January 25, 2016

Ceradyne Inc
9169 Red Hill Avenue
Costa Mesa, CA 92626
(By Regular Mail)

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Fernando Hernandez
fhernandez3@mmm.com
(By Email Only)

Nancy Flores (Agent for Service of Process)
CT Corporation System
818 West Seventh Street, Suite 930
Los Angeles, CA 90017
(By Certified Mail)

TRANSMITTAL OF MANDATORY MINIMUM PENALTY (MMP) COMPLAINT NO. R8-2016-0009, CERADYNE INC

Dear Fernando Hernadez:

Enclosed is a certified copy of Mandatory Minimum Penalty Complaint No. R8-2016-0009 (Complaint). The Complaint alleges that you have violated the State's General Permit for Storm Water Discharges Associated with Industrial Activities, Order No. 97-03-DWQ, NPDES No. CAS000001 (General Permit) by failing to submit the 2014-2015 annual report by August 14, 2015 for Ceradyne Inc (Ceradyne) in the City of Irvine.

The Complaint proposes that a penalty in the amount of one thousand seven hundred fifty dollars ($1,750) be imposed. The penalty amount is comprised of mandatory minimum penalties and staff costs as authorized by California Water Code Sections 13399.33(c) and 13399.33(d).

A public hearing on this matter is scheduled for the Regional Board meeting on April 22, 2016. A tentative order, the staff report regarding this Complaint and the meeting agenda will be mailed to you not less than 10 days prior to the hearing. A meeting agenda will also be available at: http://www.waterboards.ca.gov/santaana/board_info/agendas/.

Pursuant to California Water Code Section 13323, Ceradyne has the option to waive its rights to a hearing. Should Ceradyne waive its rights to a hearing and pay the proposed assessment, the Regional Board may not hold a public hearing on this matter. If Ceradyne chooses to waive its rights to a hearing, please sign and submit the enclosed Waiver Form by February 23, 2016. Please make the check payable to the Waste Discharge Permit Fund for one thousand seven hundred fifty dollars ($1,750) and include the Complaint Number on the memo line. Please send the following information to the appropriate location:

Mail Waiver Form to:
RWQCB
Attn: Michelle Beckwith
3737 Main Street, Suite 500
Riverside, CA 92501

Mail Payment to:
SWRCB – Accounting Office
Attn: Sarah Fong
P.O. Box 1888
Sacramento, CA 95812-1888

If Ceradyne does not wish to waive its rights to a hearing, a pre-hearing meeting is recommended. Should you wish to schedule a pre-hearing meeting, please submit your request to Michelle Beckwith by phone at (951) 782-4433 or by email at Michelle.Beckwith@waterboards.ca.gov prior to February 16, 2016.

A Hearing Procedure pertaining to this Complaint is also enclosed. The Hearing Procedure sets forth important requirements and deadlines for participation in the hearing. Additionally, a Fact Sheet describing the Complaint process is available at:

http://www.waterboards.ca.gov/santaana/public_notices/enforcement_actions.shtml

The Fact Sheet describes the complaint process and explains what Ceradyne can expect and its obligations as the process proceeds. If preferred, a hard copy of the Fact Sheet may be obtained by contacting Michelle Beckwith at (951) 782-4433.

Please read the Hearing Procedure carefully. The Board may adopt an Order requiring that you pay a penalty.

If you have any questions regarding the Complaint or the enclosed documents, please contact Michelle Beckwith by phone at (951) 782-4433 or by email at Michelle.Beckwith@waterboards.ca.gov. All legal questions should be directed to David Boyers, Office of Enforcement, by phone at (916) 341-5276 or by email at David.Boyers@waterboards.ca.gov.

