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## Santa Ana Regional Water Quality Control Board

February 24, 2022

Mike Sater  
Sater Oil LLC  
683 Cliffside Drive  
San Dimas, California 91773  
(Via USPS Mail)

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Mike Sater  
mike@sateroil.com  
(Via Email)

Agent for Service of Process for Sater Oil LLC  
Mike Sater, Sater Oil Group Inc.  
683 Cliffside Drive  
San Dimas, CA 91773  
(Via Certified Mail)

**SETTLEMENT OFFER NO. R8-2022-0022: OFFER TO PARTICIPATE IN EXPEDITED PAYMENT PROGRAM RELATING TO VIOLATIONS OF THE GENERAL PERMIT FOR STORM WATER DISCHARGES ASSOCIATED WITH CONSTRUCTION AND LAND DISTURBANCE ACTIVITIES, ORDER NO. 2009-0009-DWQ AS AMENDED BY ORDER NO. 2010-0014-DWQ AS AMENDED BY ORDER NO. 2012-0006-DWQ, NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM NPDES NO. CAS000002, FOR SATER OIL LLC, SOUTHWEST CORNER OF JURUPA AVENUE AND VAN BUREN BOULEVARD, RIVERSIDE, WDID NO. 8 33C388652**

Dear Mr. Sater:

This letter is to notify Sater Oil LLC (hereinafter “Discharger” or “you”) of alleged violations of the California Water Code (Water Code) identified in the State Water Resources Control Board’s water quality data system, and to allow the Discharger to participate in the Santa Ana Regional Water Quality Control Board’s (Santa Ana Water Board) Expedited Payment Program for Reporting Violations to address mandatory minimum penalties that must be assessed pursuant to Water Code section 13399.31.

### **NOTICE OF VIOLATION:**

Based on information in the Storm Water Multiple Application & Report Tracking System (SMARTS), the Santa Ana Water Board alleges that the Discharger is in violation of the General Permit associated with Construction and Land Disturbance Activities, Order No.

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KRISTINE MURRAY, CHAIR | JAYNE JOY, EXECUTIVE OFFICER

2009-0009-DWQ as Amended by Order No. 2010-0014-DWQ as Amended by Order No. 2012-0006-DWQ (Construction General Permit), for failure to submit the 2020-2021 Annual Report for the construction site/project located at Southwest corner of Jurupa Avenuenue and Van Buren Boulevard in the City of Riverside. The Annual Report was due to the Santa Ana Water Board by September 1, 2021, as required by Section XVI.A of the Construction General Permit. Notices of Non-Compliance (NNCs) were issued on November 23, 2021 and January 13, 2022, requesting that the construction site's late Annual Report be submitted by January 24, 2022. The 2020-2021 Annual Report has still not been submitted. The Discharger will have the opportunity to address the alleged violations as discussed below.

#### **STATUTORY LIABILITY:**

Pursuant to Water Code section 13399.33(c)-(d), the Discharger is subject to a minimum penalty of not less than one thousand dollars (\$1,000) plus staff costs for failing to submit the required Annual Report within sixty (60) days after the first NNC was sent in accordance with Water Code section 13399.31. The Discharger is also subject to discretionary administrative civil liabilities of up to ten thousand dollars (\$10,000) for each day in which the violation occurs. These minimum and discretionary administrative civil liabilities may be assessed by the Santa Ana Water Board beginning with the date that the violations first occurred. The formal enforcement action that the Santa Ana Water Board uses to assess such liability is an administrative civil liability complaint, although the Santa Ana Water Board may instead refer such matters to the Office of the Attorney General for prosecution. If referred to the Attorney General for prosecution, the Superior Court may assess up to twenty-five thousand dollars (\$25,000) per violation.

#### **DISCHARGER'S OPTIONS TO RESPONSE TO OFFER:**

You have two options to respond as outlined below.

1. **Accept the Expedited Payment Program offer** by complying with the Order and agreeing to pay a settlement of **one thousand nine hundred nine dollars (\$1909)**. The minimum administrative civil liability pursuant to California Water Code section 13399.33(c) is \$1,000 per year of noncompliance or fraction thereof. Staff costs in this matter are \$909. 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 by March 24, 2022**. The form provides submittal instructions. Final closure on this action is only possible after ultimate submission of the settlement amount.

