



San Francisco Bay Regional Water Quality Control Board

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

R2-2015-1011

**LATE SUBMITTAL OF 2013/2014 ANNUAL REPORT IN VIOLATION OF
STATE GENERAL PERMIT FOR STORM WATER DISCHARGES
ASSOCIATED WITH INDUSTRIAL ACTIVITIES**

**Facility Name: Acosta Sheet Metal Mfg Inc (WDID No. 2 43I024160)
Facility Address: 930 Remillard Ct
San Jose, California 95122**

Sal J Acosta Sheet Metal Mfg Inc (“Permittee”) violated section B.14 of the State Water Resources Control Board General Permit for Storm Water Discharges Associated with Industrial Activities, Order No. 97-03-DWQ, NPDES No. CAS000001 by failing to submit the annual report of storm water discharge due to the San Francisco Bay Regional Water Quality Control Board (“Regional Water Board”) by July 1, 2014, (“Annual Report”) until April 28, 2015. We sent notices of noncompliance as required by California Water Code (“Water Code”) section 13399.31 to the Permittee. It has been more than 60 days since the first notice was sent, we did not received the Annual Report until April 28, 2015; the Permittee is now subject to a minimum penalty required by statute of at least \$1,000 plus staff costs (approximately \$100) pursuant to Water Code section 13399.33.

ACCEPTANCE AND WAIVER

By signing below and returning this Acceptance of Conditional Resolution and Waiver of Right to Hearing, Order (“Acceptance and Waiver”) to the Regional Water Board, Permittee hereby accepts the Conditional Offer to Settle a Reporting Violation of the State Water Resources Control Board General Permit for Storm Water Discharges Associated with Industrial Activities, Order No. 97-03-DWQ, NPDES No. CAS000001 (“Conditional Offer”) and waives the right to a hearing before the Regional Water Board to dispute the allegation of the violation described in the Conditional Offer.

The Permittee agrees that the Conditional Offer shall serve as a complaint pursuant to Division 7, Chapter 5, Article 2.5 of the Water Code and that no separate complaint is required for the Regional Water Board to assert jurisdiction over the alleged violations through its Assistant Executive Officer. Permittee agrees to pay a monetary penalty pursuant to Water Code section 13399.33, in the sum of \$1,100 (“Expedited Payment Amount”) by cashier’s check or by certified check made payable to the “State Water Resources Control Board” (“State Water Board”) for deposit into the Waste Discharge Permit Fund, which shall be deemed payment in full of any civil liability pursuant to Water

Code section 13385 that otherwise might be assessed for the violations described in the Conditional Offer.

The Permittee understands the following about this Acceptance and Waiver:

- It waives the Permittee's right to contest the allegations in the Conditional Offer and the Expedited Payment Amount for such violations;
- It does not address or resolve liability for any violation not specifically identified in the Conditional Offer;
- It will be published as required by law for public comment before being considered for endorsement by the Executive Officer of the Regional Water Board. In accordance with federal regulations set forth at title 40, Code of Federal Regulations, section 123.27(d)(2)(iii), the Regional Water Board will publish notice of and provide at least 30 days for public comment on any proposed resolution of an enforcement action.

If no comments are received within the notice period which causes the Executive Officer of the Regional Water Board to reject the settlement amount, the Executive Officer will execute the Acceptance and Waiver. Resolution of these violations by the Regional Water Board will preclude State Water Board action for these same violations.

The Permittee understands that if significant comments are received in opposition to the Conditional Offer, the offer 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 or the State Water 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 understands that if the Acceptance and Waiver is executed by the Executive Officer, it will be an Order of the Regional Water Board with full payment of the liability due within 30 days. Send payment of the administrative civil liability by cashier's check or by certified check to the "San Francisco Bay Regional Water Board" for deposit in the Waste Discharge Permit Fund in accordance with an invoice that will be sent for the payment. The invoice will specify the payment due date, which will be within about 60 days after we receive the Permittee's Acceptance and Waiver. Remit your payment on or before the due date. Make your cashier's check or certified check payable to the "State Water Resources Control Board" and include the WDID and invoice number. Failure to pay the administrative civil liability within the required time period may subject the Permittee to further liability.

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

San Francisco Bay Regional Water Board
Attention: David Williams
1515 Clay Street, Suite 1400
Oakland, CA 94612

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.

Sal J. Acosta Sheet Metal Mfg. Co. Inc.
(Permittee) *Make corrections as appropriate

By: Brendy A. Acosta
(Signed Name)

7/1/15
(Date)

Brendy A. Acosta II
(Printed or typed name)

Fin./Ops.
(Title)

IT IS SO ORDERED PURSUANT TO WATER CODE SECTION 13399.30

By: _____

Bruce H. Wolfe
Executive Officer
California Regional Water Quality Control Board
San Francisco Bay Region