

**STATE OF CALIFORNIA
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SANTA ANA REGION**

IN THE MATTER OF:

Pure Chemical Products Company Inc)	Affirming Order No. R8-2016-0036 for Mandatory Minimum Penalty
8371 Monroe Avenue)	
Stanton, CA 90680)	
Attention: Reggie Carmouche)	

INTRODUCTION

This Affirming Order No. R8-2016-0036 (Order) is entered into by and between the Division Chief of the California Regional Water Quality Control Board, Santa Ana Region (Regional Board) on behalf of the Regional Board Prosecution Team and Pure Chemical Products Company Inc (Discharger) (the Regional Board and the Discharger are collectively referred to as the Parties) and is presented to the Regional Board or its delegee, for adoption as an Order by settlement, pursuant to Government Code 11415.60. This Order accepts the penalties assessed to the Discharger for violations subject to administrative civil liability pursuant to California Water Code (hereinafter Water Code) sections 13399.33, subdivisions (c) and (d).

RECITALS

1. The Discharger operates an industrial facility engaged in soaps and other detergent manufacturing located at 8371 Monroe Avenue, in the city of Stanton. Soaps and other detergent manufacturing is an industrial activity as described in Standard Industrial Classification (SIC) code 2841. The Discharger is currently regulated under the State's General Permit for Storm Water Discharges Associated with Industrial Activities, Order No. 2014-0057-DWQ, NPDES No. CAS000001 (General Permit) under WDID Number 8 30I004148. The General Permit requires submittal of an annual report by July 1 of each year. Due to a technical issue that affected the bandwidth of the Storm Water Multiple Application and Report Tracking System (SMARTS) that restricted access to the database, the July 1, 2015 deadline for submittals under the expired General Permit 97-03-DWQ was extended to Friday, August 14, 2015.
2. The Discharger's 2014-2015 annual report was not received by Regional Board staff by the August 14, 2015 deadline. Therefore a Notice of Non-Compliance (NNC) was issued to the Discharger, by certified mail, on September 3, 2015. The NNC requested that the Discharger submit the 2014-2015 annual report by October 2, 2015 to the Regional Board. The return receipt showed it was received on September 8, 2015.
3. On October 5, 2015, Regional Board staff received no response to the first NNC, therefore a second NNC was issued. The return receipt showed the second NNC was received on October 7, 2015. The second NNC requested that the Discharger submit the 2014-2015 annual report by October 30, 2015.

4. On October 21, 2015, Regional Board staff contacted Mr. Jose Virgen, the Discharger's contact on file, via email reiterating the final annual report submittal deadline of October 30, 2015. The email was returned as undeliverable. Regional Board staff contacted Mr. Reggie Carmouche, the Discharger's new contact, via email stating the deadline situation and impending monetary penalties.
5. On October 26, 2015, Regional Board staff spoke to Mr. Carmouche and emailed blank 2014-2015 annual report forms to assist him.
6. On October 29, 2015, Regional Board staff left a voice mail for Mr. Carmouche, again reiterating the deadline and impending monetary penalties.
7. On October 30, 2015, Regional Board staff spoke with Mr. Carmouche and was informed that he was currently working on the annual report.
8. The Regional Board received the 2014-2015 annual report from the Discharger via email on December 1, 2015.

LEGAL AUTHORITY

9. Pursuant to California Water Code section 13399.33(c), the Regional Board is required to impose a minimum mandatory penalty of \$1,000 for any person who fails to submit an annual report in accordance with section 13399.31 of the Water Code. Section 13399.33(d) of the Water Code further requires that the Regional Board recover the costs incurred by the Regional Board with regard to those persons (\$750 in staff costs).

SETTLEMENT

10. The Discharger waived its rights to a hearing and has paid the total assessment of \$1,750.
11. The Regional Board Prosecution Team believes that the resolution of the alleged violation is fair and reasonable and fulfills its enforcement objectives and that no further action is warranted concerning the violation.

STIPULATIONS

This Affirming Order is entered into by the Parties to resolve by consent and without further administrative proceedings alleged violations of Complaint No. R8-2016-0008. The Parties incorporate Paragraphs 1 through 11 by this reference, as set forth fully herein and recommend that the Regional Board issue this Affirming Order:

12. **Public Notice:** The Parties acknowledge that the Affirming Order, as signed by the Parties, was noticed for a 30-day public comment period prior to being presented to the Regional Board, or its delegee, for adoption in the Order.
13. **Appeals:** Upon adoption of this Affirming Order, the Discharger waived their right to appeal this Order to the State Board, a California Superior Court and/or any California appellate level court. Nothing in this Order, however, shall be construed to prevent the

Discharger from participating as parties or interveners in any appeal of this Order brought by a third party before any California court of law or the State Board.

