

California Regional Water Quality Control Board
Santa Ana Region

December 10, 2021

ITEM: 13

SUBJECT: Hearing on Administrative Civil Liability Complaint R8-2021-0002, ALCA Machine Industries, Santa Ana, Orange County

INTRODUCTION

The California Regional Water Quality Control Board, Santa Ana Region (Santa Ana Water Board) is holding a hearing on Administrative Civil Liability Complaint R8-2021-0002 to receive evidence, hear argument and public comments, and consider whether to impose the proposed \$6,605 penalty against ALCA Machine Industries.

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 Ann E. Sturdivant, Supervising Engineering Geologist, and Katharine E. Buddingh, Attorney III, Office of Chief Counsel. Members of the Prosecution Team are Jayne Joy, Executive Officer, Michelle Beckwith, Senior Environmental Scientist, Charles Griffin, Senior Water Resources Control Engineer, Kaitlin Diaz, Environmental Scientist, Michael Kashak, Environmental Scientist, David Boyers, Assistant Chief Counsel, Office of Enforcement, and Catherine Hawe, Attorney, Office of Enforcement.

BACKGROUND

On October 11, 2021, the Executive Officer issued Administrative Civil Liability Complaint R8-2020-0016 to ALCA Machine Industries (Respondent) for alleged violations of the *National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Industrial Activities*, Order 2014-0057-DWQ¹ (General Permit) for the facility located at 2610 South Croddy Way, Unit G, in the city of Santa Ana.

The General Permit regulates the discharge of stormwater associated with industrial activities and the discharge of authorized non-stormwater from specific categories of industrial facilities. The complaint alleges that the Respondent operates an industrial

¹ As amended by Order No. 2015-0122-DWQ and Order No. 2018-0028-DWQ, NPDES No. CAS000001.

facility engaged in manufacturing primary metal products, not elsewhere classified, which is assigned Standard Industrial Code (SIC) 3399 and requires permit coverage under the General Permit. The Respondent is alleged to have failed to enroll and obtain appropriate regulatory coverage under the General Permit.

The complaint proposes the imposition of \$6,605 in administrative civil liability pursuant to Water Code section 13399.33, subdivisions (a)(1) and (d), for failure 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 and includes a mandatory minimum penalty of \$5,000 plus staff costs of \$1,605.

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 \$6,605 specified in Administrative Civil Liability Complaint R8-2021-0002. 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).

California Regional Water Quality Control Board, Santa Ana Region

**HEARING PROCEDURE
FOR ADMINISTRATIVE CIVIL LIABILITY COMPLAINT
R8-2021-0002**

**ISSUED TO
ALCA MACHINE INDUSTRIES
2610 SOUTH CRODDY WAY, STE G
SANTA ANA, CA 92704
ORANGE COUNTY**

HEARING SCHEDULED FOR DECEMBER 10, 2021

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

The California Regional Water Quality Control Board, Santa Ana Region (Regional Water Board) is the state agency tasked with primary responsibility for the protection of groundwater and surface water quality within the Santa Ana Region, which includes portions of Orange, Riverside, and San Bernardino Counties.

Water Code section 13323 authorizes the Regional Water Board to impose a fine, called administrative civil liability, against any person who violates water quality requirements. The Regional Water Board's Prosecution Team has issued an Administrative Civil Liability (ACL) Complaint that proposes the Regional Water Board impose civil liability against ALCA Machine Industries (Respondent) for the violations alleged in the ACL Complaint.

I. Hearing Date and Location

The Regional Water Board has scheduled a hearing to consider this matter on December 10, 2021. At the hearing, the Regional Water Board will consider evidence regarding the violation(s) alleged in the ACL Complaint. After considering the evidence, the Regional Water Board may impose the proposed civil liability, impose a higher or lower amount, or decline to impose any liability.

The hearing will be held at the following location, date, and time:

Date: December 10, 2021

Time: 9:00 a.m.

Location: Virtual Meeting via Zoom Video and Teleconference

As a result of the COVID-19 emergency, the hearing will occur solely via remote presence on the Zoom platform. The hearing will be heard during the regularly scheduled Regional Water Board meeting, which will begin at 9:00 a.m. The exact time for start of the hearing is dependent on the length of time needed for the preceding agenda items; however, the Parties should be prepared and logged into the Zoom meeting by 9:00 a.m. All Parties will be

designated as panelists for the hearing and will receive an invitation from the Clerk of the Board with instructions on how to join the meeting. Parties will be able to control their video feed or microphone. Parties should not engage their video feed or 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 of the Regional Water Board may direct the Zoom meeting host to turn off video feeds or microphones if needed to maintain an orderly hearing.

The Regional Water Board's meeting agenda will be issued at least ten days before the meeting and posted on the Regional Water Board's website at https://www.waterboards.ca.gov/santaana/board_info/agendas/2021_agendas.html. The hearing may be rescheduled or continued to a later date. Please check the Regional Water Board's website for the most up-to-date information.

II. Presiding Officer

For the purposes of this Hearing Procedure, the Presiding Officer is the Chair of the Regional Water Board or another member of the Regional Water Board designated in writing by the Chair of the Regional Water Board.

III. Hearing Waiver

Water Code section 13323, subdivision (b), requires a hearing on the ACL Complaint within 90 days of service of the ACL Complaint; however, the Respondent may waive this right. The Respondent may decide to waive the hearing requirement and pay the full proposed liability amount and settle the ACL Complaint, contingent on the Regional Water Board's approval of the settlement. Alternatively, the Discharger may decide to waive the right to a hearing within 90 days to (1) engage in settlement discussions or (2) seek additional time to prepare for the hearing.

To waive the hearing requirement for any of the above reasons, the Respondent should complete and submit the *Waiver Form for Administrative Civil Liability Complaint (Waiver Form)*, included with the ACL Complaint, by the deadline listed under "Important Deadlines" below. Any request to postpone the hearing must be approved by the Presiding Officer.

IV. Adjudicatory Hearing Regulatory Framework

A. Applicable Statutes and Regulations

The following statutes and regulations, as implemented by this Hearing Procedure, govern the hearing on the ACL Complaint:

1. Water Code section 13323.
2. Chapter 4.5 of the Administrative Procedure Act (Gov. Code, § 11400 et seq.), excluding article 8 (*Language Assistance*), article 13 (*Emergency Decision*), article 14 (*Declaratory Decision*) and article 16 (*Administrative Adjudication Code of Ethics*).

3. Evidence Code sections 801 through 805.
4. Government Code section 11513.
5. California Code of Regulations, title 23, section 648 et seq.
6. State Water Resources Control Board's *Water Quality Enforcement Policy* (Enforcement Policy).

These statutes and regulations are available online at https://www.waterboards.ca.gov/laws_regulations. Except for Government Code section 11513, the remaining portion of chapter 5 of the California Administrative Procedure Act (Gov. Code, § 11500 et seq.) does not apply to this hearing.

B. Separation of Prosecutorial and Advisory Functions

Regional Water Board staff and attorneys that have prepared the ACL Complaint (Prosecution Team) have been separated from Regional Water Board staff and attorneys that will advise the Regional Water Board on the ACL Complaint (Advisory Team). The Prosecution Team will present evidence for consideration by the Regional Water Board. The Advisory Team provides legal and technical advice to the Regional Water Board. Members of the Advisory Team and Prosecution Team are identified below.

Advisory Team:

Ann E. Sturdivant, Supervising Engineering Geologist
California Regional Water Quality Control Board, Santa Ana Region

Katharine E. Buddingh, Attorney III
Office of Chief Counsel, State Water Resources Control Board

Prosecution Team:

Jayne Joy, Executive Officer
California Regional Water Quality Control Board, Santa Ana Region

Michelle Beckwith, Senior Environmental Scientist
California Regional Water Quality Control Board, Santa Ana Region

Charles Griffin, Senior Water Resources Control Engineer
California Regional Water Quality Control Board, Santa Ana Region

Kaitlin Diaz, Environmental Scientist
California Regional Water Quality Control Board, Santa Ana Region

Michael Kashak, Environmental Scientist
California Regional Water Quality Control Board, Santa Ana Region

David Boyers, Assistant Chief Counsel
Office of Enforcement, State Water Resources Control Board

Catherine Hawe, Attorney
Office of Enforcement, State Water Resources Control Board

C. Ex Parte Communications

Any communication regarding any issue in this proceeding to a Regional Water Board member or member of the Advisory Team by a Party or Interested Person that is made without notice and opportunity for all Parties to participate in the communication is considered an “ex parte” communication. Ex parte communications are prohibited, except as authorized by statute (e.g., communications regarding non-controversial procedural matters). (Gov. Code, § 11430.10 et seq.)