Sincerely,

Hope A. Smythe

Hope A. Smythe
Division Chief
Regional Board Prosecution Team

Enclosures: MMP Complaint No. R8-2016-0009
Hearing Procedures
Waiver Form
Exhibit 1: 1st Notice of Non-Compliance, dated 9/3/15
Exhibit 2: 2nd Notice of Non-Compliance, dated 10/5/15

cc: Regional Board
Mr. Kurt Berchtold, Executive Officer, RWQCB, Riverside (Regional Board Advisory Team)
Mr. David Rice, Office of Chief Counsel, SWRCB, Sacramento (Regional Board Advisory Team Attorney)
Mr. David Boyers, Office of Enforcement, SWRCB, Sacramento
Ms. Diana Messina, Division of Water Quality, SWRCB, Sacramento
Mr. Richard Boon, Orange County Public Works
Ms. Amanda Carr, City of Irvine NPDES Coordinator

State of California
California Regional Water Quality Control Board
Santa Ana Region

IN THE MATTER OF:

Ceradyne Inc 3169 Red Hill Avenue Costa Mesa, CA 92626 Attn: Fernando Hernandez	)	Complaint No. R8-2016-0009 for Mandatory Minimum Penalty and Staff Costs

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 Regional Board), must impose liability under Section 13399.33 of the California Water Code.

2. Unless waived, a hearing concerning this Complaint will be held before the Regional Board at its regular meeting on April 22, 2016, at the Orange County Sanitation District, 10844 Ellis Avenue in the city of Fountain Valley. Ceradyne Inc (Ceradyne), or its representative, will have an opportunity to appear and be heard, and to contest the allegations in this Complaint and the imposition of mandatory penalties by the Regional Board. An agenda for the meeting will be mailed to Ceradyne not less than 10 days before the hearing date. A meeting agenda will also be available at: http://www.waterboards.ca.gov/santaana/board_info/agendas/.

3. Ceradyne can waive its right to a hearing to contest the allegation contained in this Complaint by signing and submitting the enclosed waiver and paying the liability in full or by taking other actions as described in the waiver form. If this matter proceeds to a hearing, the Prosecution Team reserves the right to seek an increase in the penalty amount to cover the costs of enforcement incurred subsequent to the issuance of this Complaint through hearing. The enforcement costs may be recovered pursuant to Water Code Section 13399.33(d).

4. At the hearing, the Regional Board will consider whether to affirm, reject, or modify the proposed mandatory minimum penalties and assessment of costs pursuant to Water Code section 13399.33, or whether to refer the matter to the Attorney General for recovery of judicial civil liability.

THIS COMPLAINT IS BASED ON THE FOLLOWING FACTS:

5. Most industrial facilities that discharge storm water associated with industrial activities are required to obtain coverage under the General Permit. General Permit coverage is required for facilities listed by industrial category and by Standard Industrial Classification (SIC) codes in 40 Code of Federal Regulations section 122.26(b)(14) and in Attachment 1 of the General Permit.

6. Ceradyne, located at 1922 Barranca Parkway, in the City of Irvine, 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). The site's WDID Number is 8 30I020741. 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.

7. Ceradyne'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 Ceradyne, by certified mail, on September 3, 2015. The NNC requested that Ceradyne 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. The NNC is attached to this complaint as Exhibit #1.

8. 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 Ceradyne submit the 2014-2015 annual report by October 30, 2015. The second NNC is attached to this complaint as Exhibit #2.

9. On October 21, 2015, Board staff contacted Mr. Fernando Hernandez, Ceradyne's contact on file, via email reiterating the final annual report submittal deadline of October 30, 2015.

10. On October 26, 2015, Board staff left a voice mail for Mr. Hernandez again reiterating the final annual report deadline and impending monetary penalties if the annual report was not received by the October 30, 2015 deadline. Board staff received a reply voice mail from Mr. Hernandez indicating that he would be submitting the annual report via fax or email by the deadline.

11. On October 30, 2015, Board staff again contacted Mr. Hernandez via voice mail and email.

12. The Santa Ana Regional Water Quality Control Board received the 2014-2015 annual report from Ceradyne via USPS mail on November 18, 2015.

LEGAL AUTHORITY

13. 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.

PROPOSED MANDATORY MINIMUM PENALTIES AND ASSESSMENT OF COSTS

14. Pursuant to Water Code section 13399.33(c), the Regional Board shall administratively impose a penalty in an amount that is not less than one thousand dollars ($1,000) for the violation cited above. The Regional Board shall impose this mandatory minimum penalty unless it makes express findings setting forth the reasons for its failure to do so, based on the specific factors required to be considered pursuant to 13399.33(a)(2).

