California Regional Water Quality Control Board
Santa Ana Region

September 11, 2020

ITEM: 8

SUBJECT: Hearing on Mandatory Minimum Penalty Complaint R8-2020-0016, Design Form, Inc, Stanton, Orange County

INTRODUCTION

The matter before the California Regional Water Quality Control Board, Santa Ana Region (Santa Ana Water Board) is Mandatory Minimum Penalty (MMP) Complaint R8-2020-0016. The Santa Ana Water Board is holding a hearing on the complaint to receive evidence, hear argument and public comments, and consider whether to impose the proposed $7,840 penalty against Design Form, Inc.

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 Santa Ana Water 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 Hope Smythe, Executive Officer, and Teresita Sablan, Attorney III, Office of Chief Counsel. Members of the Prosecution Team are Jayne Joy, Assistant Executive Officer, Michelle Beckwith, Senior Environmental Scientist, Kaitlin Diaz, Environmental Scientist, and Catherine Hawe, Attorney, Office of Enforcement.

BACKGROUND

On February 10, 2020, the Assistant Executive Officer issued MMP Complaint R8-2020-0016 to Design Form, Inc (Discharger) for alleged violations of the NPDES General Permit for Storm Water Discharges Associated with Industrial Activities, Order 2014-0057-DWQ (General Permit) for the facility located at 8250 Electric Avenue in the city of Stanton. Pursuant to Water Code section 13399.33(a)(1), the Assistant Executive Officer proposes an assessment of $5,000 for the alleged violation. Further, the Assistant Executive Officer proposes that $2,840 be assessed to recover staff costs as required by section 13399.33(d) of the California Water Code.

The General Permit regulates the discharge of storm water associated with industrial activities and the discharge of authorized non-storm water from specific categories of industrial facilities. The complaint alleges that the Discharger operates a sheet metal fabrication business, which is classified under Standard Industrial Code (SIC) 3444 and

requires permit coverage under the General Permit. Complaint R8-2020-0016 seeks to impose the MMP for the Discharger's alleged failure to obtain appropriate regulatory coverage.

As stated in the complaint, Santa Ana Water Board staff issued a Notice of Non-Compliance (NNC) to the Discharger for failure to obtain coverage under the General Permit on February 6, 2019. Santa Ana Water Board staff issued a second NNC on March 7, 2019. The second NNC was returned undelivered due to clerical error, so Santa Ana Water Board staff re-issued the second NNC on March 13, 2019.

On September 4, 2019, Santa Ana Water Board staff inspected the Discharger's facility and requested access to the property to confirm facility conditions; Santa Ana Water Board staff were denied entry. On October 28, 2019, Santa Ana Water Board staff conducted a second inspection at the facility and requested consent to enter the facility to conduct an inspection but again were denied entry.

In addition to the NNCs and inspection attempts, Santa Ana Water Board staff communicated directly with the Discharger to provide information about the General Permit and the alleged violation through a series of four written and verbal communications between February 2019 and October 2019.

On February 10, 2020, the Santa Ana Water Board's Assistant Executive Officer issued MMP Complaint No. R8-2020-0016 to the Discharger for failing to obtain coverage under the General Permit. The complaint proposes the imposition of $7,840 in mandatory minimum penalties pursuant to California Water Code (Water Code) sections 13399.33(a)(1) and (d) for failing to submit the required Notice of Intent to obtain coverage under the General Permit. The proposed liability amount was calculated pursuant to Water Code section 13399.33(a)(1) and includes $5,000 plus staff costs of $2,840.

The Discharger has not submitted any evidence refuting the allegations in the complaint or that otherwise indicates that he did not receive the NNCs. The Discharger has indicated that he does not want to proceed with a virtual hearing. However, pursuant to Executive Order N-63-20, the Santa Ana Water Board may proceed with the hearing via the Zoom platform despite the objection if the following requirements are satisfied:

a) Each participant in the hearing has an opportunity to participate and to hear the entire proceeding while it is taking place and to observe exhibits;
b) A member of the public who is otherwise entitled to observe the hearing may observe the hearing using electronic means;
c) The presiding officer satisfies all requirements of the American with Disabilities Act (ADA) and the Unruh Civil Rights Act.

Conducting the hearing via the Zoom platform meets these requirements. Each participant in the virtual hearing will be able to participate in and hear the entire proceeding while it is taking place, and they will be able to observe and share exhibits.

Additionally, members of the public who wish to comment during the hearing may register to participate via the Zoom platform. The hearing will also be live-streamed on Cal-Span (https://cal-span.org/) with closed captioning to allow the public to observe the hearing. Finally, the Board has not have received any requests for accommodations and the hearing would satisfy the requirements of the ADA and Unruh Civil Rights Acts.

The hearing binders provided to the Board Members includes MMP Complaint R8-2020-0016, the Prosecution Team's evidence and rebuttal evidence, the Discharger's evidence, and the Prosecution Team's proposed order. Additionally, Tentative Order R8-2020-0043, the Order of Proceedings and the Revised Hearing Procedures.

RECOMMENDATION

The Advisory Team recommends that the Santa Ana Water Board hold the hearing to take evidence and hear testimony and consider whether to impose the assessment of $7,840 specified in MMP Complaint R8-2020-0016 by adopting Tentative Order R8-2020-0043. Upon the conclusion of the hearing, the Santa Ana Water Board may meet in closed session to consider the evidence and to deliberate on a decision to be reached based upon that evidence as authorized under Government Code Section 11126(c)(3).

STATE OF CALIFORNIA
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SANTA ANA REGION

IN THE MATTER OF:

Design Form, Inc.
8250 Electric Avenue
Stanton, CA 90680

Attention: Glenn Baldwin

Tentative Order R8-2020-0043
for
Mandatory Minimum Penalty
Complaint and Staff Costs

The California Regional Water Quality Control Board, Santa Ana Region (Santa Ana Water Board) having held a public hearing on September 11, 2020 to receive testimony and take evidence on the allegations contained in Mandatory Minimum Penalty (MMP) Complaint R8-2020-0016 (Complaint), and on the recommendation for the imposition of penalties and staff costs pursuant to California Water Code (Water Code) Section 13399.33, subdivisions (a)(1) and (d) in the amount of seven thousand eight hundred and forty dollars ($7,840). The Santa Ana Water Board finds as follows:

1. Design Form, Inc. (Discharger) is located at 8250 Electric Ave (Facility) in the City of Stanton and was identified by the Santa Ana Water Board as an industrial facility engaged in sheet metal fabrication.

2. On February 6, 2019, the Santa Ana Water Board staff issued a Notice of Non-Compliance (NNC) to the Discharger for failure to obtain coverage under the General Permit for Storm Water Discharges Associated with Industrial Activities, Order 2014-0057-DWQ, NPDES Permit CAS000001 (General Permit). The NNC required that the Discharger submit a Notice of Intent (NOI) to obtain coverage or otherwise enroll in the General Permit by March 7, 2019.

3. On March 7, 2019, since the Discharger had not obtained the necessary permit coverage, the Santa Ana Water Board staff issued a second NNC. The second NNC required that the Discharger submit a NOI to obtain coverage or otherwise enroll in the General Permit by April 5, 2019. The second NNC was later returned undelivered due to clerical error.

4. On March 13, 2019, the Santa Ana Water Board staff re-issued the second NNC with the same April 5, 2019 deadline.

5. Santa Ana Water Board staff did not receive a response to the NNCs. On April 2, 2019, the Santa Ana Water Board staff contacted the Discharger regarding the NNCs and the April 5, 2019 deadline to obtain General Permit coverage. Staff spoke with Mr. Luis Llamas, an employee of Design Form and Mr. Llamas stated they needed to

contact Mr. Glenn Baldwin as he is the CEO of Design Form, Inc.. Santa Ana Water Board staff emailed Mr. Baldwin explaining that Design Form, Inc. was issued two NNCs and Design Form, Inc. needed to obtain General Permit coverage by April 5, 2019. Santa Ana Water Board staff explained the potential for administrative civil liability if the Discharger did not obtain coverage by the specific deadline.

6. On April 4, 2019, Santa Ana Water Board staff contacted Mr. Baldwin via phone and left a voicemail explaining the final day to obtain General Permit coverage was April 5, 2019. Santa Ana Water Board staff reiterated the potential for mandatory minimum penalties if the Discharger did not obtain coverage by the deadline. Santa Ana Water Board staff also contacted Mr. Baldwin via email explaining the deadline to obtain General Permit coverage was April 5, 2019.

7. Pursuant to Water Code section 13399.30, subdivision (c)(2), if a discharger fails to submit the required Notice of Intent to the regional board within 60 days from the date on which the first NNC was sent, after receiving a second notice, the Santa Ana Water Board shall impose the penalties described in section 13399.33, subdivision (a).

8. The Assistant Executive Officer of the Santa Ana Water Board issued MMP Complaint R8-2020-0016 (incorporated into this order as Attachment 1) to the Discharger on February 10, 2020, which proposed a mandatory minimum penalty in the amount of $5,000 and staff costs of $2,840, pursuant to Water Code section 13399.33, subdivisions (a)(1) and (d).

9. On April 9, 2020, the Discharger submitted a signed Waiver (incorporated into this Order as Attachment 2), electing to waive the 90-day hearing requirement in order to extend the hearing date and/or hearing deadlines.

10. As of September 11, 2020, the Discharger has not obtained General Permit coverage and continues to operate without the required General Permit coverage.

11. The Santa Ana Water Board finds that the Discharger violated Water Code section 13399.30 by failing to gain General Permit coverage and is liable for $7,840 in mandatory minimum penalties and staff costs pursuant to Water Code section 13399.33, subdivisions (a)(1) and (d). By adopting this Order, the Santa Ana Water Board incorporates the findings in Complaint R8-2020-0016 and imposes the penalty specified therein.

12. This Order on Complaint R8-2020-0016 is effective and final upon issuance by the Santa Ana Water Board. Payment must be received by the Santa Ana Water Board no later than thirty days from the date on which this Order is issued.

13. Issuance of this Order is exempt from the provisions of the California Environmental Quality Act in accordance with California Code of Regulations, title 14, section 15321, subdivision (a) (enforcement actions by regulatory agencies).

14. Any aggrieved person may petition the State Water Board to review this action by the Santa Ana Water Board in accordance with Water Code section 13320 and the State Water Board's regulations. The petition must be received by the State Water Board within 30 days of the date of this Order. Copies of the law and regulations applicable to filing petitions are available at the Waterboards Petition Website and will also be provided upon request.

IT IS HEREBY ORDERED THAT:

1. Pursuant to Water Code section 13399.33, subdivisions (a) and (d), the California Regional Water Quality Control Board, Santa Ana Region imposes a mandatory minimum penalty in the amount of five thousand dollars against Design Form, Inc. and requires Design Form, Inc. to pay staff costs incurred in the enforcement of the matter of two thousand eight hundred forty dollars for a total liability of seven thousand eight hundred forty dollars ($7,840).

2. Design Form, Inc. shall make a payment of $7,840 to the Waste Discharge Permit Fund within 30 days from the Santa Ana Water Board's adoption of this Order. Design Form, Inc. must make the check payable to "State Water Resources Control Board–Waste Discharge Permit Fund" with a reference to "MMP Order R8-2020-043" and send the check to the following address:

   State Water Resources Control Board
   Division of Administrative Services
   Attention: Sarah Fong
   Accounting Branch
   P.O. Box 1888
   Sacramento, CA 95812-1888

3. If the Discharger fails to make the specified payment to the Waste Discharge Fund within the time limit specified in this Order, the Santa Ana Water Board's Executive Officer is hereby authorized to collect as any other civil judgement the full amount due under the settlement in any manner permitted by California Law, including a referral to the Attorney General's Office.

I, Hope A. Smythe, Executive Officer, do hereby certify that the forgoing is a full, true, and correct copy of an order adopted by the California Regional Water Quality Control Board, Santa Ana Region, on September 11, 2020.

_____

Hope A. Smythe
Executive Officer
Santa Ana Regional Water Quality Control Board

DRAFT

ORDER OF PROCEEDINGS

Design Form, Inc.
MMP Complaint R8-2020-0016
Hearing Date: September 11, 2020 at 9:00 a.m.

On September 11, 2020, the Santa Ana Regional Water Quality Control Board (Santa Ana Water Board) will conduct an adjudicative hearing to consider Mandatory Minimum Penalty (MMP) Complaint R8-2020-0016 issued against Design Form, Inc., Stanton, Orange County. The hearing will be heard during the regularly scheduled Santa Ana Water Board meeting scheduled to begin at 9:00 a.m. The exact time for the start of the hearing is dependent on the length of time needed for the preceding agenda items; however, the Prosecution Team and Design Form, Inc. should be prepared and logged into the Zoom meeting by 9:00 a.m.

The hearing will be conducted by the Santa Ana Water Board in a manner to secure relevant information expeditiously without unnecessary delay and expense to the parties and to the Board, and in accordance with this Order of Proceedings and the Revised Hearing Procedures issued on August 10, 2020.

Parties
The Parties in the proceeding are the Prosecution Team and Design Form, Inc.

Virtual Hearing via Zoom
This hearing will be conducted via the Zoom platform. The virtual hearing is authorized by the Bagley Keene Act and the Administrative Procedure Act, as modified by Executive Orders N-29-20 and N-63-20. The Zoom platform will allow each participant in the hearing to participate in and hear the entire proceeding while it is taking place and to observe and share exhibits. Additionally, members of the public who wish to comment during the hearing may register to participate via the Zoom platform. The hearing will also be live-streamed on Cal-Span (https://cal-span.org/) to allow the public to observe the hearing.

Video Feed and Microphones
All Parties will be designated as panelists for the hearing and will receive an invitation from the Clerk of the Board with the Zoom information needed to join the meeting. The Parties will be able to control their video feed and microphone. Parties should keep their video feed on at all times during the hearing, but should mute their microphone unless it is their designated time to speak, they are responding to questions from the Board, or they are lodging an objection. The Chair may direct the Zoom meeting host to turn off video feeds or microphones if needed to maintain an orderly hearing.

Objections
Parties who wish to make an objection during the hearing should unmute their microphone to state their objection.

PowerPoint and Other Visual Materials
The Parties must submit PowerPoint presentations and other visual materials that they wish to display during the hearing to Daniel.Mefford@waterboards.ca.gov by 10:00 a.m. on September 10, 2020. Parties may not submit evidence to display that was not timely submitted in accordance with the Revised Hearing Procedures.

