



EDMUND G. BROWN JR.
GOVERNOR



MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Los Angeles Regional Water Quality Control Board

March 29, 2016

Pedro Olmedo
Olmedos Auto Sales Dismantler
828 Macdonough Avenue
Wilmington, CA 90744

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
CLAIM NO. 7015 0640 0006 6112 6005

SETTLEMENT OFFER NO. R4-2016-0087: OFFER TO PARTICIPATE IN THE EXPEDITED PAYMENT PROGRAM FOR THE FAILURE TO RECERTIFY UNDER THE REQUIREMENTS OF NPDES GENERAL PERMIT FOR STORM WATER DISCHARGES ASSOCIATED WITH INDUSTRIAL ACTIVITIES FOR OLMEDOS AUTO SALES DISMANTLER, 828 MACDONOUGH AVENUE, WILMINGTON, CA (ORDER NO. 2014-0057-DWQ, NPDES NO. CAS000001, WDID NO. 4 19I015698)

Dear Pedro Olmedo:

This letter is to notify Olmedos Auto Sales Dismantler (hereinafter "Permittee" or "you") of alleged violations of the California Water Code identified in the State Water Resources Control Board's water quality data system, and to allow the Permittee to participate in the Los Angeles Regional Water Quality Control Board's (Regional Board) Expedited Payment Program to address mandatory minimum penalties that may be assessed pursuant to California Water Code (Water Code) section 13399.33(a)(1).

NOTICE OF VIOLATION:

Based on information in the Storm Water Multiple Application & Report Tracking System (SMARTS), as of March 29, 2016, the Regional Board alleges that the Permittee is in violation of Water Code section 13399.30 (a) (2) for failing to recertify the existing Notice of Intent to obtain coverage under the State Water Resources Control Board (State Board) National Pollution Discharge Elimination system (NPDES) General Permit for Storm Water Discharges Associated with Industrial Activities, Order No. 2014-0057-DWQ (new General Permit) that was adopted on April 1, 2014. The new General Permit became effective on July 1, 2015 and superseded the previous General Permit, Order No. 97-03-DWQ that expired on August 14, 2015. The General Permit required Permittees with coverage under the previous General Permit to recertify the Notice of Intent and submit the facility's site map, and storm water pollution prevention plan by August 14, 2015 electronically via SMARTS.

The State Water Resources Control Board notified the Permittee in January 2015, May 1, 2015, June 5, 2015, July 10, 2015 and August 3, 2015 of the requirement to recertify via SMARTS by August 14, 2015 in order to obtain coverage under the new General Permit. On January 25, 2016, Regional Board staff visited Olmedos Auto Sales Dismantler and provided the Permittee written instructions on recertifying the facility in SMARTS. The Permittee failed to recertify the NOI.

On December 18, 2015, the Regional Board issued a Notice of Non Compliance (NNC) to the Permittee for failing to recertify under the new General Permit. The Permittee did not respond to the NNC. On January 25, 2016, the Regional Board issued a Notice of Violation (NOV) to the Permittee for failing to recertify. The Permittee did not recertify or respond to the NOV. The Permittee is currently operating without an NPDES Permit.

STATUTORY LIABILITY:

Your facility is suspected of discharging storm water associated with industrial activity. Pursuant to Water Code section 13399.33(a)(1), the Permittee is subject to a minimum penalty of not less than five thousand dollars (\$5,000) per year of noncompliance or fraction thereof plus staff costs for failing to submit the required notice of intent in accordance with Water Code section 13399.30.

PERMITTEE'S OPTIONS FOR RESPONSE TO OFFER:

You have two options to respond as outlined below:

1. Accept the Expedited Payment Program Conditional Offer

Acceptance of this Conditional Offer requires the Permittee to pay \$5,500 for settlement of the recertification violation and apply for coverage under the new General Permit by (1) completing a Notice of Intent online via the SMARTS database, and (2) uploading the facility's storm water pollution prevention plan (SWPPP), and current site map into SMARTS by **April 28, 2016**.

If the Permittee elects to accept this Conditional Offer and participate in the Regional Board's Expedited Payment Program, the Regional Board will forego issuance of a formal administrative civil liability complaint (Complaint); the Regional Board will not refer the violation to the Attorney General or to the District Attorney; the Regional Board will waive its right to seek additional discretionary civil liabilities against the Permittee for the failure to recertify under the new General Permit.