D. Evidentiary Standards

Government Code section 11513 and Evidence Code sections 801 through 805 apply to this proceeding.

The technical rules of evidence do not apply to this proceeding. The Parties may submit any relevant evidence that is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of the evidence over objection in civil actions.

Hearsay evidence is evidence of a statement that was made other than by a witness while testifying at the hearing and that is offered to prove the truth of the matter stated. Hearsay evidence may be used for the purpose of supplementing or explaining other evidence but over timely objection shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions. An objection is timely if made before conclusion of all testimony or closing statement if one is provided.

V. Hearing Participants

A. Parties

Parties are the primary participants in the hearing. Parties may present written evidence, offer witness testimony, cross-examine witnesses, and provide closing statements. Parties may be asked to respond to questions from the Regional Water Board and Advisory Team.

The following are Parties to this proceeding:

1. Regional Water Board Prosecution Team

2. ALCA Machine Industries
3. Any other person or entity designated as a Party by the Presiding Officer in accordance with Section V.C.

B. Interested Persons (Non-Parties)

Interested Persons include any persons or entities that are interested in the outcome of the proceeding but that have not been designated as a party. Interested Persons may present written or oral non-evidentiary policy statements. Interested Persons are not subject to cross-examination but may be asked to respond to clarifying questions from the Regional Water Board and Advisory Team.

Interested Persons may not submit evidence (e.g., photographs, eye-witness testimony, and monitoring data). Any person or entity that would like to submit evidence should request to be designated as a Party pursuant to Section V.C.

C. Requesting Party Status

Any Interested Person who wishes to participate in the hearing as a Party must submit a request in writing by the deadline listed under “Important Deadlines” below. The request must include the following information at a minimum:

1. How the issues to be addressed at the hearing substantially affect the requestor’s interests, and
2. Why the existing Parties do not adequately represent the requestor’s interests.

The request for Party status must also include any requested revisions to the Hearing Procedure.

A Party must submit any written objection to a request for Party status by the deadline listed under “Important Deadlines” below.

Following the deadline to submit objections to Party status requests, the Presiding Officer will promptly respond to any timely written requests for Party status. The Presiding Officer will not grant a request for Party status if the Presiding Officer determines the designation of the requestor as a party will impair the interests of justice or the orderly and prompt conduct of the proceeding. The Presiding Officer, when granting a request for party status, may impose restrictions on the requestor’s hearing participation, including limiting or excluding the use of cross-examination and other procedures, to promote the orderly and prompt conduct of the proceeding. Unless and until an Interested Person is granted party status, the deadlines for Interested Persons shall continue to apply.

VI. Prehearing Submittal of Non-Evidentiary Policy Statements by Interested Persons

A. Non-Evidentiary Policy Statements

Interested Persons must submit any written non-evidentiary policy statements regarding the ACL Complaint by the deadline listed under “Important Deadlines” below.

Interested Persons are not required to submit written statements to speak at the hearing.

B. Responding to Interested Person Non-Evidentiary Policy Statements

A Party must submit any response to Interested Person written policy statements by the deadline listed under “Important Deadlines” below.

VII. Prehearing Submittals by Parties

A. Prehearing Evidence and Argument Submittals (Excluding Rebuttal Evidence)

The Parties must submit the following information in advance of the hearing by the deadline listed under “Important Deadlines” below:

1. All evidence, excluding witness testimony to be presented orally at the hearing, and an exhibit list providing an exhibit number and brief description of each exhibit. Evidence already in the Regional Water Board’s public files may be submitted by reference as long as the evidence and location are clearly identified. The file names of any electronic copies of exhibits must identify the Party submitting the exhibit, the exhibit number, and a brief identification of the exhibit (e.g., "Resp Ex. 1 - Permit.pdf").
2. All legal and technical arguments or analysis.
3. The name of each witness, if any, whom the 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.
4. The qualifications of each expert witness, if any.

B. Prehearing Rebuttal Evidence Submittals

Rebuttal evidence is evidence offered to disprove or contradict evidence presented by an opposing Party.

The Parties must submit any rebuttal evidence in advance of the hearing by the deadline listed under “Important Deadlines” below. Rebuttal evidence shall be limited to rebutting the scope

of previously submitted materials; rebuttal evidence that is not responsive to previous submittals may be excluded by the Presiding Officer.

The requirement to submit rebuttal evidence in advance of the hearing applies only to rebut timely-submitted written evidence. Rebuttal evidence pertaining to an issue raised solely during oral testimony need not be submitted in advance of the hearing.

C. Prehearing Objections to Evidentiary Submittals

A Party must submit any objections to prehearing evidentiary submittals by the deadlines listed under “Important Deadlines” below.

These deadlines do not apply to objections to late-submitted evidence. Objections to late-submitted evidence must be made within seven days of the late submittal or at the hearing, whichever is earlier.

D. Prehearing Proposed Findings of Fact and Conclusions of Law

The Prosecution Team must submit, and the other Parties may submit, Proposed Findings of Fact and Conclusions of Law for consideration by the Regional Water Board and Advisory Team. The Parties may use this opportunity to highlight specific evidence and argument for the Regional Water Board’s consideration.

Proposed Findings of Fact and Conclusions of Law must be submitted in Microsoft Word format by the deadline listed under “Important Deadlines” below. The Presiding Officer may prescribe a page limit for the Proposed Findings of Fact and Conclusions of Law.

E. Prohibition on Surprise Evidence

It is the policy of the Regional Water Board to discourage surprise testimony and exhibits. The Presiding Officer may refuse to admit proposed exhibits or testimony that are not submitted in accordance with this Hearing Procedure and shall refuse to do so when there is a showing of prejudice to any Party or the Regional Water Board. Excluded material will not be considered.

VIII. Revisions to Hearing Procedure and Prehearing Conference

A. Revisions to Hearing Procedure

The Presiding Officer may revise this Hearing Procedure for good cause (1) on the Presiding Officer’s own motion or (2) upon request from any Party or Interested Person seeking party status. A Party or Interested Person seeking party status requesting revisions to this Hearing Procedure must submit the request in writing by the deadline listed under “Important Deadlines” below. Before revising this Hearing Procedure, the Presiding Officer will provide the Parties an opportunity to comment.

B. Prehearing Conference

The Presiding Officer, upon its own motion or upon request from a Party, may schedule a Prehearing Conference with the Parties to discuss any prehearing matter, such as revisions to this Hearing Procedure, designation of additional parties, or evidentiary objections.

IX. Hearing

A. Order of Proceeding

The Presiding Officer will conduct the hearing on the ACL Complaint generally in the order listed under California Code of Regulations, title 23, section 648.5. The Presiding Officer may modify the order of proceeding for good cause.

B. Administration of Oath

All persons intending to testify at the hearing must take the oath administered by the Presiding Officer.

C. Witnesses

Any witness providing written testimony must appear at the hearing and affirm that the written testimony is true and correct and be available for cross-examination.

D. Hearing Time Limits

Parties: Each Party will have a combined total of **30 minutes** to present evidence (including examining witnesses), cross-examine witnesses, and provide a closing statement.

Interested Persons: Each Interested Person will have **3 minutes** to present oral, non-evidentiary comments or policy statements.

Questions from the Regional Water Board and the Advisory Team, responses to such questions, and discussion of procedural issues do not count against these time limits.