15. Based on the non-submittal of the 2014-2015 annual report by August 14, 2015, Ceradyne is alleged to have violated the General Permit for 97 days (from August 14, 2015 to November 18, 2015, the 2014-2015 annual report receipt date).

16. Water Code section 13399.33(d) allows for the recovery of costs incurred by the Regional Board for enforcement actions against dischargers who fail to submit the required annual report. Staff spent approximately five (5) hours for this enforcement action resulting in total Staff costs of $1,750 (5 hrs @ $150/hr= $750). The total liability, including staff costs, is $1,750 ($1,000 mandatory penalty+$750 in staff costs).

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

WAIVER OF HEARING

Ceradyne may waive its right to a hearing. If Ceradyne chooses to do so, please sign the enclosed Waiver Form and return it, together with a check for **$1,750. Indicate "R8-2016-0009" on the check and make it** payable to the Waste Discharge Permit Fund. Send the check to the following address:

State Water Resources Control Board
Division of Administrative Services
Accounting Branch
P.O. Box 1888

Sacramento, CA 95814

The waiver and a copy of the check shall also be mailed to the Regional Board at the following address:

Santa Ana Regional Water Quality Control Board
3737 Main Street, Suite 500
Riverside, CA 92501-3348
Attention: Michelle Beckwith

If Ceradyne waives its right to a hearing and pays the assessed amount, the Regional Board may not hold a hearing regarding this Complaint.

If you have any questions, please contact Michelle Beckwith at (951) 782-4433. For legal questions, contact David Boyers, Office of Enforcement, at (916) 341-5276.

1/25/16
Date

Hope A. Smythe
Hope A. Smythe
Division Chief
Regional Board Prosecution Team

California Regional Water Quality Control Board
Santa Ana Region

HEARING PROCEDURE
FOR MANDATORY MINIMUM PENALTY COMPLAINT
NO. R8-2016-0009
ISSUED TO
Ceradyne Inc
3169 Red Hill Avenue
Costa Mesa, CA 92626
Orange County

SCHEDULED FOR APRIL 22, 2016

PLEASE READ THIS HEARING PROCEDURE CAREFULLY. FAILURE TO COMPLY WITH THE DEADLINES AND OTHER REQUIREMENTS CONTAINED HEREIN MAY RESULT IN THE EXCLUSION OF YOUR DOCUMENTS AND/OR TESTIMONY.

Background

On January 25, 2016, the Division Chief, acting as head of the Santa Ana Regional Water Quality Control Board (Regional Board) Prosecution Team, issued a Mandatory Minimum Penalty Complaint (Complaint) pursuant to California Water Code (Water Code) Section 13323 against Ceradyne Inc (Ceradyne) alleging that it has violated the State's General Permit for Storm Water Discharges Associated with Industrial Activities, Order No. 97-03-DWQ, NPDES No. CAS000001 (General Permit) by failing to submit the 2014-2015 annual report by August 14, 2015.

The Complaint proposes that the Regional Board impose a mandatory minimum penalty and staff costs in the amount of **one thousand seven hundred fifty dollars ($1,750)** pursuant to Water Code Section 13399.33. Unless Ceradyne pays the proposed liability, a hearing will be held before the Regional Board during its **April 22, 2016** meeting.

Purpose of Hearing

The purpose of the hearing is to consider relevant evidence and testimony regarding the Complaint and any proposed Order. At the hearing, the Regional Board will consider whether to issue an administrative civil liability order assessing the proposed liability, or a higher or lower amount, or reject the proposed liability.

The public hearing will be held on **April 22, 2016**, and will commence no earlier than 9:00 a.m. or as soon thereafter as practical, or as announced in the Regional Board meeting agenda. The meeting will be held at the Orange County Sanitation District, 10844 Ellis Avenue in the city of Fountain Valley.

