

**State of California
California Regional Water Quality Control Board
Santa Ana Region
July 19, 2013
Staff Report**

ITEM: 13

SUBJECT: Order No. R8-2013-0037 Affirming Mandatory Minimum Penalty
Complaint No. R8-2013-0011, Tile Tech Pavers, San Bernardino
County

INTRODUCTION

The matter before the California Regional Water Quality Control Board, Santa Ana Region (Regional Board), is whether to affirm, reject or modify the proposed Order imposing an assessment of \$1,450 against Tile Tech Pavers owner, Ronnie Tabibnia.

BACKGROUND

On February 11, 2013, the Division Chief issued Mandatory Minimum Penalty Complaint (MMP or the Complaint) No. R8-2013-0011 to Tile Tech Pavers (owner: Ronnie Tabibnia) (Discharger) for alleged violations of the State's General Permit for Storm Water Discharges Associated with Industrial Activities, Order No. 97-03-DWQ (General Permit). In the MMP, the Division Chief proposed an assessment of \$1,450 for the alleged violations. The MMP and the supporting documents are attached as Exhibit 1.

MMP No. R8-2013-0011 was issued to the Discharger for the non-submittal of the 2011-2012 storm water annual report. Non-submittal of the annual report is a violation of the General Permit for which the Board shall assess a minimum penalty as stipulated in Water Code Section 13399.31(d).

The public hearing on this item was scheduled for the May 3, 2013 Board meeting and was subsequently postponed to the June 7, 2013 Board meeting. In his April 25, 2013 email to Board staff, Mr. Tabibnia requested that the hearing be postponed as he was going to be out of the country from June 04 to 25, 2013. Mr. Tabibnia has been informed that the public hearing on this item has been postponed to the July 19, 2013 Board meeting.

DISCUSSION

The General Permit regulates the discharge of storm water from industrial facilities as required under Section 402(p) of the Federal Clean Water Act. The Discharger owns and operates a manufacturing facility at 10943 Jasmine Street,

in Fontana, California and the discharge of storm water from the facility is regulated under the State's General Permit.

The General Permit requires submittal of an annual report by July 1 of each year. The Discharger failed to submit the annual report for 2011-12 by the July 1, 2012 deadline. Regional Board staff issued two certified letters reminding the Discharger to submit the annual report. In addition, staff also reminded the Discharger twice through emails and requested to submit the annual report. The Discharger was also reminded about the mandatory minimum penalty for non-submittal of the annual report. According to the return receipt for the certified mails, the Discharger received both certified letters. The Discharger did not respond to the certified mails or the emails and did not submit the annual report as requested.

The Water Code specifies that the Regional Board shall impose a minimum penalty of \$1,000 and recover staff costs from dischargers who fail to submit the annual reports. On February 11, 2013, the attached Mandatory Minimum Penalty Complaint was issued to the Discharger (Attachment 1). The Discharger was given an option to waive its right to a hearing. The Discharger did not waive its right to a hearing. The Complaint includes details of a number of prior violations and the enforcement actions taken by Regional Board staff, including a number of Notices of Violation issued to the Discharger.

WATER CODE VIOLATIONS/PENALTIES

California Water Code Section 13399.33(c) requires that the Regional Board impose a minimum penalty of \$1,000 for non-submittal of annual reports. Section 13399.33(d) allows the Regional Board to recover staff costs incurred by Regional Board staff. Despite repeated reminders and warnings, the Discharger has not submitted the annual report.

CONSISTENCY WITH THE STATEWIDE ENFORCEMENT POLICY

On November 19, 2009, the State Water Resources Control Board adopted a State Water Quality Enforcement Policy to ensure that enforcement actions throughout the State are consistent, predictable, and fair. The above-described Complaint and the proposed Order are in accordance with the Statewide Enforcement Policy.

RECOMMENDATION

Board staff recommends that the Board adopt Order No. R8-2013-0037 affirming the assessment of \$1,450.

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

In the matter of:

*Ronnie Tabibnia
Tile Tech Pavers
10943 Jasmine Street
Fontana, CA 92337*

*Mandatory Minimum
Penalty

Order No. R8-2013-0037*

1. The California Regional Water Quality Control Board, Santa Ana Region (hereinafter Regional Board), held a hearing on July 19, 2013 to receive testimony and take evidence on the allegations contained in Complaint No. R8-2013-0011, dated February 11, 2013 and on the recommendation for the imposition of penalties and staff costs pursuant to Water Code Sections 13399.33(c) and (d) in the amount of \$1,450. The Regional Board finds as follows:
2. Tile Tech Pavers, owned by Ronnie Tabibnia (hereinafter Discharger), is regulated under the State Water Resources Control Board's Waste Discharge Requirements, Order No. 97-03-DWQ, NPDES No. CAS000002 (General Permit). The General Permit requires submittal of an annual report by July 1 of each year. The Discharger failed to submit the annual report for 2011-12 by the July 1, 2012 deadline.
3. Regional Board staff issued two certified letters reminding the Discharger to submit the annual report. In addition, staff also reminded the Discharger twice through emails. The Discharger was also reminded of the mandatory penalties for non-submittal of the annual report.
4. The Discharger did not respond to the certified mails or the emails. The Water Code specifies that the Regional Board shall impose a minimum penalty of \$1,000 and recover staff costs from dischargers who fail to submit the annual reports. Accordingly, on February 11, 2013, the attached Mandatory Minimum Penalty Complaint was issued to the Discharger (Exhibit 1). The Discharger was given an option to pay the assessed amount and waive its right to a hearing. The Discharger neither paid the assessed amount nor waived its right to a hearing.
5. By adopting this order, the Board incorporates the findings in Mandatory Minimum Penalty Complaint No. R8-2013-0011 and affirms the penalty specified therein.