E. Requesting Additional Hearing Time

Hearing participants who would like additional time must submit their request by the deadline listed under “Important Deadlines” below. Additional time may be provided at the discretion of the Presiding Officer upon a showing that additional time is necessary.

F. Visual Presentations

Each Party may use PowerPoint and other visual presentations at the hearing. The presentation content shall not exceed the scope of previously submitted written material. The Parties must submit their presentations to the Advisory Team, if any, by the deadline listed under “Important Deadlines” below.

Interested Persons may use a visual presentation as an aid to their oral, non-evidentiary comments or policy statements only with the Presiding Officer's prior approval.

X. Miscellaneous

A. Submittal Timing and Format

All submittals made pursuant to this Hearing Procedure must be **received by** 5:00 p.m. on the respective due date within the "Important Deadlines" below. All submittals must be sent to the "Primary Contacts," identified below. Electronic copies are encouraged. Parties without access to computer equipment are strongly encouraged to have their materials scanned at a copy or mailing center. The Presiding Officer will not reject materials solely for failure to provide electronic copies.

B. Availability of Documents

The ACL Complaint and all submittals made in accordance with this Hearing Procedure are available upon request by contacting the Prosecution Team, identified in the "Primary Contacts" below.

Interested Persons may request to be included in the transmission of all submittals by contacting the Advisory Team.

C. Questions

Questions concerning this Hearing Procedure may be addressed to the Advisory Team attorney, identified in the "Primary Contacts" below.

PRIMARY CONTACTS

Advisory Team:

Ann E. Sturdivant, Supervising Engineering Geologist
California Regional Water Quality Control Board, Santa Ana Region
3737 Main Street, Suite 500, Riverside, CA 92501
ann.sturdivant@waterboards.ca.gov
(951) 782-4904

Katharine E. Buddingh, Attorney III
Office of Chief Counsel, State Water Resources Control Board
1001 I Street Sacramento, CA 95814
Katharine.Buddingh@Waterboards.ca.gov
(916) 440-7769

Prosecution Team:

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

Catherine Hawe, Attorney
Office of Enforcement, State Water Resources Control Board
801 K Street, Suite 2300, Sacramento, CA 95814
Catherine.Hawe@Waterboards.ca.gov
(916) 322-3538

Respondent:

Taljo Djokovic
ALCA Machine Industries
2610 South Croddy Way, Ste G
Santa Ana, CA 92704
talioalcamachine@yahoo.com

IMPORTANT DEADLINES

Note: Where a deadline falls on a weekend or state holiday, the deadline is extended to the following business day.

Deadline	Event	Hearing Procedure Section
October 11, 2021	Prosecution Team issues ACL Complaint, Hearing Procedure, and other related materials.	
October 29, 2021	Parties' deadline to request revisions to Hearing Procedure	Section VIII.A
	Interested Persons' deadline to request party status (If requesting party status, this is also the deadline to request revisions to Hearing Procedure)	Section V.C
November 3, 2021	Parties' deadline to submit objections to party status requests	Section V.C
	Respondent's deadline to submit <i>Waiver Form</i>	Section III
November 5, 2021	Interested Persons' deadline to submit written non-evidentiary policy statements	Section VI.A
November 8, 2021	Prosecution Team's deadline to submit prehearing evidence and argument (excluding rebuttal evidence)	Section VII.A
November 24, 2021	Respondent's and/or Interested Persons' deadline to submit prehearing evidence and argument (excluding rebuttal evidence)	Section VII.A
December 3, 2021	Parties' deadline to submit prehearing rebuttal evidence	Section VII.B
	Parties' deadline to submit responses to Interested Person non-evidentiary policy statements	Section VI.B
	Parties' deadline to submit objections to prehearing evidence submittals (excluding rebuttal evidence)	Section VII.C
	Deadline to submit requests for additional hearing time	Section IX.E
December 8, 2021	Parties' deadline to submit objections to prehearing rebuttal evidence	Section VII.C
	Parties' deadline to submit Proposed Findings of Fact and Conclusions of Law	Section VII.D
December 8, 2021	Parties' deadline to submit copy of visual presentations	Section IX.F
December 10, 2021	Hearing Date	

Santa Ana Regional Water Quality Control Board

October 11, 2021

ALCA Machine Industries
2610 South Croddy Way, Ste G
Santa Ana, CA 92704
(Via Certified Mail)

CERTIFIED MAIL
RETURN RECEIPT REQUIRED

Taljo Djokovic
talioalcamachine@yahoo.com
(Via Email)

TRANSMITTAL OF MANDATORY MINIMUM PENALTY COMPLIANT NO. R8-2021-0002, ALCA MACHINE INDUSTRIES

Dear Mr. Djokovic:

Enclosed is Mandatory Minimum Penalty Compliant No. R8-2021-0002 (Compliant) issued to ALCA Machine Industries (hereafter referred to as ALCA or Discharger). The Complaint alleges that ALCA has violated California Water Code (Water Code) section 13399.30 by failing to obtain coverage under the State's National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Industrial Activities, Order No. 2014-0057-DWQ as amended by Order No. 2015-0122-DWQ and Order No. 2018-0028-DWQ, NPDES No. CAS000001 (General Permit) for the ALCA facility located at 2610 South Croddy Way, Unit G, in the city of Santa Ana.

The Complaint proposes that a penalty in the amount of six thousand six hundred and five dollars (\$6,605) be imposed. The penalty amount is the mandatory minimum penalty including staff costs as authorized by Water Code section 13399.33, subsections (a)(1) and (d).

A public hearing on this matter is scheduled for the Santa Ana Water Board meeting on December 10, 2021. Pursuant to Water Code section 13323, the Discharger has the option to waive its right to a hearing. Should ALCA waive its right to a hearing, enroll in the General Permit, and pay the proposed liability, the Santa Ana Water Board may not hold a public hearing on this matter. If ALCA chooses to waive its right to a hearing, please sign and submit the enclosed Waiver Form. Please make the check payable to the Waste Discharge Permit Fund for six thousand six hundred and five dollars (\$6,605) and include the Compliant Number (No. R8-2021-0002) on the memo line. Please send the following information to the appropriate location:

LANA ONG PETERSON, CHAIR | JAYNE JOY, EXECUTIVE OFFICER

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

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

The Discharger should submit the attached Waiver to the Advisory Team by contacting Katharine Buddingh via phone at (916) 440-7769 or via e-mail at Katharine.Buddingh@waterboards.ca.gov. The Prosecution Team reserves the right to object to the Discharger's request to pursue Options #2.

If ALCA does not wish to waive its rights to a hearing, a pre-hearing meeting with the Prosecution Team is recommended. Should you wish to schedule a pre-hearing meeting, please submit your request to Michelle Beckwith via phone at (951) 782-4433 or via email to Michelle.Beckwith@waterboards.ca.gov prior to **October 20, 2021**.

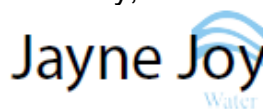
If this matter proceeds to hearing, the Advisory Team will issue a Hearing Procedure which will provide deadlines and establish a process for submitting evidence and argument in this matter. The Prosecution Team has attached its evidence submission to this transmittal.

As described in more detail in the attached Fact Sheet, a separation of functions is in place between the Advisory Team and Prosecution Team. Procedural questions should be directed to the Advisory Team by contacting Katharine Buddingh at the information listed above.

Additionally, a Fact Sheet describes the Complaint process is enclosed herein. The Fact Sheet describes the complaint process and explains what ALCA can expect and its obligations as the process proceeds.

If you have any questions regarding the Complaint or the enclosed documents, please contact Michelle Beckwith via phone at (951) 782-4433 or via email at Michelle.Beckwith@waterboards.ca.gov. All legal questions should be directed Catherine Hawe, Office of Enforcement, via phone at (916) 322-3538 or via email at Catherine.Hawe@waterboards.ca.gov.