Time Limitations
The Parties to this proceeding are hereby advised that their allocated time (30 minutes) includes any opening statement, presentation of evidence, cross-examination, closing statement, and rebuttal. It is the responsibility of each party to manage their time. Questions from the Santa Ana Water Board and the time to answer them will not be charged against the Parties' allocated time. A timer will be displayed on the screen to track the time remaining for each party.

Order of Proceedings

1	Opening statement by Chair • Identification of persons participating in hearing • Administration of oath to all persons intending to testify
2	Prosecution Team presentation of evidence*
3	Design Form, Inc. presentation of evidence*
4	Design Form, Inc. cross-examination of Prosecution Team witnesses*
5	Prosecution Team cross-examination of Design Form, Inc.*
6	Public/interested persons comments (3-minute time limit for each commenter)
7	Prosecution Team's closing statement*
8	Design Form Inc.'s closing statement*
9	Prosecution Team's rebuttal statement*

**These items are subject to the Parties' 30-minute time limit*

Pursuant to Government Code Section 11126(c)(3)), the Regional Board may adjourn to closed session at the conclusion of the hearing to consider evidence received in this hearing and deliberate on a decision to be reached based on that evidence. The Santa Ana Water Board may complete deliberations on September 11, 2020 or may continue its deliberations to a subsequent noticed board meeting.

/s/
_____
William Ruh, Chair
Santa Ana Water Board

California Regional Water Quality Control Board
Santa Ana Region

REVISED PROPOSED HEARING PROCEDURE
FOR MANDATORY MINIMUM PENALTY COMPLAINT
NO. R8-2020-0016
ISSUED TO
DESIGN FORM, INC.
8250 ELECTRIC AVENUE
STANTON, CA 90680
ORANGE COUNTY

SCHEDULED FOR SEPTEMBER 11, 2020

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

Overview

The Assistant Executive Officer of the California Regional Water Quality Control Board, Santa Ana Region (Regional Board), issued a Mandatory Minimum Penalty Complaint (Complaint) pursuant to California Water Code (Water Code) section 13323 against Design Form, Inc. (Design Form or Discharger) alleging that it violated Water Code section 13399.30(a)(2) and the State's National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Industrial Activity, Order No. 2014-0057-DWQ, NPDES No. CAS000001 (General Permit) by failing to obtain coverage under the General Permit to discharge storm water associated with industrial activity.

The Complaint proposes that the Regional Board impose a mandatory minimum penalty and staff costs in the amount of **seven thousand eight hundred and forty dollars ($7,840)** pursuant to Water Code section 13399.33, subsections (a)(1) and (d). Unless Design Form waives its right to a hearing within 90 days, a hearing will be held before the Regional Board during the July 31, 2020 meeting at the City of Loma Linda located at 25541 Barton Road in the City of Loma Linda.

The purpose of the hearing is to receive relevant evidence and testimony regarding the proposed Complaint. An agenda for this hearing will be issued at least ten (10) days before the hearing and will be posed on the Regional Board's web page at: www.waterboards.ca.gov/santaana/

Hearing Procedure

The hearing will be a formal adjudicative proceeding conducted in accordance with these Hearing Procedures. This proposed hearing procedure has been prepared by the Prosecution Team and is subject to revision and approval by the Regional Board's Advisory Team. A copy of the procedures governing adjudicatory hearings before the Regional Board may be found at Title 23 of the California Code of Regulations, section 648 et seq., and is available at http://www.waterboards.ca.gov or upon request. In accordance with section 648(d), any procedure not provided by this Hearing Procedure is deemed waived. Except as provided in Title 23 of the California Code of Regulations (CCR), section 648(b), Chapter 5 of the Administrative Procedures Act (commencing with section 11500 of the Government Code) does not apply to adjudicatory hearings before the Regional Board. This Notice provides additional requirements and deadlines related to the proceeding.

THE PROCEDURE AND DEADLINES HEREIN MAY BE AMENDED BY THE ADVISORY TEAM AT ITS DISCRETION. **ANY OBJECTIONS TO THE PROPOSED PROCEDURE MUST BE RECEIVED BY TERESITA SABLAN, STAFF COUNSEL, NO LATER THAN August 14, 2020, AS DESCRIBED BELOW, OR THEY WILL BE WAIVED.** FAILURE TO COMPLY WITH THE DEADLINES AND REQUIREMENTS CONTAINED HEREIN MAY RESULT IN THE EXCLUSION OF DOCUMENTS AND/OR TESTIMONY.

Hearing Participants

Participants in this proceeding are designed 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. Design Form, Inc.

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 (with copies to the existing Designated Parties) 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 Contact

Advisory Team[1]:

Teresita Sablan, Staff Counsel
State Water Resources Control Board
P.O. Box 100, Sacramento, CA 95812
Phone: (916) 341-5174
Teresita.Sablan@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:

Glenn Baldwin
Design Form, Inc.
8250 Electric Avenue
Stanton, CA 90680
tbaldwin@designform.com

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

[1] Additional staff may be designated as advisory staff with the Final Hearing Procedures.

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: Hope Smythe, Executive Officer and Teresita Sablan, Staff Counsel. Members of the Prosecution Team are: Jayne Joy, Assistant Executive Officer, Michelle Beckwith, Senior Environmental Scientist, Kaitlin Diaz, Environmental Scientist, and Catherine Hawe, Staff Counsel.

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 proceeding.

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 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 total of **30** 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 interested 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 if 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 discussion of procedural issues.

Submission of Evidence and Policy Statements

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

1. All documentary evidence and exhibits to be offered at the hearing. Evidence and exhibits already in the public files of the Regional Board may be submitted by reference as long as the exhibits and their location are clearly identified in accordance with Title 23, California Code of Regulations, section 648.3.

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.

The Prosecution Team shall submit one (1) electronic copy of the information to Teresita Sablan, Staff Counsel, so that it is received no later than 5:00 p.m. on **March 18, 2020**. The remaining designated parties shall submit one (1) electronic copy of the information to Teresita Sablan, Staff Counsel, so that they are received no later than 5:00 p.m. on **April 9, 2020**.

In addition to the foregoing, each designated party shall send one (1) electronic copy of the above information to each of the other designated parties by 5:00 p.m. on the deadline specified above. Interested persons who would like to submit written non-evidentiary policy statements are encouraged to submit them to Teresita Sablan, Staff Counsel, as early as possible, but they must be received by **April 9, 2020**. Interested persons do not need to submit written comments in order to speak at the hearing.

In accordance with Title 23, California Code of Regulations, 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 Regional Board may exclude evidence and testimony that is not submitted in accordance with the 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. PowerPoint and other visual presentations may be used at the hearing, but their content may not exceed the scope of other submitted written material. A copy of such material intended to be presented at the hearing must be submitted to the Advisory Team at or before the hearing for inclusion in the administrative record. Additionally, any witness who has submitted written testimony

for the hearing shall appear at the hearing and affirm that the written testimony is true and correct and shall be available for cross-examination.

Request for Pre-hearing Conference

A designated party may request that a pre-hearing conference be held before the hearing in accordance with Water Code section 13228.15. A pre-hearing conference may address any of the matters described in subdivision (b) of Government Code section 11511 .5. Requests must contain a description of the issues proposed to be discussed during that conference, and must be submitted to the Advisory Team, with a copy to all other designated parties, no later than 5:00 p.m. on **February 17, 2020**.

Evidentiary Objections

Any designated party objecting to written evidence or exhibits submitted by another designated party must submit a written objection so that it is received by 5:00 p.m. on **April 9, 2020**, to the Advisory Team with a copy to all other designated parties. The Advisory Team will notify the parties about further action to be taken on such objections and when that action will be taken.

Evidentiary Documents and File

The Complaint and related evidentiary documents are on file and may be inspected or copied at the Regional Board office at 3737 Main Street, Suite 500, Riverside, California 92501. This file shall be considered part of the official administrative record for this hearing. Other submittals received for this proceeding will be added to this file and will become a part of the administrative record absent a contrary ruling by the Regional Board. Many of these documents are also posted online at www.waterboards.ca.gov/santaana. Although the web page is updated regularly, to ensure access to the latest information, you may contact Teresita Sablan, Staff Counsel.

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.

February 10, 2020	▪ Prosecution Team issues Complaint and Hearing Procedure on Design Form and other parties
February 17, 2020	▪ Design Form deadline to request a pre-hearing meeting with the Prosecution Team ▪ Objections due on hearing Procedures
March 9, 2020	▪ Design Form deadline to submit 90-Day Hearing Waiver Form and payment ▪ Advisory Team issues decision on Hearing procedures Objections Electronic *or* Hard Copies to: All other Designated Parties, All known Interested Persons, Prosecution Team Attorney, Advisory Team Attorney Electronic *or* Hard Copies to: Prosecution Team Primary Contact, Advisory Team Primary Contact
March 18, 2020	▪ 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 *or* Hard Copies to: Advisory Team Primary Contact, Advisory Team Attorney
March 20, 2020	▪ 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 *or* Hard Copies to: Prosecution Team Primary Contact, Advisory Team Primary Contact
March 24, 2020*	▪ 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 *or* Hard Copies to: Prosecution Team Primary Contact, Advisory Team Primary Contact
April 1, 2020	▪ Advisory Team issues decision on requests for designated party status
April 9, 2020*	▪ Remaining Designated Parties' (including Design Form'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 *or* Hard Copies to: Prosecution Team Primary Contact, Advisory Team Primary Contact
August 10, 2020	▪ Advisory Team issues Revised Hearing Procedure for September 11, 2020 Board Meeting date
August 12, 2020	▪ Objections due on revised deadlines in the Revised Hearing Procedure
August 13, 2020	▪ Advisory Team issues decision on any objections to revised deadlines in the Revised Hearing Procedure
August 21, 2020*	▪ 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 *or* Hard Copies to: Prosecution Team Primary Contact, Advisory Team Primary Contact
August 25, 2020	▪ Pre-hearing conference to discuss virtual procedure at 9:00 a.m.
August 27, 2020*[1]	▪ Prosecution Team submits Hearing binder on the parties and Board Electronic *or* Hard Copies to: All other Designated Parties, All known Interested Persons Electronic *or* Hard Copies to: Advisory Team Primary Contact, Advisory Team Attorney
September 11, 2020*	Hearing

Design Form 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, Design Form 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.

[1] 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.

CALIFORNIA

Water Boards

STATE WATER RESOURCES CONTROL BOARD

REGIONAL WATER QUALITY CONTROL BOARDS

HEARING BINDER
SEPTEMBER 11, 2020
ITEM #8

IN THE MATTER OF:
DESIGN FORM, INC.
COMPLAINT NO. R8-2020-0016

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MANDATORY MINIMUM PENALTY
COMPLAINT NO.
R8-2020-0016

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

IN THE MATTER OF:

	)	Complaint No. R8-2020-0016
Design Form, Inc.	)	For
8250 Electric Avenue	)	Mandatory Minimum Penalty
Stanton, CA 90680	)	And Staff Costs

This Complaint is issued to Design Form Inc. (hereafter referred to as Design Form or Discharger) pursuant to California Water Code (Water Code) section 13399.33, which authorizes the imposition of civil liability administratively, and Water Code section 13323, which authorizes the Assistant Executive Officer to issue this Compliant. This Compliant is based on allegations that the Discharger failed to submit the required Notice of Intent to obtain coverage in accordance with Water Code section 13399.30, for which the California Regional Water Quality Control Board, Santa Ana Region (Regional Board), must impose penalty pursuant to Water Code section 13399.33.

The Assistant Executive Officer of the Regional Board alleges the following:

BACKGROUND:

1. Industrial facilities that discharge storm water associated with industrial activities are required to obtain coverage under the National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Industrial Activities Order No. 2014-0057-DWQ, NPDES Permit No. CAS000001 (General Permit). General Permit coverage is required for industrial facilities with Standard Industrial Classification (SIC) codes listed in 40 Code of Federal Regulations section 122.26(b)(14) and in Attachment A of the General Permit.

2. Design Form, Inc. is located at 8250 Electric Avenue (Facility), in the City of Stanton, and was initially identified as an industrial facility engaged in sheet metal fabrication. This industrial activity is described in SIC code 3444. Since SIC code 3444 is listed on Attachment A as an industrial activity which required General Permit coverage, Design Form must obtain coverage under the General Permit.

3. On February 6, 2019, Regional Board staff issued a Notice of Non-Compliance (NNC) to the Discharger, via certified mail, for failure to obtain coverage under the General Permit. Per the certified mail receipt and United States Postal Service website, the NNC was received by the Discharger on February 8, 2019. The NNC required that the Discharger submit a Notice of Intent (NOI) to obtain coverage or otherwise enroll in the General Permit by March 7, 2019. The first NNC and certified return receipt are attached to this Complaint as Attachment 1.

4. On March 7, 2019, since the Discharger had not obtained the necessary permit coverage, Regional Board staff issued a second NNC via certified mail. The second NNC required that the Discharger submit a Notice of Intent (NOI) to obtain coverage or otherwise enroll in the General Permit by April 5, 2019. The second NNC was later returned undelivered due to clerical error.

5. On March 13, 2019, Regional Board staff re-issued the second NNC, via certified mail, with the same April 5, 2019 deadline. Per the certified return receipt and United States Postal Service website, the re-issued second NNC was received by the Discharger on April 1, 2019. The second NNC and certified return receipt are attached to this Complaint as Attachment 2.

6. On April 2, 2019, Regional Board staff contacted the Discharger regarding the NNCs and the April 5, 2019 deadline to obtain General Permit coverage. Regional Board staff spoke with Mr. Luis Llamas, an employee of Design Form and Mr. Llamas stated that Regional Board staff needed to contact Mr. Glenn Baldwin as he is the CEO of Design Form and in charge of permits for the Facility. Regional Board staff emailed Mr. Glenn Baldwin explaining that Design Form was issued two NNCs and Design Form needed to obtain General Permit coverage by April 5, 2019. Regional Board staff explained the potential for mandatory minimum penalties if the Facility did not obtain coverage by the specified deadline. Copies of the issued NNCs as well as guidance documents were included in the Regional Board staff's April 2, 2019 email to Mr. Baldwin.