Please submit an original (blue ink) signed Acceptance and Wavier form to:

Keith Elliott, Inland Storm Water Unit  
Santa Ana Regional Water Quality Control Board  
3737 Main Street, Suite 500  
Riverside, CA 92501-3348

In response to the Conditional Offer and payment in settlement of this enforcement action, the Santa Ana Water Board will forego issuance of a formal administrative complaint, will not refer the violation to the Attorney General, and will waive its right to seek additional discretionary civil liabilities for the violations identified in the NNCs.

2. **Contest the non-filing violation** by submitting, in writing, the basis of your challenge with supporting evidence. For example, you may have evidence that you previously submitted your Annual Report, or you were not in business during the reporting period. If you choose this option, you must **submit your written documentation by March 24, 2022**. We will review your submission, and if we agree with you, we will notify you in writing that you are no longer considered in violation of the permit and that our enforcement action has been terminated. All responses should be directed to Keith Elliott.

If you do not respond in a manner described in the above options, the Santa Ana Water Board will prepare an administrative civil liability complaint for the violations cited in the NNCs. The liability amount sought in the administrative civil liability complaint and/or imposed by the Santa Ana Water Board may be higher than the liability amount set forth in this Conditional Offer. Moreover, additional staff costs associated with formal enforcement may be considered in the recommended liability amount in an administrative civil liability complaint.

#### **CONDITIONS FOR SANTA ANA WATER BOARD ACCEPTANCE OF RESOLUTION:**

If you accept the Expedited Payment Program offer, the settlement will be published in the following manner:

Federal regulations require the Santa Ana Water 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 receipt of the Discharger's Acceptance and Waiver and other requested technical reports on or before **March 24, 2022**, Santa Ana Water Board staff will publish a notice of the proposed resolution of the alleged violations.

If no comments are received within the notice period, the Santa Ana Water Board Executive Officer will execute the Acceptance and Waiver as a stipulated order assessing the uncontested penalty amount pursuant to Water Code section 13399.33. You will then be notified that payment is due within 30 days. Failure to pay the penalty within that time frame may result in further liability, referral of the matter to the Attorney General, and/or may void the offer to participate in this Expedited Payment Program.

If, however, significant comments are received in opposition to the settlement, this offer may be withdrawn. In that case, the Discharger's waiver pursuant to the Acceptance and

Waiver will also be treated as withdrawn, and the violations will be addressed through a formal enforcement action.

This Expedited Payment Program offer does not address or resolve liability for any violation that is not specifically identified in the attached NNCs. The Santa Ana Water Board reserves the right to pursue formal enforcement of any violations not specifically cited in the attached NNCs.

Should you have any questions about this Expedited Payment Program, please contact Keith Elliott via email at [keith.elliott@waterboards.ca.gov](mailto:keith.elliott@waterboards.ca.gov) regarding this matter.

Sincerely,

Original Signed by

Ann Sturdivant, PG, CEG, CHG  
Assistant Executive Officer

Enclosures:

Notice of Non-Compliance, dated November 23, 2021  
Notice of Non-Compliance, dated January 13, 2022  
Acceptance of Conditional Resolution and Waiver of Right to Hearing; (proposed)  
Order

cc: LRP Mike Sater, [mike@sateroil.com](mailto:mike@sateroil.com)  
Michael Roberts, Riverside NPDES Coordinator [mdroberts@riversideca.gov](mailto:mdroberts@riversideca.gov)

# First Notice of Noncompliance



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## Santa Ana Regional Water Quality Control Board

November 23, 2021

Mike Sater  
Sater Oil LLC  
683 Cliffside Drive  
San Dimas, California 91773

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

**Notice of Noncompliance: Failure to Comply with the General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities, Order No. 2009-0009-DWQ, NPDES NO. CAS000002 (General Permit), WDID No. 8 33C388652**

Dear Mike:

Regional Board records indicate that Sater Oil LLC is operating a construction site identified as Riverside Gateway Plaza, located at SW Jurupa Avenue and Van Buren Boulevard, in the City of Riverside. This site is identified in our records by WDID: 8 33C388652. Section XVI.A of the Construction General Permit requires that an Annual Report be submitted by September 1<sup>st</sup> of each year via the online SMARTS database.