Sincerely,

 Digitally signed by Jayne Joy
Date: 2021.10.11 11:09:26
-07'00'
Water Boards

Jayne E. Joy, PE
Executive Officer
Santa Ana Water Board Prosecution Team

enclosures: MMP Complaint No. R8-2021-0002
Waiver Form
Fact Sheet
Prosecution Team Evidence

cc (w/encl): Santa Ana Water Board
Ms. Ann Sturdivant, RWQCB (Santa Ana Water Board Advisory Team)
Ms. Katharine Buddingh, Office of Chief Counsel, SWRCB, (Santa Ana
Water Board Advisory Team Attorney)
Ms. Jayne Joy, RWQCB, (Santa Ana Water Board Prosecution Team)
Ms. Catherine Hawe, Office of Enforcement, SWRCB (Santa Ana Water
Board Prosecution Team Attorney)
Mr. James Fortuna, Orange County Public Works
Mr. Craig Foster, City of Santa Ana NPDES Coordinator

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

IN THE MATTER OF:

ALCA Machine Industries	)	Complaint No. R8-2021-0002
2610 South Croddy Way	)	For
Santa Ana, CA 92704	)	Mandatory Minimum Penalty

This Complaint is issued to ALCA Machine Industries (hereafter referred to as ALCA 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 Executive Officer to issue this Compliant. This Compliant is based on allegations that the Discharger failed to obtain regulatory coverage in accordance with Water Code section 13399.30, for which the California Regional Water Quality Control Board, Santa Ana Region (Santa Ana Water Board), must impose a penalty pursuant to Water Code section 13399.33.

The Executive Officer of the Santa Ana Water 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 as amended by Order No. 2015-0122-DWQ and Order No. 2018-0028-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. ALCA is located at 2610 South Croddy Way (Facility), in the City of Santa Ana, and was initially identified as an industrial facility engaged in manufacturing primary metal products, not elsewhere classified. This industrial activity is described in SIC code 3399. Since SIC code 3399 is listed on Attachment A to the General Permit as an industrial activity which requires General Permit coverage. Therefore, ALCA must obtain coverage under the General Permit.
3. On October 26, 2018, ALCA obtained a No Exposure Certification (NEC) under Waste Discharge Identification Number 8 30NEC004675. An NEC is an appropriate form of General Permit coverage for facilities that can demonstrate they "have no exposure of industrial activities and materials to storm water discharges."

4. By October 1 of each reporting year, any discharger who has previously registered for NEC coverage is required to either submit and certify an NEC demonstrating that the facility has been evaluated, and that none of the industrial materials or activities are, or will be in the foreseeable future, exposed to precipitation, or apply for General Permit coverage.
5. On October 23, 2019, the State Water Resources Control Board (State Water Board) administratively terminated the Discharger's NEC because it failed to recertify the NEC by October 1, 2019. Therefore, the Discharger became a non-filer and was required to reobtain General Permit coverage.
6. On December 4, 2019, a Notice of Non-Compliance (NNC) was issued to ALCA explaining that the facility required coverage under the General Permit. The NNC required the Discharger to obtain regulatory coverage by January 2, 2020. Proof of delivery was not received by Santa Ana Water Board staff.
7. On January 2, 2020, a second NNC was issued to ALCA explaining that the facility required coverage under the General Permit but had yet to obtain permit coverage. The second NNC required the Discharger to obtain regulatory coverage by January 31, 2020.
8. On January 10, 2020, Santa Ana Water Board staff received the United States Postal Service certified mail receipt for the second NNC.
9. On January 21, 2020 at 10:17 am, Santa Ana Water Board staff attempted to contact Mr. Taljo Djokovic (Facility Owner) via phone. An employee of ALCA informed Santa Ana Water Board staff that Mr. Djokovic was retired and would be closing the business in a couple of months, however, did not have a firm date. Santa Ana Water Board staff informed Facility staff that two NNCs were issued and that the Facility would need to obtain General Permit coverage by the January 31, 2020 deadline or could be subject to an enforcement action. Facility staff agreed to relay Santa Ana Water Board staff's contact information to Mr. Djokovic.
10. On January 28, 2020, Santa Ana Water Board staff sent Mr. Djokovic a reminder email to obtain General Permit coverage by the January 31, 2020 deadline. The email reiterated that failure to do so by the deadline would result in the issuance of a mandatory minimum penalty (MMP).
11. On January 28, 2020, Santa Ana Water Board staff attempted to contact Mr. Djokovic via phone and left a message informing him of the two issued NNCs and the final deadline to obtain permit coverage. Santa Ana Water Board staff informed Mr. Djokovic that an MMP would be issued if permit coverage was not obtained by the deadline.

12. On January 31, 2020, Santa Ana Water Board staff sent Mr. Djokovic another reminder email to obtain permit coverage by the January 31, 2020 deadline. The email again reiterated that failure to obtain permit coverage by the deadline would result in the issuance of an MMP.
13. On January 31, 2020, Santa Ana Water Board staff again attempted to contact Mr. Djokovic via phone and left a message informing him of the two issued NNCs and that date's deadline to obtain permit coverage. Santa Ana Water Board staff informed Mr. Djokovic that an MMP would be issued if permit coverage was not obtained by that date.
14. On February 12, 2020, the facility was issued a new set of NNCs, as the first two did not have sufficient proof of delivery. Santa Ana Water Board staff visited the Facility to hand deliver a reissued first NNC to the Discharger which was received by Mr. Tim Gjokaj. Mr. Djokovic was on-site and stated that he would be closing the business but did not have a timeline. Santa Ana Water Board staff informed both individuals that the Facility must obtain permit coverage if the business was still in operation at the end of the deadline. The revised first NNC deadline was March 12, 2020.
15. On March 11, 2020, Santa Ana Water Board staff visited the Facility to hand deliver a reissued second NNC to the Discharger. During this site visit, Mr. Djokovic stated that he would be closing his business the following month. Santa Ana Water Board staff asked what date he would be closing his business to which Mr. Djokovic replied that he did not need permit coverage and that he had already thrown away the first reissued NNC that was hand-delivered to the Facility. Mr. Djokovic refused to accept the second NNC and dismissed staff from his Facility.
16. On March 13, 2020, the second reissued NNC was issued via certified mail to ALCA explaining that the Facility required coverage under the General Permit, however, had yet to obtain permit coverage. The second NNC response final due date was April 10, 2020.
17. On April 1, 2020, Santa Ana Water Board staff received the United States Postal Service certified mail receipt for the second NNC issued on March 13, 2020.
18. On April 8, 2020, Santa Ana Water Board staff sent Mr. Djokovic a reminder email to obtain permit coverage by the April 10, 2020 deadline. The email explained that failure to obtain permit coverage by the deadline would result in the issuance of an MMP.
19. On April 10, 2020, Santa Ana Water Board staff sent Mr. Djokovic another reminder email to obtain permit coverage by that date's deadline. The email explained that failure to obtain permit coverage by that day would result in an MMP.

20. On October 26, 2020, Santa Ana Water Board staff conducted a drive-by inspection to verify whether the Facility was still in operation. Facility signage was no longer present at the front of the building, however Santa Ana Water Board staff observed industrial activities still being conducted inside the open bay doors at the Facility.
21. On January 4, 2021, Santa Ana Water Board staff issued an Expedited Payment Letter (EPL) offering to settle the MMP for five thousand seven hundred and fifty dollars (\$5,750) with a response deadline of February 2, 2021.
22. On January 11, 2021, Santa Ana Water Board staff received the United States Postal Service certified mail receipt for the EPL.
23. On January 29, 2021, Santa Ana Water Board staff sent Mr. Djokovic an email reminder of the EPL Acceptance of Conditional Resolution and Waiver of Right to Hearing deadline of February 2, 2021. Santa Ana Water Board staff explained that if Mr. Djokovic chose to not accept the EPL, or missed the deadline, that additional penalties would be issued.
24. On February 2, 2021, Santa Ana Water Board staff attempted to contact Mr. Djokovic via phone to remind him of the February 2, 2021 deadline. Mr. Djokovic was not available, so Santa Ana Water Board staff asked to leave a message with the gentleman on the phone. Santa Ana Water Board staff provided their name and agency information.
25. On February 2, 2021, Santa Ana Water Board staff sent Mr. Djokovic another email reminder of the EPL Acceptance of Conditional Resolution and Waiver of Right to Hearing deadline of February 2, 2021. Santa Ana Water Board staff reiterated that if Mr. Djokovic chose to not accept the EPL or missed the deadline, that additional penalties would be issued.
26. On February 2, 2021, Santa Ana Water Board staff received a reply email from Mr. Djokovic requesting that the staff from the Water Boards stop contacting ALCA or he would obtain a restraining order.
27. To date, the Discharger has not obtained General Permit coverage and continues to operate an industrial business.