6. Issuance of this Order is exempt from the provisions of the California Environmental Quality Act (Public Resources Code Section 2100 et seq.) in accordance with Section 15321, Chapter 3, Title 14, California Code of Regulations.

IT IS HEREBY ORDERED that, pursuant to California Water Code Sections 13399.33(e) and (d), a penalty shall be imposed on Tile Tech Pavers (owner Mr. Ronnie Tabibnia) in the amount of \$1,450, as proposed in Mandatory Minimum Penalty Complaint No. R8-2013-0011 for the violations cited, payable as set forth below.

1. Mr. Ronnie Tabibnia, dba Tile Tech Pavers, is liable for the assessed amount and shall pay \$1,450 to the Waste Discharge Permit Funds by August 19, 2013.

The Executive Officer is authorized to refer this matter to the Attorney General for enforcement.

Pursuant to Water Code Section 13320, you may petition the State Water Resources Control Board for review of this Order. If you choose to do so, you must submit the petition to the State Board within 30 days of the Regional Board's adoption of this Order.

I, Kurt V. Berchtold, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Santa Ana Region, on July 19, 2013.

Kurt V. Berchtold
Executive Officer

EXHIBIT 1 (ORDER NO. R8-2013-0037)



EDMUND G. BROWN JR.
GOVERNOR



MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Santa Ana Regional Water Quality Control Board

February 11, 2013

Ronnie Tabibnia
Tile Tech Pavers
10943 Jasmine Street
Fontana, CA 92337

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

TRANSMITTAL OF MANDATORY MINIMUM PENALTY (MMP) COMPLAINT NO. R8-2013-0011, TILE TECH PAVERS

Dear Mr. Tabibnia:

Enclosed is a certified copy of Mandatory Minimum Penalty Complaint No. R8-2013-0011 (hereinafter "Complaint"). The Complaint alleges that Tile Tech Pavers violated the General Permit for Storm Water Discharges Associated with Industrial Activity, Order No. 97-03-DWQ, by failing to submit the 2011-2012 annual report by July 1, 2012. Pursuant to California Water Code Section 13399.33, the Complaint proposes that the Regional Board impose one thousand four hundred fifty dollars (\$1,450) in mandatory minimum penalty and staff costs.

A public hearing on this matter has been scheduled for the Regional Board meeting on May 3, 2013 at the Irvine Ranch Water District, 15600 Sand Canyon Ave., Irvine, CA 92618. A Hearing Procedures, the staff report regarding this Complaint and the meeting agenda will be mailed to you not less than 30 days prior to the hearing. You have two options as discussed below.

OPTION 1: Pursuant to California Water Code Section 13323, Tile Tech Pavers has the option to waive its right to a hearing. Should Tile Tech Pavers waive its right to a hearing and pay the proposed assessment, the Regional Board may not hold a public hearing on this matter. If Tile Tech Pavers chooses to waive its right to a hearing, please sign and submit the enclosed Waiver Form with a check for one thousand four hundred fifty dollars (\$1,450) made payable to the Waste Discharge Permit Fund. The Waiver Form, the check, and any other correspondence regarding this Complaint should be sent to the Regional Board office in the enclosed pre-printed envelope.

OPTION 2: If Tile Tech Pavers does not wish to waive its right to a hearing, a pre-hearing meeting is recommended. Should you wish to schedule a pre-hearing meeting, please contact Nam Nguyen at 951-321-4528 or (nnguyen@waterboards.ca.gov) prior to March 11, 2013.

CAROLE H. BESWICK, CHAIR | KURT V. BERCHTOLD, EXECUTIVE OFFICER

3737 Main St., Suite 500, Riverside, CA 92501 | www.waterboards.ca.gov/sanlaana

February 11, 2013

If you have any questions about the Complaint or the enclosed documents, please contact Nam Nguyen at 951-321-4582 (nnguyen@waterboards.ca.gov), or Milasol Gaslan at 951-782-4419 (mgaslan@waterboards.ca.gov). All legal questions should be directed to Cris Carrigan at 916-341-5889 (ccarrigan@waterboards.ca.gov), Director, Office of Enforcement.