7. On April 4, 2019, Regional Board staff contacted Mr. Baldwin via phone and left a voicemail explaining the final day to obtain General Permit coverage was April 5, 2019. Regional Board staff reiterated the potential for mandatory minimum penalties if the Discharger did not obtain coverage by the deadline. Regional Board staff also contacted Mr. Baldwin via email explaining the deadline to obtain General Permit coverage was April 5, 2019. Staff explained that Design Form was issued two NNCs and the potential for mandatory minimum penalties if the Facility did not obtain General Permit coverage by the specified deadline. Copies of the issued NNCs as well as guidance documents were included as attachments in the April 4, 2019 email.

8. On September 4, 2019, Regional Board staff conducted an inspection at the Facility. Regional Board staff spoke with Mr. Llamas, as Mr. Baldwin was not present at the Facility. Mr. Llamas stated the Facility received both NNC letters and indicated that Mr. Baldwin did not respond because he has no intention of gaining General Permit coverage. Regional Board staff requested access to the property to confirm exterior facility conditions and were denied entry by Mr. Llamas.

9. On October 28, 2019, Regional Board staff conducted a second inspection at the Facility. Again, Regional Board staff spoke with Mr. Llamas, as Mr. Baldwin was not present at the Facility. Regional Board staff asked Mr. Llamas for his consent

to enter the Facility and conduct an inspection. Mr. Llamas again denied the Regional Board's request. Mr. Llamas stated he was unsure of when Mr. Baldwin would be at the Facility, but that Mr. Baldwin was aware of the two issued NNC letters. Mr. Llamas further reiterated that Mr. Baldwin had no intention of obtaining General Permit coverage as the Facility has been in business for many years without permit coverage. Regional Board staff explained that a penalty would be issued for failing to obtain General Permit coverage.

10. To date, the Discharger has not obtained General Permit coverage and continues to operate without the required General Permit coverage.

LEGAL AUTHORITY

11. Section 13399.30 of the Water Code requires the Regional Board to identify, on an annual basis, dischargers of storm water that have not obtained coverage under the General Permit.

12. Pursuant to Water Code section 13399.30(a)(2), the Regional Board provides a Notice of Non-Compliance (NNC) to any person that discharges, proposes to discharge, or is suspected by the Regional Board of discharging storm water associated with industrial activity without coverage under the General Permit. Within 30 days from the date on which the Regional Board provided notice, the discharger shall submit a Notice of Intent to obtain coverage to the Regional Board.[1]

13. Pursuant to Water Code section 13399.30(b), the Regional Board shall send a second NNC to a discharger for failing to submit the appropriate Notice of Intent to the Regional Board within 30 days from the date on which the first notice was sent pursuant to 13399.30(a).

14. Pursuant to Water Code section 13399.30(c)(2), if a discharger fails to submit the required Notice of Intent to the Regional Board within 60 days from the date on which the first NNC was sent, after receiving a second notice, the Regional Board shall impose the penalties described in section 13399.33(a).

PROPOSED MANDATORY MINIMUM PENALTIES AND ASSESSMENT OF COSTS

15. Pursuant to Water Code section 13399.33(a)(1), the Regional Board shall administratively impose a penalty in an amount that is not less than five thousand dollars ($5,000) per year of noncompliance or fraction thereof against a discharger who fails to submit the required Notice of Intent in accordance with Water Code section 13399.30. The Regional Board shall impose this mandatory minimum penalty unless it makes express findings setting forth the reasons for its failure to

[1]The General Permit instructs dischargers of storm water to submit the required notice of intent to the State Water Resources Control Board, not the Regional Board.

do so, based on specific factors required to be considered pursuant to 13399.33(a)(2).

16. Water Code section 13399.33(d) further requires the recovery of costs incurred by the Regional Board for enforcement actions against dischargers who fail to submit the required Notice of Intent in accordance with Water Code section 13399.30. Staff spent twenty-three and a half (23.5) hours for this enforcement action resulting in total staff costs of two thousand eight hundred and forty dollars ($2,840).

17. Therefore, the total liability for the violation alleged herein, including staff costs, is seven thousand eight hundred and forty dollars ($7,840).

REGULATORY CONSIDERATIONS

18. Notwithstanding issuance of this Compliant, the Regional Board retains the authority to assess additional penalties for any violations that have not yet been assessed or for violations that may subsequently occur.

19. An administrative civil liability may be imposed pursuant to the procedures described in Water Code section 13323. An administrative civil liability complaint alleges the act or failure to act that constitutes a violation of law, the provision of law authorizing administrative civil liability to be imposed, and the proposed administrative civil liability.

20. 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).

DESIGN FORM IS HEREBY GIVEN NOTICE THAT:

21. The Assistant Executive Officer of the Regional Board proposes an administrative civil liability in the amount of seven thousand eight hundred and forty dollars ($7,840). The amount of the proposed liability is based on the mandatory minimum penalties authorized to be imposed under Water Code section 13399.33, subdivisions (a)(1) and (d).

22. A hearing on this matter will be conducted at the Regional Board meeting scheduled on May 8, 2020, unless one of the following options occurs before March 9, 2020.

    a. The Discharger waives the hearing by completing the Waiver Form (checking off the box next to Option 1), attached herein as Attachment 3, and returning it to the Regional Board, along with payment for the proposed liability of seven thousand eight hundred and forty dollars ($7,840).

b. The Discharger waives the 90-day hearing requirement in order to extend the hearing date (checking off the box next to Option 2) and returning it to the Regional Board, along with rationale for the extension.

February 10, 2020

Date

Jayne Joy, PE
Assistant Executive Officer
Regional Board Prosecution Team

Attachments:

1st Notice of Non-Compliance, dated 2/6/2019
2nd Notice of Non-Compliance, dated 3/13/2019
Waiver Form

PROSECUTION TEAM
WITNESS LIST

Design Form, Inc.
Prosecution Team's Witness List for May 8, 2020 Hearing
(Continued to September 11, 2020)

Pursuant to Advisory Team Rulings, each party has been granted 30 minutes of time for use at hearing.

- Kaitlin Diaz (15 minutes)
  Environmental Scientist, Santa Ana Regional Water Quality Control Board
  Testimony regarding previous regulatory actions, violations, history of corrective actions, enforcement options, and details of the proposed order.

- Michelle Beckwith (As needed)
  Senior Environmental Scientist, Santa Ana Regional Water Quality Control Board
  Testimony regarding previous regulatory actions, violations, history of corrective actions, enforcement options, and details of the proposed order.

- Chuck Griffin (As needed)
  Senior Water Resources Control Engineer, Santa Ana Regional Water Quality Control Board
  Testimony regarding previous regulatory actions, violations, history of corrective actions, enforcement options, and details of the proposed order.

- Jayne Joe (As needed)
  Assistant Executive Officer, Santa Ana Regional Water Quality Control Board
  Testimony regarding previous regulatory actions, violations, history of corrective actions, enforcement options, and details of the proposed order.

Legal Counsel will represent the Prosecution Team. The Prosecution Team reserves the right to call Rebuttal Witnesses to address legal argument or testimony by the Discharger.

PROSECUTION TEAM
EVIDENCE LIST

PROSECUTION TEAM EVIDENCE LIST
Design Form, Inc.

The following items are evidence for the Santa Ana Regional Water Quality Control Board (RWQCB) hearing regarding Complaint No. R8-2020-0016. This matter is scheduled to be heard at the May 8, 2020 Board meeting at City of Irvine. Board meeting continued to September 11, 2020.

Exhibit	Title of Document	Location
1	National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Industrial Activities (Industrial General Permit)	Full copy of permit available online
2	Aerial Map of Design Form	Attached
3	Inspection Report; November 19, 2018	Attached Inspection ID: 2040352
4	Violation ID 868805, Failure to Obtain Permit; November 19, 2018	Attached SMARTS Database 8 30IN604776
5	Notice of Non-Compliance; February 6, 2019 and Proof of Delivery	Attached Enforcement Action ID 432360 Attachment ID 2338973
6	Second Notice of Non-Compliance; March 7, 2019	Attached Enforcement Action ID 432754 Attachment ID 2361782
7	2nd Issuance of Second Notice of Non-Compliance; March 13, 2019 and Proof of Delivery Re-issued due to clerical error	Attached Enforcement Action ID 432754 Attachment ID 2385971
8	RWQCB Staff Phone Record; April 2, 2019	Attached Enforcement Action ID 432754 Attachment ID 2479023
9	Email from RWQCB to Design Form; April 2, 2019	Attached Enforcement Action ID 432754 Attachment ID 2479024
10	RWQCB Staff Phone Record; April 4, 2019	Attached Enforcement Action ID 432754 Attachment ID 2479025
11	Email from RWQCB to Design Form; April 4, 2019	Attached Enforcement Action ID 432754 Attachment ID 2479026
12	Inspection Report; September 4, 2019	Attached Inspection ID 2044101
13	Inspection Report; October 28, 2019	Attached Inspection ID 2044893
14	Email from RWQCB to Design Form; March 4, 2020	Attached Enforcement Action ID 436208 Attachment ID 2605591

15	RWQCB Staff Phone Record; March 4, 2020	Attached Enforcement Action ID 436208 Attachment ID 2605590
16	Design Form – Business License	Attached
17	Design Form – Certificate of Occupancy	Attached
18	SIC Code Definition for 3444 – Sheet Metal Work	Attached
19	Design Form Website – Accessed on March 13, 2020	Attached
20	Written Declaration, RWQCB – Michelle Beckwith	Attached
21	Written Declaration, RWQCB – Jayne Joy	Attached

EXHIBIT 1

https://www.waterboards.ca.gov/water_issues/programs/stormwater/igp_20140057dwq.shtml

