rainfall events occurred throughout northern and central California. In the Rocklin area, the heaviest rainfall occurred on 30 November (Friday) and 2 December (Sunday). This storm was forecast by NOAA (National Oceanic and Atmospheric Administration) National Weather Service a minimum of five days prior to the first rainfall on 28 November. As stated above, the General Permit requires that Risk Level 2 dischargers develop and implement a Rain Event Action Plan (REAP) to protect all exposed portions of a site within 48 hours prior to a precipitation event when there is a forecast of 50% or greater probability of precipitation in the project area. The Discharger's REAPs completed for the four construction Sites on 26 November 2012 stated that site erosion and sediment control BMPs were deployed at each of the four construction Sites. However, as noted below, the Water Board staff inspection on 30 November 2012 found that BMPs were not adequately deployed across the southern portion of the Rocklin Crossing site, the Center at Secret Ravine site, and the Dominguez Loop Road site.
15. On 30 November 2012, Water Board staff completed a site inspection during a heavy rain event. The rain event started on 28 November 2012 and produced approximately 0.75 inches of rainfall within the first two days, and then 2.25 inches of rainfall within the first 11 hours on 30 November. Water Board staff subsequently determined that the 30 November to 2 December storm event

was approximately equivalent to a 25 year recurrence interval as provided by NOAA Precipitation Frequency Data Server.¹

During the inspection, staff observed turbid storm water discharging from two locations at the Site. First, from the Dominguez Loop Road site where an earthen berm, constructed for perimeter control, had breached allowing stored storm water to flow to Secret Ravine. Staff collected a grab sample of turbid storm water below the Dominguez Loop Road discharge point and a grab sample from Secret Ravine upstream of the discharge point. Both samples were analyzed for turbidity using a portable turbidimeter. The Dominguez Loop Road sample result was greater than 1,000 NTU, and the Secret Ravine sample result was 153 NTU.

Staff then met with the QSP for the site and reviewed the Rocklin Crossings Detention Basin site. Staff observed a second turbid storm water discharge from the Detention Basin site into a ditch that leads to Secret Ravine. It was later identified by the Discharger that a plug was placed in the detention basin outlet, but this plug failed, allowing turbid storm water to flow into Secret Ravine. The QSP collected a grab sample from within the ditch and identified the turbidity at 2,425 NTU. This sample represents the turbidity in storm water discharging from the Detention Basin Site into Secret Ravine. Due to the high flows in Secret Ravine, it was not safe for staff to collect an upstream or downstream sample directly from the creek. However, photographs taken at the time of the discharge show that the storm water flowing off the construction site was visibly turbid while the water upstream of the discharge point in Secret Ravine was much clearer.

16. Based on the 30 November 2012 inspection, Board staff determined that the Site did not have appropriate erosion or sediment control BMPs installed prior to the 28 November through 5 December 2012 rain events as required by the SWPPP and the General Permit. This lack of soil stabilization led to the discharge into Secret Ravine from two separate locations on the same day.
17. During the 28 November to 5 December 2012 rain events, the Discharger pumped storm water collected across the Site to both of the existing on-site detention basins to minimize potential discharges to Secret Ravine. On 18 December 2012, the Discharger started operating an on-site active treatment system (ATS) to treat suspended sediment in storm water. Treated effluent was discharged to the storm drain system on Schriber Way, which flows to Secret Ravine.
18. On 21 December 2012, Board staff issued a Notice of Violation (NOV) and Water Code section 13267 Order for the General Permit violations observed during the inspection on 30 November 2012. The Notice of Violation required a response from the Discharger by 18 January 2013, which was later extended to 25 January 2013. The NOV and 13267 Order required the Discharger to install appropriate erosion and sediment control BMPs throughout the Sites and submit a complete Numeric Action Level (NAL) Exceedance Report for the 28 November 2012 through 5 December 2012 storm events.
19. On 24 December 2012, Board staff conducted an inspection following a storm event which started on 21 December (Friday) and continued through 25 December 2012 (Tuesday) and produced approximately 2.75 inches of precipitation as of 24 December. The Center at Secret Ravine site was still actively being graded and compacted prior to the start of the storm event on 21 December 2012, and S.D. Deacon staff stated that disturbed soils across the Center at Secret Ravine site were treated with an "Earthguard" product prior to the rain event. However, the Earthguard-treated areas were not covered with mulch, straw, or fibers to prevent soil particles