Any proposed Order and an agenda for the meeting will be issued at least ten days before the meeting and posted on the Regional Board's web page at:

http://www.waterboards.ca.gov/santaana/board_info/agendas/

Hearing Procedure

The hearing will be conducted in accordance with this Hearing Procedure, which has been approved by the Board Chair for the adjudication of such matters. The procedures governing adjudicatory hearings before the Regional Board may be found at California Code of Regulations, title 23, section 648 et seq., and are available at:

http://www.waterboards.ca.gov

Copies will be provided upon request. In accordance with Section 648(d), any procedure not provided by this Hearing Procedure is deemed waived. Except as provided in Section 648(b) and herein, Chapter 5 of the Administrative Procedures Act (Gov. Code, § 11500 et seq.) does not apply to this hearing.

Ceradyne shall attempt to resolve objections to this Hearing Procedure with the Prosecution Team BEFORE submitting objections to the Advisory Team.

Separation of Prosecutorial and Advisory Functions

To help ensure the fairness and impartiality of this proceeding, the functions of those who will act in a prosecutorial role by presenting evidence for consideration by the Board (the Prosecution Team) have been separated from those who will provide legal and technical advice to the Board (the Advisory Team). Members of the Advisory Team are: Kurt Berchtold, Executive Officer and David Rice, Staff Counsel. Members of the Prosecution Team are: Hope Smythe, Division Chief; Michelle Beckwith, Senior Environmental Scientist, and David Boyers, Office of Enforcement.

Any members of the Advisory Team who normally supervise any members of the Prosecution Team are not acting as their supervisors in this proceeding, and vice versa. Other members of the Prosecution Team act or have acted as advisors to the Regional Board in other, unrelated matters, but they are not advising the Regional Board in this proceeding. Members of the Prosecution Team have not had any ex parte communications with the members of the Regional Board or the Advisory Team regarding this proceeding.

Hearing Participants

Participants in this proceeding are designated as either "Designated Parties" or "Interested Persons." Designated Parties may present evidence and cross-examine witnesses and are subject to cross-examination. Interested Persons may present non-evidentiary policy statements, but may not cross-examine witnesses and are not subject to cross-examination. Interested Persons generally may not present evidence (e.g., photographs, eye-witness testimony, monitoring data). At the hearing, both Designated Parties and

Interested Persons may be asked to respond to clarifying questions from the Regional Board, staff, or others, at the discretion of the Board Chair.

The following participants are hereby designated as Designated Parties in this proceeding:

1. Regional Board Prosecution Team
2. Ceradyne

Requesting Designated Party Status

Persons who wish to participate in the hearing as a Designated Party must request designated party status by submitting a request in writing so that it is received no later than the deadline listed under "Important Deadlines" below. The request shall include an explanation of the basis for status as a Designated Party (i.e., how the issues to be addressed at the hearing affect the person, the need to present evidence or cross-examine witnesses), along with a statement explaining why the parties listed above do not adequately represent the person's interest. Any objections to these requests for designated party status must be submitted so that they are received no later than the deadline listed under "Important Deadlines" below.

Primary Contacts

Advisory Team:

David Rice, Staff Counsel
State Water Resources Control Board
P.O. Box 100, Sacramento, CA 95812
Phone: (916) 341-5182
David.Rice@waterboards.ca.gov

Prosecution Team:

Michelle Beckwith, Senior Environmental Scientist
Regional Water Quality Control Board – Santa Ana Region
3737 Main Street, Suite 500, Riverside, CA 92501
Phone: (951) 782-4433
Michelle.Beckwith@waterboards.ca.gov

Discharger:

Fernando Hernadez
Ceradyne Inc
3169 Red Hill Avenue
Costa Mesa, CA 92626
fhernandez3@mmm.com

Ex Parte Communications

Designated Parties and Interested Persons are forbidden from engaging in ex parte communications regarding this matter. An ex parte communication is a written or verbal

communication related to the investigation, preparation, or prosecution of the Complaint between a Designated Party or an Interested Person and a Board Member or a member of the Board's Advisory Team (*see* Gov. Code, § 11430.10 et seq.). However, if the communication is copied to all other persons (if written) or is made in a manner open to all other persons (if verbal), then the communication is not considered an ex parte communication. Communications regarding non-controversial procedural matters are also not considered ex parte communications and are not restricted.

