



Linda S. Adams
Acting Secretary for
Environmental Protection

Compliance
California Regional Water Quality Control Board
San Diego Region



Edmund G. Brown, Jr.
Governor

Over 50 Years Serving San Diego, Orange, and Riverside Counties
Recipient of the 2004 Environmental Award for Outstanding Achievement from USEPA

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**SAN DIEGO REGIONAL
WATER QUALITY
CONTROL BOARD**

2011 MAY 12 P 12: 14

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

Mr. Cal Johnson
American Recycling
4070 Home Avenue
San Diego, CA 92105
WDID No. 9 37NI600529

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 (NONs) attached hereto as Exhibits A and B and incorporated herein by reference.

American Recycling agrees that the NONs attached hereto shall serve as a complaint pursuant to Article 2.5 of the California 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 a Notice of Intent with the applicable filing fee for coverage under the General Permit for Stormwater Discharges Associated with Industrial Activities (Industrial Storm Water Permit) on or before **May 18, 2011** to:

State Water Resources Control Board
Division of Water Quality
Attn: Storm Water Section
P.O. Box 1977
Sacramento, CA 95812-1977

2. Pay administrative civil liability authorized by California Water Code section 13399.30, in the sum of FIVE THOUSAND DOLLARS (\$5,000) (Expedited Payment Amount) by cashier's check or by certified check made payable to the State Water Resources Control Board, which shall be deemed payment in full of any administrative civil liability the violation described in the NON attached hereto as Exhibits A and B.

California Environmental Protection Agency

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American Recycling understands that this Acceptance and Waiver waives its right to contest the allegations in the NONs attached hereto as Exhibits A and B and the administrative civil liability amount for such violations.

American Recycling understands that the failure to submit a Notice of Intent, as identified and described above, shall cause the San Diego Water Board enforcement staff's Conditional Offer and American Recycling's waiver pursuant to this Acceptance and Waiver to be withdrawn. After the San Diego Water Board enforcement staff's Conditional Offer and American Recycling's waiver are deemed withdrawn, American Recycling will be advised of the withdrawals, 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.

American Recycling understands that this Acceptance and Wavier does not address or resolve liability for any violation that is not specifically identified in the NONs attached hereto as Exhibits A and B.

Upon execution by American Recycling, the Acceptance and Wavier shall be returned to:

California Regional Water Quality Control Board, San Diego Region
9174 Sky Park Court, Suite 100
San Diego, CA 92123
Attention: Application ID 409142;rstewart

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 Wavier, 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 NONs attached as Exhibits A and B.

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 NONs attached hereto as Exhibits A and B 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

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pursuant to the Acceptance and Wavier will also be treated as withdrawn. After the San Diego Water Board enforcement staff's offer and American Recycling's waiver are deemed withdrawn, 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.

American Recycling understands that once this Acceptance and Wavier 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 Wavier. American Recycling shall pay the Expedited Payment Amount of FIVE THOUSAND DOLLARS (\$5,000) by a cashier's check or certified check for the full amount made payable to the "State Water Resources Control Board". 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: Cal Johnson
(Signed Name)

5-11-11
(Date)

Cal Johnson
(Printed or typed name)

Owner
(Title)

IT IS SO ORDERED PURSUANT TO CALIFORNIA WATER CODE SECTION 13399.30.

Date: _____

Mr. Cal Johnson
American Recycling

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By: PROPOSED

David W. Gibson
Executive Officer
California Regional Water Quality Control Board, San Diego Region