¹ <http://hdsc.nws.noaa.gov/hdsc/pfds/>

from detaching and becoming transported in storm water runoff, and evidence of erosion was observed across portions of the Center at Secret Ravine site. Based on the lack of soil coverage and erosion observed across the active site, it appeared to Board staff that the Earthguard product was not effective in stabilizing soils during rainfall events, and staff concluded that this application was not an appropriate erosion control and therefore a violation of the General Permit. In addition, staff reviewed the SWPPP to determine if the QSD had evaluated whether the Earthguard product was appropriate for use as a soil stabilization BMP at the Rocklin Crossings construction sites. However, this evaluation was not conducted. As presented in Finding 9 above, the site-specific SWPPP for the Rocklin Crossings construction sites stated that straw mulch, not Earthguard, would be applied to all disturbed soils prior to any forecast rain event.

Staff also observed the active treatment system in operation and the system operator reported that approximately 523,000 gallons of turbid storm water had been treated and discharged since the system became operational on 18 December 2012.

20. On 25 January 2013, the Discharger submitted a NOV Response, and on 17 February 2013, the Discharger provided additional responses following staff's initial review. The Discharger's NOV Response with additions stated that the Site received seven inches of rainfall between 28 November and 2 December 2012, and estimated that approximately 76,613 gallons of turbid storm water discharged from the Site to Secret Ravine on 30 November 2012 between 8:00 AM and 12 noon. The Discharger states that BMP repairs were completed at the two discharge points by 12 noon and the remaining volume of storm water was contained on-site in low areas, road depressions, and detention basins. Board staff reviewed the Discharger's estimates and calculations and agrees that the estimated discharge volume from the Site is reasonable.

Violations at Rocklin Crossings Construction Sites

21. General Permit Section V.A.2, Effluent Standards, Narrative Effluent Limitations, states, in part:
2. Dischargers shall minimize or prevent pollutants in storm water discharges and authorized non-storm water discharges through the use of controls, structures, and management practices that achieve BAT for toxic and non-conventional pollutants and BCT for conventional pollutants.

Violation 1: The Discharger is alleged to have violated this requirement of the General Permit by discharging 76,613 gallons of turbid storm water to Secret Ravine on 30 November 2012.

22. General Permit Attachment D, Provision E.3. Sediment Controls, states in part:
Additional Risk Level 2 Requirement: Risk Level 2 dischargers shall implement appropriate erosion control BMPs (runoff control and soil stabilization) in conjunction with sediment control BMPs for areas under active construction.

Violation 2: The Discharger is alleged to have violated this requirement of the General Permit for a period of eight days (28 November to 5 December 2012) for failure to implement appropriate erosion control BMPs for areas under active construction.

Violation 3: The Discharger is alleged to have violated this requirement of the General Permit for a period of five days (21 December to 25 December 2012) for failure to implement appropriate erosion control BMPs for areas under active construction.

Surface Water Beneficial Uses

23. Surface water drainage from the Rocklin Crossings construction sites flows to Secret Ravine, which is a tributary to Miners Ravine, which is tributary to Dry Creek, which is tributary to the Sacramento River between Colusa Drain and the I Street Bridge.
24. The *Water Quality Control Plan for the Sacramento River and San Joaquin River Basins, Fourth Edition* (hereafter Basin Plan) designates beneficial uses, establishes water quality objectives, contains implementation plans and policies for protecting waters of the basin, and incorporates by reference plans and policies adopted by the State Water Resources Control Board. The existing and potential beneficial uses for the Sacramento River from Colusa Basin Drain to the "I" Street Bridge, and tributary streams, are municipal and domestic supply, agricultural supply for irrigation, contact water recreation, other non-contact water recreation, warm and cold freshwater aquatic habitat, warm and cold fish migration habitat, warm and cold spawning habitat, wildlife habitat, and navigation..

