
San Francisco Bay Regional Water Quality Control Board

December 14, 2017
SMARTS WDID 2 43I024224 (MPM)

*Certified Mail No. 7015 0640 0001 7130 1749
Return Receipt Requested*

Munoz Granite
Attn: Isaias Munoz
1260 Yard Ct Suite E
San Jose, CA 95133

Also sent via email: munoztile@aol.com

Subject: Administrative Civil Liability Complaint R2-2017-1039 against Isaias Munoz, Santa Clara County

Dear Mr. Munoz:

This letter is transmitted to you in English and the content has been translated into Spanish as a courtesy (attached). Enclosed with this letter are a complaint against you for a monetary penalty of \$14,000 and associated documents. This letter summarizes the complaint and the enforcement process, and explains your options to respond. This letter does not convey all the information you need to review. You should also read each of the enclosed documents carefully. You may wish to seek professional services (e.g., legal, language translation, and technical services), if and as needed, to understand these enclosed documents and respond to this complaint.

Penalty Complaint

Prosecution staff at the Regional Water Board (i.e., Prosecution Team) is issuing administrative civil liability complaint R2-2017-1039 (Complaint) against you for failing to recertify Munoz Granite's coverage under the industrial stormwater general permit¹ by August 14, 2015. The enclosed Complaint presents findings to support the alleged violation and the basis for a \$14,000 penalty pursuant to California Water Code sections 13399.30 and 13399.33.

Options for Responding to Complaint

You have the right to a hearing before the Regional Water Board within 90 days of Complaint issuance pursuant to California Water Code section 13323(c). You can (1) appear before the Regional Water Board at a public hearing to contest this matter at the scheduled date, or (2) submit a request to waive the 90-day hearing requirement and either pay the penalty as proposed or request additional time and postpone the hearing. These options are discussed further below.

¹ National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Industrial Activities Order NPDES No. CAS000001

1. To Contest this Matter at Scheduled Hearing

If you want to contest this matter before the Regional Water Board, a hearing has been scheduled at the following meeting.

Date/Time: March 14, 2018, commencing at 9:00 a.m.
Place: First Floor Auditorium, Elihu Harris State Building
1515 Clay Street, Oakland

Enclosed with this transmittal letter is the public notice of the administrative civil liability hearing scheduled for this matter. At this public meeting, the Regional Water Board will consider whether to impose administrative civil liability (as proposed in the Complaint or for a different amount), decline the administrative civil liability, or refer the matter to the Attorney General for judicial enforcement. In determining the amount of a penalty, the Regional Water Board will consider the mandatory penalty and recovery of staff costs prescribed in Water Code sections 13399.33(a)(1) and (d), and the factors specified in California Water Code section 13399.33(a)(2).

2. To Pay Proposed Penalty or Request More Time and Postpone Hearing

The enclosed Waiver Form must be submitted **no later than 5:00 p.m. on January 12, 2018**, to pursue one of these options. The Waiver must be signed, dated, and received by Tamarin Austin (Tamarin.Austin@waterboards.ca.gov) of the Regional Water Board Advisory Team with a copy to the Prosecution Team contact listed below. **The Regional Water Board Advisory Team will decide whether to either accept or deny any waiver request.**

Hearing Process and Procedure

Enclosed is a fact sheet with more information about the Regional Water Board's administrative civil liability process. For more specific information about the hearing scheduled for this matter, refer to the enclosed Hearing Procedure for Administrative Complaint R2-2017-1039. This hearing procedure contains critical information if you wish to contest this matter at the scheduled hearing. For example, it lists the parties involved, explains the procedures that will be followed during the meeting, and identifies important deadlines leading up to the hearing that include opportunities to object to the hearing procedure, to submit comments or evidence, and to rebut evidence submitted by the Prosecution Team.

If you wish to communicate directly with the Prosecution Team regarding this Complaint, contact Margaret Monahan at (510) 622-2377 or Margaret.Monahan@waterboards.ca.gov. Please refer to the letterhead for our mailing address and fax number.

Sincerely,



Thomas Mumley
Assistant Executive Officer

Mr. Isaias Munoz
Munoz Granite
Transmittal ACL Complaint No. R2-2017-1039

Enclosures: ACL Complaint No. R2-2017-1039
 Public Notice
 Waiver Form for ACL Complaint No. R2-2017-1039
 Administrative Civil Liability Fact Sheet
 Hearing Procedure for ACL Complaint No. R2-2017-1039

Copy to: Regional Water Board Lyris Enforcement email list
 Regional Water Board Advisory and Prosecution Teams