Over 90% of regulated facilities comply with this requirement. Our records show that your annual report for the July 1, 2020 to June 30, 2021 reporting period is one of the few that have not been submitted. We request that you submit a complete 2020-2021 Annual Report via the online SMARTS database no later than **December 27, 2021**.

The online SMARTS database is available at: <https://smarts.waterboards.ca.gov>

The following links are to assist you with the online SMARTS database system:

Main page for the SMARTS guides:

[https://www.waterboards.ca.gov/water\\_issues/programs/stormwater/smarts/construction/const\\_help\\_guides.html](https://www.waterboards.ca.gov/water_issues/programs/stormwater/smarts/construction/const_help_guides.html)

How to submit an Annual Report guide:

[https://www.waterboards.ca.gov/water\\_issues/programs/stormwater/smarts/construction/docs/cgp\\_ar\\_helpguide.pdf](https://www.waterboards.ca.gov/water_issues/programs/stormwater/smarts/construction/docs/cgp_ar_helpguide.pdf)

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LANA ONG PETERSON, CHAIR | JAYNE JOY, EXECUTIVE OFFICER

3737 Main St., Suite 500, Riverside, CA 92501 | [www.waterboards.ca.gov/santaana](http://www.waterboards.ca.gov/santaana)

You must also provide a statement along with the Annual Report as an Attachment. The statement must explain why the Annual Report was not submitted by the September 1st deadline and the measures you have taken to ensure timely submittals in the future.

Failure to submit the 2020-2021 Annual Report via the online SMARTS database may result in an enforcement action, including civil monetary penalties of up to \$10,000 for each day of violation. Please note that Section 13399.33 of the California Water Code stipulates a minimum penalty of \$1,000 to those permittees that do not submit their annual reports after notification.

Should you need assistance in completing the Annual Report or have any questions relating to SMARTS, please contact the SMARTS Helpdesk at [stormwater@waterboards.ca.gov](mailto:stormwater@waterboards.ca.gov); or Keith Elliott at [keith.elliott@waterboards.ca.gov](mailto:keith.elliott@waterboards.ca.gov) or 951-782-4925.

Sincerely,

Original Signed by:

Adam Fischer, Chief  
Inland Stormwater Unit

7015 1660 0000 1577 7465

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Certified Mail Fee	\$
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	\$

Postmark Here

Tr Mike Sater  
Sater Oil LLC  
683 Cliffside Drive  
San Dimas, California 91773  
WDID No: 8 33C388652

See Reverse for Instructions

**From:** Mike Sater <mike@sateroil.com>  
**Sent:** Wednesday, November 24, 2021 1:19 PM  
**To:** Elliott, Keith@Waterboards  
**Subject:** Read: 8 33C388652 - 509895 1st\_NNC  
**Attachments:** Read: 8 33C388652 - 509895 1st\_NNC

EXTERNAL:

## USPS Tracking®

[FAQs >](#)

[Track Another Package +](#)

**Tracking Number:** 7015166000015777465

[Remove X](#)

Your item was delivered to an individual at the address at 9:50 am on November 27, 2021 in SAN DIMAS, CA 91773.

USPS Tracking Plus™ Available [v](#)

### **Delivered, Left with Individual**

November 27, 2021 at 9:50 am  
SAN DIMAS, CA 91773

Feedback

[Get Updates v](#)

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[Text & Email Updates](#) [v](#)

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[Tracking History](#) [^](#)

**November 27, 2021, 9:50 am**  
Delivered, Left with Individual  
SAN DIMAS, CA 91773

Your item was delivered to an individual at the address at 9:50 am on November 27, 2021 in SAN DIMAS, CA 91773.

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**November 26, 2021**  
In Transit to Next Facility

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**November 25, 2021, 4:19 pm**  
Departed USPS Regional Facility  
SANTA ANA CA DISTRIBUTION CENTER

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**November 24, 2021, 3:12 am**  
Arrived at USPS Regional Facility  
SANTA ANA CA DISTRIBUTION CENTER

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**November 23, 2021, 9:05 pm**  
Departed USPS Regional Facility  
SAN BERNARDINO CA DISTRIBUTION CENTER

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**November 23, 2021, 7:44 pm**  
Arrived at USPS Regional Facility  
SAN BERNARDINO CA DISTRIBUTION CENTER