Sincerely,



Michael J. Adackapara
Division Chief
Regional Board Prosecution Team

Enclosures: Complaint No. R8-2013-0011
Waiver Form
Exhibit 1 (NNC dated August 9, 2012)
Exhibit 2 (NNC dated October 4, 2012)
Pre-printed envelope

cc: Regional Board
Executive Officer – Kurt V. Berchtold (Regional Board Advisory Team)
State Water Resources Control Board, Office of Chief Counsel – David Rice
(Regional Board Advisory Team Attorney)
State Water Resources Control Board, Division of Water Quality – Diana Messina
State Water Resources Control Board, Office of Enforcement – Cris Carrigan
(Regional Board Prosecution Team Attorney)
U.S. Environmental Protection Agency, Region 9 (WTR-7) – Ken Greenberg
San Bernardino County Flood Control District, Department of Public Works –
Marc Rodabaugh
City of Fontana, NPDES Coordinator – Tony Mata (tmata@fontana.org)
Ronnie Tabibnia, Tile Tech Pavers Owner – (ronnie@tiletechpavers.com) by
email

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

In the matter of:)	
)	
Tile Tech Pavers)	Complaint No. R8-2013-0011
10943 Jasmine Street)	for
Fontana, CA 92337)	Mandatory Minimum Penalty and Staff Costs
)	
Attention: Ronnie Tabibnia)	

YOU ARE HEREBY GIVEN NOTICE THAT:

1. You are alleged to have violated provisions of law for which the California Regional Water Quality Control Board, Santa Ana Region (hereinafter Board), must impose liability under Section 13399.33 of the California Water Code.
2. A hearing concerning this Complaint will be held before the Board within ninety days of the date of issuance of this Complaint. The hearing in this matter has been scheduled for the Board's regular meeting on May 3, 2013 at the Irvine Ranch Water District, 15600 Sand Canyon Ave., Irvine, CA 92618. You or your representative will have an opportunity to appear and be heard, and to contest the allegations in this Complaint and the imposition of a mandatory penalty and staff costs by the Board. An agenda for the meeting, a Hearing Procedure and the staff report pertaining to this item will be mailed to you not less than 30 days before the hearing date.
3. At the hearing, the Board will consider whether to affirm, reject or modify the proposed Mandatory Minimum Penalty and assessment of staff costs pursuant to Section 13399.33 of the Water Code, to assess discretionary penalties pursuant to Section 13385 of the Water Code, or to refer the matter to the Attorney General for recovery of judicial civil liability.
4. Tile Tech Pavers, located at 10943 Jasmine Street in Fontana, is currently regulated under the State's General Permit for Storm Water Discharges Associated with Industrial Activities, Water Quality Order No. 97-03-DWQ, NPDES No. CAS000001 (General Permit). The facility's WDID Number is 8 361021454. The General Permit requires submittal of an annual report by July 1 of each year.
5. Tile Tech Pavers' 2011-2012 annual report was not received by Board staff by the July 1, 2012 deadline. Therefore, on August 9, 2012, a Notice of Non-Compliance (NNC) was issued to Tile Tech Pavers, by certified mail (Exhibit 1). The return receipt showed that it was received by the facility on August 10, 2012. When Board staff received no response to the first NNC, a second NNC was issued on October 4, 2012 (Exhibit 2). According to the return receipt, the second NNC was received by the facility on October

5, 2012. In both NNCs, Board staff requested submittal of the completed annual report and reminded Tile Tech Pavers of the mandatory minimum penalty for late submittal of the annual report. The second NNC requested that the annual report be submitted by November 5, 2012 along with a statement explaining why the annual report was not submitted by the July 1 deadline, and the measures that would be taken to ensure that future annual reports would be submitted on time.

6. Staff also contacted Mr. Tabibnia by electronic mail on August 28, 2012 and December 10, 2012 (Exhibit 3), to remind him of the due dates for submittal of the 2011-2012 annual report specified in the two NNCs. Staff provided Mr. Tabibnia the necessary forms to complete his annual report.
7. The NOI for this facility indicates that Mr. Tabibnia is the owner of the facility. To date, the annual report has not been received at the Regional Board office. This facility violated the General Permit, the Federal Clean Water Act and the California Water Code by failing to submit the annual report by July 1, 2012.
8. Section 13385(a)(2) of the California Water Code provides that any person who violates waste discharge requirements issued pursuant to the Federal Clean Water Act shall be civilly liable. Section 13385(c) provides that civil liability may be administratively imposed by a regional board in an amount not to exceed ten thousand dollars (\$10,000) for each day the violation occurs.
9. Section 13399.33(c) of the California Water Code specifies that the Regional Board shall impose a minimum 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 California Water Code further requires that the Regional Board recover the costs incurred by the Regional Board staff with regard to those persons.

PROPOSED ADMINISTRATIVE CIVIL LIABILITY AND ASSESSMENT OF COSTS

10. Pursuant to Section 13399.33(c), the Division Chief proposes that the mandatory minimum penalty of \$1,000 be imposed on Tile Tech Pavers for the violation cited above. In addition, the Division Chief proposes that staff costs in the amount of \$450 (3 hours at \$150 per hour=\$450) be recovered from Tile Tech Pavers. The total proposed mandatory minimum penalty (\$1,000) and staff costs (\$450) are \$1,450. In accordance with Water Code Section 13327 (a consideration of ability to pay and to continue in business), the Division Chief is not proposing to impose any penalty as per Water Code Section 13385(c) since any additional penalties would be a significant financial burden on a small business.
11. Notwithstanding the issuance of this Complaint, the Regional Board retains the authority to assess additional penalties for violations of the General Permit for which penalties have not yet been assessed or for violations that may subsequently occur.