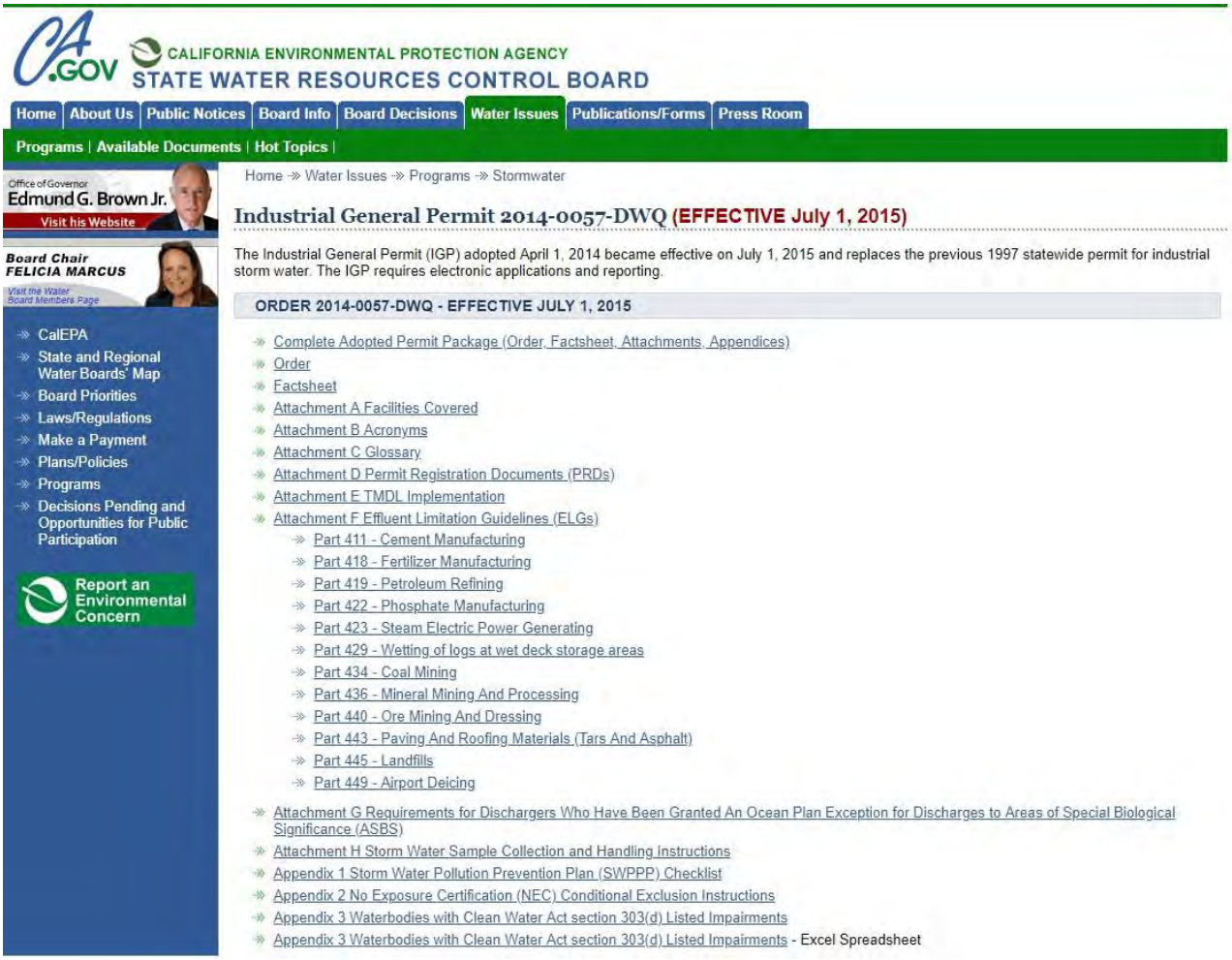


EXHIBIT 2

Aerial Map of Design Form
8250 Electric Avenue, Stanton, CA 90680

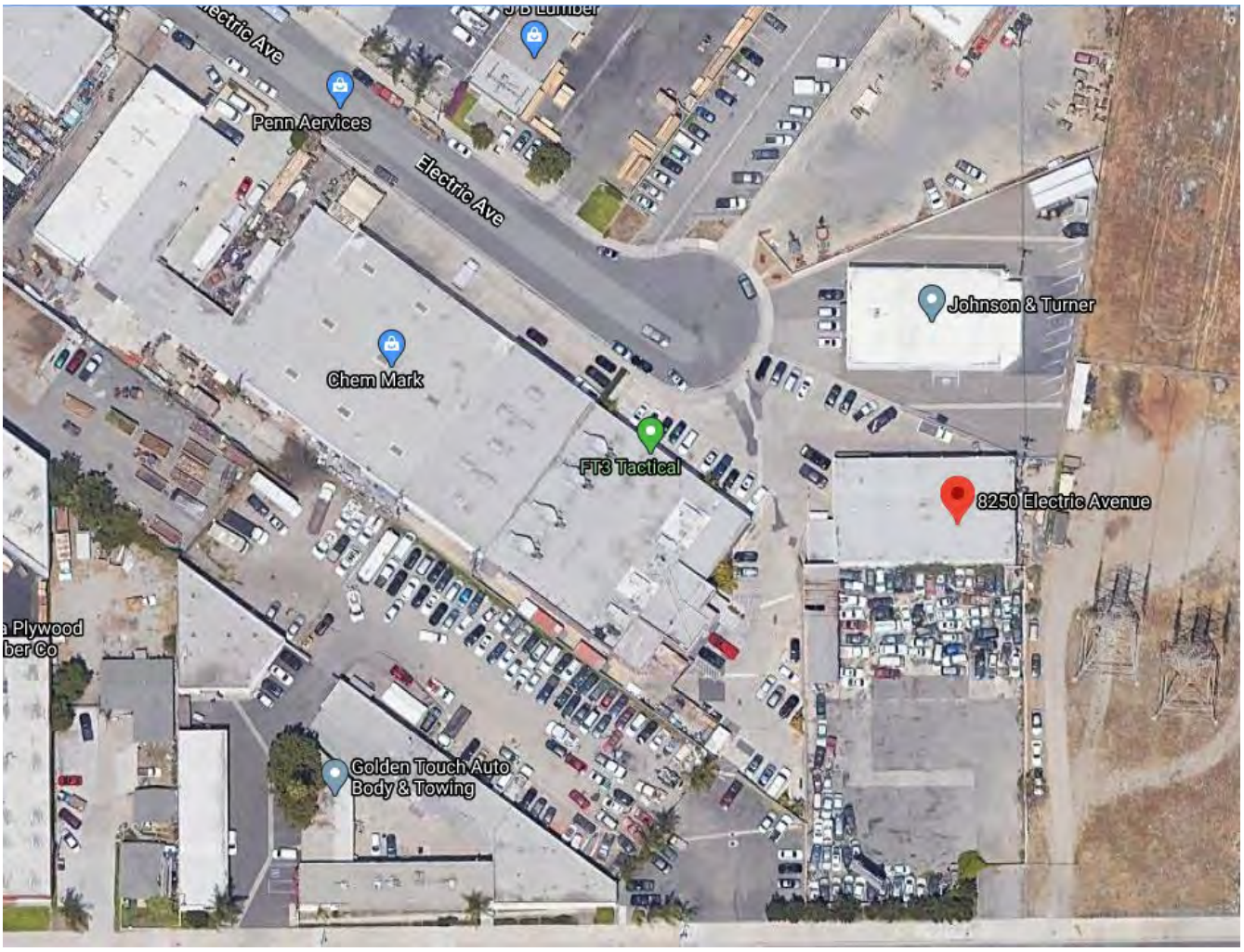




EXHIBIT 3

Storm Water Multiple Application & Report Tracking System

SMARTS Inspection Details

Inspection Date:	11/19/2018	**Inspection ID:**	2040352
Inspection Start Time:		**Inspection End Time:**	
Inspection Type:	Non-Filer/NONA		
WDID:	8 30IN604776		
Owner / Operator:	Design Form Inc 8250 Electric Ave Stanton, CA 90680	**Facility/Site:**	Design Form Inc 8250 Electric Ave Stanton, CA 90680
Inspector:	Kyle Wright - Regional Board		
Agency:	Regional Board		
Met With:			
Violations:	Yes		
Follow Up Action:	Additional Info Required		
Notes:	Drive by inspection to determine facility active status. Facility was active during inspection. miscellaneous materials noted outside near an open dumpster. Facility meets requirements for coverage under the Industrial General Permit.		

Violations:

Violation ID	Violation Type	Occurrence Date	Violation Source	Status
868805	Failure to Obtain Permit	11/19/2018	Inspection	Violation

Attachments:

Attachment ID	File Type	File Title	File Description	Part No.

EXHIBIT 4

Storm Water Multiple Application & Report Tracking System 2

Storm Water Violation Details

General Details:

WDID:	8 30IN604776		
Owner / Operator	Design Form Inc 8250 Electric Ave Contact: Phone: Email:	**Facility/Site:**	Design Form Inc 8250 Electric Ave Contact: Phone: Email:
Violation ID:	868805	**Source Id:**	2040352
Violation Source:	Inspection	**Violation Type:**	Failure to Obtain Permit
Determined By:	Regional Board	**Serious Violation:**	No
Enforcement Action:	Yes	**Priority Violation:**	Class 3-Minor
Exemption From MMP:	No	**Occurrence Date:**	11/19/2018
Status:	Violation	**Discovery Date:**	11/19/2018
Violation Description:	Qualifying facility failed to obtain IGP coverage.		

EXHIBIT 5

Santa Ana Regional Water Quality Control Board

February 6, 2019

Design Form Inc.
8250 Electric Avenue
Stanton, CA 90680

CERTIFIED MAIL
RETURN RECEIPT REQUIRED

NOTICE OF NON-COMPLIANCE WITH THE GENERAL PERMIT FOR STORM WATER DISCHARGES ASSOCIATED WITH INDUSTRIAL ACTIVITIES, ORDER NO. 2014-0057-DWQ, NPDES PERMIT NO. CAS000001

The Federal Clean Water Act (Clean Water Act) prohibits certain discharges of storm water containing pollutants except where such discharges occur in compliance with a National Pollutant Discharge Elimination System (NPDES) permit. In the state of California, Order No. 2014-0057-DWQ, NPDES Permit No. CAS000001 (General Permit), authorizes discharges associated with industrial activity subject to certain conditions and limitations. The General Permit is available at the web site address below:

http://www.waterboards.ca.gov/water_issues/programs/stormwater/industrial.shtml

It has come to the attention of the Santa Ana Regional Water Quality Control Board that Design Form Inc is operating at 8250 Electric Avenue in the city of Stanton and is engaged in sheet metal fabrication. These activities are best described by Standard Industrial Classification (SIC) code 3444. Activities described by SIC code 3444 are among those requiring coverage under Attachment A of the General Permit. Since this coverage has not been obtained, Design Form Inc is in violation of the General Permit.

This letter is to notify you that this facility requires coverage under the General Permit.

The General Permit provides for two types of coverage that are differentiated by whether or not a facility has exposure of certain industrial materials, products, wastes, or processes to storm water. To apply for permit coverage all documents must be submitted via SMARTS (https://smarts.waterboards.ca.gov/). The two types of coverage are as follows:

1. Notice of Intent (NOI coverage): This coverage is for dischargers that discharge storm water associated with industrial activity to waters of the United States. All applicable requirements of the General Permit must be met. To obtain NOI coverage the following documents must be submitted:
    a. A completed NOI and signed certification statement (Section II.B.1)
    b. A copy of a current Site Map from the Storm Water Pollution Prevention Plan (SWPPP) (Section X.E);
    c. A SWPPP (Section X); and,
    d. An application fee.

2. No Exposure Certification (NEC Coverage): Dischargers that certify their facility has no exposure of industrial activities or materials to storm water in accordance with Section XVII of the General Permit may qualify for NEC coverage and are not required to comply with the SWPPP or monitoring requirements of this General Permit. To obtain NEC coverage the following documents must be submitted:
    a. A completed NEC Form (Section XVII.F.1) and signed certification statement (Section XVII.H);
    b. A completed NEC Checklist (Section XVII.F.2);
    c. A current Site Map (Section X.E); and,
    d. An application fee.

In order to address this violation, by **March 7, 2019, Design Form Inc** must complete either an NOI or an NEC through SMARTS. A SMARTS help guide can be found here: http://www.waterboards.ca.gov/water_issues/programs/stormwater/docs/dischargers_guide_smarts.pdf.

Please be advised that the failure to obtain coverage under the General Permit, as requested, will result in a mandatory minimum penalty of $5,000 under Section 13399.33(a)(1) of the California Water Code. Furthermore, continued violations of the General Permit may result in the imposition of administrative civil liability in an amount of up to $10,000 for each day of violation under Section 13385 of the California Water Code.

If you have any questions regarding this matter, please contact Kyle Wright via email at Kyle.Wright@waterboards.ca.gov via phone at (951) 320-6370.

Sincerely,

Michelle R. Beckwith, Chief
Coastal Storm Water Unit

cc: OC Public Works – James Fortuna
City of Stanton, NPDES Coordinator – Allan Rigg

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8250 Electric Avenue
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PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

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United States
Postal Service

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SANTA ANA REGION
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RIVERSIDE, CA 92501-3348

kw

Received
FEB 2019
CRWQCB
Santa Ana Region 8

1-334825



SENDER: *COMPLETE THIS SECTION*

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Design Form Inc.
8250 Electric Avenue
Stanton, CA 90680

9590 9402 4592 8278 6131 91

2. Article Number *(Transfer from service label)*
7018 1830 0002 1483 6387

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X
☐ Agent
☐ Addressee

B. Received by *(Printed Name)*

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☑ Certified Mail®
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- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

PS Form 3811, July 2015 PSN 7530-02-000-9053 Domestic Return Receipt

EXHIBIT 6

Santa Ana Regional Water Quality Control Board

March 7, 2019

Design Form Inc
8250 Electric Avenue
Stanton, CA 90680

CERTIFIED MAIL
RETURN RECEIPT REQUIRED

NOTICE OF NON-COMPLIANCE WITH THE GENERAL PERMIT FOR STORM WATER DISCHARGES ASSOCIATED WITH INDUSTRIAL ACTIVITIES, ORDER NO. 2014-0057-DWQ, NPDES PERMIT NO. CAS000001

SECOND NOTICE

A Notice of Non-Compliance was sent to Design Form Inc on February 6, 2019 via certified mail, requesting that Design Form Inc obtain coverage under the General Permit by March 7, 2019. Per the United States Postal Service, the letter was delivered on February 8, 2019. To date, permit coverage has not been obtained.

NPDES Permit No. CAS000001, General Permit for Storm Water Discharges Associated with Industrial Activities (General Permit), authorizes discharges associated with industrial activity which is subject to certain conditions and limitations. Attachment A of the General Permit lists the types of facilities that require coverage. To view the General Permit, visit the website address below:

http://www.waterboards.ca.gov/water_issues/programs/stormwater/industrial.shtml

You are required to immediately obtain coverage under the General Permit. Failure to obtain coverage by April 5, 2019, will result in a minimum mandatory penalty of $5,000. Failure to submit the requested information may result in further enforcement, including civil monetary penalties of up to $10,000 for each day of violation and $10 per gallon for discharges over 1,000 gallons. If you have any questions regarding this matter, please contact Kyle Wright via email at Kyle.Wright@waterboards.ca.gov or via phone at (951) 320-6370.

Sincerely,

Michelle R. Beckwith, Chief
Coastal Storm Water Unit

enclosure: Notice of Non-Compliance, dated February 6, 2019

cc (w/o encl): OC Public Works – James Fortuna
City of Stanton, NPDES Coordinator – Allan Rigg


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Design Form Inc
8250 Electric Avenue
Stanton, CA 90680
PS Form 3800, April 2015 PSN 7530-02-000-9047
See Reverse for Instructions

Santa Ana Regional Water Quality Control Board

February 6, 2019

Design Form Inc.
8250 Electric Avenue
Stanton, CA 90680

CERTIFIED MAIL
RETURN RECEIPT REQUIRED

NOTICE OF NON-COMPLIANCE WITH THE GENERAL PERMIT FOR STORM WATER DISCHARGES ASSOCIATED WITH INDUSTRIAL ACTIVITIES, ORDER NO. 2014-0057-DWQ, NPDES PERMIT NO. CAS000001

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http://www.waterboards.ca.gov/water_issues/programs/stormwater/industrial.shtml

It has come to the attention of the Santa Ana Regional Water Quality Control Board that Design Form Inc is operating at 8250 Electric Avenue in the city of Stanton and is engaged in sheet metal fabrication. These activities are best described by Standard Industrial Classification (SIC) code 3444. Activities described by SIC code 3444 are among those requiring coverage under Attachment A of the General Permit. Since this coverage has not been obtained, Design Form Inc is in violation of the General Permit.

This letter is to notify you that this facility requires coverage under the General Permit.

The General Permit provides for two types of coverage that are differentiated by whether or not a facility has exposure of certain industrial materials, products, wastes, or processes to storm water. To apply for permit coverage all documents must be submitted via SMARTS (https://smarts.waterboards.ca.gov/). The two types of coverage are as follows:

1. Notice of Intent (NOI coverage): This coverage is for dischargers that discharge storm water associated with industrial activity to waters of the United States. All applicable requirements of the General Permit must be met. To obtain NOI coverage the following documents must be submitted:
    a. A completed NOI and signed certification statement (Section II.B.1)
    b. A copy of a current Site Map from the Storm Water Pollution Prevention Plan (SWPPP) (Section X.E);
    c. A SWPPP (Section X); and,
    d. An application fee.

2. No Exposure Certification (NEC Coverage): Dischargers that certify their facility has no exposure of industrial activities or materials to storm water in accordance with Section XVII of the General Permit may qualify for NEC coverage and are not required to comply with the SWPPP or monitoring requirements of this General Permit. To obtain NEC coverage the following documents must be submitted:
    a. A completed NEC Form (Section XVII.F.1) and signed certification statement (Section XVII.H);
    b. A completed NEC Checklist (Section XVII.F.2);
    c. A current Site Map (Section X.E); and,
    d. An application fee.

In order to address this violation, by **March 7, 2019, Design Form Inc** must complete either an NOI or an NEC through SMARTS. A SMARTS help guide can be found here: http://www.waterboards.ca.gov/water_issues/programs/stormwater/docs/dischargers_guide_smarts.pdf.

Please be advised that the failure to obtain coverage under the General Permit, as requested, will result in a mandatory minimum penalty of $5,000 under Section 13399.33(a)(1) of the California Water Code. Furthermore, continued violations of the General Permit may result in the imposition of administrative civil liability in an amount of up to $10,000 for each day of violation under Section 13385 of the California Water Code.

If you have any questions regarding this matter, please contact Kyle Wright via email at Kyle.Wright@waterboards.ca.gov via phone at (951) 320-6370.

Sincerely,

Michelle R. Beckwith, Chief
Coastal Storm Water Unit

cc: OC Public Works – James Fortuna
City of Stanton, NPDES Coordinator – Allan Rigg



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- ☐ Adult Signature Required $
- ☐ Adult Signature Restricted Delivery $

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Ser
Design Form Inc.

