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## Los Angeles Regional Water Quality Control Board

March 10, 2023

Stephen Brollier  
Executive Vice President  
Belmont Village Westwood Tenant LLC  
10475 Wilshire Boulevard  
Los Angeles, CA 90024

**Via Certified Mail  
Return Receipt Requested  
Claim No. 7021 1970 0001 4037 3780**

Stephen Brollier  
Executive Vice President  
Belmont Village Westwood Tenant LLC  
7660 Woodway Drive, Suite 400  
Houston, TX 77063

**Via Certified Mail  
Return Receipt Requested  
Claim No. 7021 1970 0001 4037 3797**

**RESPONSE TO REQUEST FOR ALLEGED VIOLATION REVIEW – BELMONT VILLAGE WESTWOOD TENANT LLC, BELMONT VILLAGE WESTWOOD, 10475 WILSHIRE BOULEVARD (ORDER NO. R4-2013-0095, NPDES PERMIT NO. CAG994004, CL NO. 9261)**

Dear Stephen Brollier:

Thank you for your submission dated August 3, 2020, regarding Settlement Offer No. R4-2019-0071 for Belmont Village Westwood Tenant LLC (Permittee), which assessed mandatory minimum penalties (MMPs) for effluent violations. This letter addresses your comments in this regard.

**Issue:**

The Permittee asserted under penalty of perjury that samples taken during 4<sup>th</sup> quarter 2018 through 2<sup>nd</sup> quarter 2019 monitoring periods were taken before the Contech filtering well system, which were installed in place to filter out and prevent pollutants from entering the waterways, and are therefore not representative of the discharge. The Permittee included a site plan showing the filtering wells, master covenant agreement, and specification sheet of the wells installed.

**Response:**

Regional Water Board staff evaluated the Permittee's response and new information provided in your August 3, 2020 letter, and determined that the samples taken during 4<sup>th</sup> quarter 2018 and 2<sup>nd</sup> quarter 2019 were not representative of the discharge; therefore, the effluent limit violations associated with these quarters identified on Page 1 of Exhibit "1"- Notice of Violation have been dismissed. However, be advised that the Permittee must monitor discharges from the Facility in accordance with the monitoring and reporting requirements included in Order No. R4-2018-0125. Order No. R4-2013-0095 requires that

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NORMA CAMACHO, CHAIR | RENEE PURDY, EXECUTIVE OFFICER

sampling stations be established where representative samples of effluent can be obtained. The failure to follow this requirement was a violation of the permit and may be subject to discretionary penalties. Additionally, no information was provided in regards to the late reporting violation for the late submittal of the 4<sup>th</sup> quarter 2018 self-monitoring report that was cited in Page 2 of the Exhibit "1"; therefore, the late reporting violation is valid and remains.

Since Belmont Village Westwood Tenant LLC requested an additional review of these violations, the Regional Water Board has established new deadlines. If you intend to participate in the Expedited Payment Program, you must sign and return the Acceptance of Conditional Resolution and Waiver of Right to Hearing form by **April 10, 2023**. By signing the revised Acceptance and Waiver, Belmont Village Westwood Tenant LLC agrees to pay the penalty of \$3,000 as indicated on the Amended Exhibit "1" – Notice of Violation and waives the right to a hearing.

If you do not elect to sign the Acceptance and Waiver, you will be contacted regarding formal enforcement action that will be initiated with regard to the contested violations.

**Should you have questions regarding this matter, please contact Enforcement Unit staff Jim Covin at (213) 576-6614 / [jim.covin@waterboards.ca.gov](mailto:jim.covin@waterboards.ca.gov) or Ching-Yin To at (213) 620-6373 / [ching-yin.to@waterboards.ca.gov](mailto:ching-yin.to@waterboards.ca.gov).**

Sincerely,

**Hugh  
Marley**  Digitally signed by  
Hugh Marley  
Date: 2023.03.10  
10:51:57 -08'00'

Hugh Marley  
Assistant Executive Officer

Enclosure

Amended Exhibit "1" - Notice of Violation  
Acceptance of Conditional Resolution and Waiver of Right to Hearing; (proposed)  
Order

**AMENDED EXHIBIT "1" – NOTICE OF VIOLATION**  
 Late Reporting Violations

| <b>Reporting Period</b> | <b>Violation Type</b> | <b>Due Date</b> | <b>Received Date</b> | <b>Days Late</b> | <b># of Complete 30-Day Periods</b> | <b>Serious/ Chronic</b> | <b>Water Code Section 13385</b> | <b>Amount Per 30-Day Period</b> | <b>Penalty</b> |
|-------------------------|-----------------------|-----------------|----------------------|------------------|-------------------------------------|-------------------------|---------------------------------|---------------------------------|----------------|
| 4th Quarter 2018        | Late Report           | 02/14/2019      | 04/09/2019           | 54               | 1                                   | Serious                 | (h)(1)                          | \$3,000                         | \$3,000        |

**Total: \$3,000**

**Settlement Total: \$3,000**

Settlement Offer No. R4-2019-0071  
CI No. 9261, NPDES Permit No. CAG994004

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

Belmont Village Westwood Tenant LLC  
Settlement Offer No. R4-2019-0071  
NPDES Permit No. CAG994004

By signing below and returning this Acceptance of Conditional Resolution and Waiver of Right to Hearing (Acceptance and Waiver) to the Los Angeles Regional Water Quality Control Board (Regional Water Board), Belmont Village Westwood Tenant LLC (Permittee) hereby accepts the "Offer to Participate in Expedited Payment Program" and waives the right to a hearing before the Regional Water Board to dispute the allegations of violations described in the Notice of Violation (NOV), which is attached hereto as 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 Water 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 \$3,000 (Expedited Payment Amount) which shall be deemed payment in full of any civil liability pursuant to California Water Code sections 13385 and 13385.1 that otherwise might be assessed for the violations described in the NOV. The Permittee understands that this 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 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 I Unit  
Expedited Payment Program  
Los Angeles Regional Water Quality Control Board  
320 West 4<sup>th</sup> Street, Suite 200  
Los Angeles, CA 90013

The Permittee understands that federal regulations set forth by 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 thirty (30) days for public comment on any proposed resolution of an enforcement action addressing NPDES permit violations. Accordingly, the Acceptance and Waiver, prior to execution by the Regional Water 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 Water Board Assistant Executive Officer to question the Expedited Payment Amount, the Acceptance and Waiver will be presented to the Executive Officer for consideration and adoption of a stipulated order.

Settlement Offer No. R4-2019-0071  
CI No. 9261, NPDES Permit No. CAG994004

The Permittee understands that if significant comments are received in opposition to the Expedited Payment Amount, the offer on behalf of the Regional Water 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 Water Board. For such a liability hearing, the Permittee understands that this Acceptance and Waiver executed by the Permittee will not in any way be binding or used as evidence in that hearing.

The Permittee further understands that once the Acceptance and Waiver is executed by the Regional Water Board Executive Officer, the full payment required by the deadline set forth below is a condition of this Acceptance and Waiver. In accordance with California Water Code sections 13385(n)(1) and 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 \$3,000 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 Acceptance and Waiver is executed by the Regional Water 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, 18<sup>th</sup> 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 Acceptance and Waiver.

Belmont Village Westwood, Tenant LLC

By: Stephen Brollion 4/9/23  
(Signed Name) (Date)  
STEPHEN BROLLION AUTHORIZED SIGNATORY  
(Printed or Typed Name) (Title)

IT IS SO ORDERED PURSUANT TO CALIFORNIA WATER CODE SECTION 13323 AND GOVERNMENT CODE SECTION 11415.60

By: \_\_\_\_\_ (Date) \_\_\_\_\_  
Renee Purdy  
Executive Officer