Calculation of Penalties Under Water Code Section 13385

25. Water Code section 13385 states, in relevant part:
 - (a) *Any person who violates any of the following shall be liable civilly in accordance with this section:*
 - (2) *A waste discharge requirement ... issued pursuant to this chapter... (5) Any requirements of Section 301, 302, 306, 307, 308, 318, 401, or 405 of the Clean Water Act, as amended.*
26. The General Permit was adopted by the State Water Board on 2 September 2009, pursuant to Clean Water Act sections 201, 208(b), 302, 303(b), 304, 306, 307, 402, and 403. Section IV(A)(1) of the General Permit, states in part:

Any permit noncompliance constitutes a violation of the Clean Water Act (CWA) and the Porter-Cologne Water Quality Control Act and is grounds for enforcement action and/or removal from General Permit coverage.
27. The Discharger's failure to implement the elements of the General Permit described above violated the General Permit and therefore, violated the Clean Water Act and the Porter-Cologne Water Quality Control Act. Water Code section 13385 authorizes the imposition of administrative civil liability for such violations.
28. Water Code section 13385 states, in relevant part:
 - (c) Civil liability may be imposed administratively by the state board or a regional board pursuant to Article 2.5 (commencing with Section 13323) of Chapter 5 in an amount not to exceed the sum of both of the following:
 - (1) Ten thousand dollars (\$10,000) for each day in which the violation occurs.
 - (2) Where there is a discharge, any portion of which is not susceptible to cleanup or is not cleaned up, and the volume discharged but not cleaned up exceeds 1,000 gallons, an additional liability not to exceed ten dollars (\$10) multiplied by the number of gallons by which the volume discharged but not cleaned up exceeds 1,000 gallons.

(e) ...At a minimum, liability shall be assessed at a level that recovers the economic benefits, if any, derived from the acts that constitute the violation.

29. **Maximum Administrative Civil Liability under Water Code Section 13385:** Pursuant to Water Code section 13385(c), each violation of the General Permit identified above is subject to penalties not to exceed \$10,000 per day and \$10 per gallon of discharge exceeding 1,000 gallons.

- The Discharger failed to comply with Sediment Control Provision E.3 from 28 November through 5 December 2012, a period of 8 days, and from 21 December through 25 December 2012, a period of 5 days. Therefore, the maximum penalty is \$10,000 X 13 days, or \$130,000.
- A total of 76,613 gallons of turbid storm water discharged from the Site to Secret Ravine on 30 November 2012. The maximum penalty for this discharge is (76,613– 1,000) gallons X \$10 per gallon plus \$10,000 (for one day of violation), or \$766,130.

The maximum liability for these violations is **eight hundred ninety six thousand one hundred and thirty dollars (\$896,130)**.

30. **Minimum Administrative Civil Liability under Water Code Section 13385:** Pursuant to Water Code section 13385(e), at a minimum, civil liability must be assessed at a level that recovers the economic benefits, if any, derived from the acts that constitute the violation. The violations of the General Permit were due to failure to implement appropriate erosion and sediment control BMPs as listed in the site specific SWPPP. CASQA estimates installation and maintenance of straw mulch at \$1,823 to \$4,802 per acre (July 2007 data), and this range is generally dependent on slope and soil type. The economic benefit received by the Discharger by not installing and maintaining appropriate erosion control BMPs is estimated to be \$2,000 per acre, based on a generally flat site that can be easily accessed by wheeled vehicles. Based on information submitted by the Discharger, Board staff estimated that approximately 40 acres of disturbed area was not adequately protected with BMPs. Therefore, the cost to stabilize this construction site is estimated to be \$80,000. The economic benefit incurred by the Discharger is the failure to spend \$80,000 between 28 November and 25 December 2012; the value can be calculated as the interest on a loan to complete the work. Using the US EPA's BEN model, the economic benefit gained by non-compliance is calculated to be approximately one hundred seventeen dollars (\$117), which becomes the minimum civil liability which must be assessed pursuant to section 13385.

Proposed Administrative Civil Liability

31. Pursuant to Water Code section 13385(e), in determining the amount of any civil liability imposed under Water Code section 13385(c), the Board is required to take into account the nature, circumstances, extent, and gravity of the violations, whether the discharges are susceptible to cleanup or abatement, the degree of toxicity of the discharges, and, with respect to the violator, the ability to pay, the effect on its ability to continue its business, any voluntary cleanup efforts undertaken, any prior history of violations, the degree of culpability, economic benefit or savings, if any, resulting from the violations, and other matters that justice may require.
32. On 17 November 2010, the State Water Board adopted Resolution No. 2009-0083 amending the Water Quality Enforcement Policy (Enforcement Policy). The Enforcement Policy was approved by the Office of Administrative Law and became effective on 20 May 2010. The Enforcement

Policy establishes a methodology for assessing administrative civil liability. The use of this methodology addresses the factors that are required to be considered when imposing a civil liability as outlined in Water Code section 13385(e).

33. This administrative civil liability was derived from the use of the penalty methodology in the Enforcement Policy, as explained in detail in Attachment A. The proposed civil liability takes into account such factors as the Discharger's culpability, history of violations, ability to pay and continue in business, and other factors as justice may require.
34. As described above, the maximum penalty for the violations is \$896,130. The Enforcement Policy requires that the minimum liability imposed be at least 10% higher than the estimated economic benefit of \$117, so that liabilities are not construed as the cost of doing business and that the assessed liability provides a meaningful deterrent to future violations. In this case, the economic benefit amount, plus 10%, is \$129. Based on consideration of the above facts and after applying the penalty methodology and allowing for staff costs pursuant to the Enforcement Policy, the Executive Officer of the Central Valley Water Board proposes that civil liability be imposed administratively on the Discharger in the amount of **\$211,038**. The specific factors considered in this penalty are detailed in Attachment A.

Regulatory Considerations

35. Notwithstanding the issuance of this Complaint, the Central Valley Water Board retains the authority to assess additional penalties for violations of the requirements of the General Permit for which penalties have not yet been assessed or for violations that may subsequently occur.
36. An administrative civil liability may be imposed pursuant to the procedures described in Water Code section 13323. An administrative civil liability complaint alleges the act or failure to act that constitutes a violation of law, the provision of law authorizing administrative civil liability to be imposed, and the proposed administrative civil liability.
37. Issuance of this Administrative Civil Liability Complaint to enforce Water Code Division 7, Chapter 5.5 is exempt from the provisions of the California Environmental Quality Act (Pub. Resources Code § 21000 et seq.), in accordance with California Code of Regulations, title 14, section 15321(a)(2).

DONAHUE SCHRIBER IS HEREBY GIVEN NOTICE THAT:

1. The Executive Officer of the Central Valley Water Board proposes an administrative civil liability in the amount of **two hundred and eleven thousand and thirty eight dollars (\$211,038)**. The amount of the proposed liability is based upon a review of the factors cited in Water Code section 13385, as well as the State Water Resources Control Board's 2010 Water Quality Enforcement Policy, and includes consideration of the economic benefit or savings resulting from the violations.
2. A hearing on this matter will be conducted at the Central Valley Water Board meeting scheduled on **3-4 October 2013**, unless the following occurs by **29 July 2013**:

The Discharger waives the hearing by completing the attached form (checking off the box next to Option #1) and returning it to the Central Valley Water Board, along with payment for the proposed civil liability of **two hundred and eleven thousand and thirty eight dollars (\$211,038)**.

3. If a hearing is held, the Central Valley Water Board will consider whether to affirm, reject, or modify the proposed Administrative Civil Liability, or whether to refer the matter to the Attorney General for recovery of judicial civil liability.

Original signed by Andrew Altevogt for

PAMELA C. CREEDON, Executive Officer

8 July 2013

Date

Waiver Form
Attachment A: Specific Factors Considered for Civil Liability

WMH/SER/WSW: 8 July 2013

**WAIVER FORM
FOR ADMINISTRATIVE CIVIL LIABILITY COMPLAINT**

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

I am duly authorized to represent Donahue Schriber Asset Management Corporation (hereafter Discharger) in connection with Administrative Civil Liability Complaint R5-2013-0519 (hereafter Complaint). I am informed that 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. The person who has been issued a complaint may waive the right to a hearing."

(OPTION 1: Check here if the Discharger waives the hearing requirement and will pay in full.)

- a. I hereby waive any right the Discharger may have to a hearing before the Central Valley Water Board.
- b. I certify that the Discharger will remit payment for the proposed civil liability in the full amount of **two hundred and eleven thousand and thirty eight dollars (\$211,038)** by check that references "ACL Complaint R5-2013-0519" made payable to the *State Water Pollution Cleanup and Abatement Account*. Payment must be received by the Central Valley Water Board by **29 July 2013**.
- 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 a 30-day public notice and comment period. Should the Central Valley Water Board receive significant new information or comments during this comment period, the Central Valley Water Board's Executive Officer may withdraw the complaint, return payment, and issue a new complaint. 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.

(Print Name and Title)

(Signature)

(Date)