The penalty includes a \$5,000 mandatory minimum penalty in addition to \$500 in staff costs incurred in seeking compliance with California Water Code Chapter 5.9, the Storm Water Enforcement Act of 1998. This is a

Conditional Offer subject to certain terms and conditions set forth below. If you choose this option **you must sign and submit the enclosed Acceptance and Waiver form along with payment, and submit a completed NOI, SWPPP, and facility site map electronically via SMARTS by April 28, 2016.** The form provides submittal instructions. This option is deemed complete only after submission of the mandatory minimum penalty amount and completion of the NOI, SWPPP, and facility site map via SMARTS.

Please submit a hard copy of the Acceptance and Waiver form to:

Ali Rahmani, Enforcement Unit
Expedited Payment Program
Los Angeles Regional Water Quality Control Board
320 West 4th Street, Suite 200
Los Angeles, California 90013

Acceptance of this Conditional Offer and participation in the Expedited Payment Program does not address or resolve liability for any violation that is not specifically identified above and in the corresponding NNC and NOV regardless of the date that the violation occurred.

2. Contest the Violation

Submit in writing the basis of your challenge with supporting evidence. For example, you have designed your facility to contain storm water but have failed to submit the required Notice of Non-Applicability (NONA) to the Regional Board and the civil liability administratively should be assessed in the amount of one thousand dollars (\$1,000) pursuant to Water Code section 13399.33(a)(2)(b), or you have evidence that you previously submitted a Notice of Termination (NOT) because you are no longer in business. If you choose this option, you must **submit your written documentation by April 28, 2016.**

Regional Board staff will review the submission, and if we agree with the challenge, we will notify the Permittee in writing that it is no longer considered in violation of California Water Code Section 13399.30(a)(2), and the Regional Board Prosecution Team will take no further action against the Permittee for the alleged failure to recertify under the General Permit. If after review of your submission Regional Board staff does not agree with your challenge, the alleged violation will still apply to the Permittee; the Permittee will be given thirty (30) days from the date of receipt of Regional Board staff's determination to participate in the Expedited Payment Program by completing and returning the Acceptance and Waiver.

If you do not respond in a manner described in the above two options, the Regional Board Prosecution Team will prepare an administrative civil liability complaint (Complaint) for failing to obtain coverage under the new General Permit and a hearing will be scheduled before the Regional Board or an authorized delegate. The amount of the administrative civil liability sought in a Complaint and/or ultimately imposed by the Regional Board may be higher than the liability amount set forth in this Conditional Offer. Moreover, additional staff costs associated with formal enforcement will be considered in the recommended liability amount.

CONDITIONS FOR REGIONAL BOARD ACCEPTANCE OF RESOLUTION:

This offer to participate in the Expedited Payment Program is conditional upon submitting a completed NOI, uploading a copy of a current site map and SWPPP via the State Board's SMARTS on or before **April 28, 2016**. If you choose not to, this offer will be deemed withdrawn and a formal enforcement action will be pursued. After the offer is deemed withdrawn, the Regional Board Prosecution Team will issue a Complaint, as described above.

Should you participate in the Expedited Payment Program, the settlement will be published in the following manner: Federal regulations require the Regional Board to publish notice of, and to provide at least thirty (30) days for public comment on, any settlement of an enforcement action addressing NPDES permit violations (40 C.F.R. section 123.27(d)(2)(iii)). Upon submitting a NOI, site map, SWPPP and upon receipt of the Permittee's Acceptance and Waiver on or before **April 28, 2016**, Regional Board staff will publish a notice of the proposed resolution.

If no comments are received within the notice period, the Regional Board Executive Officer will be presented with the Acceptance and Waiver as a stipulated order for execution assessing the uncontested penalty amount pursuant to Water Code section 13399.33 as described under the heading "Statutory Liability" herein. The Permittee will then be notified that payment is due within 30 days from the date of execution by the Executive Officer.

Failure to pay the penalty within that time frame may result in further liability, referral of the matter to the Attorney General, District Attorney, and/or may void the offer to participate in this Expedited Payment Program.

If, however, significant comments are received in opposition to the proposed resolution, this offer may be withdrawn. In that case, the Permittee's waiver pursuant to the Acceptance and Waiver will also be treated as withdrawn. The violations will be addressed in a liability assessment proceeding before the Regional Board or authorized delegate. At the liability assessment hearing the Permittee will be free to make arguments as to any of the alleged violations, and the Permittee's agreement to accept this conditional offer will not in any way be binding or used as evidence against the

Permittee. The Permittee will be provided with further information on the liability assessment proceeding.