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USPS Tracking Plus™



Feedback

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Product Information



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See Less ^

# Second Notice of Noncompliance



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## Santa Ana Regional Water Quality Control Board

January 13, 2022

Mike Sater  
Sater Oil LLC  
683 Cliffside Drive  
San Dimas, California 91773

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

**FINAL NOTICE OF NON-COMPLIANCE - GENERAL PERMIT FOR STORM WATER DISCHARGES ASSOCIATED WITH CONSTRUCTION AND LAND DISTURBANCE ACTIVITIES, ORDER NO. 2009-0009-DWQ, NPDES NO. CAS000002 WDID NO. 8 33C388652**

Dear Mike:

Regional Board records indicate that Sater Oil LLC is operating a construction site identified as Riverside Gateway Plaza, located at SW Jurupa Avenue and Van Buren Boulevard in the City of Riverside. This site is regulated under the Construction General Permit and is identified by WDID 8 33C388652- Application ID:509895. Section XVI.A. of the General Permit requires that an Annual Report be submitted by September 1st each year via the online SMARTS database.

The first Notice of Non-compliance (NNC) was sent to you on November 23, 2021. In the November 23, 2021 NNC, we requested that you submit the 2020-21 Annual Report via the online SMARTS database no later than December 27, 2021.

Our records show that Sater Oil LLC's annual report for the July 1, 2020 to June 30, 2021 reporting period was not submitted by September 1, 2021. Sater Oil LLC is consequently in violation of Section XVI.A. of the General Permit for failure to submit a complete 2020-2021 Annual Report. Sater Oil LLC has also not submitted the late annual report by December 27, 2021 as requested in the November 23, 2021 NNC.

**The online SMARTS database is available at:**

<https://smarts.waterboards.ca.gov>

The following link may assist you with submitting the Annual Report and if applicable, a Notice of Termination:

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KRISTINE MURRAY, ACTING CHAIR | JAYNE JOY, EXECUTIVE OFFICER

3737 Main Street, Suite 500, Riverside, CA 92501-3348 | [www.waterboards.ca.gov/santaana](http://www.waterboards.ca.gov/santaana)

[https://www.waterboards.ca.gov/water\\_issues/programs/stormwater/smarts/construction/const\\_help\\_guides.shtml](https://www.waterboards.ca.gov/water_issues/programs/stormwater/smarts/construction/const_help_guides.shtml)

Please submit the annual report via SMARTS by January 24, 2022. You must also provide a statement explaining why the annual report was not submitted by the September 1 deadline, propose the measures you will take to ensure timely submittals in the future, and upload the statement as part of SMARTS annual report Attachments.

**This is your second and final notice.** Failure to submit the 2020-2021 Annual Report via the online SMARTS database by **January 24, 2022**, may result in an enforcement action, including civil monetary penalties of up to \$10,000 for each day of violation. Please note that Section 13399.33 of the California Water Code stipulates a minimum penalty of \$1,000 to those permittees that do not submit their annual reports after notification.

Should you need assistance in completing the Annual Report or have any questions relating to SMARTS, please contact the SMARTS Helpdesk at [stormwater@waterboards.ca.gov](mailto:stormwater@waterboards.ca.gov). You may also contact Keith Elliott at 951-782-4925 or [keith.elliott@waterboards.ca.gov](mailto:keith.elliott@waterboards.ca.gov).

Sincerely,



Adam Fischer, Chief  
Inland Storm Water Unit

7016 3090 0001 0920 3540

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Certified Mail Fee	\$
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	\$
Mike Sater	
Total Sater Oil LLC	
683 Cliffside Drive	
San Dimas, California 91773	
Tracking Number	8 33C388652 2020-21 AR 2 <sup>nd</sup> NNC
City	
PS Form 3800, April 2015 PSN 7530-02-140-9947 See Reverse for Instructions	

Track Another Package +

Tracking Number: 70183090000109203540

Remove X

Your item was delivered to an individual at the address at 9:58 am on January 18, 2022 in SAN DIMAS, CA 91773.

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✔ Delivered, Left with Individual

January 18, 2022 at 9:58 am  
SAN DIMAS, CA 91773

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Tracking History ^

January 18, 2022, 9:58 am  
Delivered, Left with Individual  
SAN DIMAS, CA 91773

Your item was delivered to an individual at the address at 9:58 am on January 18, 2022 in SAN DIMAS, CA 91773.