LEGAL AUTHORITY

28. Section 13399.30 of the Water Code requires the regional boards to identify, on an annual basis, dischargers of storm water that have not obtained coverage under the General Permit.
29. Pursuant to Water Code section 13399.30 subdivision (a)(2), the Santa Ana Water Board provides a Notice of Non-Compliance (NNC) to any person that discharges,

proposes to discharge, or is suspected of discharging storm water associated with industrial activity without coverage under the General Permit. The first NNC directs the facility within 30 days from the date on which the Santa Ana Water Board provided notice, to obtain permit coverage.¹

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

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

PROPOSED MANDATORY MINIMUM PENALTIES AND ASSESSMENT OF COSTS

32. Pursuant to Water Code section 13399.33 subdivision (a)(1), the Santa Ana Water 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 Santa Ana Water Board shall impose this mandatory minimum penalty unless it makes express findings setting forth the reasons for its failure to do so, based on specific factors required to be considered pursuant to 13399.33 subdivision (a)(2).

33. Water Code section 13399.33 subdivision (d) further requires the recovery of costs incurred by the Santa Ana Water 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 fourteen and three-quarter (14.75) hours for this enforcement action resulting in total staff costs of one thousand six hundred and five dollars (\$1,605).

34. Therefore, the total liability for the violation alleged herein, including staff costs, is six thousand six hundred and five dollars (\$6,605).

REGULATORY CONSIDERATIONS

35. Notwithstanding issuance of this Complaint, the Santa Ana Water Board retains the authority to assess additional penalties for any violations that have not yet been assessed or for violations that may subsequently occur.

36. An administrative civil liability may be imposed pursuant to the procedures described in Water Code section 13323. An administrative civil liability complaint

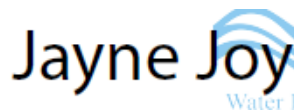
¹The General Permit instructs dischargers of storm water to submit permit registration documents to the State Water Resources Control Board, not the Santa Ana Water Board.

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.

37. 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).

ALCA IS HEREBY GIVEN NOTICE THAT:

38. The Executive Officer of the Santa Ana Water Board proposes an administrative civil liability in the amount of six thousand six hundred and five dollars (\$6,605). 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).
39. A hearing on this matter will be conducted at the Santa Ana Water Board meeting scheduled on December 10, 2021, unless one of the following options occurs:
- a. The Discharger waives the hearing by completing the Waiver Form (checking off the box next to Option 1), attached herein, and returning it to the Santa Ana Water Board, along with payment for the proposed liability of six thousand six hundred and five dollars (\$6,605).
 - 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 Santa Ana Water Board, along with rationale for the extension.

 Digitally signed by Jayne Joy
Date: 2021.10.11 11:19:06
-07'00'
Water Boards

Jayne Joy, PE
Executive Officer
Santa Ana Water Board Prosecution Team

Santa Ana Regional Water Quality Control Board

WAIVER FORM

FOR MANDATORY MINIMUM PENALTY COMPLAINT NO. R8-2021-0002

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

I am duly authorized to represent ALCA Machine Industries (Discharger) in connection with Mandatory Minimum Penalty Complaint No. R8-2021-0002 (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 ALCA Machine Industries waives the hearing requirement and will pay the liability in full.)

- a. I hereby waive any right ALCA Machine Industries may have to a hearing before the Santa Ana Water Board.
- b. I certify that ALCA Machine Industries will remit payment for the proposed penalty in the full amount of **six thousand six hundred and five dollars (\$6,605)** by submitting a check made payable to the "Waste Discharge Permit Fund," that references "Complaint No. R8-2021-0002."
- 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 Santa Ana Water Board receive significant new information or comments from any source (excluding the Santa Ana Water Board's Prosecution Team) during this comment period the Santa Ana Water Board's 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 Santa Ana Water Board (or the Santa Ana Water Board's delegee), and that the Santa Ana Water Board may consider this proposed settlement in a public meeting or hearing. I also understand that approval of the settlement will result in ALCA Machine Industries having waived the right to contest the allegations in the Complaint and the imposition of civil liability.
- d. I understand that payment of the above amount is not a substitute for compliance with applicable laws and that continuing violations of the type alleged in the Complaint may subject the Discharger to further enforcement, including additional civil liability.

LANA ONG PETERSON, CHAIR | JAYNE JOY, EXECUTIVE OFFICER

☐

(OPTION 2: Check here if ALCA Machine Industries 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 ALCA Machine Industries may have to a hearing before the Santa Ana Water Board within 90 days after service of the Complaint. By checking this box, ALCA Machine Industries requests that the Santa Ana Water Board delay the hearing and/or hearing deadlines so that ALCA Machine Industries may have additional time to prepare for the hearing. Please provide a written explanation of why additional time is needed. It remains within the discretion of the Santa Ana Water Board to approve the extension and the Prosecution Team reserves the right to object to this delay.

(Print Name and Title)

(Signature)

(Date)

Administrative Civil Liability Complaint

Fact Sheet

The California State Water Resources Control Board (State Water Board) and the California Regional Water Quality Control Board, Santa Ana Region (Santa Ana Water Board) are authorized to issue complaints for civil liabilities under California Water Code (Water Code) section 13323 for violations of the Water Code. This document describes generally the process that follows the issuance of a complaint.

The issuance of a complaint is the first step in the possible imposition of an order requiring payment of penalties. The complaint details the alleged violations including the appropriate Water Code citations, and it summarizes the evidence that supports the allegations. **If you receive a complaint, you must respond timely as directed. If you fail to respond, a default order may be issued against you.** The complaint is accompanied by a transmittal letter, a waiver options form, and a Hearing Procedure. Each document contains important information and deadlines. You should read each document carefully. A person issued a complaint is allowed to represent him or herself. However, legal advice may be desirable to assist in responding to the complaint.

Parties

The parties to a complaint proceeding are the Santa Ana Water Board Prosecution Team and the person(s) named in the complaint, referred to as the “Discharger(s).” The Prosecution Team is comprised of Santa Ana Water Board staff and management. Other interested persons may become involved and may become “designated parties.” Only designated parties are allowed to submit evidence and participate fully in the proceeding. Other interested persons may play a more limited role in the proceeding and are allowed to submit comments. If the matter proceeds to a hearing, the hearing will be held before the Santa Ana Water Board (either the seven Governor appointed board members or the Executive Officer). Those who hear the evidence and rule on the matter act as judges. The Santa Ana Water Board is assisted by an Advisory Team, who provide advice on technical and legal issues. Both the Prosecution Team and the Advisory Team have their own attorney. Neither the Prosecution Team nor the Discharger or his/her representatives are permitted to communicate with the Santa Ana Water Board, or the Advisory Team about the complaint without the presence or knowledge of the other. This is explained in more detail in the Hearing Notice.

Complaint Resolution Options

Once issued, a complaint can lead to (1) withdrawal of the complaint; (2) withdrawal and reissuance; (3) payment and waiver; (4) settlement; or (5) hearing.

Withdrawal may result if the Discharger provides information to the Prosecution Team that clearly and unmistakably demonstrates that a fundamental error exists in the information set forth in the complaint.

ACL Complaint Fact Sheet

Withdrawal and Reissuance may result if the Prosecution Team becomes aware of information contained in the complaint that can be corrected.

Payment and waiver may result when the Discharger elects to pay the amount of the complaint rather than to contest it. The Discharger makes a payment for the full amount and the matter is ended, subject to public comment.