Hearing Time Limits

To ensure that all participants have an opportunity to participate in the hearing, the following time limits shall apply: each Designated Party shall have a combined **20** minutes to present evidence (including evidence presented by witnesses called by the Designated Party), to cross-examine witnesses (if warranted), and to provide a closing statement. Each Interested Person shall have 3 minutes to present a non-evidentiary policy statement. Participants with similar interests or comments are requested to make joint presentations, and participants are requested to avoid redundant comments. Participants who would like additional time must submit their request to the Advisory Team so that it is received no later than the deadline listed under "Important Deadlines" below. Additional time may be provided at the discretion of the Advisory Team (prior to the hearing) or the Board Chair (at the hearing) upon a showing that additional time is necessary. Such showing shall explain what testimony, comments, or legal argument requires extra time, and why it could not have been provided in writing by the applicable deadline.

A timer will be used, but will not run during Board questions or the responses to such questions, or during discussions of procedural issues.

Submission of Evidence and Policy Statements

The Prosecution Team and all other Designated Parties (including Ceradyne) must submit the following information in advance of the hearing:

1. All documentary evidence and exhibits to be offered at the hearing.
2. All legal and technical arguments or analysis.
3. The name of each witness, if any, whom the Designated Party intends to call at the hearing, the subject of each witness' proposed testimony, and the estimated time required by each witness to present direct testimony. Alternatively, the testimony of any witness may be presented by declaration, so long as that witness will be available for cross-examination at the hearing.
4. The qualifications of each expert witness, if any.

Prosecution Team: The Prosecution Team's information must include the legal and factual basis for its claims against Ceradyne; a list of all evidence on which the Prosecution Team relies, which must include, at a minimum, all documents cited in the Complaint, Staff Report, or other material submitted by the Prosecution Team; and the witness information required under items 3-4 for all witnesses, including Board staff.

Designated Parties (including Ceradyne): All Designated Parties shall submit comments regarding the Complaint along with any additional supporting evidence not cited by the Regional Board's Prosecution Team no later than the deadline listed under "Important Deadlines" below.

Rebuttal: Any Designated Party that would like to submit evidence, legal analysis, or policy statements to rebut information previously submitted by other Designated Parties shall submit this rebuttal information so that it is received no later than the deadline listed under "Important Deadlines" below. "Rebuttal" means evidence, analysis or comments offered to disprove or contradict other submissions. Rebuttal shall be limited to the scope of the materials previously submitted. Rebuttal information that is not responsive to information previously submitted may be excluded.

Copies: For each evidentiary deadline, each Designated Party shall send one electronic copy of the above materials to each of the other Designated Parties at the address or addresses provided above by 5:00 p.m. on the deadline described above.

Interested Persons: Interested Persons who would like to submit written non-evidentiary policy statements are encouraged to submit them to the Advisory Team as early as possible, but they must be received by the deadline listed under "Important Deadlines" to be included in the Board's agenda package. Interested Persons do not need to submit written comments in order to speak at the hearing.

Prohibition on Surprise Evidence: In accordance with California Code of Regulations, title 23, section 648.4, the Regional Board endeavors to avoid surprise testimony or evidence. Absent a showing of good cause and lack of prejudice to the parties, the Board Chair may exclude evidence and testimony that is not submitted in accordance with this Hearing Procedure. Excluded evidence and testimony will *not* be considered by the Regional Board and will not be included in the administrative record for this proceeding.

Presentations: Power Point and other visual presentations may be used at the hearing, but their content shall not exceed the scope of other submitted written material. These presentations must be provided to the Advisory Team at or before the hearing both in hard copy and in electronic format so that they may be included in the administrative record.

Witnesses: All witnesses who have submitted written testimony shall appear at the hearing to affirm that the testimony is true and correct, and shall be available for cross-examination.

Questions

Questions concerning this proceeding may be addressed to the Advisory Team attorney (contact information above).

IMPORTANT DEADLINES

All required submissions must be received by 5:00 p.m. on the respective due date.