Should you have any questions about this Conditional Offer or in submitting the NOI, please contact Enforcement Unit staff Ali Rahmani at (213) 620-2122 or via email at Alireza.Rahmani@waterboards.ca.gov or Ms. Pavlova Vitale at (213) 576-6751 or via email at Pavlova.Vitale@waterboards.ca.gov.

Sincerely,



Paula Rasmussen
Assistant Executive Officer

Enclosure: Notice of Non-Compliance dated December 18, 2015
Notice of Violation dated January 25, 2016
Acceptance of Conditional Resolution and Waiver of Right to Hearing;
(proposed) Order

cc: Vanessa Young, Office of Enforcement, State Water Resources Control Board
Steven Pedersen, City of Los Angeles [steven.pedersen@lacity.org]

**ACCEPTANCE OF CONDITIONAL RESOLUTION
AND WAIVER OF RIGHT TO HEARING: (Proposed) ORDER**

Olmedos Auto Sales Dismantler
Settlement Offer No. R4-2016-0087
WDID No. 4 19I015698

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 Board), Olmedos Auto Sales Dismantler (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 Notice of Violation (NOV) and Notice of Noncompliance (NNCs), which are attached hereto as Exhibits 1 and 2 and incorporated herein by reference.

The Permittee agrees that the Conditional Offer 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 Assistant Executive Officer. The Permittee agrees to pay the administrative civil liability authorized by California Water Code section 13399.33(a)(1), in the sum of \$5,500 (Expedited Payment Amount) which shall be deemed payment in full of any civil liability pursuant to California Water Code section 13399.30(a)(2) that otherwise might be assessed for the violations described in the NOV and NNC. The Permittee understands that this Acceptance and Waiver waives its right to contest the allegations in the NOV and NNC 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 and NNC.

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

Ali Rahmani, 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 Acceptance and Waiver.

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 violation

Settlement Offer No. R4-2016-0087
WDID No. 4 191015698

set forth in the NOV and NNC may be withdrawn. In that circumstance, the Permittee will be advised of that 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 this Acceptance and Waiver is executed by the Regional Board's 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 section 13399.37(a), funds collected for violations pursuant to sections 13399.33(a)(1) shall be deposited in the Waste Discharge Permit Fund. Accordingly, the \$5,500 liability shall be paid by a cashiers or certified check made out to the "State Water Resources Control Board" referencing this Order number for deposit into the Waste Discharge Permit Fund. 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 Board's Executive Officer.

Please mail the check to:

State Water Resources Control Board
Re: Order No. R4-2016-0087
Division of Administrative Services, Accounting Branch
1001 I Street, 18th Floor, [95814]
P.O. Box 1888
Sacramento, California 95812-1888

2016 APR 29 PM 12:36
CALIFORNIA REGIONAL WATER
QUALITY CONTROL BOARD
LOS ANGELES REGION

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.

Olmedos Auto Sales Dismantler

By: Pedro Olmedo 4/27/2016
(Signed Name) (Date)
[Signature] OWNER
(Printed or Typed name) (Title)

IT IS SO ORDERED PURSUANT TO CALIFORNIA WATER CODE SECTION 13399.33(a)(1)

Date: _____

By: _____
Samuel Unger, P.E.
Executive Officer



EDMUND G. BROWN JR.
GOVERNOR



MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Los Angeles Regional Water Quality Control Board

January 25, 2016

Pedro Olmedo
Olmedos Auto Sales Dismantler
828 Macdonough Avenue
Wilmington, CA 90744

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
CLAIM NO. 7015 0640 0006 6112 2205

NOTICE OF VIOLATION: FAILURE TO RECERTIFY OLMEDOS AUTO SALES DISMANTLER, UNDER THE REQUIREMENTS OF NPDES GENERAL PERMIT FOR STORM WATER DISCHARGES ASSOCIATED WITH INDUSTRIAL ACTIVITIES, ORDER NO. 2014-0057-DWQ, NPDES NO. CAS000001, WDID NO. 4 19I015698

Dear Pedro Olmedo:

On December 18, 2015, the Assistant Executive Officer of the Regional Board issued your facility, Olmedos Auto Sales Dismantler, located at 828 Macdonough Avenue in Wilmington, a Notice of Non-Compliance (NNC) for failing to recertify and enroll in the State Water Resources Control Board (State Board) National Pollution Discharge Elimination system (NPDES) General Permit for Storm Water Discharges Associated with Industrial Activities Order No. 2014-0057-DWQ (General Permit) adopted on April 1, 2014. The General Permit became effective on July 1, 2015 and superseded the previous General Permit, Order No. 97-03-DWQ that expired on August 14, 2015. The NNC required you to immediately recertify and enroll your facility in the General Permit and notified you that failing to enroll within 60 days from the date of the NNC would subject you to a mandatory penalty ranging from \$1,000 to over \$5,000 pursuant to the California Water Code (Water Code).

