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

In the matter of:	)	**Complaint No. R8-2007-0023**
	)	**for**
Die Cast Manufacturing Co.	)	**Administrative Civil Liability**
2212 S. Vista Avenue	)	
Bloomington, CA 92316	)	
	)	
Attention: Mr. Dave Muench	)	

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), may impose liability under Sections 13385 and 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 June 29, 2007 at the City Council Chambers, 25541 Barton Road, Loma Linda, CA 92354. 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 civil liability by the Board. An agenda for the meeting will be mailed to you not less than 10 days prior to the hearing date.

3. At the hearing, the Board will consider whether to affirm, reject or modify the proposed Administrative Civil Liability Complaint or whether to refer the matter to the Attorney General for recovery of judicial civil liability.

4. Die Cast Manufacturing Co. (Die Cast), 2212 S. Vista Avenue, Bloomington, 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 36I008011. The General Permit requires submittal of annual report by July 1 of each year.

5. The 2005-2006 annual report, which was due on July 3, 2006, as July 1 was a Saturday, was not received from Die Cast. A Notice of Non-Compliance (NNC) was issued to Die Cast, by certified mail, on August 4, 2006. The return receipt showed it was received by the facility on August 28, 2006. When Board staff received no response to the first NNC, a second NNC was issued on September 11, 2006, again by certified mail, and was received by the facility on September 13, 2006. In

both NNCs, Board staff requested submittal of the completed annual report, 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 are submitted on time. Both NNCs identified the mandatory minimum penalty for failure to submit the annual report. In the second NNC, Board staff requested submittal of the completed annual report by October 11, 2006.

6. Board staff left messages for Mr. Dave Muench on September 8, 2006, November 13, 2006 and November 22, 2006 to remind him of the requirement to submit the annual report. On December 12, 2006 Board staff spoke to a facility representative who indicated that the annual report would be faxed or mailed to the Board office by the last week of December 2006.

7. On January 4, 2007, a copy of the annual report was faxed to the Board office. The submittal included neither an explanation for the late submittal, nor any measures to insure timely submittal of the reports in the future.

8. The facility violated the General Permit, the Federal Clean Water Act and the California Water Code by failing to submit the annual report by July 3, 2006.

9. 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.

10. Based on non-submittal of the 2005-2006 annual report, the facility is alleged to have violated the General Permit for 184 days (from July 4, 2006 to January 3, 2007). The maximum liability for this violation is $1,840,000.

11. Section 13399.33(c) of the California Water Code requires that the Board impose a mandatory 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.

12. Section 13385(e) specifies factors that the Board shall consider in establishing the amount of civil liability. These factors are addressed in the following table.

Factor	Comment
A. Nature, Circumstance, Extent, and Gravity of Violation	Die Cast did not submit its annual report in a timely manner and the accuracy of the report it submitted is questionable. The 2005-06 annual report indicates that it collected one storm water sample (Section E.2), whereas the section on Sampling & Analysis Results shows that no samples were collected, because there was no rain.
B. Culpability	Die Cast failed to submit its annual report as required by the General Permit. Die Cast received two certified letters and a number of phone calls reminding it that the annual report was overdue and warning it of the consequences.
C. Economic Benefit or Savings	Staff estimates that Die Cast saved approximately $1,000 during the 2005-2006 reporting year by not collecting and analyzing storm water samples; its savings on delaying the submittal of the annual report itself is negligible.
D. Prior History of Violations	During the last seven reporting years, Die Cast submitted the annual report by the due date only once. At least six notices of Non-Compliance were issued to Die Cast for late submittal of the annual reports.
E. Other Factors	Board staff spent at least 3 hours of staff time in its efforts to bring this facility into compliance (@$70.00 per hour, the total cost for staff time is $210).
F. Ability to pay	Die Cast has not provided any information to indicate that it is unable to pay the proposed assessment.

13. After consideration of these factors, the Executive Officer proposes that civil liability be imposed on Die Cast in the amount of $5,000 (of this amount $1,000 represents the mandatory minimum penalty per Water Code Section 13399.33(c)) for the violations cited above.

WAIVER OF HEARING

You may waive your right to a hearing. If you choose to do so, please sign the attached waiver form and mail it, together with a check payable to the State Water Resources Control Board for $5,000. The waiver form and the check should be mailed to this office in the enclosed preprinted envelope.

If you have any questions, please contact Milasol C. Gaslan at (951) 782-4419, or contact the Board's legal counsel, Erik Spiess, at (916) 341-5167.

May 16, 2007
Date

Gerard J. Thibeault
Executive Officer

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	)	
Atten: Dave Muench	)	

WAIVER OF HEARING

I agree to waive the right of Die Cast Manufacturing Co., to a hearing before the Santa Ana Regional Water Quality Control Board with regard to the violations alleged in Complaint No. R8-2007-0023.

I have enclosed a check, payable to the State Water Resources Control Board, in the amount of $5,000. I understand that I am giving up the right of Die Cast Manufacturing Co., to be heard and to argue against allegations made by the Executive Officer in this Complaint, and against the imposition of, and the amount of, the liability proposed.

_____ _____

Date for Die Cast Manufacturing Co.