12. Issuance of this Complaint is an enforcement action and is therefore exempt from the provisions of the California Environmental Quality Act (Pub. Res. Code § 21000 et seq.) pursuant to Title 14, California Code of Regulations, Sections 15308 and 15321 Subsection (a) (2).

2-11-13
Date



Michael J. Adackapara, Division Chief
Regional Board Prosecution Team



EDMUND 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. R8-2013-0011**

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

I am duly authorized to represent Tile Tech Pavers in connection with Mandatory Minimum Penalty Complaint No. R8-2013-0011 (hereinafter the "Complaint"). I am informed that California Water Code Section 13323, subdivision (b), states, "A hearing before the Regional Board shall be conducted within 90 days after the party has been served [with the Complaint]. The person who has been issued a complaint may waive the right to a hearing."

Check here and sign below if Tile Tech Pavers waives the hearing requirement and will pay the liability in full.

- a. I hereby waive any right Tile Tech Pavers may have to a hearing before the Regional Board.
- b. I certify that Tile Tech Pavers will remit payment for the proposed penalty in the full amount of one thousand four hundred fifty dollars (\$1,450) by check that references "Complaint No. R8-2013-0011" made payable to the Waste Discharge Permit Fund. Payment must be received by the Regional Board office no later than March 11, 2013 or the Regional 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 Regional 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 Executive Officer of the Regional Board, 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 Tile Tech Pavers having waived the right to contest the allegations in the Complaint and the imposition of penalty.
- 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 Tile Tech Pavers to further enforcement, including additional penalties.

(Print Name and Title)

(Signature)

(Date)

CAROLE H. BESWICK, CHAIR | KURT V. BERGFELD, EXECUTIVE OFFICER

3737 Main St., Suite 500, Riverside, CA 92501 | www.waterboards.ca.gov/santaana

SENDER: COMPLETE THIS SECTION

- Complete Items 1, 2, and 3. Also complete Item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Attn: Ronnie Tabibnia or Facility Manager
 Tile Tech Pavers
 10943 Jasmine Street
 Fontana, CA 92337

8 361021454
 8/9/2012

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent
 Addressee

B. Received by (Printed Name) Date of Delivery
 Ricardo Alvarez 8/10

D. Is delivery address different from Item 1? Yes
 If YES, enter delivery address below: No

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

2. Article Number (Transfer from service label) 7007 2680 0000 4251 0501

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

U.S. Postal ServiceTM
CERTIFIED MAILTM RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com.

7007 2680 0000 4251 0501

Postage	\$	\$0.45
Certified Fee		\$2.95
Return Receipt Fee (Endorsement Required)		\$2.35
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$	\$5.75

Send Date:
 8/9/2012
Postmark Here

1st NNC Letter
 8 361021454

Sent To **Attn: Ronnie Tabibnia or Facility Manager**
Tile Tech Pavers
 Street, Apt. No., or PO Box No. **10943 Jasmine Street**
 City, State, ZIP+4 **Fontana, CA**

PS Form 3850, August 2000

See Reverse for Instructions

UNITED STATES POSTAL SERVICE

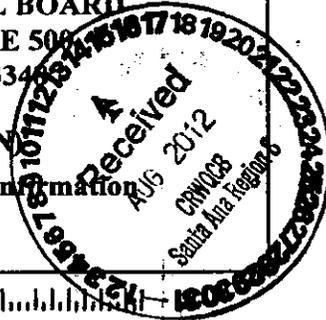


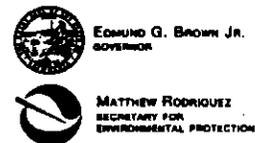
First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4 in this box •

SANTA ANA REGIONAL
WATER QUALITY CONTROL BOARD
3737 MAIN STREET, SUITE 500
RIVERSIDE, CA 92501-3346

ATTN: INLAND STORM WATER (NKN)
RECORD: 2011-2012 A.R. Cert. Mail Confirmation
1st NNC Letter





Santa Ana Regional Water Quality Control Board

August 9, 2012

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Attn: Ronnie Tabibnia or Facility Manager
Tile Tech Pavers
10943 Jasmine Street
Fontana, CA

Notice of Noncompliance: Failure to Comply With the General Permit for Storm Water Discharges Associated With Industrial Activities, Order No. 97-03-DWQ, NPDES NO. CAS000001 (General Permit), Waste Discharge Identification (WDID) Number 8 36I021454

Dear Ronnie Tabibnia or Facility Manager:

Your facility located at 10943 Jasmine Street, in the city of Fontana, is regulated under the General Permit and is identified by WDID number 8 36I021454. Section B.14 of the General Permit requires you to submit an annual report by July 1 of each year. Our records show that your annual report for the July 1, 2011 to June 30, 2012 reporting period has not been received.

You are in violation of the General Permit, the California Water Code and the federal Clean Water Act for failure to submit a complete 2011-2012 annual report. We request that you submit a complete 2011-2012 annual report to this office no later than 30 days from the date of this letter. A blank copy of the report form can be downloaded from the Storm Water section of the State Water Resources Control Board web site at:

http://www.waterboards.ca.gov/water_issues/programs/stormwater/annualreport.shtml

Along with the annual report, you must also provide a statement explaining why the annual report was not submitted by the July 1 deadline and the measures you have taken to ensure timely submittals in the future. Failure to submit the requested information may result in 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.

