



EDMUND G. BROWN JR.
GOVERNOR



MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Los Angeles Regional Water Quality Control Board

January 22, 2016

Mr. Robert Lutes
Douglas Emmett 2010, LLC
9601 Wilshire Boulevard, M-300
Beverly Hills, CA 90210

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
CLAIM NO. 7015 0640 0006 6112 1840

Mr. Augusto Estrada
Agent for Service of Process for
Douglas Emmett 2010, LLC
808 Wilshire Boulevard, Suite 200
Santa Monica, CA 90401

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
CLAIM NO. 7015 0640 0006 6112 1734

STIPULATED ORDER ON SETTLEMENT OFFER NO. R4-2015-0155: DOUGLAS EMMETT 2010, LLC, 9601 WILSHIRE BOULEVARD, BEVERLY HILLS, CA 90210, (ORDER NO. R4-2013-0095, NPDES NO. CAG994004, CI NO. 8355)

Dear Mr. Lutes and Mr. Estrada:

On September 15, 2015, the Regional Water Quality Control Board, Los Angeles Region (Regional Board) Assistant Executive Officer issued Douglas Emmett 2010, LLC (Permittee or "you") Settlement Offer No. R4-2015-0155 (Offer) for \$24,000 for violation of waste discharge requirements contained in Regional Board Order No. R4-2013-0095. On November 10, 2015 the Offer was amended to \$21,000. On December 18, 2015, the Regional Board received your signed Acceptance of Conditional Resolution and Waiver of Right to Hearing; (proposed) Order ("Acceptance and Waiver"). In accordance with federal regulations, the Regional Board published notice of and provided at least 30 days for the public to comment on this settlement. No comments were received by the Regional Board on Settlement Offer No. R4-2015-0155 during the 30-day public comment period.

This letter is to notify the Permittee that the Regional Board Executive Officer has executed the Acceptance and Waiver as a Stipulated Order assessing the uncontested mandatory minimum penalty amount pursuant to Water Code sections 13385 and/or 13385.1. Accordingly, the full payment of the assessed amount must be received by the State Water Resources Control Board on or before **February 22, 2016**. Payment shall be paid by cashiers or certified check for \$21,000 made out to the "State Water Pollution Cleanup and Abatement Account". Failure to pay the full penalty within the required time period may subject the Permittee to further liability.

CHARLES STRINGER, CHAIR | SAMUEL UNGER, EXECUTIVE OFFICER

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

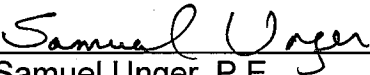
Mr. Robert Lutes
Mr. Augusto Estrada
Douglas Emmett 2010, LLC

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January 22, 2016

Should you have any questions about this matter, please contact Enforcement Unit staff Mr. Jim Covin at (213) 576-6614 / jim.covin@waterboards.ca.gov or Mr. Russ Colby at (213) 620-6373 / russ.colby@waterboards.ca.gov.

Sincerely,



Samuel Unger, P.E.
Executive Officer

Enclosure: Acceptance of Conditional Resolution and Waiver of Right to Hearing;
Order.

cc: Mayumi Okamoto, Office of Enforcement, State Water Resources Control Board
[via e-mail]

Settlement Offer No. R4-2015-0155
CI No. 8355, NPDES Permit No. CAG0994004

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

Douglas Emmett 2010, LLC
Settlement Offer No. R4-2015-0155
NPDES Permit No. CAG994004

By signing below and returning this Revised Acceptance of Conditional Resolution and Waiver of Right to Hearing (Acceptance and Waiver) to the Los Angeles Regional Water Quality Control Board (Regional Board), Douglas Emmett 2010, LLC (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 Revised Notice of Violation (NOV), which is attached hereto as Revised 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 Chief Prosecutor. The Permittee agrees to pay the penalties required by California Water Code section 13385, in the sum of \$21,000 (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 Revised Acceptance and Waiver waives its right to contest the allegations in the NOV and the amount of civil liability for such violations.

The Permittee understands that this Revised 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:

Jim Covin, Enforcement Unit
Expedited Payment Program
Los Angeles Regional Water Quality Control Board
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 thirty (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 causes the Regional Board Executive Officer to question the Expedited Payment Amount, the Regional Board Executive Officer will execute the Revised Acceptance and Waiver.

Settlement Offer No. R4-2015-0155
CI No. 8355, NPDES Permit No. CAG0994004

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.

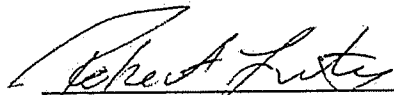
The Permittee further understands that once the Revised Acceptance and Waiver is executed by the Regional Board Executive Officer, the full payment required by the deadline set forth below is a condition of this Revised Acceptance and Waiver. In accordance with California Water Code section 13385(n)(1) and California Water Code section 13385.1(c)(1), funds collected for violations of effluent limitations and reporting requirements pursuant to sections 13385 and 13385.1 shall be deposited in the State Water Pollution Cleanup and Abatement Account. Accordingly, the \$21,000 liability shall be paid by a cashiers or certified check made out to the "State Water Pollution Cleanup and Abatement Account". The payment must be submitted to the State Water Resources Control Board no later than thirty (30) calendar days after the date the Revised Acceptance and Waiver is executed by the Regional Board Executive Officer.

Please mail the check to:

State Water Resources Control Board
ATTN: ACL PAYMENT
Division of Administrative Services, Accounting Branch
1001 I Street, 18th Floor, [95814]
P.O. Box 1888
Sacramento, California 95812-1888

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 Revised Acceptance and Waiver.

Douglas Emmett 2010, LLC

By:  12/18/15
(Signed Name) (Date)
Robert Lutes Director of Engineering
(Printed or typed name) (Title)

IT IS SO ORDERED PURSUANT TO CALIFORNIA WATER CODE SECTION 13385

Date: Jan. 22, 2016

By: 
Samuel Unger, P.E.

REVISED 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
11/30/14	4th Quarter 2014	Monthly Average	Selenium	4.29	4.1	µg/L	2	5%	Chronic	(i)1	\$0
12/05/14	4th Quarter 2014	Daily Maximum	Selenium	5.41	5	µg/L	2	8%	Chronic	(i)1	\$0
12/05/14	4th Quarter 2014	Monthly Average	Selenium	5.41	2.5	µg/L	2	116%	Serious	(h)1	\$3,000
01/15/15	1st Quarter 2015	Monthly Average	Selenium	4.94	2.5	µg/L	2	98%	Serious	(h)1	\$3,000
02/03/15	1st Quarter 2015	Monthly Average	Selenium	4.38	2.5	µg/L	2	75%	Serious	(h)1	\$3,000
03/11/15	1st Quarter 2015	Daily Maximum	Selenium	5.24	5	µg/L	2	5%	Chronic	(i)1	\$3,000
03/11/15	1st Quarter 2015	Monthly Average	Selenium	5.24	2.5	µg/L	2	110%	Serious	(h)1	\$3,000
05/31/15	2nd Quarter 2015	Monthly Average	Selenium	4.94	4.1	µg/L	2	20%	Serious	(h)1	\$3,000
06/05/15	2nd Quarter 2015	Monthly Average	Selenium	4.5	4.1	µg/L	2	10%	Chronic	(i)1	\$3,000
										Total	\$21,000