Settlement results when the Parties negotiate a resolution of the complaint. The settlement can be payment of an amount less than the proposed penalty or partial payment and suspension of the remainder pending implementation by the Discharger(s) of identified activities, such as making improvements that will reduce the likelihood of a further violation or the implementation or funding of a Supplemental Environmental Project (SEP) or a Compliance Project (CP). Qualifying criteria for CPs and SEPs are contained in the State Water Board's Enforcement Policy, which is available at the State Water Board's enforcement website at:

http://www.waterboards.ca.gov/water_issues/programs/enforcement/policy.shtml

Hearing: If the matter proceeds to hearing, the Parties will be allowed time to present evidence and testimony in support of their respective positions. The hearing must be held within ninety (90) days of the issuance of the Complaint, unless the Discharger waives that requirement by signing and submitting the Waiver Form included in this package. The hearing will be conducted under rules set forth in the Hearing Procedure. Executive Order N-63-20 has suspended section 11440.30 of the Government Code, which prohibits a presiding officer to conduct hearings by electronic means if a party objects, provided the following conditions are met:

1. 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;
2. A member of the public who is otherwise entitled to observe the hearing may observe the hearing using electronic means;
3. The presiding officer satisfies all requirements of the American with Disabilities Act (ADA) and the Unruh Civil Rights Act.

The Prosecution Team has the burden of proving the allegations and must present competent evidence to the Board regarding the allegations. Following the Prosecution Team's presentation, the Discharger and other parties are given an opportunity to present evidence, testimony and argument challenging the allegations. The parties may cross-examine each other's witnesses. Interested persons may provide comments but may generally not submit evidence or testimony. At the end of the presentations by the Designated Parties, the Santa Ana Water Board will deliberate to decide the outcome. The Santa Ana Water Board may issue an order requiring payment of the full amount recommended in the complaint; it may issue an order requiring payment of a reduced amount; it may order the payment of a higher amount; decide not to impose an assessment; or it may refer the matter to the Attorney General's Office.

ACL Complaint Fact Sheet

Factors That Must Be Considered By the Board

Except for Mandatory Minimum Penalties under Water Code Section 13385 (i) and (h), the Santa Ana Water Board considers several factors specified in the Water Code and the State Water Board's Water Quality Enforcement Policy, including nature, circumstance, extent, and gravity of the violation or violations, whether the discharge is susceptible to cleanup or abatement, the degree of toxicity of the discharge, and, with respect to the violator, the ability to pay, the effect on ability to continue in business, any voluntary cleanup efforts undertaken, any prior history of violations, the degree of culpability, economic benefit or savings, if any resulting from the violations, and other matters as justice may require (Water Code sections 13327, 13385(e), and 13399 (a)(2)). During the period provided to submit evidence (set forth in the Hearing Notice) and at the hearing, the Discharger may submit information that it believes supports its position regarding the complaint.

If the Discharger intends to present arguments about its ability to pay it must provide reliable documentation to establish that ability or inability. The kinds of information that may be used for this purpose include:

For an individual:

1. Last three (3) years of signed federal Internal Revenue Service (IRS) income tax returns (IRS Form 1040) including schedules;
2. Members of household, including relationship, age, employment, and income;
3. Current living expenses;
4. Bank account statements;
5. Investment statements;
6. Retirement account statements;
7. Life insurance policies;
8. Vehicle ownership documentation;
9. Real property ownership documentation;
10. Credit card and line of credit statements;
11. Mortgage loan statements; and
12. Other debt documentation.

For a business:

1. Copies of last three (3) years of company IRS tax returns, signed and dated;
2. Copies of last three (3) years of company financial audits;
3. Copies of last three (3) years of IRS tax returns of business principals, signed and dated; and
4. Any documentation that explains special circumstances regarding past, current, or future financial conditions.

For larger firms:

1. Federal income tax returns for the last three (3) years, specifically:
 - a. IRS Form 1120-C for C Corporations;
 - b. IRS Form 1120-S for S Corporations; or
 - c. IRS Form 1065 for partnerships.

ACL Complaint Fact Sheet

2. A completed and signed IRS Form 8821. This allows the IRS to provide the State Water Board with a summary of the firm's tax returns that will be compared to the submitted income tax returns. This prevents the submission of fraudulent tax returns;
3. The following information can be substituted if income tax returns cannot be made available:
 - a. Audited Financial Statements for last three (3) years;
 - b. A list of major accounts receivable with names and amounts;
 - c. A list of major accounts payable with names and amounts;
 - d. A list of equipment acquisition cost and year purchased;
 - e. Ownership in other companies and percent of ownership for the last three (3) years; and
 - f. Income from other companies and amounts for the last three (3) years.

For a municipality, county, or district:

1. Type of entity:
 - a. City/Town/Village;
 - b. County;
 - c. Municipality with enterprise fund; or
 - d. Independent or publicly owned utility.
2. The following 1990 and 2000 United States Census data:
 - a. Population;
 - b. Number of persons age eighteen (18) years and above;
 - c. Number of persons age sixty-five (65) years and above;
 - d. Number of Individuals below one hundred and twenty-five percent (125%) of poverty level;
 - e. Median home value; and
 - f. Median household income.
3. Current or most recent estimates of:
 - a. Population;
 - b. Median home value;
 - c. Median household income;
 - d. Market value of taxable property; and
 - e. Property tax collection rate.
4. Unreserved general fund ending balance;
5. Total principal and interest payments for all governmental funds;
6. Total revenues for all governmental funds;
7. Direct net debt;
8. Overall net debt;
9. General obligation debt rating;
10. General obligation debt level; and
11. Next year's budgeted/anticipated general fund expenditures plus net transfers out.

This list is provided for information only. The Discharger remains responsible for providing all relevant and reliable information regarding its financial situation, which may include items in the above lists, but could include other documents not listed. Please note

ACL Complaint Fact Sheet

that all evidence regarding this case, including financial information, will be made public.

Petitions

If the Santa Ana Water Board issues an order requiring payment, the Discharger may challenge that order by filing a petition for review with the State Water Board pursuant to Water Code section 13320. More information on the petition process is available at http://www.waterboards.ca.gov/public_notices/petitions/water_quality/wqpetition_instr.shtml.

An order of the State Water Board, including its ruling on a petition from a Santa Ana Water Board order, can be challenged by filing a petition for writ of mandate in Superior Court pursuant to Water Code section 13330.

Once an order for payment of penalties becomes final, the Santa Ana Water Board or State Water Board may seek an order of the Superior Court under Water Code section 13328, if necessary, in order to collect payment of the penalty amount.



Water Boards

STATE WATER RESOURCES CONTROL BOARD
REGIONAL WATER QUALITY CONTROL BOARDS

**IN THE MATTER OF:
ALCA MACHINE INDUSTRIES
COMPLAINT NO. R8-2021-0002**

**PROSECUTION TEAM
WITNESS LIST**

ALCA Machine Industries
Prosecution Team's Witness List for December 10, 2021 Hearing

- Michelle Beckwith (15 minutes)
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.
- Kaitlin Diaz (5 minutes - as needed)
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.
- Michael Kashak (2 minutes - as needed)
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 (3 minutes - 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 Joy (5 minutes - as needed)
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
ALCA Machine Industries

The following items are evidence for the Santa Ana Regional Water Quality Control Board (RWQCB) hearing regarding Complaint No. R8-2021-0002. This matter is scheduled to be heard at the December 10, 2021 Board meeting.