According to our records, you remain in violation of the Water Code and will be subject to a mandatory penalty unless **on or before February 16, 2016** you take one of the following actions:

1. Recertify under the General Permit

Electronically recertify Olmedos Auto Sales Dismantler's coverage under the General Permit by: (1) recertifying the facility's existing Notice of Intent (NOI) to obtain coverage via SMARTS, and (2) revising and electronically uploading the facility's SWPPP and current site map into SMARTS as separate documents for the recertification process to be complete. You must complete the recertification process by electronically recertifying your facility's NOI via the SMARTS database and uploading your revised SWPPP and site map into SMARTS no later than **February 16, 2016**.

2. File a Notice of Non-Applicability

If storm water discharges associated with industrial activities no longer occur from the above-referenced facility, you are required to electronically file a Notice of Non-Applicability in SMARTS as described in Provision XX.C of the General Permit **on or before February 16, 2016**.

3. File a Notice of Termination

If the facility has ceased industrial operations, has transferred to another entity, or has changed and is no longer subject to the General Permit, you must electronically certify and submit a Notice of Termination (NOT) into SMARTS. Until a valid NOT application

CHARLES STRINGER, CHAIR | SAMUEL UNGER, EXECUTIVE OFFICER

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is submitted and processed, you remain responsible to comply with the recertification process.

Failing to complete one of the actions described above by February 16, 2016 will subject you to a penalty (of \$1,000 for not submitting a Notice of Non-Applicability or at least \$5,000 for failing to recertify under the General Permit) pursuant to Water Code section 13399.33. You could also face penalties for unauthorized storm water discharges in violation of the Water Code and the Federal Clean Water Act¹ of up to ten thousand dollars (\$10,000) for each day in which the violation occurs and \$10 for every gallon over 1,000 gallons discharged pursuant to Water Code section 13385. The matter may also be referred to the Attorney General or District Attorney for further enforcement.

If you need assistance or have questions regarding the recertification process, please contact Ali Rahmani at (213) 620-2122 or via email at Alireza.Rahmani@waterboards.ca.gov or Ms. Pavlova Vitale at (213) 576-6751 or via email at Pavlova.Vitale@waterboards.ca.gov.

Sincerely,



Paula Rasmussen
Assistant Executive Officer

Enclosure: Notice of Non-Compliance dated December 18, 2015

cc: Ms. Vanessa Young, Office of Enforcement, State Water Resources Control Board

¹ The Federal Clean Water Act prohibits discharges from point sources to waters of the United States, unless the discharges are in compliance with a National Pollutant Discharge Elimination system (NPDES) permit. Failure to recertify your facility under the new General Permit means your facility does not have coverage by an NPDES permit.



Los Angeles Regional Water Quality Control Board

December 18, 2015

Mr. Pedro Olmedo
Olmedos Auto Sales Dismantler
828 Macdonough Avenue
Wilmington, CA 90744

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
CLAIM NO. 7015 0640 0006 6112 0089

NOTICE OF NON-COMPLIANCE: FAILURE TO RECERTIFY OLMEDOS AUTO SALES DISMANTLER, UNDER THE REQUIREMENTS OF THE NEW GENERAL PERMIT FOR STORM WATER DISCHARGES ASSOCIATED WITH INDUSTRIAL ACTIVITIES, ORDER NO. 2014-0057-DWQ, NPDES NO. CAS000001, WQID NO. 4 19I015698

Dear Mr. Olmedo:

On April 1, 2014, the State Water Resources Control Board adopted the General Permit for Storm Water Discharges Associated with Industrial Activities Order No. 2014-0057-DWQ (new General Permit). The new General Permit became effective on July 1, 2015 and superseded the previous General Permit, Order No. 97-03-DWQ that expired on August 14, 2015. To continue permit coverage, existing permittees were required to recertify their industrial facility and upload an updated copy of the Storm Water Pollution Prevention Plan (SWPPP), and a copy of the site map into the Storm Water Multiple Application and Report Tracking System (SMARTS) database by August 14, 2015.