January 25, 2016	▪ Prosecution Team issues Complaint and Hearing Procedure on Ceradyne and other parties.
February 23, 2016	▪ Ceradyne's deadline to submit 90-Day Hearing Waiver Form and payment ▪ Objections due on Hearing Procedure. Electronic *or* Hard Copies to: All other Designated Parties, All known Interested Persons, Prosecution Team Attorney, Advisory Team Attorney Electronic *and* Hard Copies to: Prosecution Team Primary Contact, Advisory Team Primary Contact
March 4, 2016	▪ Prosecution Team's deadline for submission of information required under

	"Submission of Evidence and Policy Statements," above. Electronic *or* Hard Copies to: All other Designated Parties, All known Interested Persons Electronic *and* Hard Copies to: Advisory Team Primary Contact, Advisory Team Attorney
March 7, 2016	▪ Deadline to request "Designated Party" status. Electronic *or* Hard Copies to: All other Designated Parties, All known Interested Persons, Prosecution Team Attorney, Advisory Team Attorney Electronic *and* Hard Copies to: Prosecution Team Primary Contact, Advisory Team Primary Contact
March 9, 2016 *	▪ Deadline to submit opposition to requests for Designated Party status. Electronic *or* Hard Copies to: All other Designated Parties, All known Interested Persons, Prosecution Team Attorney, Advisory Team Attorney Electronic *and* Hard Copies to: Prosecution Team Primary Contact, Advisory Team Primary Contact
March 17, 2016	▪ Advisory Team issues decision on Hearing Procedure objections. ▪ Advisory Team issues decision on requests for designated party status.
March 25, 2016*	▪ Remaining Designated Parties' (including Ceradyne's) deadline to submit all information required under "Submission of Evidence and Policy Statements" above. This includes all written comments regarding the Order, and any rebuttal evidence, any rebuttal to legal arguments and/or policy statements, and all evidentiary objections. ▪ Interested Persons' comments are due. Electronic *or* Hard Copies to: All other Designated Parties, All known Interested Persons, Prosecution Team Attorney, Advisory Team Attorney Electronic *and* Hard Copies to: Prosecution Team Primary Contact, Advisory Team Primary Contact
April 4, 2016*	▪ Prosecution Team's deadline to submit any rebuttal evidence, any rebuttal to legal arguments and/or policy statements, and all evidentiary objections. ▪ Deadline to submit requests for additional time. ▪ If rebuttal evidence is submitted, all requests for additional time (to respond to the rebuttal at the hearing) must be made within 3 working days of *this* deadline. Electronic *or* Hard Copies to: All other Designated Parties, All known Interested Persons, Prosecution Team Attorney, Advisory Team Attorney Electronic *and* Hard Copies to: Prosecution Team Primary Contact, Advisory Team Primary Contact
April 13, 2016*,†	▪ Prosecution Team submits Hearing binder on the parties and Board. Electronic *or* Hard Copies to: All other Designated Parties, All known Interested Persons Electronic *and* Hard Copies to: Advisory Team Primary Contact, Advisory Team Attorney
April 22, 2016*	Hearing

** Ceradyne has the right to a hearing before the Board within 90 days of receiving the Complaint, but this right can be waived (to facilitate settlement discussions, for example). By submitting the waiver form, Ceradyne is not waiving the right to a hearing; unless a settlement is reached, the Board will hold a hearing prior to imposing civil liability. However, if the Board accepts the waiver, all deadlines marked with an "*" will be revised if a settlement cannot be reached.*

† This deadline is set based on the date that the Board compiles the Board Members' agenda packages. Any material received after this deadline will not be included in the Board Members' agenda packages.

WAIVER FORM
FOR MANDATORY MINIMUM PENALTY COMPLAINT NO. R8-2016-0009

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

I am duly authorized to represent Ceradyne Inc (Ceradyne) in connection with Mandatory Minimum Penalty Complaint No. R8-2016-0009 (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 Ceradyne waives the hearing requirement and will pay the liability in full.)***

a. I hereby waive any right Ceradyne may have to a hearing before the Regional Board.

b. I certify that Ceradyne 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. R8-2016-0009." 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 Ceradyne 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.