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 ALCA Machine Industries	Attached
3	Inspection Report; June 18, 2018	Attached SMARTS Database Inspection ID 2038708
4	Violation Details, Failure to Obtain Permit; June 18, 2018	Attached SMARTS Database Violation ID 867058
5	Notice of Non-Compliance; August 1, 2018 and Proof of Delivery	Attached SMARTS Database Enforcement Action ID 430150 Attachment ID 2265220
6	Second Notice of Non-Compliance; September 4, 2018 and Proof of Delivery	Attached SMARTS Database Enforcement Action ID 430444 Attachment ID 2265219
7	Courtesy Reminder Email from RWQCB to ALCA Machine Industries; September 20, 2018	Attached SMARTS Database Enforcement Action ID 430444 Attachment ID 2276209
8	Emails from ALCA Machine Industries Requesting Extension to RWQCB; September 26, 2018	Attached SMARTS Database Enforcement Action ID 430444 Attachment ID 2276209
9	Final Courtesy Email from RWQCB to ALCA Machine Industries; September 26, 2018	Attached SMARTS Database Enforcement Action ID 430444 Attachment ID 2276209
10	Email from RWQCB to ALCA Machine Industries, October 18, 2018	Attached SMARTS Database Enforcement Action ID 430444 Attachment ID 226265

11	ALCA Machine Industries No Exposure Certification (NEC); October 19, 2018	Attached SMARTS Database WDID 8 30NEC004675
12	Courtesy NEC Recertification Reminder Email from SWRCB to ALCA Machine Industries; July 3, 2019	Attached
13	Second Courtesy NEC Recertification Reminder Email and Notice of Pending Administrative Termination from SWRCB to ALCA Machine Industries, September 12, 2019	Attached
14	Violation Details, Failure to Obtain Permit; October 2, 2019	Attached SMARTS Database Violation ID 871677
15	Final NEC Recertification Email and Notice of Pending Administrative Termination from SWRCB to ALCA Machine Industries; October 6, 2019	Attached
16	ALCA Machine Industries NEC Administratively Terminated; October 23, 2019	Attached
17	Inspection Report; October 29, 2019	Attached SMARTS Database Inspection ID 2044974
18	Email from RWQCB regarding administrative termination to ALCA Machine Industries; October 30, 2019	Attached SMARTS Database Attachment ID 2534512
19	Violation Details, Failure to Obtain Permit; December 4, 2019	Attached SMARTS Database Violation ID 872167
20	Notice of Non-Compliance; December 4, 2019	Attached SMARTS Database Enforcement Action ID 435527 Attachment ID 2547212
21	Second Notice of Non-Compliance; January 2, 2020 and Proof of Delivery	Attached SMARTS Database Enforcement Action ID 435921 Attachment ID 2586767
22	RWQCB Staff Phone Record; January 21, 2020	Attached SMARTS Database Enforcement Action ID 435921 Attachment ID 2586348
23	Courtesy Reminder Email from RWQCB to ALCA Machine; January 28, 2020	Attached SMARTS Database Enforcement Action ID 435921 Attachment ID 2585896

24	RWQCB Staff Phone Record; January 28, 2020	Attached SMARTS Database Enforcement Action ID 435921 Attachment ID 2586348
25	Final Courtesy Reminder Email from RWQCB to ALCA Machine Industries; January 31, 2020	Attached SMARTS Database Enforcement Action ID 435921 Attachment ID 2585896
26	RWQCB Staff Phone Record; January 31, 2020	Attached SMARTS Database Enforcement Action ID 435921 Attachment ID 2586348
27	Inspection Report; February 12, 2020	Attached SMARTS Database Inspection ID 2046350
28	Violation Details, Failure to Obtain Permit; February 12, 2020	Attached SMARTS Database Violation ID 872660
29	Notice of Non-Compliance; February 12, 2020 and Proof of Delivery	Attached SMARTS Database Enforcement Action ID 436253 Attachment ID 2596563
30	Inspection Report; March 11, 2020	Attached SMARTS Database Inspection ID 2046688
31	Second Notice of Non-Compliance; March 13, 2020 and Proof of Delivery	Attached SMARTS Database Enforcement Action ID 436547 Attachment ID 2618713
32	Courtesy Reminder Email from RWQCB to ALCA Machine Industries; April 8, 2020	Attached SMARTS Database Enforcement Action ID 436547 Attachment ID 2621915
33	Final Courtesy Reminder Email from RWQCB to ALCA Machine Industries; April 10, 2020	Attached SMARTS Database Enforcement Action ID 436547 Attachment ID 2623392
34	Inspection Report; October 26, 2020	Attached SMARTS Database Inspection ID 2049262
35	Expedited Payment Letter R8-2021-0002; January 4, 2021 and Proof of Delivery	Attached SMARTS Database Enforcement Action ID 439340 Attachment ID 2804705
36	Courtesy Reminder Email from RWQCB to ALCA Machine Industries; January 29, 2021	Attached SMARTS Database Enforcement Action ID 439340 Attachment ID 2815318

37	RWQCB Staff Phone Record; February 2, 2021	Attached SMARTS Database Enforcement Action ID 439340 Attachment ID 2816875
38	Courtesy Reminder Email from RWQCB to ALCA Machine Industries; February 2, 2021	Attached SMARTS Database Enforcement Action ID 439340 Attachment ID 2605590
39	Email from ALCA Machine to RWQCB; February 2, 2021	Attached SMARTS Database Enforcement Action ID 439340 Attachment ID 2830306
40	ALCA Machine Industries – Business License	Attached
41	ALCA Machine Industries – City of Santa Ana Inspection	Attached
42	SIC Code Definition for 3399 – Primary Metal Products	Attached
43	ALCA Machine Industries Website – As of September 14, 2021	Attached
44	Written Declaration, RWQCB – Kaitlin M. Diaz	Attached
45	Written Declaration, RWQCB – Michelle R. Beckwith	Attached
46	Written Declaration, RWQCB – Jayne E. Joy	Attached
47	Billing Costs – Staff Costs as of April 19, 2021	Attached
48	Executive Officer Delegation Memorandum	Attached

EXHIBIT 1



CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
STATE WATER RESOURCES CONTROL BOARD

[Home](#) | [About Us](#) | [Public Notices](#) | [Board Info](#) | [Board Decisions](#) | [Water Issues](#) | [Publications/Forms](#) | [Press Room](#)

[Programs](#) | [Available Documents](#) | [Hot Topics](#) |

Office of Governor
Edmund G. Brown Jr.
[Visit his Website](#)

**Board Chair
FELICIA MARCUS**
[Visit the Water Board Members Page](#)

- CalEPA
- State and Regional Water Boards' Map
- Board Priorities
- Laws/Regulations
- Make a Payment
- Plans/Policies
- Programs
- Decisions Pending and Opportunities for Public Participation

 **Report an Environmental Concern**

Home → Water Issues → Programs → Stormwater

Industrial General Permit 2014-0057-DWQ (EFFECTIVE July 1, 2015)

The Industrial General Permit (IGP) adopted April 1, 2014 became effective on July 1, 2015 and replaces the previous 1997 statewide permit for industrial storm water. The IGP requires electronic applications and reporting.

ORDER 2014-0057-DWQ - EFFECTIVE JULY 1, 2015

- Complete Adopted Permit Package ([Order](#), [Factsheet](#), [Attachments](#), [Appendices](#))
- [Order](#)
- [Factsheet](#)
- [Attachment A Facilities Covered](#)
- [Attachment B Acronyms](#)
- [Attachment C Glossary](#)
- [Attachment D Permit Registration Documents \(PRDs\)](#)
- [Attachment E TMDL Implementation](#)
- [Attachment F Effluent Limitation Guidelines \(ELGs\)](#)
 - [Part 411 - Cement Manufacturing](#)
 - [Part 418 - Fertilizer Manufacturing](#)
 - [Part 419 - Petroleum Refining](#)
 - [Part 422 - Phosphate Manufacturing](#)
 - [Part 423 - Steam Electric Power Generating](#)
 - [Part 429 - Wetting of logs at wet deck storage areas](#)
 - [Part 434 - Coal Mining](#)
 - [Part 436 - Mineral Mining And Processing](#)
 - [Part 440 - Ore Mining And Dressing](#)
 - [Part 443 - Paving And Roofing Materials \(Tars And Asphalt\)](#)
 - [Part 445 - Landfills](#)
 - [Part 449 - Airport Deicing](#)
- [Attachment G Requirements for Dischargers Who Have Been Granted An Ocean Plan Exception for Discharges to Areas of Special Biological Significance \(ASBS\)](#)
- [Attachment H Storm Water Sample Collection and Handling Instructions](#)
- [Appendix 1 Storm Water Pollution Prevention Plan \(SWPPP\) Checklist](#)
- [Appendix 2 No Exposure Certification \(NEC\) Conditional Exclusion Instructions](#)
- [Appendix 3 Waterbodies with Clean Water Act section 303\(d\) Listed Impairments](#)
- [Appendix 3 Waterbodies with Clean Water Act section 303\(d\) Listed Impairments - Excel Spreadsheet](#)