Stre
8250 Electric Avenue

City
Stanton, CA 90680

Postmark Here

PS Form 3800, April 2015 PSN

See Reverse for Instructions

7018 1830 0002 1483 4382

CERTIFIED MAIL



7017 3040 0000 8553 7987



RETURN FOR POSTAGE

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS, FOLD AT DOTTED LINE

SENDER: *COMPLETE THIS SECTION*

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Design Form Inc
8250 Electric Avenue
Stanton, CA 90680

9590 9402 4592 8278 6136 41

2. Article Number *(Transfer from service label)*
7017 3040 0000 8553 7987

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X ☐ Agent ☐ Addressee

B. Received by *(Printed Name)* | C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☑ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
- ☐ ured Mail
- ☐ ured Mail Restricted Delivery
  ver $500)
- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☑ Return Receipt ~~for Merchandise~~
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

PS Form 3811, July 2015 PSN 7530-02-000-9053 Domestic Return Receipt

EXHIBIT 7

Santa Ana Regional Water Quality Control Board

March 13, 2019

Design Form Inc
8250 Electric Avenue
Stanton, CA 90680

CERTIFIED MAIL
RETURN RECEIPT REQUIRED

NOTICE OF NON-COMPLIANCE WITH THE GENERAL PERMIT FOR STORM WATER DISCHARGES ASSOCIATED WITH INDUSTRIAL ACTIVITIES, ORDER NO. 2014-0057-DWQ, NPDES PERMIT NO. CAS000001

SECOND NOTICE

A Notice of Non-Compliance was sent to Design Form Inc on February 6, 2019 via certified mail, requesting that Design Form Inc obtain coverage under the General Permit by March 7, 2019. Per the United States Postal Service, the letter was delivered on February 8, 2019. To date, permit coverage has not been obtained.

NPDES Permit No. CAS000001, General Permit for Storm Water Discharges Associated with Industrial Activities (General Permit), authorizes discharges associated with industrial activity which is subject to certain conditions and limitations. Attachment A of the General Permit lists the types of facilities that require coverage. To view the General Permit, visit the website address below:

http://www.waterboards.ca.gov/water_issues/programs/stormwater/industrial.shtml

You are required to immediately obtain coverage under the General Permit. Failure to obtain coverage by April 5, 2019, will result in a minimum mandatory penalty of $5,000. Failure to submit the requested information may result in further enforcement, including civil monetary penalties of up to $10,000 for each day of violation and $10 per gallon for discharges over 1,000 gallons. If you have any questions regarding this matter, please contact Kyle Wright via email at Kyle.Wright@waterboards.ca.gov or via phone at (951) 320-6370.

Sincerely,

Michelle R. Beckwith, Chief
Coastal Storm Water Unit

enclosure: Notice of Non-Compliance, dated February 6, 2019

cc (w/o encl): OC Public Works – James Fortuna
City of Stanton, NPDES Coordinator – Allan Rigg


7008 1140 0002 4103 3190
U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)
For delivery information visit our website at www.usps.com
OFFICIAL USE
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Certified Fee
Return Receipt Fee
(Endorsement Required)
Restricted Delivery Fee
(Endorsement Required)
Postmark
Here
Design Form Inc
8250 Electric Avenue
Stanton, CA 90680
PS Form 3800, August 2006
See Reverse for Instructions

CALIFORNIA
Water Boards

GAVIN NEWSOM
GOVERNOR

JARED BLUMENFELD
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Santa Ana Regional Water Quality Control Board

February 6, 2019

Design Form Inc.
8250 Electric Avenue
Stanton, CA 90680

CERTIFIED MAIL
RETURN RECEIPT REQUIRED

NOTICE OF NON-COMPLIANCE WITH THE GENERAL PERMIT FOR STORM WATER DISCHARGES ASSOCIATED WITH INDUSTRIAL ACTIVITIES, ORDER NO. 2014-0057-DWQ, NPDES PERMIT NO. CAS000001

The Federal Clean Water Act (Clean Water Act) prohibits certain discharges of storm water containing pollutants except where such discharges occur in compliance with a National Pollutant Discharge Elimination System (NPDES) permit. In the state of California, Order No. 2014-0057-DWQ, NPDES Permit No. CAS000001 (General Permit), authorizes discharges associated with industrial activity subject to certain conditions and limitations. The General Permit is available at the web site address below:

http://www.waterboards.ca.gov/water_issues/programs/stormwater/industrial.shtml

It has come to the attention of the Santa Ana Regional Water Quality Control Board that Design Form Inc is operating at 8250 Electric Avenue in the city of Stanton and is engaged in sheet metal fabrication. These activities are best described by Standard Industrial Classification (SIC) code 3444. Activities described by SIC code 3444 are among those requiring coverage under Attachment A of the General Permit. Since this coverage has not been obtained, Design Form Inc is in violation of the General Permit.

This letter is to notify you that this facility requires coverage under the General Permit.

The General Permit provides for two types of coverage that are differentiated by whether or not a facility has exposure of certain industrial materials, products, wastes, or processes to storm water. To apply for permit coverage all documents must be submitted via SMARTS (https://smarts.waterboards.ca.gov/). The two types of coverage are as follows:

1. Notice of Intent (NOI coverage): This coverage is for dischargers that discharge storm water associated with industrial activity to waters of the United States. All applicable requirements of the General Permit must be met. To obtain NOI coverage the following documents must be submitted:
    a. A completed NOI and signed certification statement (Section II.B.1)
    b. A copy of a current Site Map from the Storm Water Pollution Prevention Plan (SWPPP) (Section X.E);
    c. A SWPPP (Section X); and,
    d. An application fee.

2. No Exposure Certification (NEC Coverage): Dischargers that certify their facility has no exposure of industrial activities or materials to storm water in accordance with Section XVII of the General Permit may qualify for NEC coverage and are not required to comply with the SWPPP or monitoring requirements of this General Permit. To obtain NEC coverage the following documents must be submitted:
    a. A completed NEC Form (Section XVII.F.1) and signed certification statement (Section XVII.H);
    b. A completed NEC Checklist (Section XVII.F.2);
    c. A current Site Map (Section X.E); and,
    d. An application fee.

In order to address this violation, by **March 7, 2019, Design Form Inc** must complete either an NOI or an NEC through SMARTS. A SMARTS help guide can be found here: http://www.waterboards.ca.gov/water_issues/programs/stormwater/docs/dischargers_guide_smarts.pdf.

Please be advised that the failure to obtain coverage under the General Permit, as requested, will result in a mandatory minimum penalty of $5,000 under Section 13399.33(a)(1) of the California Water Code. Furthermore, continued violations of the General Permit may result in the imposition of administrative civil liability in an amount of up to $10,000 for each day of violation under Section 13385 of the California Water Code.

If you have any questions regarding this matter, please contact Kyle Wright via email at Kyle.Wright@waterboards.ca.gov via phone at (951) 320-6370.

Sincerely,

Michelle R. Beckwith, Chief
Coastal Storm Water Unit

cc: OC Public Works – James Fortuna
City of Stanton, NPDES Coordinator – Allan Rigg

7018 1830 0002 1483 6387

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at *www.usps.com*.

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Extra Services & Fees *(check box, add fee as appropriate)*
- ☐ Return Receipt (hardcopy) $
- ☐ Return Receipt (electronic) $
- ☐ Certified Mail Restricted Delivery $
- ☐ Adult Signature Required $
- ☐ Adult Signature Restricted Delivery $

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$

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Sire

City

Postmark Here

Design Form Inc.
8250 Electric Avenue
Stanton, CA 90680

PS Form 3800, Apr 2015

See Reverse for Instructions

USPS TRACKING #

9590 9402 4592 8278 6099 65

First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

United States
Postal Service

• Sender: Please print your name, address, and ZIP+4® in this box•

CA REGIONAL WATER QUALITY CONTROL BOARD
SANTA ANA REGION
3737 MAIN STREET, SUITE 500
RIVERSIDE, CA 92501-3348

MRB

Received
APR 2019
CRWQCB
Santa Ana Region 8



SENDER: *COMPLETE THIS SECTION*

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Design Form Inc
8250 Electric Avenue
Stanton, CA 90680

USPS
APR - 1 2019
STANTON CA 90680

9590 9402 4592 8278 6099 65

2. Article Number *(Transfer from service label)*
7008 1140 0002 4103 3190

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X Raul Herrera ☐ Agent ☐ Addressee

B. Received by *(Printed Name)* Raul Herrera
C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☒ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
- ☐ Insured Mail
- Insured Mail Restricted Delivery (over $500)
- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☒ Return Receipt for Merchandise
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

PS Form 3811, July 2015 PSN 7530-02-000-9053 Domestic Return Receipt

EXHIBIT 8

PHONE RECORD

DATE: 4-2-2019
Time: 10:45am
Contact: Glenn Baldwin
Spoke to: Luis Llamas
Number: (714) 573-1700
Email: office@designform.com

Permit Coverage for Design Form Inc.

Spoke to Luis Llamas an employee regarding permit coverage. Luis stated that he simply worked in the office and that I needed to speak to Glenn Baldwin who handles permitting for Design Form Inc. Luis stated the facility does do CNC machining.

Staff: Kyle Wright

EXHIBIT 9

From:	Wright, Kyle@Waterboards
To:	"office@designform.com"
Subject:	Permit Coverage for Design Form Inc.
Date:	Tuesday, April 2, 2019 3:13:00 PM
Attachments:	Dischargers Guide to SMARTS.pdf General Permit for Storm Water Discharges Associated With Industrial Activities .pdf nec_brochure.pdf Design Form Inc.pdf Design Form Inc_.pdf

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Hi Glenn,

My names Kyle Wright with the Santa Ana Regional Water Quality Control Board. I was passed on your information from Luis Llamas from your facility. Reason for contacting you is that the Regional Board has sent 2 notices of Non-Compliance via certified mail asking that Design Form Inc obtain permit coverage under the Industrial General Permit by April 5, 2019.

Luis stated your facility is engaged in CNC machining, which does meet the criteria for industries covered under the Industrial General Permit. He also stated that the facility houses all machines and material in doors and that nothing is stored outside of the facility. If this statement is correct you may qualify for a No Exposure Certification, however you would need to make that determination as the Legally Responsible Person.

Attached are some documents to assist you with this process.

- The Notice of Intent (NOI) starts on page 14 and goes to page 60;
- Industrial General Permit – No Exposure Certification : See Appendix 2 (last 8 pages) if you believe you are a fit for the NEC Requirements. It will give you all the guidelines of what is allowed and not allowed under that exemption.
- NEC Brochure: Just a helpful guide in determining if you qualify for an NEC.

Dischargers Guide to SMARTS: This will give you a step by step on how to create an account and fill out the permit applications through the SMARTS system

Failure to submit an application under the Industrial General permit will result in a Minimum Mandatory penalty of $5,000 plus additional staff cost. You have until end of business on April 5th to submit.

If you have any questions please contact me.

Kyle J. Wright
Engineering Geologist
Regional Water Quality Control Board,
Santa Ana Region 8
3737 Main St., Suite 500, Riverside, CA 92501-3348
Direct Phone: (951) 320-6370
Email: kyle.wright@waterboards.ca.gov
Front Desk for Assistant: (951) 782-4130
Website: http://www.waterboards.ca.gov/santaana

EXHIBIT 10

PHONE RECORD

DATE: 4-4-2019
Time: 3:26pm
Contact: Glenn Baldwin
Spoke to: no answer
Number: (714) 573-1700
Email: office@designform.com

Permit Coverage for Design Form Inc

Staff attempted to contact Glenn Baldwin with Design Form Inc. No answer at the above number. Staff left a voicemail reminding the facility that the final day to file for permit coverage would be 4-5-2019 or they would receive an MMP.

Staff: Kyle Wright

EXHIBIT 11

From:	Wright, Kyle@Waterboards
To:	"office@designform.com"
Subject:	Final Due Date for Permit Coverage Design Forms
Date:	Thursday, April 4, 2019 3:28:00 PM
Attachments:	Dischargers Guide to SMARTS.pdf General Permit for Storm Water Discharges Associated With Industrial Activities .pdf nec_brochure.pdf Design Form Inc_.pdf Design Form Inc.pdf

---

Hi Glenn,

My names Kyle Wright with the Santa Ana Regional Water Quality Control Board. I was passed on your information from Luis Llamas from your facility. Reason for contacting you is that the Regional Board has sent 2 notices of Non-Compliance via certified mail asking that Design Form Inc obtain permit coverage under the Industrial General Permit by April 5, 2019.

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- The Notice of Intent (NOI) starts on page 14 and goes to page 60;
- Industrial General Permit – No Exposure Certification : See Appendix 2 (last 8 pages) if you believe you are a fit for the NEC Requirements. It will give you all the guidelines of what is allowed and not allowed under that exemption.
- NEC Brochure: Just a helpful guide in determining if you qualify for an NEC.

Dischargers Guide to SMARTS: This will give you a step by step on how to create an account and fill out the permit applications through the SMARTS system

Failure to submit an application under the Industrial General permit will result in a Minimum Mandatory penalty of $5,000 plus additional staff cost. You have until end of business on April 5th to submit.

If you have any questions please contact me.

Kyle J. Wright
Engineering Geologist
Regional Water Quality Control Board,
Santa Ana Region 8
3737 Main St., Suite 500, Riverside, CA 92501-3348
Direct Phone: (951) 320-6370
Email: kyle.wright@waterboards.ca.gov
Front Desk for Assistant: (951) 782-4130

EXHIBIT 12

Inspection Report

Design Form
8250 Electric Avenue
Stanton, CA 90680

Inspected By: Kaitlin Diaz
Environmental Scientist
Santa Ana Regional Water Quality Control Board

Inspection Date: September 4, 2019

Purpose: Non-filer Inspection

Regional Board Staff conducted a non-filer inspection at 8250 Electric Avenue on September 4, 2019. Staff met with Mr. Luis Llamas, as the owner Mr. Glenn Baldwin was not present. Mr. Llamas indicated that the owner is out of town for a couple of months. Mr. Llamas indicated that the facility conducts CNC machining work and discards the metal chips into 55-gallon drums.

Mr. Llamas was aware of the two issued Notice of Non-Compliance letters and indicated that Mr. Baldwin did not respond as he has no intention of gaining IGP coverage. Staff let a business card and Mr. Llamas stated that Mr. Baldwin would not be doing anything with the business card and will not be filling out any paperwork pertaining to gaining permit coverage.

