



EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

California Regional Water Quality Control Board, San Diego Region

May 2, 2013

Certified Mail – Return Receipt Requested
7011 0470 0002 8961 7579

Mr. Cal Johnson
American Recycling
4070 Home Avenue
San Diego, CA 92105

In reply refer to / attn:
414999 wghoram

ORDER NO. R9-2013-0021, ENDORSEMENT OF PARTICIPATION IN THE SAN DIEGO WATER BOARD'S EXPEDITED PAYMENT PROGRAM, AMERICAN RECYCLING

Mr. Johnson,

This Order endorses American Recycling's participation in the California Regional Water Quality Control Board's (San Diego Water Board) Expedited Payment Program for a reporting violation of Order No. 97-03-DWQ, NPDES NO. CAS000001, *State Water Resources Control Board General Permit For Storm Water Discharges Associated With Industrial Activities*. No comments were received by the San Diego Water Board regarding the proposed resolution of the violation. A copy of the endorsed Acceptance and Waiver is attached for your records.

Your payment of one thousand five hundred dollars (\$1,500), which was received on March 18, 2013, finalizes the agreement to participate in the Expedited Payment Program. No further action by American Recycling is required.

In the subject line of any response, please include the reference number 414999:wghoram. For questions or comments, please contact Ms Whitney Ghoram by phone at 858-467-2967, or by email at wghoram@waterboards.ca.gov.

Respectfully,

DAVID W. GIBSON
Executive Officer

DWG cmc esb wjg

Enclosure Executed Acceptance and Waiver

cc (via email)

Ken Greenberg, U S EPA, greenberg_ken@epamail.epa.gov
Catherine Hagan, State Water Board, Office of Chief Counsel, chagan@waterboards.ca.gov
Laura Drabandt, State Water Board, Office of Enforcement, ldrabandt@waterboards.ca.gov
Greg Gearheart, SWRCB, DWQ, ggearheart@waterboards.ca.gov
David Barker, Surface Water Basins Branch, dbarker@waterboards.ca.gov
Danny Martinez, County of San Diego, Hazardous Materials Division, danny.martinez@sdcounty.ca.gov

Tech Staff Info & Use	
Order No	R9-2013-0021
SMARTS Applic ID	414999
WDID	9 371023148
NPDES No	CAS000001
Violation ID	849252
Enforcement ID	411343



California Regional Water Quality Control Board, San Diego Region

ATTACHMENT 1

**ACCEPTANCE OF CONDITIONAL RESOLUTION
AND WAIVER OF RIGHT TO HEARING; (Proposed) ORDER**

Cal Johnson
American Recycling
4070 Home Ave
San Diego, CA 92105

By signing below and returning this Acceptance of Conditional Resolution and Waiver of Right to Hearing (Acceptance and Waiver) to the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board), **American Recycling** hereby accepts the "Offer to Participate in the San Diego Water Board's Expedited Payment Program for Non-Filing Violations" (Conditional Offer) and waives the right to a hearing before the San Diego Water Board to dispute the allegations of violations described in the Notices of Noncompliance attached hereto as Attachments 2 and 3 and incorporated herein by reference

American Recycling agrees that the Notices of Noncompliance attached hereto shall serve as a complaint pursuant to Article 2.5 of the Water Code and that no separate complaint is required for the San Diego Water Board to assert jurisdiction over the alleged violations through its Executive Officer. **American Recycling** agrees to perform the following

1. Submit all requested technical reports to the San Diego Water Board to

California Regional Water Quality Control Board, San Diego Region
9174 Sky Park Court, Suite 100
San Diego, CA 92123
Attention: **Application ID: 414999 wghoram**

2. Pay administrative civil liability authorized by Water Code section 13399.30, in the sum of **ONE THOUSAND FIVE HUNDRED DOLLARS (\$1,500)** (Expedited Payment Amount) by cashier's check or by certified check made payable to the State Water Resources Control Board (State Water Board) for deposit in the Waste Discharge Permit Fund, which shall be deemed payment in full for the violation described in the Notices of Noncompliance attached hereto as Attachments 2 and 3

American Recycling understands that this Acceptance and Waiver waives its right to contest the allegations in the Notices of Noncompliance attached hereto as Attachments 2 and 3, and

the administrative civil liability amount for such violations

American Recycling understands that the failure to submit the requested technical reports, as identified and described above, shall result in the San Diego Water Board enforcement staff withdrawing its Conditional Offer and waiver pursuant to this Acceptance and Waiver