According to our records, you have not recertified to obtain coverage under the new General Permit. You have failed to upload an updated copy of the SWPPP, and a copy of the site map into the SMARTS database for your facility, Olmedos Auto Sales Dismantler, located at 828 Macdonough Avenue, in Wilmington.

Immediate Action Required

You are required to take one or more of the following actions. Please read this section carefully.

1. Recertify under the New General Permit

You can recertify Olmedo's Auto Sales Dismantler's coverage under the new General Permit by: (1) recertifying the facility's existing Notice of Intent to obtain coverage, and (2) revising and electronically submitting the facility's current SWPPP and site map into SMARTS. Attachment A of this Letter provides detailed instructions for submitting the required documents.

2. File a Notice of Non-Applicability

If storm water discharges associated with industrial activities no longer occur from the above-referenced facility, you are required to file a Notice of Non-Applicability as described in Provision XX.C of the new General Permit.

CHARLES STRINGER, CHAIR | SAMUEL UNGER, EXECUTIVE OFFICER

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

3. File a Notice of Termination

If the facility has ceased industrial operations, has transferred to another entity, or has changed and is no longer subject to the new General Permit, a completed Notice of Termination (NOT) application must be submitted to the Regional Board. The NOT application and submission instructions are available at the following website: http://www.swrcb.ca.gov/water_issues/programs/stormwater/docs/indusnot.pdf. Until a valid NOT application is submitted and processed, you remain responsible to comply with the new General Permit, including the recertification process.

Failure to recertify the Notice of Intent or submit a Notice of Non-Applicability within 60 days from the date of this Notice of Non-Compliance will subject you to penalties (\$1,000 for not submitting the Notice of Non-Applicability or no less than \$5,000 per year for failing to file a notice of intent) pursuant to Water Code section 13399.33.

If you have not enrolled in the new General Permit and your facility discharges storm water associated with industrial activities to waters of the United States, you will be in violation of the California Water Code and the Federal Clean Water Act.¹¹ You will also be subject to a penalty of up to \$10,000 per day and \$10 for every gallon over 1,000 gallons discharged pursuant to Water Code section 13385. The matter may also be referred to the Attorney General or District Attorney for further enforcement.

If you have questions, contact Ms. Pavlova Vitale at (213) 576-6751 or via email at Pavlova.Vitale@waterboards.ca.gov, or Mr. Ali Rahmani at (213) 620-2122 or via email at Alireza.Rahmani@waterboards.ca.gov.

Sincerely,


Paula Rasmussen
Assistant Executive Officer

Attachment A: Instructions for Recertification Process
cc: Ms. Vanessa Young, Office of Enforcement, State Water Resources Control Board

¹¹ The Federal Clean Water Act prohibits discharges from point sources to waters of the United States, unless the discharges are in compliance with a National Pollutant Discharge Elimination system (NPDES) permit. Failure to recertify your facility under the new General Permit means your facility does not have coverage by an NPDES permit.

Attachment A
Instructions for Recertification Process

Step 1: Initial Recertification Step

To recertify coverage under the new Industrial General Permit, the Legally Responsible Person (LRP) must register and access the State Water Board's Storm water Multiple Application and Report Tracking System (SMARTS) at <http://smarts.waterboards.ca.gov> then enter the Waste Discharge Identification (WDID) number and the Secret Code number (SCN) provided below. The WDID and the SCN for the above-referenced facility are:

4 191015698
CFEJ37462

To begin the electronic recertification process, click on the link under **Industrial Permit Recertification** and create a SMARTS User ID, if you do not already have one. Once a User ID is established, upload (or recertify) the existing Notice of Intent.

Step 2:

After you have completed Step 1, upload separately the updated facility's Storm Water Pollution Prevention Plan and Site Map documents.

The recertification process is not complete until Step 2 is finished and both the Storm Water Pollution Prevention Plan and Site Map are uploaded into the SMARTS system. To assist you in completing the recertification process a SMARTS guidance is provided at the link.

*A guide to SMARTS and the recertification and document upload processes can be viewed at:
http://www.swrcb.ca.gov/water_issues/programs/stormwater/smarts_enrollment.shtml*