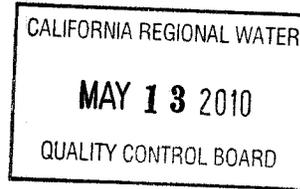




2500 7TH STREET • OAKLAND, CALIFORNIA 94607  
PHONE 510.839.8228 • FAX 510.444.6219



May 11, 2010

California Regional Water Quality Control Board  
Mr. Thomas Mumley  
1515 Clay St. STE 1400  
Oakland, CA 94612

Re: Complaint No. R2-2010-0015  
Waiver Option 3 – Engage in settlement discussions

We have attached the Waiver with Option 3 checked off.

We will contact Regional Water Board Prosecution Team within 5 business days on or about May 18<sup>th</sup>.

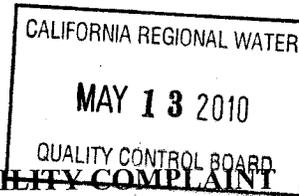
Regards,

A handwritten signature in black ink, appearing to read "John Lopez".

John Lopez  
Equipment Manager  
TransBay Container Terminal.

Complaint No. R2-2010-0015  
Transbay Container Terminal I

Waiver Form



**WAIVER FORM  
FOR ADMINISTRATIVE CIVIL LIABILITY COMPLAINT  
NO. R2-2010-0015**

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

I am duly authorized to represent Transbay Container Terminal I ("Discharger") in connection with Administrative Civil Liability Complaint No. R2-2010-0015 ("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."

**OPTION 1: PAY THE CIVIL LIABILITY**

*(Check here if the Discharger waives the hearing requirement and will pay the civil liability in full.)*

- a. I hereby waive any right the Discharger may have to a hearing before the Regional Water Board.
- b. I certify that the Discharger will remit payment for the proposed civil liability in the full amount of \$13,300 by check that references "ACL Complaint No. R2-2010-0015" made payable to the "San Francisco Bay Regional Water Quality Control Board." Payment must be received by the Regional Water Board by not later than 30 days from the date the Complaint was issued or the Regional Water Board may adopt an Administrative Civil Liability Order requiring payment.
- 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. Should the Regional Water Board receive significant new information or comments from any source (excluding the Regional Water Board 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 or its Executive Officer, 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 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.

**OPTION 2: REQUEST A TIME EXTENSION**

*(Check here if the Discharger waives the 90-day hearing requirement in order to extend the hearing date and/or hearing deadlines. Attach a separate sheet with the amount of additional time requested and the rationale.)*

I hereby waive any right the Discharger may have to a hearing before the Regional Water Board within 90 days after service of the Complaint. By checking this box, the Discharger requests that the Regional Water Board delay the hearing and/or hearing deadlines so that the Discharger may have additional time to prepare for the hearing. It remains within the discretion of the Regional Water Board Advisory Team to approve the extension.

**OPTION 3: ENGAGE IN SETTLEMENT DISCUSSIONS**

*(Check here if the Discharger waives the 90-day hearing requirement in order to engage in settlement discussions.)*

I hereby waive any right the Discharger may have to a hearing before the Regional Water Board within 90 days after service of the Complaint, but I reserve the ability to request a hearing in the future. I certify that the Discharger will contact the Regional Water Board Prosecution Team within five business days of submittal of this waiver to request that the Prosecution Team engage in settlement discussions to attempt to resolve the outstanding violation(s). By checking this box, the Discharger requests that the Regional Water Board Advisory Team delay the hearing so that the Discharger and the Prosecution Team can discuss settlement. It remains within the discretion of the Regional Water Board Advisory Team to agree to delay the hearing. Any proposed settlement is subject to the conditions described above under "Option 1c and d."

John Lopez  
(Print Name and Title)

  
(Signature)

5/12/10  
(Date)