American Recycling will be advised of the withdrawals. Enforcement staff may issue an administrative civil liability complaint, and the matter may be set for a hearing before the San Diego Water Board or the State Water Board. **American Recycling** also understands that this Acceptance and Waiver does not address or resolve liability for any violation that is not specifically identified in the Notices of Noncompliance attached hereto as Attachments 2 and 3

Upon execution by **American Recycling**, return the Acceptance and Waiver to

California Regional Water Quality Control Board, San Diego Region
9174 Sky Park Court, Suite 100
San Diego, CA 92123
Attention **Application ID: 414999 wghoram**

American Recycling understands that federal regulations set forth at title 40, Code of Federal Regulations, section 123.27(d)(2)(iii) require the San Diego Water Board to publish notice of, and provide at least thirty (30) days for public comment on, any proposed resolution of an enforcement action. Accordingly, this Acceptance and Waiver, prior to being formally executed by the Executive Officer of the San Diego Water Board, will be published as required by law for public comment

If no comments are received within the notice period that cause the Executive Officer of the San Diego Water Board to reconsider the Expedited Payment Amount, the Executive Officer will formally endorse this Acceptance and Waiver. Resolution of these violations will preclude formal enforcement action by the San Diego Water Board for the non-filing violation alleged in the Notices of Noncompliance attached as Attachments 2 and 3

American Recycling understands that if significant comments are received in opposition to the Expedited Payment Amount, the offer on behalf of the San Diego Water Board enforcement staff to resolve the violation set forth in the Notices of Noncompliance attached hereto as Attachments 2 and 3 may be withdrawn. If the San Diego Water Board offer is withdrawn, **American Recycling** will be advised of that withdrawal, and **American Recycling's** waiver pursuant to the Acceptance and Waiver will also be treated as withdrawn, and the unresolved violation(s) will be addressed in a formal enforcement action. An administrative civil liability complaint may be issued and the matter may be set for a hearing before the San Diego Water Board or the State Water Board. For such a liability hearing, **American Recycling** understands that this Acceptance and Waiver endorsed by **American Recycling** shall be treated as a settlement communication and shall not be used as evidence in that hearing

SAN DIEGO REGIONAL
WATER QUALITY
CONTROL BOARD

Cal Johnson
American Recycling

2013 MAR 18 AM 8 13

Attachment 1
Acceptance and Waiver

American Recycling understands that once this Acceptance and Waiver is formally executed by the Executive Officer of the San Diego Water Board, the full payment required by the deadline set forth below is a condition of this Acceptance and Waiver. **American Recycling** agrees to pay \$1,000 in liability under Water Code section 13399.33(c), and \$500 in staff costs pursuant to section 13399.33(d). **American Recycling** shall pay the Expedited Payment Amount of **ONE THOUSAND FIVE HUNDRED DOLLARS (\$1,500)** by a cashier's check or certified check for the full amount made payable to the "State Water Resources Control Board" for deposit into the Waste Discharge Permit Fund. **American Recycling** shall submit the payment to the San Diego Water Board no later than ten (10) calendar days after the date **American Recycling** receives written notice that the Executive Officer of the San Diego Water Board has formally endorsed this Acceptance and Waiver.

I hereby affirm that I am duly authorized to act on behalf of and to bind **American Recycling** in the making and giving of this Acceptance and Waiver.

American Recycling

(Company)

By [Signature]
(Signed Name)

Jayson Johnson

(Printed or typed name)

General Manager

(Title)

IT IS SO ORDERED PURSUANT TO CALIFORNIA WATER CODE SECTION 13399.30

Date 3-13-13

By [Signature]

DAVID W. GIBSON

Executive Officer

1 May 2013

Date

AMERICAN RECYCLING
4070 HOME AVENUE
SAN DIEGO, CA 92105-5612

5488

16-24/1220 6592
5103318282

Date 3-13-13

Pay to the Order of State Water Resources Control Board \$ 1,500.00
One thousand Five hundred and $\frac{00}{100}$ Dollars

 Wells Fargo Bank, N.A.
California
wellsfargo.com

FOR Application ID 414999


by C. John MP