If you wish to be notified electronically of future annual report submittals prior to the due date, please update the first page of annual report contact information with the appropriate e-mail address. If you wish to add additional contact person(s) to the notification list, please indicate on a separate page.

CAROLE H. BESWICK, CHAIR | KURT V. BESCHTOLD, EXECUTIVE OFFICER

3737 Main St., Suite 500, Riverside, CA 92501 | www.waterboards.ca.gov/santaana

Tile Tech Pavers
Ronnie Tabibnia or Facility Manager

- 2 -

August 9, 2012

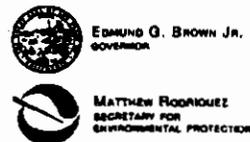
Should you need assistance in completing the annual report or have any questions, please contact Nam Nguyen at 951-321-4582 (e-mail: nnguyen@waterboards.ca.gov), or Michael Roth at 951-320-2027 (e-mail: mroth@waterboards.ca.gov)

Sincerely,

A handwritten signature in black ink, appearing to read "mjadackapara". The signature is written in a cursive, flowing style.

Michael J. Adackapara
Division Chief

CC to Owner: Ronnie Tabibnia or Facility Owner. Tile Tech Pavers. PO Box 5982, Los Angeles, CA 90055



EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Santa Ana Regional Water Quality Control Board

August 9, 2012

This is a copy letter to facility owner

Ronnie Tabibnia or Facility Owner
Tile Tech Pavers
PO Box 5982
Los Angeles, CA 90055

Notice of Noncompliance: Failure to Comply With the General Permit for Storm Water Discharges Associated With Industrial Activities, Order No. 97-03-DWQ, NPDES NO. CAS000001 (General Permit), Waste Discharge Identification (WDID) Number 8 36I021454

Dear Ronnie Tabibnia or Facility Owner:

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If you wish to be notified electronically of future annual report submittals prior to the due date, please update the first page of annual report contact information with the appropriate e-mail address. If you wish to add additional contact person(s) to the notification list, please indicate on a separate page.

CAROLE H. BESWICK, CHAIR | KURT V. BERCHTOLD, EXECUTIVE OFFICER

3737 Main St., Suite 500, Riverside, CA 92501 | www.waterboards.ca.gov/santaana

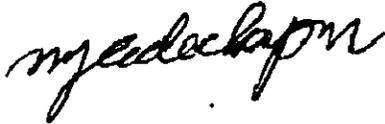
Tile Tech Pavers
Ronnie Tabibnia or Facility Owner

- 2 -

August 9, 2012

Should you need assistance in completing the annual report or have any questions, please contact Nam Nguyen at 951-321-4582 (e-mail: nnguyen@waterboards.ca.gov), or Michael Roth at 951-320-2027 (e-mail: mroth@waterboards.ca.gov)

Sincerely,

A handwritten signature in black ink, appearing to read "mjadackapara". The signature is written in a cursive, flowing style.

Michael J. Adackapara
Division Chief

CC via regular mail to: Tile Tech Pavers. Ronnie Tabibnia. 10943 Jasmine Street,
Fontana, CA 92337.

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:
Attn: Facility Manager or Ronnie Tabibnia
Tile Tech Pavers
10943 Jasmine Street
Fontana, CA 92337

8 361021454
10/4/2012

COMPLETE THIS SECTION ON DELIVERY

A. Signatures Agent
 Addressee

 B. Received by (Printed Name) C. Date of Delivery
 Jose L. Sandoval 10-5-12
 D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

3. Service Type.
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

2. Article Number **7011 0110 0000 5909 0169**
 (Transfer from service)

PS Form 3811, February 2004

Domestic Return Receipt

102505-02-M-1540

7011 0110 0000 5909 0169

U.S. Postal Service
CERTIFIED MAIL RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com.

OFFICIAL USE

Postage	\$ 0.45
Certified Fee	\$2.95
Return Receipt Fee (Endorsement Required)	\$2.35
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 5.75

Send Date:
10/4/2012
 Here

2ND NNC Letter
8 361021454

Sent To **Attn: Facility Manager or Ronnie Tabibnia**
Tile Tech Pavers
 Street, Apt. No., or PO Box No. **10943 Jasmine Street**
 City, State, ZIP+4 **Fontana, CA 92337**

PS Form 3811, August 2009 See Reverse for Instructions

UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

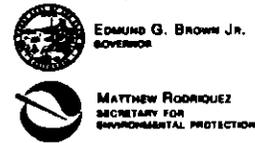
• Sender: Please print your name, address, and ZIP+4 in this box •

Received
OCT 2012
CIVICUS
Santa Ana Regional

SANTA ANA REGIONAL
WATER QUALITY CONTROL BOARD
577 MAIN STREET, SUITE 500
OVERSIDE, CA 92501-3348

ATTN: INLEAK AND STORM WATER (NKN)
RECORD: 2011-2012 A.R. Cert. Mail Confirmation
2ND NNC Letter





Santa Ana Regional Water Quality Control Board

October 4, 2012

This is a copy letter to facility owner

Facility Owner or Ronnie Tabibnia
Tile Tech Pavers
PO Box 5982
Los Angeles, CA 90055

Notice of Noncompliance - Second and Final Notice: Failure to Comply with the General Permit for Storm Water Discharges Associated with Industrial Activities, (Order No. 97-03-DWQ, NPDES No. CAS000001) WDID No. 8 36I021454

Dear Facility Owner or Ronnie Tabibnia:

Your facility located at 10943 Jasmine Street, in the city of Fontana, is regulated under the General Permit and is identified by WDID No. **8 36I021454**. Section B.14 of the General Permit requires you to submit an annual report by July 1 of each year. Our records show that your annual report for the July 1, 2011 to June 30, 2012 reporting period has not been received.

You are currently in violation of the General Permit, the California Water Code and the federal Clean Water Act for failure to submit a complete 2011-2012 annual report. We request that you submit a complete 2011-2012 annual report to this office no later than 30 days from the date of this letter. A blank copy of the report form can be downloaded from the Storm Water section of the State Water Resources Control Board website:

http://www.waterboards.ca.gov/water_issues/programs/stormwater/annualreport.shtml

Along with the annual report, you must also provide a statement explaining why the annual report was not submitted by the July 1 deadline and the measures you have taken to ensure timely submittals in the future.

This is your second and final notice. The first notice was dated and sent on August 9, 2012. Failure to submit the requested information may result in enforcement action, including civil monetary penalties of up to \$10,000 for each day of violation. Please

CAROLE H. BEBICK, CHAIR | KURT V. BERCHTOLD, EXECUTIVE OFFICER

3737 Main St., Suite 500, Riverside, CA 92501 | www.waterboards.ca.gov/santaana

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.

If you wish to be notified electronically of future annual report submittals prior to the due date, please update the first page of annual report contact information with the appropriate e-mail address. If you wish to add additional contact person(s) to the notification list, please indicate on a separate page.

Should you need assistance in completing the annual report or have any questions, please contact Nam Nguyen at (951) 321-4582 (email: nnguyen@waterboards.ca.gov), or Michael Roth at (951) 320-2027 (email: mroth@waterboards.ca.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "mjadackapara", written in a cursive style.

Michael J. Adackapara
Division Chief



Santa Ana Regional Water Quality Control Board

October 4, 2012

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Attn: Facility Manager or Ronnie Tabibnia
Tile Tech Pavers
10943 Jasmine Street
Fontana, CA 92337

Notice of Noncompliance - Second and Final Notice: Failure to Comply with the General Permit for Storm Water Discharges Associated with Industrial Activities, (Order No. 97-03-DWQ, NPDES No. CAS000001) WDID No. 8 36I021454

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Sincerely,



Michael J. Adackapara
Division Chief

CC to owner: Facility Owner or Ronnie Tabibnia. Tile Tech Pavers. PO Box 5982, Los Angeles, CA 90055

Nguyen, Nam@Waterboards

From: Nguyen, Nam@Waterboards
Sent: Tuesday, August 28, 2012 9:32 AM
To: 'Ronnie@TileTechPavers.com'
Subject: RE: Friendly Reminder for 2011-2012 General Industrial Storm Water Annual Report

Hi Ronnie,

You don't need a consulting company to complete the annual report at all Ronnie. It's merely a series questionnaire that can be done either by you, or your plant's manager. You're more than welcome to contact me any time you want to get some info, line by line, instruction.

If you have any question or comment, please feel free to contact me via e-mail or by phone.

Nam Nguyen
Environmental Scientist, Inland Storm Water Unit
Regional Water Quality Control Board,
Santa Ana Region 8
3737 Main St., Suite 500, Riverside, CA 92501-3348
Direct Phone: (951) 321-4582
Direct Fax: (951) 321-4580
Front Desk for Assistant: (951) 782-4130
Website: <http://www.waterboards.ca.gov/santaana>

How is my customer service? If you have any comments that you would like to express, please visit the following website and describe your experience: <http://www.calepa.ca.gov/Customer/CSForm.asp>

From: Ronnie@TileTechPavers.com [mailto:Ronnie@TileTechPavers.com]
Sent: Friday, August 24, 2012 4:10 PM
To: Nguyen, Nam@Waterboards
Subject: Re: Friendly Reminder for 2011-2012 General Industrial Storm Water Annual Report

Hi Nam

I need your help completing the form as we cannot afford to use a company to do the report this year

Ronnie Tabibnia
Tile Tech Pavers
National Sales
213-380-5560 x701
www.TileTechPavers.com

----- Original Message -----

From: Nam Nguyen
To: Undisclosed recipients:
Sent: Thursday, May 03, 2012 1:26 PM
Subject: Friendly Reminder for 2011-2012 General Industrial Storm Water Annual Report

Greetings from the local Santa Ana Regional Water Board,

*** Please forward this email to the appropriate party if you are not the designated personnel to handle this matter.**

This is the final friendly reminder that the 2011-2012 General Industrial Storm Water Annual Report is due before or on 07/02/2012. **ANNUAL REPORT IS NOT AN INVOICE.**

It's best to start gathering up your facility's recorded observations, storm water sampling lab results, and inspection records for easy information transfer onto the annual report. Please, treat this document as if it's your yearly income tax return. Forgeries, improper reporting (such as making copies of the older reports and submitted as the current year), falsify of information (without proper validation of your records), and ignoring submission of the document will result in heavy penalties. Penalty of non-submission is an automatic \$5,000. If there's a history of non-submission, the fine will be an automatic of \$10,000. Forgeries and falsification of documentation can and will result in a \$10,000 per day, per violation, until the situation is resolved, and possible criminal investigation and imprisonment in addition to the fine.

This means, **DO NOT LEAVE ANY FORM EMPTY!** Please, used the provided forms from the Annual Report template provided the State Water Resources Control Board (links are provided later in the email). Form 1 to Form 5 must be filled out correctly, after answering all the questionnaires properly. Empty forms and unanswered questionnaires will no longer be tolerated, unless there are explanation included with the annual report. If the any of the form does not pertain to your site, write a large "N/A" across the form(s). **Forms 4 and 5 SHOULD NOT BE EMPTY** for any reason.

The online SMARTS public interfaces had been completed, and is available for sign-up for electronic annual report submission. It will take a couple of weeks to complete the registration process. Please, do not wait until the last few weeks before annual report submission to register. This online SMARTS system allows you to record your annual report info with ease, as well recalling past information on your annual report submission, with just a few clicks of your mouse. Here's the website:

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

Click on the link "LRP Registration Form" to access the PDF document, fill it out, and mail the document to the indicated mailing address. A quick access link is here:

https://smarts.waterboards.ca.gov/smarts/faces/help/lrp_registration.pdf

If you are still interested in using the hard copy, please, visit this website:

http://www.waterboards.ca.gov/water_issues/programs/stormwater/annualreport.shtml

*** You can have the first page of the annual report filled automatically by click on the link "2011/2012 Annual Report".** The website will ask you to enter your WDID number, starting with the letter "I", not the number "1", follow by the last six numbers. An example is, if your WDID is "8 33I012345", you will enter "I012345" (without the quotation marks). Click the Search button, and follow the instruction on the screen.

*** You can also download the 2011/2012 Annual Report blank template forms (either in the Word or Acrobat PDF format). Make sure to fill out all the fields to the best that you can for the GENERAL INFORMATION.**

When submitting the annual report, please, make sure your mail is certified so enforcement actions may not be issued if your mail happened to get lost along the way.

If you like to submit by email, **MAKE SURE ALL DOCUMENTS ARE SIGNED PROPERLY**, and feel free to scan your hard copy of your annual report, then send it to me via email (at nguyen@waterboards.ca.gov). I'll respond back with an email receipt. This will save both postage cost, and eliminate any possible mail mishandling along the way. Make sure your file does not exceed more than 25 megabytes in size. If the document does exceed 25MB in size, break the document down to multiple attachments and send the attachments in different e-mails, or upload it to a storage center, such as BOX.net, or various free provider out there.

Please, be advised that if you have created your own forms, or hired consultants utilized their own forms for your inspections recording purposes, make sure the forms mimic the template that State Water Resources Control Board has posted for usages. Inspections and visual observation records **MUST** contains the observer's printed name, signature, time, date, and location. Missing information will result in enforcement action.

[Sites belong to Group Monitoring]

Please, ensure that you submit your own annual reports and analytical data for completeness. Verify whether or not your group leaders are submitting the annual reports for you. Group leaders are not responsible for your submissions, which is the complete annual report with the storm water analytical results for your group industrial activities. Missing documentation will results in enforcement actions.

If you have any question or comment, please feel free to contact me via e-mail or by phone.

Nam Nguyen
Environmental Scientist, Inland Storm Water Unit
Regional Water Quality Control Board,
Santa Ana Region 8
3737 Main St., Suite 500, Riverside, CA 92501-3348
Direct Phone: (951) 321-4582
Direct Fax: (951) 321-4580
Front Desk for Assistant: (951) 782-4130
Website: <http://www.waterboards.ca.gov/santaana>

How is my customer service? If you have any comments that you would like to express, please visit the following website and describe your experience: <http://www.calepa.ca.gov/Customer/CSForm.asp>

No virus found in this message.

Checked by AVG - www.avg.com

Version: 2012.0.1913 / Virus Database: 2425/4975 - Release Date: 05/03/12

Nguyen, Nam@Waterboards

From: Nguyen, Nam@Waterboards
Sent: Wednesday, November 14, 2012 2:37 PM
To: Ronnie@TileTechPavers.com
Subject: Missing 2011-2012 Annual Report submission

Ronnie,

According to our online SMARTS system, as of today, we have not receive your General Industrial Permit 2011-2012 Annual Report submission, which was supposed to be submitted on July 1 of each year.

Two letters already went out to the facility with certified mails. Two went as also as regular mail. Certified mails were signed for. I also contacted and reminded you earlier about the annual report as well. It doesn't take more than 30 minutes to fill out the forms and submit it. I know you have quite a busy schedule on your own hands, but at the same time, you have to delegate the task to the plant's personnel, such as the manager, as well, since you're not there most of the time. Remember, you can complete the forms without the aid of a consultant. The questions are very straight forward.

Please contact me as soon as possible by e-mail or by phone. Your facility is facing a possible fine if the annual report doesn't get turned in soon.

