



EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Santa Ana Regional Water Quality Control Board

December 13, 2013

Michael Metals, Inc.
PO Box 929100
San Diego, CA 92192
(By Certified Mail)

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Lisa Liebert
michael.metals@hotmail.com
(By Email Only)

TENTATIVE ORDER NO. R8-2013-0063 PERTAINING TO MANDATORY MINIMUM PENALTY (MMP) ISSUED TO MICHAEL METALS, INC.

Dear Ms. Liebert:

Enclosed is a copy of Tentative Order No. R8-2013-0063 pertaining to MMP Complaint No. R8-2013-0058 which was issued to Michael Metals, Inc. on November 7, 2013. As described in our letter to you dated November 7, 2013, the hearing on this item will be heard at the January 31, 2014 Board meeting.

The Regional Board will consider whether to affirm, reject, or modify the mandatory minimum penalty was proposed in MMP Complaint No. R8-2013-0058.

If you have any questions about the Order or enclosed documents, please contact Michelle Beckwith at (951) 782-4433 (Michelle.Beckwith@waterboards.ca.gov). All legal questions should be directed to Cris Carrigan at (916) 341-5889 (Cris.Carrigan@waterboards.ca.gov).

Sincerely,

Hope A. Smythe
Division Chief
Regional Board Prosecution Team

Enclosures: Tentative Order No. R8-2013-0063

cc: Executive Officer – Kurt Berchtold (Regional Board Advisory Team)
State Water Resources Control Board, Office of Chief Council – David Rice
(Regional Board Advisory Team Attorney)
State Water Resources Control Board, Office of Enforcement – Cris Carrigan
(Regional Board Prosecution Team Attorney)

9. Section 13399.33(c) of the California Water Code requires that the Regional Board 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 with regard to those persons.
10. On November 7, 2013, the Division Chief issued Mandatory Minimum Penalty Complaint No. R8-2013-0058, in the amount of \$1,750, to Michael Metals. The penalty amount is based on the Mandatory Minimum Penalty amount and the recovery of staff costs of enforcement.
11. By adopting this Order, the Regional Board incorporates the findings in Mandatory Minimum Penalty Complaint No. R8-2013-0058 and affirms the penalty specified therein.
12. 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 of the California Code of Regulations.

IT IS HEREBY ORDERED that, pursuant to California Water Code Sections 13399.33(c) and (d), a penalty, including staff costs, shall be imposed on Michael Metals in the amount of \$1,750, as proposed in Mandatory Minimum Penalty Complaint No. R8-2013-0058 for the violations cited, payable as set forth below.

1. Michael Metals is liable for the assessed amount and shall pay \$1,750 to the Waste Discharge Permits Fund by February 28, 2014.

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 September 13, 2013.

Date

Kurt V. Berchtold
Executive Officer

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