January 15, 2022, 10:00 am  
Delivery Attempted - No Access to Delivery Location  
SAN DIMAS, CA 91773

January 14, 2022, 6:15 pm  
Departed USPS Regional Facility

SANTA ANA CA DISTRIBUTION CENTER

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January 14, 2022, 2:44 am

Arrived at USPS Regional Facility

SANTA ANA CA DISTRIBUTION CENTER

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January 13, 2022, 11:01 pm

Arrived at USPS Regional Facility

SAN BERNARDINO CA DISTRIBUTION CENTER

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USPS Tracking Plus™



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Product Information



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Feedback

## Can't find what you're looking for?

Go to our [FAQs](#) section to find answers to your tracking questions.

Waiver



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## Santa Ana Regional Water Quality Control Board

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

Sater Oil LLC  
Settlement Offer No. R8-2022-0022  
WDID No. 8 33C388652

By signing below and returning this Acceptance of Conditional Resolution and Waiver of Right to Hearing (Acceptance and Waiver) to the Santa Ana Regional Water Quality Control Board (Santa Ana Water Board), Sater Oil LLC(Discharger) hereby accepts the “Offer to Participate in Expedited Payment Program” and waives the right to a hearing before the Santa Ana Water Board to dispute the violations described in the Notices of Non-Compliance (NNCs) which are attached and incorporated herein by reference.

The Discharger agrees that the Expedited Payment Program 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 Santa Ana Water Board to assert jurisdiction over the alleged violations through its Chief Prosecutor. The Discharger agrees to pay the administrative civil liability authorized by California Water Code sections 13399.31 and 13399.33, in the sum of **\$1909** (Expedited Payment Amount) which shall be deemed payment in full of any civil liability pursuant to California Water Code section 13399.33 that otherwise might be assessed for the violations described in the NNCs.

The Discharger understands that this Acceptance and Waiver waives its right to contest the allegations in the NNCs and the amount of civil liability for such violations. The Discharger understands that this Acceptance and Waiver does not address or resolve liability for any violation that is not specifically identified in the NNCs.

Upon Execution by the Discharger, the completed Acceptance and Waiver should be mailed to the following:

Keith Elliott, Inland Storm Water Unit  
Expedited Payment Letter  
Santa Ana Regional Water Quality Control Board  
3737 Main Street, Suite 500  
Riverside, CA 92501

The Discharger understands that federal regulations set forth at title 40, Code of Federal Regulations, section 123.27(d)(2)(iii) require the Santa Ana Water Board to publish notice of and provide at least (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 Santa Ana Water Board Executive Officer, will be published as required by law for public comment.

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KRISTINE MURRAY, CHAIR | JAYNE JOY, EXECUTIVE OFFICER



If no comments are received within the notice period that causes the Santa Ana Water Board Executive Officer to question the Expedited Payment Amount, the Santa Ana Water Board Executive Officer will execute the Acceptance and Waiver.

The Discharger understands that if significant comments are received in opposition to the Expedited Payment Amount, the offer on behalf of the Santa Ana Water Board to resolve the violations set forth in the NNCs may be withdrawn. In that circumstance, the Discharger 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 Santa Ana Water Board. In the event that this matter proceeds to hearing, the Discharger understands that this Acceptance and Waiver executed by the Discharger will be treated as a settlement communication and will not be used as evidence in that hearing.

The Discharger further understands that once this Acceptance and Waiver is executed by the Santa Ana 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 section 13399.37(a), funds collected for violations pursuant to sections 13399.33(c) and 13399.33(d) shall be deposited in the Waste Discharge Permit Fund. Accordingly, the \$1909 liability including staff costs 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 Santa Ana Water Board Executive Officer.

Please mail the check to:

State Water Resources Control Board  
Re: Order No. R8-2022-0022  
Division of Administrative Services, Accounting Branch  
1001 I Street, 18<sup>th</sup> Floor, 95814  
P.O. Box 1888  
Sacramento, CA 95812-1888

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

Sater Oil LLC

By: \_\_\_\_\_  
(Signed Name) (Date)  
\_\_\_\_\_  
(Printed or Typed Name) (Title)

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

Date: \_\_\_\_\_ By: \_\_\_\_\_  
Jayne E. Joy, PE  
Executive Officer