EXHIBIT 13

Inspection Report

Design Form
8250 Electric Avenue
Stanton, CA 90680

Inspected By: Michelle Beckwith
Senior Environmental Scientist
Santa Ana Regional Water Quality Control Board

Kaitlin Diaz
Environmental Scientist
Santa Ana Regional Water Quality Control Board

Chuck Griffin
Senior Water Resource Control Engineer
Santa Ana Regional Water Quality Control Board

Inspection Date: October 28, 2019

Purpose: Non-filer Inspection

Regional Board Staff conducted a non-filer inspection of 8250 Electric Avenue on October 28, 2019. Staff met with Justin, receptionist, and Mr. Luis Llamas as the owner, Mr. Glenn Baldwin was not present. Justin indicated that Mr. Baldwin would be retiring soon and is not at the facility often.

Staff asked Mr. Llamas for an inspection and was denied entry. Mr. Llamas stated he was unsure when Mr. Baldwin would be at the facility, but that Mr. Baldwin was aware of the two issued Notice of Non-Compliance letters. Mr. Llamas stated that Mr. Baldwin had no intention of obtaining permit coverage as he has been in business for many years without permit coverage. Staff explained that a mandatory minimum penalty is associated with the NNC letters if permit coverage is not obtained.

8 30IN604776 - Design Form Inspection Photographs






10/28/2019


10/28/2019


10/28/2019


10/28/2019


10/28/2019


10/28/2019


10/28/2019

EXHIBIT 14

From: Diaz, Kaitlin@Waterboards
To: "tbaldwin@designform.com"
Subject: Design Form - Administrative Civil Liability Complaint
Date: Wednesday, March 4, 2020 3:43:00 PM
Attachments: COMPLETE Design Form MMP 02.10.20.pdf

Mr. Baldwin,

I am following up regarding the Administrative Civil Liability Complaint that was issued to Design Form on February 10, 2020. The Complaint seeks a mandatory minimum penalty of $7,840 for failure to obtain Industrial General Permit coverage as authorized by California Water Code section 13399.33.

As part of the Complaint package, the facility has an option to submit a Waiver Form and avoid taking this matter to a hearing in front of the Regional Board. The deadline to submit this waiver is Monday, March 9, 2020.

Please let me know if you have any questions regarding this matter.

Thank you,

Kaitlin Diaz
Environmental Scientist
Santa Ana Regional Water Quality Control Board
3737 Main Street, Suite 500
Riverside, CA 92501
Phone: 951-782-4992
Website: https://www.waterboards.ca.gov/santaana/

EXHIBIT 15

Phone Log: March 4, 2020 3:51pm
Glenn Baldwin of Design Form

Ms. Diaz received a phone call from Mr. Glenn Baldwin of Design Form on March 4, 2020 at 3:51pm. Mr. Baldwin indicated that he reached out to the Regional Board after talking to the Mayor regarding the Complaint package he received on February 10, 2020. Mr. Baldwin indicated that he had received both Notice of Non-Compliances (NNCs) and Mandatory Minimum Penalty Complaint package that were sent to him. He stated that when he received the first NNC, dated February 6, 2019, he called the phone number on the NNC and spoke to a gentleman regarding the notice. Mr. Baldwin stated he could not recall the gentleman's name but explained that Design Form no longer conducts manufacturing at the facility and felt the Industrial General Permit did not pertain to his facility. Mr. Baldwin stated the gentleman said Design Form could then qualify for a No Exposure Certification permit but would not tell him the price of the permit. Mr. Baldwin explained that he still felt his business did not need a stormwater permit.

Mr. Baldwin explained to Ms. Diaz that he no longer manufactures at the facility and has stopped manufacturing since April 2016. He stated he manufactures products to sell but only sells the products from the Design Form building now. He explained that he feels the SIC Code 3444 (sheet metal fabrication) does not apply to his business. Mr. Baldwin stated he does not store anything outdoors and rents the inside of his building to the neighboring gun range (FT3 Tactical) so they can store their excess merchandise there.

Ms. Diaz explained to Mr. Baldwin that she has visited Design Form for an inspection and indicated that she saw machinery and 55-gallon drums containing metal chips inside the building. Mr. Baldwin indicated that the machinery was not his and he rents the building space to another facility. Ms. Diaz clarified that Mr. Baldwin stated the machinery and 55-gallon drum was not Design Forms and instead belonged to another facility. Mr. Baldwin confirmed this statement.

Ms. Diaz also stated that during her inspection she observed 55-gallon drums and industrial equipment stored outdoors behind Design Form's fence line, but that Mr. Baldwin had indicated the facility did not store anything outdoors. Mr. Baldwin explained the 55-gallon drums and equipment were not his and that they were dumped on his property. He stated he spoke with his employee (Mr. Luis Llamas) and asked him where the drums and equipment came from and Mr. Llamas did not know either. Mr. Baldwin stated he cleaned up everything outdoors so there is nothing currently stored outdoors. He also stated that he took pictures of his empty lot to show there is nothing stored outdoors.

Mr. Baldwin stated he has no intention of signing the waiver and would like to attend the board meeting to state his case that he should not be under the Industrial General Permit. Mr. Diaz explained that the Compliant package has important deadlines to follow regarding the board meeting in May. She stated that if he had any legal questions or questions regarding the board meeting that he should contact Ms. Catherine Hawe. Ms. Diaz asked Mr. Baldwin if he had

received Ms. Hawe's email from February 20, 2020 and he indicated that he had. Mr. Baldwin indicated that he would not be spending money to hire someone to defend him and that he would be showing up to the board meeting in May.

EXHIBIT 16

BUSINESS CERTIFICATE CITY OF STANTON

Administrative Services Department
(714) 379-9222
7800 Katella Avenue
Stanton, CA 90680

NOT TRANSFERABLE
PLEASE POST IN
A CONSPICUOUS PLACE

LICENSE NO.: **10834**

BUSINESS LOCATION: **8250 ELECTRIC AVE STANTON, CA 90680-2640**

TYPE OF BUSINESS: **89-Misc. Services**

DATE ISSUED: **03/10/2020**

EXPIRATION DATE: **12/31/2020**

DESIGN FORM INC
GLENN BALDWIN
8250 ELECTRIC AVE
STANTON, CA 90680-2640

The person, firm, or corporation named below is granted this business certificate pursuant to the provisions of the City Business License Ordinance to engage in, carry on or conduct the business, trade, calling, profession, exhibition or occupation described below. Issuance of certificate is not an endorsement, nor certification of compliance with other ordinances or laws.

EXHIBIT 17

CERTIFICATE OF OCCUPANCY

COMMUNITY DEVELOPMENT DEPARTMENT

CITY OF STANTON
10660 Western Ave.

OCCUPANT Design Form

ADDRESS 8250 Electric Avenue

USE OF BUILDING Sheet Metal

GROUP B-2 USE ZONE M-1

APPROVED BY Mark D. Lloyd DATE 6-29-93

THE ABOVE DESCRIBED BUILDING HAS BEEN INSPECTED AND FOUND TO COMPLY WITH THE PROVISIONS OF ALL ORDINANCES APPLICABLE THERETO.

THIS CERTIFICATE IS NON-TRANSFERABLE.

ISSUED TO Glenn and Pen Rose Baldwin

ADDRESS 20919 Verne Ave., Lakewood, CA 90715

AUTHORIZED BY [signature] DATE 6-29-93

NOTICE! POST IN A CONSPICUOUS PLACE ON THE PREMISES

EXHIBIT 18

Industry Group No. 344

FABRICATED STRUCTURAL METAL PRODUCTS—Con.

3443 Fabricated Plate Work (Boiler Shops)—Con.

Towers, tank: metal plate
Towers: bubble, cooling, fractionating—metal plate
Trash racks, metal plate
Troughs, industrial: metal plate
Truss plates, metal
Tunnel lining, metal plate
Tunnels, vacuum: metal plate
Tunnels, wind
Vacuum tanks, metal plate
Vats, metal plate
Vessels, process and storage: metal plate (made in boiler shops)
Water tanks, metal plate
Weldments

3444 Sheet Metal Work

Establishments primarily engaged in manufacturing sheet metal work for buildings (not including fabrication work done by construction contractors at the place of construction), and manufacturing stovepipes, light tanks, and other products of sheet metal.

Air cowls, scoops, or airports (ship ventilators), sheet metal
Awnings, sheet metal
Bins, prefabricated: sheet metal
Booths, spray: prefabricated sheet metal
Canopies, sheet metal
Casings, sheet metal
Coal chutes, prefabricated sheet metal
Cooling towers, sheet metal
Cornices, sheet metal
Culverts, sheet metal
Dampers, sheet metal
Door hoods, aluminum
Downspouts, sheet metal
Ducts, sheet metal
Eaves, sheet metal
Elbows for conductor pipe, hot air ducts, and stovepipe: sheet metal
Flooring, cellular steel
Flues, stove and furnace: sheet metal
Flumes, sheet metal
Forming machine work for the trade, except stampings: sheet metal
Forms for concrete, sheet metal
Furnace casings, sheet metal
Guardrails, highway: sheet metal
Gutters, sheet metal
Hoods, range: sheet metal
Hoppers, sheet metal
Housings for business machines, sheet metal: except stamped
Irrigation pipe, sheet metal
Joists, sheet metal
Laundry hampers, sheet metal
Louvers, sheet metal
Machine guards, sheet metal
Mail chutes, sheet metal
Mail collection or storage boxes, sheet metal
Pile shells, sheet metal
Pipe, sheet metal
Post office collection boxes
Radiator shields and enclosures, sheet metal
Restaurant sheet metal work
Roof deck, sheet metal
Sheet metal specialties, not stamped
Siding, sheet metal
Skylights, sheet metal
Spouts, sheet metal
Stove boards, sheet metal
Stove pipe and flues, sheet metal
Studs, sheet metal
Troughs, elevator: sheet metal
Vats, sheet metal
Ventilators, sheet metal
Wells, light: sheet metal

3446 Architectural and Ornamental Metal Work

Establishments primarily engaged in manufacturing architectural and ornamental metal work, such as stairs and staircases, open steel flooring (grating), fire escapes, grilles, railings, and fences and gates, except those made from wire. Establishments primarily engaged in manufacturing fences and gates from purchased wire are classified in Industry 3496; those manufacturing prefabricated metal buildings and parts are classified in Industry 3448; and those manufacturing miscellaneous metal work are classified in Industry 3449.

Acoustical suspension systems, metal
Balconies, metal
Bank fixtures, ornamental metal
Bannisters, railings, guards, etc.: made from metal pipe
Brasswork, ornamental: structural
Channels, furring
Elevator guide rails, metal
Fences and posts, ornamental iron and steel
Fire escapes, metal
Flagpoles, metal
Flooring, open steel (grating)
Gates, ornamental metal
Gratings (open steel flooring)
Gratings, tread: fabricated metal
Ladders, chain: metal
Ladders, for permanent installation: metal
Lamp posts, metal

EXHIBIT 19

http://designform.com/nspage.html
Search...
DESIGN FORM FRAME
File Edit View Favorites Tools Help
Convert Select
Regional Board 8 - Home | State Water Resources Co... | SMARTS | Storm Water Program | Industrial Help Guides | In-Out Board | EmPART

Design Form Inc.

Specializing in Sheet Metal Fabrication, We make YOUR print - On Time.

If we can't do it....for a small fee we'll help you find someone who can or make suggestions for your success.

Design Form specializes in sheet metal fabrication and prototypes. A "Job Shop" versatility includes component for machinery manufactures, architectural and structural parts, ground support equipment housing, and specialized component equipment for all types of industries. An OEM and a consultant for many larger corporation Design Form Inc. offers a range of services. Design Form Inc. is environmental conscious and assists other companies in theirn development to meet new standards or comply with existing ones.

We are located in Stanton, CA, USA

Design Form

EXHIBIT 20

Catherine Hawe, Attorney (SBN 312055)
Office of Enforcement
State Water Resources Control Board
801 K Street, Suite 2300
Sacramento, California 95814
Telephone: (916) 322-3538
Facsimile: (916) 341-5896
Email: Catherine.Hawe@waterboards.ca.gov

Attorney for Regional Water Quality Control Board,
Santa Ana Region, Prosecution Team

BEFORE THE CALIFORNIA WATER QUALITY CONTROL BOARD

SANTA ANA REGION

In the Matter of: DESIGN FORM, INC	MANDATORY MINIMUM PENALTY COMPLAINT NO. R8-2020-0016 DECLARATION OF MICHELLE BECKWITH

I, MICHELLE BECKWITH, declare as follows:

1. I am the Senior Environmental Scientist for the Santa Ana Regional Water Quality Control Board (Regional Water Board) Prosecution Team (Prosecution Team) in this action.

2. I have personal knowledge of all facts stated in this declaration and, if called as a witness could and would testify competently under oath.

3. The Assistant Executive Officer of the Regional Water Board issued a Mandatory Minimum Penalty Complaint (Complaint) for this matter on February 10, 2020 to Design Form, Inc (Discharger). A hearing on this matter is currently scheduled for May 8, 2020.

4. The following issues are involved in this case: Waste Discharge Requirements for the County of Orange, Orange County Flood Control District and the Incorporated Cities of Orange County within the Santa Ana Region Areawide Urban Storm Water Runoff,

Order No. R8-2009-0030, NPDES Permit No. CAS618030 as amended by Order No. R8-2010-0062 (OC MS4 Permit) requires that each local municipality maintain an inventory of facilities within its jurisdiction and annually report this inventory to the Regional Water Board. After reviewing the information, Regional Water Board staff identify which facilities are not currently enrolled under the Storm Water Discharges Associated with Industrial Activities Order No. 2014-0057-DWQ, NPDES Permit No. CA000001 (General Permit) and pursue enforcement via the issuance of Notices of Non-Compliance as described in California Water Code section 13399 et seq. In preparing these Notices of Non-Compliance, Regional Water Board staff conduct cursory information searches via the internet to assist in the assessment of potential permit applicability. Per Design Form, Inc.'s own website, the Discharger operates as a sheet metal fabricator which is an industrial activity that is regulated under the General Permit.