☐ ***(OPTION 2: Check here if Ceradyne 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 Ceradyne may have to a hearing before the Regional Board within 90 days after service of the Complaint. By checking this box, Ceradyne requests that the Regional Board delay the hearing and/or hearing deadlines so that Ceradyne may have additional time to prepare for the hearing. It remains within the discretion of the Regional Board to approve the extension.

_____
(Print Name and Title)

_____
(Signature)

_____
(Date)

CALIFORNIA
Water Boards

EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIQUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Santa Ana Regional Water Quality Control Board

September 3, 2015

Ceradyne Inc
3169 Redhill Ave
Costa Mesa, California 92626

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

NOTICE OF NON-COMPLIANCE: 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) WDID NO. 8 30I020741

Dear Fernando G Hernandez:

Your facility located at 1922 Barranca Pkwy, in the city of Irvine, is regulated under the General Permit and is identified by WDID No **8 30I020741**. Section B.16 of the General Permit requires you to submit an annual report by July 1 of each year. Due to a technical issue that has affected the bandwidth of the Storm Water Multiple Application and Report Tracking System (SMARTS) and has restricted access to the database, the July 1, 2015 deadline for submittals under the now expired General Permit 97-03-DWQ was extended to Friday, August 14, 2015. According to our records, we have not received your annual report by the August 14, 2015 deadline.

Currently you are in violation of the General Permit, the California Water Code and the federal Clean Water Act for failure to submit a complete 2014 - 2015 annual report. We request that you submit a complete 2014 - 2015 annual report to this office no later than October 2, 2015. A blank copy of the report form can be downloaded at http://www.waterboards.ca.gov/water_issues/programs/stormwater/annualreport.shtml. If you have recertified your facility's WDID via SMARTS (Storm Water Multiple Application and Report Tracking System), you can also submit your annual report electronically.

You must also provide a statement explaining why the annual report was not submitted by the deadline and the measures you have taken to insure 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 mandatory minimum penalty of $1,000 to those permittees that do not submit their annual reports after notification.

If you need assistance in completing the annual report or if you have any questions, please contact Barbara Barry by phone at (951) 248-0375 or by e-mail at Barbara.Barry@waterboards.ca.gov.

Sincerely,

Hope A. Smythe

Hope A. Smythe
Division Chief

CALIFORNIA
Water Boards

EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIQUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Santa Ana Regional Water Quality Control Board

October 5, 2015

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Ceradyne Inc
3169 Redhill Ave
Costa Mesa, California 92626

NOTICE OF NON-COMPLIANCE: 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) WDID NO. 8 30I020741

SECOND NOTICE

Dear Fernando G Hernandez:

Your facility located at 1922 Barranca Pkwy, in the city of Irvine, is regulated under the General Permit and is identified by WDID No. **8 30I020741**. Section B.16 of the General Permit requires you to submit an annual report by July 1 of each year. Due to a technical issue that has affected the bandwidth of the Storm Water Multiple Application and Report Tracking System (SMARTS) and has restricted access to the database, the July 1, 2015 deadline for submittals under the now expired General Permit 97-03-DWQ was extended to Friday, August 14, 2015.

Currently you are in violation of the General Permit, the California Water Code and the federal Clean Water Act for failure to submit a complete 2014 - 2015 annual report. We request that you submit a complete 2014 - 2015 annual report to this office no later than **October 30, 2015**. A blank copy of the report form can be downloaded at http://www.waterboards.ca.gov/water_issues/programs/stormwater/annualreport.shtml. If you have recertified your facility's WDID via SMARTS (Storm Water Multiple Application and Report Tracking System), you can also submit your annual report electronically.

This is your second notice. The first notice was dated and sent on 9/3/2015. To date, we have not received a response to that notice. Please note that Section 13399.31 of the California Water Code stipulates failure to submit the requested information by the October 30 due date will result in a mandatory minimum fine of $1,000 to those permittees that do not submit their annual reports within 60 days of notification. Further enforcement action, including civil monetary penalties of up to $10,000 for each day of violation, may result.

If you need assistance in completing the annual report or if you have any questions, please contact Barbara Barry by phone at (951) 248-0375 or by e-mail at Barbara.Barry@waterboards.ca.gov.

Sincerely,

Hope A. Smythe

Hope A. Smythe
Division Chief

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PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions