ORDER NO. R2-20XX-1XXX
ACCEPTANCE OF CONDITIONAL RESOLUTION
AND WAIVER OF RIGHT TO HEARING

By signing below and returning this Acceptance of Conditional Resolution and Waiver of Right to Hearing (Acceptance and Waiver) to the Regional Water Quality Control Board (Regional Water Board), Samsung America Headquarters (Device Solution) Project and Samsung E&C America Inc. (SAMSUNG) hereby accepts the conditional offer to settle alleged violations through payment of mandatory minimum penalties (Conditional Offer) and waives the right to a hearing before the Regional Water Board to dispute the allegations of violations and attached hereto as Exhibit A and incorporated herein by reference.

SAMSUNG agrees that the attached Exhibit A shall serve as a complaint pursuant to Article 2.5 of the Water Code and that no separate complaint is required for the Regional Water Board to assert jurisdiction over the alleged violations through its Assistant Executive Officer. SAMSUNG agrees to pay the penalties authorized by Water Code sections 13385 and 13385.1, which shall be deemed payment in full of any civil liability pursuant to the Water Code section 13385 that otherwise might be assessed for the violations described in the attached Exhibit A. SAMSUNG understands that this Acceptance and Waiver waives its right to contest the allegations in Exhibit A and the amount of civil liability for such violations.

SAMSUNG understands that this Acceptance and Waiver does not address or resolve liability for any violation that is not specifically identified in the attached Exhibit A.

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

California Regional Water Quality Control Board, San Francisco Bay Region
NPDES Enforcement Section, Regulatory Measure ID No. 399750
Attention: Farhad Azimzadeh
1515 Clay Street, Suite 1400
Oakland, California 94612

SAMSUNG understands that federal regulations set forth at title 40, Code of Federal Regulations, section 123.27(d)(2)(iii) require the Regional Water Board to publish notice of and provide at least 30 days for public comment on any proposed resolution of an enforcement action. Accordingly, this Acceptance and Waiver, prior to execution by the Executive Officer of the Regional Water Board, will be published as required by law for public comment.

If no comments are received within the notice period which causes the Executive Officer of the Regional Water Board to reject the settlement amount, the Executive Officer will execute the Acceptance and Waiver. Resolution of these violations by the Regional Water Board will preclude State Water Board action for these same violations.

SAMSUNG understands that if significant comments are received in opposition to the Conditional Offer, the offer may be withdrawn. In that circumstance, SAMSUNG 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 Water Board or the State Water Board. For such a liability hearing, SAMSUNG understands that this Acceptance and Waiver executed by SAMSUNG will be treated as a settlement communication and will not be used as evidence in that hearing.

SAMSUNG understands that once the Acceptance and Waiver is executed by the Executive Officer of the Regional Water Board, payment of the amount in full no later than 30 days after the date of the Executive Officer's signature is a condition of this Acceptance and Waiver. In accordance with Water Code sections 13385(n)(1) and 13385.1(c)(1), funds collected for violations of effluent limitations and reporting requirements pursuant to section 13385 and 13385.1 shall be deposited in the State Water Pollution Cleanup and Abatement Account. The payment must be submitted to the State Water Resources Control Board in accordance with an invoice for payment.

I hereby affirm that I am duly authorized to act on behalf of and to bind SAMSUNG in the making and giving of this Acceptance and Waiver.

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Samsung America Headquarters (Device Solution) Project and Samsung E&C America Inc.

By: _____ 3/10/15
(Signed Name) (Date)

Shaun Koo.
(Printed or typed name)

Facility Director.
(Title)

Note: Please return the signed Acceptance and Waiver with Exhibit A, together.

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IT IS SO ORDERED PURSUANT TO WATER CODE SECTION 13385

By: _____

Bruce H. Wolfe
Executive Officer
California Regional Water Quality Control Board
San Francisco Bay Region

SAMSUNG
15500074

EXHIBIT A
Notice of Violation

Samsung Groundwater Treatment System located at
3655 North 1st Street, San Jose, Santa Clara County

The following table lists alleged permit violation(s) for which SAMSUNG is subject to civil liabilities pursuant to Water Code sections 13385 and 13385.1. The table shows mandatory minimum penalty (MMP) for the violation(s), and descriptions of the abbreviations that appear in the table.

No	CIWQS Violation ID No.	Violation or Effluent Limitation Description	Date of Occurrence or Monitoring Report Due Date	Effluent Limit or Date Monitoring Report Received	Effluent Result Reported (Percent a Pollutant is over an Effluent Limitation) or Number of Days and Months a Discharge Monitoring Report Overdue	Type of Violation	CWC Section 13385(h) and/or (i) Required MMP
1-9	962189	Late Third Quarter 2013 Discharge Monitoring Report Submittal	11/15/2013	9/3/2014	292 days = about nine months	S (See Note 1)	9 x $3,000 = $27,000
10-15	976189	Late Fourth Quarter 2013 Discharge Monitoring Report Submittal	2/15/2014	9/3/2014	200 days = about six months	S (See Note 1)	6 x $3,000 = $18,000
16-20	976190	Late First Quarter 2014 Discharge Monitoring Report Submittal	5/15/2014	10/30/2014	168 days = about five months	S (See Note 1)	5 x $3,000 = $15,000
						Total	$60,000

Legend for Table:
CIWQS = California Integrated Water Quality System database used by the Water Boards to manage violation and enforcement activities.
Violation ID = Identification number assigned to a permit exceedance in CIWQS.
C = Count – The number that follows represents the number of exceedances in the past 180 days, including this violation. A count greater than three (> C3) means that a penalty under Water Code section 13385(i) applies.
S = Serious, which means that a penalty under Water Code section 13385(h) applies when an effluent limitation is exceeded 40 percent or more for a Group I pollutant or 20 percent or more for a Group II pollutant.
Note 1: Water Code section 13385.1 (a)(l) defines a "serious violation" to include a failure to file a discharge monitoring report required pursuant to section 13383 for each complete period of 30 days following the deadline for submitting the report, if the report is designed to ensure compliance with limitations contained in waste discharge requirements that contain effluent limitations.

Regulatory Measure ID: 399750
Place ID: 797096
WDID No.: 2438687001