5. Per the Standard Industrial Classification Manual (1987) published by the Federal Office of Management and Budget, sheet metal fabrication is defined under Standard Industrial Classification (SIC) code 3444 – Sheet Metal Work. This classification is for establishments primarily engaged in manufacturing sheet metal work for buildings and manufacturing stovepipes, light tanks, and other products of sheet metal. The manual lists 51 potential 'other' products of sheet metal.

6. Attachment A of the General Permit, which describes what sort of industrial facilities must obtain coverage under the General Permit, identifies SIC code 3444 as an industrial activity which requires General Permit coverage. Based on the information reported by the local municipality and the Discharger's own website, the Regional Water Board issued a Notice of Non-Compliance to the Discharger on February 6, 2019 for failure to obtain coverage under the General Permit. On March 7, 2019, the Regional Water Board issued a second Notice of Non-Compliance with a final deadline of April 5, 2019.

7. Regional Water Board staff conducted inspections of the facility on September 4, 2019 and October 28, 2019 and were denied access on both instances, however the conditions staff observed are consistent with an industrial facility,

8. As of March 16, 2020, Design Form, Inc. has not filed any permit registration documents to enroll under the General Permit and remains non-compliant with the General Permit requirements.

9. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 16th date of March, 2020 at Riverside, California.

3/16/2020
Date

Michelle Beckwith
Senior Environmental Scientist
for the Prosecution Team

EXHIBIT 21

Catherine Hawe, Attorney (SBN 312055)
Office of Enforcement
State Water Resources Control Board
801 K Street, Suite 2300
Sacramento, California 95814
Telephone: 916-322-3538
Fax: 916-341-5896
E-mail: Catherine.Hawe@waterboards.ca.gov

Attorney for Regional Water Quality Control Board,
Santa Ana Region, Prosecution Team

BEFORE THE CALIFORNIA WATER QUALITY CONTROL BOARD
SANTA ANA REGION

In the Matter of: DESIGN FORM, INC.	)))))	MANDATORY MINIMUM PENALTY COMPLAINT NO. R8-2020-0016 DECLARATION OF JAYNE E. JOY

I, JAYNE JOY, declare as follows:

1. I am the Assistant Executive Officer of the Regional Water Quality Control Board, Santa Ana Region (Regional Board) and have been in that position for the last year. As Assistant Executive Officer at the Regional Board, I oversee the work of the technical staff in the Coastal Storm Water Unit. The Coastal Storm Water Unit is tasked with enforcing the State Water Resources Control Board's general storm water permits associated with the regulation of storm water from industrial facilities, construction sites, and municipalities, and assessing administrative civil liabilities for non-compliance with these permits. I develop enforcement approaches to evaluate compliance with the State Water Resources Control Board's general storm water permits. I am a member of the Regional Board's Prosecution Team and have worked on enforcement cases in a lead role.

2. I have personal knowledge of the Regional Board's procedures for facilities regulated

under Waste Discharge Requirements for Discharges of Storm Water Associated with Industrial Activities Excluding Construction Activities, Order No. 2014-0057-DWQ, NPDES Permit No. CAS000001, and oversee the staff roles described below.

3. Kyle Wright, Engineering Geologist, conducted an initial inspection on November 19, 2018 and prepared the two Notices of Non-Compliance for a total estimated time of 1 hour.

4. Kaitlin Diaz, Environmental Scientist, attempted to inspect the facility on September 4, 2019 and October 28, 2019. She also prepared the Mandatory Minimum Penalty R8-2020-0016 for a total estimated time of 11.5 hours.

5. Chuck Griffin, Senior Water Resource Control Engineer, inspected the facility with Ms. Diaz on January 30, 2018 for an estimated 4 hours. This included travel time.

6. Michelle Beckwith, Senior Environmental Scientist, inspected the facility with Ms. Diaz and Mr. Griffin on October 28, 2019. She also prepared and reviewed the Mandatory Minimum Penalty R8-2020-0016 for a total estimated time of 6 hours.

7. I reviewed the Mandatory Minimum Penalty R8-2020-0016 for a total estimated time of 1 hour.

Executed this 16th day of March 2020, at Riverside, California.

Jayne E. Joy, PE
Assistant Executive Officer
Santa Ana Regional Water Quality Control Board

DISCHARGER REBUTTAL EVIDENCE

D-1

Beckwith, Michelle@Waterboards

From: tbaldwin@designform.com
Sent: Wednesday, April 8, 2020 2:31 PM
To: Hawe, Catherine@Waterboards
Cc: Diaz, Kaitlin@Waterboards
Subject: Info
Attachments: BackofShop 4-8-20.jpg

EXTERNAL:

Hello Catherine Hawe

I'm having 2nd thoughts about using a remote meeting software. I don't want to be trying to communicate with the panel and having to concentrate on the how to best to present my side of the argument. I'm good with waiting until we can do the meeting with human conversation.

I have a question as to who is going to be there. The people that I have interfaced with are Kyle Wright, Kaitlin Diaz, and yourself.

I noticed that the recorded telephone conversations were not in the body of the Complaint.

I have attached a current picture of the back of the 8250 Electric Ave building.

Let me know how we're going to proceed.

Thank You

Glenn Baldwin

D-2



PROSECUTION TEAM REBUTTAL EVIDENCE

PROSECUTION TEAM REBUTTAL EVIDENCE LIST
Design Form, Inc.

The following items are evidence for the Santa Ana Regional Water Quality Control Board (RWQCB) hearing regarding Complaint No. R8-2020-0016. This matter is scheduled to be heard at the September 11, 2020 virtual Board meeting.

Exhibit	Title of Document	Location
22	RWQCB Email to Design Form; June 1, 2020	Attached SMARTS Database, 8 30IN604776
23	Design Form Email to RWQCB; June 12, 2020	Attached SMARTS Database, 8 30IN604776
24	RWQCB Email to Design Form; June 16, 2020	Attached SMARTS Database, 8 30IN604776
25	Secretary of State Website – Accessed on July 27, 2020	Attached
26	Landvision Report – Accessed on June 17, 2020	Attached

EXHIBIT 22

From: Diaz, Kaitlin@Waterboards <Kaitlin.Diaz@waterboards.ca.gov>
Sent: Monday, June 1, 2020 12:22 PM
To: T Baldwin <tbaldwin@designform.com>
Cc: Beckwith, Michelle@Waterboards <Michelle.Beckwith@waterboards.ca.gov>; Hawe, Catherine@Waterboards <Catherine.Hawe@Waterboards.ca.gov>
Subject: Design Form Inspection

Mr. Baldwin,

In light of the Regional Board's inability to inspect the facility fully during our last inspection, Regional Board staff would like to conduct an inspection of Design Form with your consent to access the full property as well as allowing Regional Board staff to take photographs. Also, please ensure either yourself or an employee be present during the inspection to answer Regional Board questions.

Please note that Regional Board staff will adhere to social distancing and will wear the appropriate face covering.

Regional Board staff would like to inspect the facility no later than Monday, June 22, 2020. Please let us know by June 15th if an inspection can be conducted of Design Form.

Thank you,

Kaitlin Diaz
Environmental Scientist
Santa Ana Regional Water Quality Control Board
3737 Main Street, Suite 500
Riverside, CA 92501
Phone: 951-782-4992

EXHIBIT 23

From: T Baldwin <tbaldwin@designform.com>
Sent: Friday, June 12, 2020 2:30 PM
To: Diaz, Kaitlin@Waterboards <Kaitlin.Diaz@waterboards.ca.gov>
Subject: RE: Design Form Inspection

EXTERNAL:

Hello,

I believe your understanding of the building at 8250 Electric Ave is incorrect. I have an office in the building. It's not the neatest office just papers and a computer. I have expressed to you, Catherine Hawe , and Kyle Wright that as of April 1 2016 that Design Form, Inc. was a broker for the Ice resurfacer and had previously sold the equipment and had no employees. You took pictures of the back yard, front and side. The back of the building is on the property line. I sent you a current picture of the back yard. You can always take the same pictures of the property like you did previously.

What is the new date for the board meeting?

Glenn Baldwin

EXHIBIT 24

From: Diaz, Kaitlin@Waterboards
To: T Baldwin
Cc: Beckwith, Michelle@Waterboards; Hawe, Catherine@Waterboards
Subject: Re: Design Form Inspection
Date: Tuesday, June 16, 2020 3:38:37 PM

Mr. Baldwin,

Although, Regional Board staff have visited the Facility and observed the outdoor portion to the east of the building from the neighboring business, staff have not conducted a full and complete inspection to date. Staff was denied access in both September and October 2019 to inspect inside the Facility and thusly have not been provided an opportunity to fully conduct an inspection or develop a complete understanding of the industrial activities which take place at the Facility. Regional Board staff would like to conduct an inspection of the interior and exterior of the Facility, as well as take photographs, to gain a comprehensive understanding of your business.

In your email dated 6/12/20, you mention the Facility was a broker for ice resurfacing. Please expand on that topic and provide more details.

Also, the Board meeting is scheduled for July 31, 2020 and will be conducted virtually. The Prosecution Team is awaiting additional guidance from the Advisory Team on the exact process that will be utilized to conduct the Hearing. As soon as we have additional information, we will provide it to you. You may also be contacted directly by someone from the Advisory Team, including Ms. Teresita Sablan, counsel for the Advisory Team. As a reminder, revised Hearing Procedures were issued by the Advisory Team to reflect the July 31, 2020 hearing date on April 20, 2020.

Finally, Regional Board staff would like to inspect the property no later than Monday, June 22, 2020. Please let us know by June 19th if you consent to the Regional Board's entry, inspection, and photographing of Design Form, Inc.

Thank you,

Kaitlin Diaz
Environmental Scientist
Santa Ana Regional Water Quality Control Board
3737 Main Street, Suite 500
Riverside, CA 92501
Phone: 951-782-4992

EXHIBIT 25

Business Entities (BE)

- Online Services
  - File LLC Statement of Information
  - File Corporation Statement of Information
  - Business Search
  - Publicly Traded Disclosure Search
  - Current Processing Dates
- Service Options
- Name Availability
- Forms, Samples & Fees
- Statements of Information (annual/biennial reports)
- Filing Tips
- Information Requests (certificates, copies & status reports)
- Service of Process
- FAQs
- Contact Information
- Resources

Business Search - Entity Detail

The California Business Search is updated daily and reflects work processed through Sunday, July 26, 2020. Please refer to document **Processing Times** for the received dates of filings currently being processed. The data provided is not a complete or certified record of an entity. Not all images are available online.

C1762674 DESIGN FORM, INC.

Registration Date:	04/27/1995
Jurisdiction:	CALIFORNIA
Entity Type:	DOMESTIC STOCK
Status:	ACTIVE
Agent for Service of Process:	GLENN BRUCE BALDWIN 8250 ELECTRIC AVE STANTON CA 90680
Entity Address:	8250 ELECTRIC AVE STANTON CA 90680
Entity Mailing Address:	8250 ELECTRIC AVE STANTON CA 90680

Certificate of Status

A Statement of Information is due EVERY year beginning five months before and through the end of April.

Document Type	File Date	PDF
SI-COMPLETE	05/03/2020	
SI-COMPLETE	06/04/2007	
REGISTRATION	04/27/1995	

California Secretary of State
Electronic Filing

FILED
Secretary of State
State of California

Corporation - Statement of Information

Entity Name:	DESIGN FORM, INC.
Entity (File) Number:	C1762674
File Date:	05/03/2020
Entity Type:	Corporation
Jurisdiction:	CALIFORNIA
Document ID:	GF30143

Detailed Filing Information

1. Entity Name: DESIGN FORM, INC.

2. Business Addresses:
   a. Street Address of Principal Office in California: 8250 Electric Ave, Stanton, California 90680, United States of America
   b. Mailing Address: 8250 Electric Ave, Stanton, California 90680, United States of America
   c. Street Address of Principal Executive Office: 8250 Electric Ave, Stanton, California 90680, United States of America

3. Officers:
   a. Chief Executive Officer: Glenn Bruce Baldwin, 8250 Electric Ave, Stanton, California 90680, United States of America
   b. Secretary: Glenn Bruce Baldwin, 8250 Electric Ave, Stanton, California 90680, United States of America

Document ID: GF30143

California Secretary of State
Electronic Filing

Officers (cont'd):

c. Chief Financial Officer: Glenn Bruce Baldwin
8250 Electric Ave
Stanton, California 90680
United States of America

4. Director: Glenn Bruce Baldwin
8250 Electric Ave
Stanton, California 90680
United States of America

Number of Vacancies on the Board of Directors: 0

5. Agent for Service of Process: Glenn Bruce Baldwin
8250 Electric Ave
Stanton, California 90680
United States of America

6. Type of Business: Sales

By signing this document, I certify that the information is true and correct and that I am authorized by California law to sign.

Electronic Signature: Glenn B Baldwin

Use bizfile.sos.ca.gov for online filings, searches, business records, and resources.