14. **Water Boards not Liable:** Neither the Regional Board members nor the Regional Board staff, attorneys, or representatives shall be liable for any injury or damage to persons or property resulting from the negligent or intentional acts or omissions by the Discharger or their respective directors, officers, employees, agents, representatives or contractors in carrying out activities pursuant to this Order.
15. **Authority to Enter Stipulated Order:** Each person executing this Affirming Order in a representative capacity represents and warrants that he or she is authorized to execute this Order on behalf of and to bind the entity on whose behalf he or she executes the Order.
16. **Third Party Claims.** Nothing in this Affirming Order shall be deemed to create any rights in favor of, or to inure to the benefit of, any third party or parties, or to waive or release any defense or limitation against third party claims.
17. **Effective Date:** The effective date of the Affirming Order shall be the date on which it is adopted by the Executive Officer

HAVING CONSIDERED THE PARTIES' STIPULATIONS, THE SANTA ANA REGIONAL WATER QUALITY CONTROL BOARD, BY AND THROUGH ITS EXECUTIVE OFFICER, FINDS THAT:

18. In adopting this Order, the Santa Ana Regional Water Quality Control Board or its Delegee has assessed a penalty in accordance with Water Code section 13385(c) and the Enforcement Policy.
18. The Affirming Order resolves an action brought to enforce the laws and regulations administered by the Santa Ana Regional Water Quality Control Board. The Santa Ana Regional Water Quality Control Board, acting through its Executive Officer, finds that issuance of this Order is exempt from the provisions of the California Environmental Quality Act (Public Resources Code section 21000 et seq.), in accordance with sections 15061(b)(3) and 15321(a)(2), of Title 14 of the California Code of Regulations.

PURSUANT TO SECTION 13385 OF THE CALIFORNIA WATER CODE AND SECTION 11415.60 OF THE CALIFORNIA GOVERNMENT CODE, THE EXECUTIVE OFFICER HEREBY ADOPTS THIS ORDER.

Kurt V. Berchtold

Kurt V. Berchtold
Executive Officer
Santa Ana Regional Water Quality Control Board

4/13/16

Date



EDWARD G. BROWN JR.
GOVERNOR
MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Santa Ana Regional Water Quality Control Board

**WAIVER FORM
FOR MANDATORY MINIMUM PENALTY COMPLAINT NO. R8-2016-0008**

By signing this waiver, I affirm and acknowledge the following:

I am duly authorized to represent Pure Chemical Products Company Inc (Pure Chemical) in connection with Mandatory Minimum Penalty Complaint No. R8-2016-0008 (Complaint). I am informed that California Water Code section 13323, subdivision (b), states that, "a hearing before the regional board shall be conducted within 90 days after the party has been served with the complaint. The person(s) who have been issued a complaint may waive the right to a hearing."

(OPTION 1: Check here if Pure Chemical waives the hearing requirement and will pay the liability in full.)

- a. I hereby waive any right Pure Chemical may have to a hearing before the Regional Board.
- b. I certify that Pure Chemical will remit payment for the proposed penalty in the full amount of one thousand seven hundred fifty dollars (\$1,750) by submitting a check made payable to the "Waste Discharge Permit Fund," that references "Complaint No. R8-2016-0008." Payment must be received by the State Board by March 23, 2016 or the State Board may adopt an Order requiring payment.
- c. I understand the payment of the above amount constitutes a proposed settlement of the Complaint, and that any settlement will not become final until after the 30-day public notice and comment period. Should the Regional Board receive significant new information or comments from any source (excluding the Water Board's Prosecution Team) during this comment period, the Regional Board's Division Chief may withdraw the complaint, return payment, and issue a new complaint. I understand that this proposed settlement is subject to approval by the Regional Board (or the Regional Board's delegee), and that the Regional Board may consider this proposed settlement in a public meeting or hearing. I also understand that approval of the settlement will result in Pure Chemical having waived the right to contest the allegations in the Complaint and the imposition of civil liability.
- d. I understand that payment of the above amount is not a substitute for compliance with applicable laws and that continuing violations of the type alleged in the Complaint may subject the Discharger to further enforcement, including additional civil liability.

WILLIAM RUH, CHAIR | KURT V. BERCHTOLD, EXECUTIVE OFFICER

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♻️ RECYCLED PAPER

- (OPTION 2: Check here if Pure Chemical waives the 90-day hearing requirement in order to extend the hearing date and/or hearing deadlines. Attach a separate sheet with the amount of additional time requested and the rationale.)**

I hereby waive any right Pure Chemical may have to a hearing before the Regional Board within 90 days after service of the Complaint. By checking this box, Pure Chemical requests that the Regional Board delay the hearing and/or hearing deadlines so that Pure Chemical may have additional time to prepare for the hearing. It remains within the discretion of the Regional Board to approve the extension.

Plant mgr.

Rebbie Cadmonche
(Print Name and Title)

R Cadmonche
(Signature)

2/10/16
(Date)