Nam Nguyen
Environmental Scientist, Inland Storm Water Unit
Regional Water Quality Control Board,
Santa Ana Region 8
3737 Main St., Suite 500, Riverside, CA 92501-3348
Direct Phone: (951) 321-4582
Direct Fax: (951) 321-4580
Front Desk for Assistant: (951) 782-4130
Website: <http://www.waterboards.ca.gov/santaana>

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Nguyen, Nam@Waterboards

From: Nguyen, Nam@Waterboards
Sent: Tuesday, December 11, 2012 7:32 AM
To: 'Ronnie@TileTechPavers.com'
Subject: RE: 2011-2012 annual report status?
Attachments: 2011-2012 annual report.pdf

Your requested file is attached.

Nam

From: Ronnie@TileTechPavers.com [mailto:Ronnie@TileTechPavers.com]
Sent: Monday, December 10, 2012 8:59 PM
To: Nguyen, Nam@Waterboards
Subject: Re: 2011-2012 annual report status?

Work is very slow here and I am trying to get orders to pay the bills can you please attach a PDF version of the form so that I can print, fill and email back to you

Thank You

Ronnie Tabibnia
Tile Tech Pavers
National Sales
213-380-5560 x701
www.TileTechPavers.com

----- Original Message -----

From: Nguyen, Nam@Waterboards
To: Ronnie@TileTechPavers.com
Sent: Monday, December 10, 2012 11:58 AM
Subject: 2011-2012 annual report status?

Hi Ronnie,

Please, give me and update on your 2011-2012 annual report for your industrial permit? This is my last email about this Ronnie. Last indication that you were attempting to hire the consultant to do this work for you. I've indicated that it doesn't require for you to hire a consultant to fill these questionnaires and forms out yourself. It does not require more than 30 minutes of your busy schedule. This is the permit's required task.

If you have any question or comment, please feel free to contact me via e-mail or by phone.

Nam Nguyen
Environmental Scientist, Inland Storm Water Unit
Regional Water Quality Control Board,
Santa Ana Region 8
3737 Main St., Suite 500, Riverside, CA 92501-3348
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No virus found in this message.

Checked by AVG - www.avg.com

Version: 2012.0.2221 / Virus Database: 2634/5449 - Release Date: 12/10/12

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT
OF THE RETURN ADDRESS, FOLD AT DOTTED LINE
CERTIFIED MAILTM



7009 2820 0001 6722 6282
7009 2820 0001 6722 6282

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage	\$

Postmark
Here

Sent To **Ronnie Tabibnia**
Tile Tech Pavers
Street, Apt. **10943 Jasmine St.**
or PO Box
City, State, **Fontana, CA 92337**

PS Form 3825, April 2004

685

Gaslan, Milasol@Waterboards

From: Nguyen, Nam@Waterboards
Sent: Monday, April 29, 2013 7:41 AM
To: 'Ronnie@TileTechPavers.com'
Cc: Gaslan, Milasol@Waterboards; Adackapara, Michael@Waterboards
Subject: RE: TENTATIVE ORDER NO. R8-2013-0037

Email received.

If you have any question or comment, please feel free to contact me via e-mail or by phone.

Nam Nguyen
Environmental Scientist, Inland Storm Water Unit
Regional Water Quality Control Board,
Santa Ana Region 8
3737 Main St., Suite 500, Riverside, CA 92501-3348
Direct Phone: (951) 321-4582
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How is my customer service? If you have any comments that you would like to express, please visit the following website and describe your experience: <http://www.calepa.ca.gov/Customer/CSForm.asp>

From: Ronnie@TileTechPavers.com [<mailto:Ronnie@TileTechPavers.com>]
Sent: Thursday, April 25, 2013 6:33 PM
To: Nguyen, Nam@Waterboards
Subject: Re: TENTATIVE ORDER NO. R8-2013-0037

Hello Nam

I can not make the revised date as I will be out of the country for a work trip from June 04 to June 25. I was originally planning on being there on May as it was originally planned.

Please revise the date

Ronnie Tabibnia
213-380-5560 x701

----- Original Message -----

From: [WB-RB8-RWQCB8](#)
To: Nguyen, Nam@Waterboards
Cc: Rice, David@Waterboards ; Messina, Diana@Waterboards ; Carrigan, Cris@Waterboards ; Greenberg, Ken ; Colin Kelly ; tmata@fontana.org ; ronnie@tiletechpavers.com ; Berchtold, Kurt@Waterboards
Sent: Thursday, April 25, 2013 3:28 PM
Subject: TENTATIVE ORDER NO. R8-2013-0037

You have been designated to receive a copy of the attached document.

In an effort to improve efficiency the Santa Ana Regional Water Quality Control Board no longer mails paper copies to those designated to receive copies (cc's) of letters and other documents; these are transmitted through email only.

All large attachments and other documents (such as tentative and adopted orders), will be posted on our website and not attached to this e-mail notification. To access these documents, please see our website at <http://www.waterboards.ca.gov/santaana>.

Document(s) can be viewed using Adobe Acrobat Reader. The free reader can be downloaded from www.adobe.com or from our web site.

If you have any questions or have received this email in error, please reply to this email or contact us at the phone number below.

Thank you

=====
Santa Ana Regional Water Quality Control Board
3737 Main Street, Suite 500
Riverside, CA 92501
Phone: 951-782-4130
FAX: 951-781-6288
Web: www.waterboards.ca.gov/santaana