Document ID: GF30143

EXHIBIT 26

Property Detail Report for:

DIGITAL MAP PRODUCTS | Beyond Mapping

8250 ELECTRIC AVE, STANTON, CA, 90680-2640

Owner Information:

Owner Name:	**BALDWIN, GLENN B**		
Mailing Address:	**8250 ELECTRIC AVE, STANTON, CA, 90680-2640**		
Vesting Code:	**SM**	Vesting Code Desc:	**SINGLE/UNMARRIED MAN**
Owner Type:			

Location Information:

Legal Description:	**N TR 3468 BLK LOT 11 TRACT NO 3468 LOT 11 AND SEC 24 T 4 R 11 POR SW1/4**		
County:	**ORANGE**	Parcel No. (APN):	**126-554-49**
FIPS Code:	**06059**	Alternative APN:	
Census Trct/Blk:	**087803 / 2**	Legal Book/Page:	
Twnshp-Rnge-Sect:	**- -**	Map Ref:	**J2-797**
Legal Land Lot:	**11**	School District:	**ANAHEIM UNION HIGH SCHOOL DISTRICT**
Legal Block:			
Subdivison:	**RANCHO LOS COYOTES**		

Last Market Sale Information:

Recording Date:	**2006/09/13 00:00:00**	New Construction:	
Sale Date:	**2006/09/13 00:00:00**	1st Mtg Amount:	
Sale Price:		1st Mtg Type:	
Price Per SF:		1st Mtg Doc No:	
Price Per Acre:		Sale Doc No:	**2006000610663**
Deed Type:		Transfer Doc No:	**2006000610663**
Sale Type:			
Title Company:			
Lender:			
Seller Name:			

Last Transfer of Ownership:

Recording Date:	**2006/09/13 00:00:00**	Book Number:	
Document Number:	**2006000610663**	Page Number:	
Doc. Type:	**IT**		

Prior Sale Information:

Recording Date:		Sale Type:	
Sale Date:		Transfer Doc. No.:	**20000238194**
Sale Price:		New Construction:	
Sale Doc. No.:			
Seller Name:			
Title Company:			
Lender:			

Property Characteristics:

Building Area (SF):		Total Rooms:	
No. of Units		Bedrooms:	
No. of Stories:		Bathrooms:	**0**
Yr Built/Effective:	/	Basement:	
Condition:		Basement Area (SF):	
Construction:		Heat Type:	
Roof Type:	**511099208_23313**	Air Cond Type:	
Roof Material:		Fireplace:	
Parking Spaces:	**0**		

Site Information:

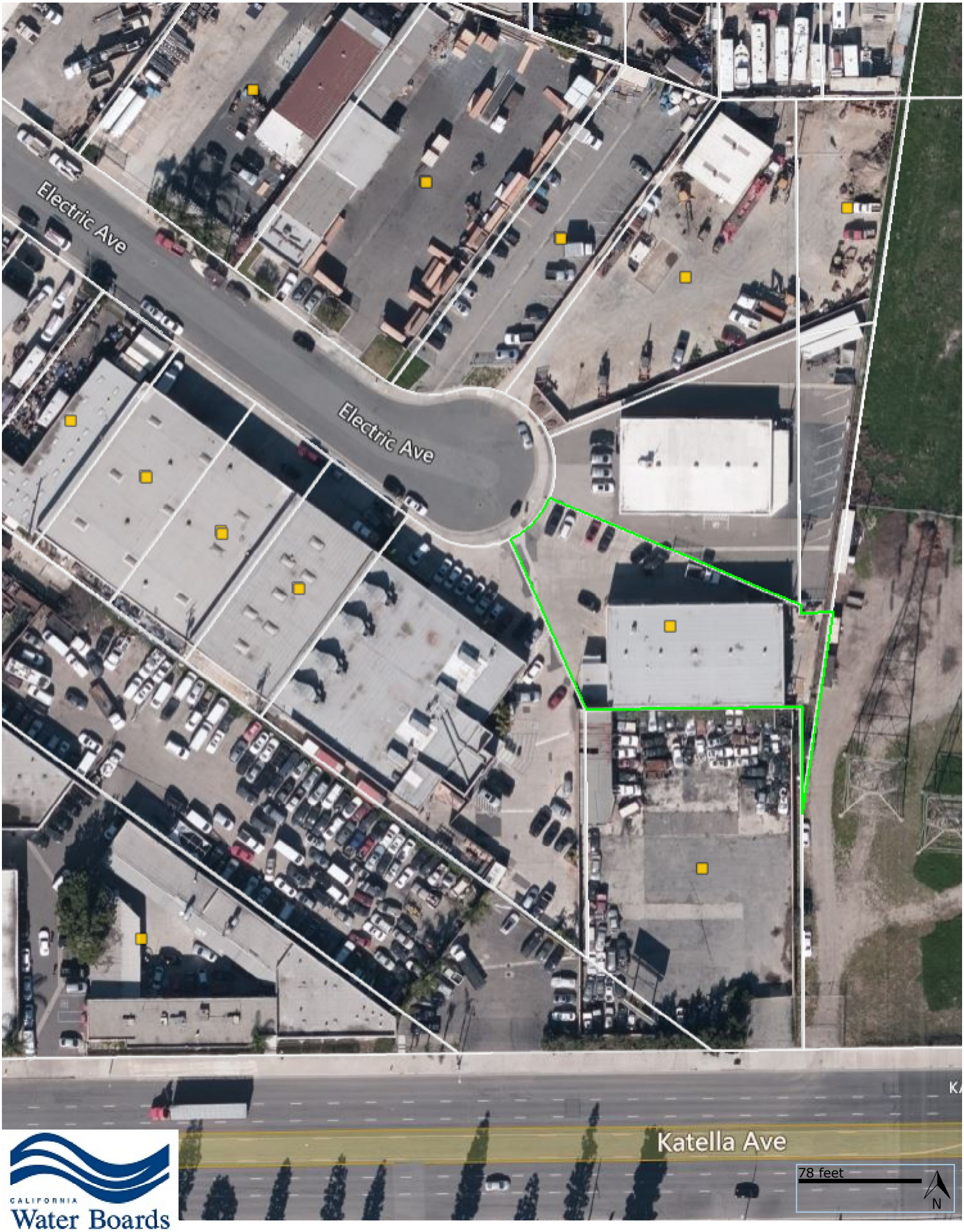
Zoning:		Assessor Acreage:	**0.38**
County Use Code:	**53**	Calculated Acreage:	**0.3999**
County Use Code Desc:	**IND, MISC USES**	Assessed Lot SF:	**16,673**
Land Use Code:	**5000**	Calculated Lot SF:	**17,420**
Land Use Desc:	**INDUSTRIAL (GENERAL)**	Assessor Lot W/D:	**/**
Land Use Category:	**INDUSTRIAL (GENERAL)**		
Topography:			

Tax and Value Information:

Assessed Year:	**2019**	Market Value Year:		Tax Year:	**2019**
Total Assd. Value:	**$543,946**	Land Market Value:		Tax Rate Code:	**17-102**
Land Value:	**$270,454**	Market Imprv. Value:		Property Tax:	**$7,616**
Improvement Value:	**$273,492**	Total Market Value:		Tax Exemption:	
Improvement %:	**50.27%**	AVM Value:			

Hazard Information:

Flood Zone:	**X**	Wetland Type:	
Flood Panel:	**06059C0136J**	Wetland Classification:	
Flood Panel Date:	**12/03/2009**		



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DISCHARGER WAIVER FORM

WAIVER FORM

FOR MANDATORY MINIMUM PENALTY COMPLAINT NO. R8-2020-0016

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

I am duly authorized to represent Design Form, Inc. (Discharger) in connection with Mandatory Minimum Penalty Compliant No. R8-2020-0016 (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. The person who have been issued a complaint may waive the right to a hearing."

☐ ***(OPTION 1: Check here if Design Form, Inc. waives the hearing requirement and will pay the liability in full.)***

a. I hereby waive any right Design Form, Inc. may have to a hearing before the Regional Water Board.

b. I certify that Design Form, Inc. will remit payment for the proposed penalty in the full amount of **seven thousand eight hundred and forty dollars ($7,840)** by submitting a check made payable to the "*Waste Discharge Permit Fund*," that references "Complaint No. R8-2020-0016." Payment must be received by the Regional Water Board by **March 9, 2020**.

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 Water Board's Assistant Executive Officer 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 Design Form, Inc. having waived the right to contest the allegations in the Compliant 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 Design Form, Inc. 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 Design Form Inc. may have to a hearing before the Regional Water Board within 90 days after service of the Complaint. By checking this box, Design Form, Inc. requests that the Regional Board delay the hearing and/or hearing deadlines so that Design Form, Inc. may have additional time to prepare for the hearing. It remains within the discretion of the Regional Board to approve the extension.

Glenn Baldwin
(Print Name and Title)

Glenn Baldwin
(Signature)

4/9/2020
(Date)

PROPOSED
MANDATORY MINIMUM PENALTY
ORDER NO.
R8-2020-0016

STATE OF CALIFORNIA
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SANTA ANA REGION

IN THE MATTER OF:

Design Form, Inc.
8250 Electric Avenue
Stanton, CA 90680

Attention: Glenn Baldwin

Order No. R8-2020-0016
for
Mandatory Minimum Penalty Complaint

The California Regional Water Quality Control Board, Santa Ana Region (Santa Ana Water Board) having held a public hearing on September 11, 2020 to receive testimony and take evidence on the allegations contained in Complaint No. R8-2020-0016 (Complaint), and on the recommendation for the imposition of penalties and staff costs pursuant to California Water Code (Water Code) Section 13399.33, subdivisions (a)(1) and (d) in the amount of seven thousand eight hundred and forty dollars ($7,810). The Santa Ana Water Board finds as follows:

1. Design Form, Inc. (Discharger) is located at 8250 Electric Ave (Facility) in the City of Stanton and was identified by the Santa Ana Water Board as an industrial facility engaged in sheet metal fabrication.

2. On February 6, 2019, the Santa Ana Water Board staff issued a Notice of Non-Compliance (NNC) to the Discharger for failure to obtain coverage under the General Permit for Storm Water Discharges Associated with Industrial Activities, Order No. 2014-0057-DWQ, NPDES Permit No. CAS000001 (General Permit). The NNC required that the Discharger submit a Notice of Intent (NOI) to obtain coverage or otherwise enroll in the General Permit by March 7, 2019.

3. On March 7, 2019, since the Discharger had not obtained the necessary permit coverage, the Santa Ana Water Board staff issued a second NNC. The second NNC required that the Discharger submit a NOI to obtain coverage or otherwise enroll in the General Permit by April 5, 2019. The second NNC was later returned undelivered due to clerical error.

4. On March 13, 2019, the Santa Ana Water Board staff re-issued the second NNC with the same April 5, 2019 deadline.

5. On April 2, 2019, the Santa Ana Water Board staff contacted the Discharger regarding the NNCs and the April 5, 2019 deadline to obtain General Permit coverage. Staff spoke with Mr. Luis Llamas, an employee of Design Form and Mr. Llamas stated they needed to contact Mr. Glenn Baldwin as he is the CEO of Design Form, Inc.. Santa Ana Water Board staff emailed Mr. Baldwin explaining that Design Form, Inc. was issued two NNCs and Design Form, Inc. needed to obtain General Permit coverage by April 5, 2019. Santa Ana Water Board staff explained the potential for administrative civil liability if the Discharger did not obtain coverage by the specific deadline.

6. On April 4, 2019, Santa Ana Water Board staff contacted Mr. Baldwin via phone and left a voicemail explaining the final day to obtain General Permit coverage was April 5, 2019. Santa Ana Water Board staff reiterated the potential for mandatory minimum penalties if the Discharger did not obtain coverage by the deadline. Santa Ana Water Board staff also contacted Mr. Baldwin via email explaining the deadline to obtain General Permit coverage was April 5, 2019.

7. On September 4, 2019, Santa Ana Water Board staff attempted to conduct an inspection at the Facility. Santa Ana Water Board staff spoke with Mr. Llamas, as Mr. Baldwin was not present at the Facility. Mr. Llamas stated the Facility received both NNC letters and indicated that Mr. Baldwin did not respond because he has no intention of gaining General Permit coverage. Santa Ana Water Board staff requested access to the property to confirm facility conditions and were denied entry by Mr. Llamas.

8. On October 28, 2019, Santa Ana Water Board staff attempted to conduct a second inspection at the Facility. Again, Santa Ana Water Board staff spoke with Mr. Llamas, as Mr. Baldwin was not present at the Facility. Santa Ana Water Board staff asked Mr. Llamas for his consent to enter the Facility and conduct an inspection. Mr. Llamas again denied the request. Mr. Llamas stated he was unsure of when Mr. Baldwin would be at the Facility, but that Mr. Baldwin was aware of the two issued NNC letters. Mr. Llamas further reiterated that Mr. Baldwin had no intention of obtaining General Permit coverage as the Facility has been in business for many years without permit coverage. Santa Ana Water Board staff explained that a penalty would be issued for failure to obtain General Permit coverage.

9. To date, the Discharger has not obtained General Permit coverage and continues to operate without the required General Permit coverage.

10. The Assistant Executive Officer of the Santa Ana Water Board issued Mandatory Minimum Penalty Complaint R8-2020-0016 (incorporated into this order as Attachment 1) to the Discharger on February 10, 2020, which proposed a mandatory minimum penalty in the amount of $7,840, pursuant to Water Code section 13399.33, subdivisions (a)(1) and (d).

11. On April 9, 2020, the Discharger submitted a signed Waiver (incorporated into this Order as Attachment 2), electing to waive the 90-day hearing requirement in order to extend the hearing date and/or hearing deadlines.

12. The Santa Ana Water Board concludes that the Discharger violated the General Permit by failing to gain General Permit coverage and is liable for $7,840 in mandatory minimum penalties pursuant to Water Code section 13399.33, subdivisions (a)(1) and (d). By adopting this Order, the Santa Ana Water Board incorporates the findings in Complaint No. R8-2020-0016 and affirms the penalty specified therein.

TENTATIVE

13. This Order on Complaint No. R8-2020-0016 is effective and final upon issuance by the Santa Ana Water Board. Payment must be received by the Santa Ana Water Board no later than thirty days from the date on which this Order is issued.

14. Issuance of this Order is exempt from the provisions of the California Environmental Quality Act, in accordance with Title 14, California Code of Regulations (Enforcement actions by Regulatory Agencies), Section 15321 (a)(2).

15. In the event that the Discharger fails to comply with the requirements of this Order on Complaint No. R8-2020-0016, the Executive Officer or her delegee is authorized to refer this matter to the Office of the Attorney General or a debt collection agency for enforcement and/or collection of penalties.

16. Any aggrieved person may petition the State Water Board to review this action by the Santa Ana Water Board in accordance with Water Code section 13320 and the State Water Board's regulations. The petition must be received by the State Water Board within 30 days of the date of this Order. Copies of the law and regulations applicable to filing petitions are available at the Waterboards Petition Website and will also be provided upon request.

IT IS HEREBY ORDERED THAT:

1. The California Regional Water Quality Control Board, Santa Ana Region proposes a Mandatory Minimum Penalty in the amount of seven thousand eight hundred and forty dollars ($7,840).

2. The Discharger shall make payment in the amount specified to the Waste Discharge Permit Fund within 30 days from the Santa Ana Water Board's adoption of this Order.

3. If the Discharger fails to make the specified payment to the Waste Discharge Fund within the time limit specified in this Order, the Santa Ana Water Board's Executive Officer is hereby authorized to collect as any other civil judgement the full amount due under the settlement in any manner permitted by California Law, including a referral to the Attorney General's Office.

PURSUANT TO SECTIONS 13323 AND 13399.33 OF THE CALIFORNIA WATER CODE, THE EXECUTIVE OFFICER HEREBY ADOPTS THIS ORDER.

Hope A. Smythe
Executive Officer
Santa Ana Regional Water Quality Control Board

TENTATIVE