EXHIBIT 2

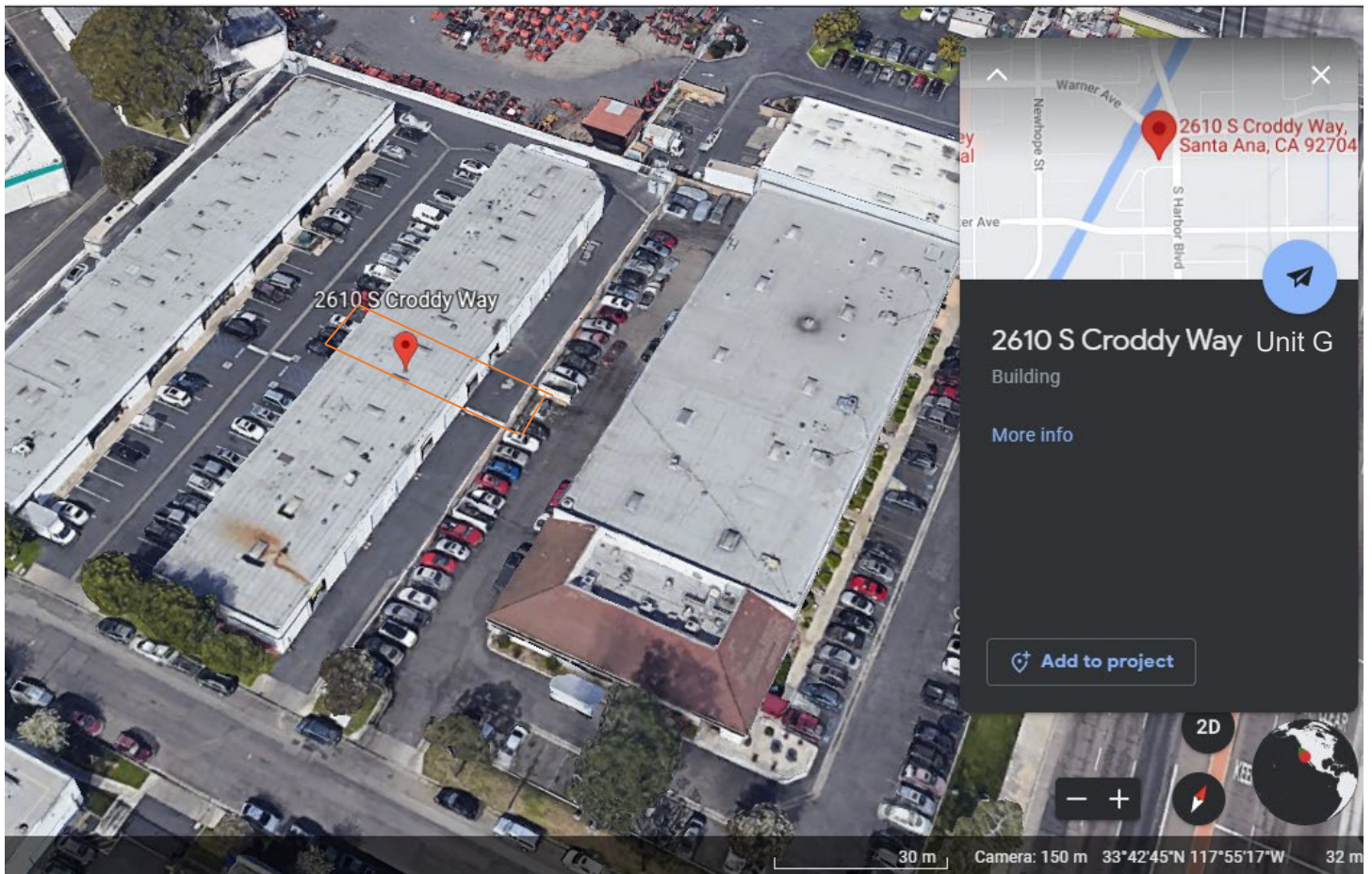


EXHIBIT 3

Storm Water Multiple Application & Report Tracking System

SMARTS Inspection Details

Inspection Date: 06/18/2018 **Inspection ID:** 2038708

Inspection Classification: **Inspection Status:**

Inspection Start Time: **Inspection End Time:**

Inspection Purpose: Non-Filer/NONA

WDID: 8 30IN604599

Owner / Operator: Al-Ca Machine Industry
2610 S Croddy Wy
Santa Ana, CA 92704 **Facility/Site:** Al-Ca Machine Industry
2610 S Croddy Wy
Santa Ana, CA 92704

Inspector: Kyle Wright - Regional Board

Agency: Regional Board

Met With:

Violations: Yes

Follow Up Action: Additional Info Required

Notes: Water Board staff conducted a Non-filer drive through inspection to determine if tis facility needed coverage under the Industrial General Permit.

Violations:

Violation ID	Violation Type	Occurrence Date	Violation Source	Status
867058	Failure to Obtain Permit	06/18/2018	Inspection	Violation

Attachments:

Attachment ID	File Type	File Title	File Description	Part No.
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EXHIBIT 4

Storm Water Multiple Application & Report Tracking System 2

Storm Water Violation Details

General Details:

WDID:	8 30IN604599	Facility/Site:	Al-Ca Machine Industry 2610 S Croddy Wy Contact: Phone: Email:
Owner / Operator	Al-Ca Machine Industry 2610 S Croddy Wy Contact: Phone: Email:	Source Id:	2038708
Violation ID:	867058	Violation Type:	Failure to Obtain Permit
Violation Source:	Inspection	Serious Violation:	No
Determined By:	Regional Board	Priority Violation:	Class 3-Minor
Enforcement Action:	Yes	Occurrence Date:	06/18/2018
Exemption From MMP:	No	Discovery Date:	06/18/2018
Status:	Violation		
Violation Description:	Water Board staff conducted a Non-filer drive through inspection to determine if tis facility needed coverage under the Industrial General Permit. Based off of observations this facility qualifies for coverage under the Industrial General Permit.		

Enforcement Actions:

Enf. Action ID	Enforcement Action Type	Issuance Date	Order Number	Status Code
430150	NNC	08/01/2018		Historical
430444	NNC	09/04/2018		Historical

Attachments:

Attachment Id	File Type	File Title	File Desc	Part#
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EXHIBIT 5

Santa Ana Regional Water Quality Control Board

August 1, 2018

AL-CA Machine Industry
2610 South Croddy Way Suite #G
Santa Ana, CA 92704

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 AL-CA Machine Industry is operating at 2610 South Croddy Way Suite #G in the city of Santa Ana and is engaged in manufacturing machinery and other equipment and parts. These activities are best described by Standard Industrial Classification (SIC) code 3599. Activities described by SIC code 3599 are among those requiring coverage under Attachment A of the General Permit. Since this coverage has not been obtained, AL-CA Machine Industry 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:

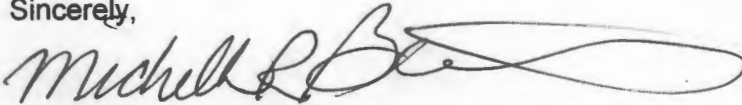
- a. A completed NEC Form (Section XVII.F.1) and signed certification statement (Section XVII.H);
- b. A completed NEC Checklist (Section XVII.F.2);
- c. A current Site Map (Section X.E); and,
- d. An application fee.

In order to address this violation, by **August 30, 2018**, **AL-CA Machine Industry** 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_smart.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 Santa Ana, NPDES Coordinator – Craig Foster

7017 3040 0000 8553 6027

**U.S. Postal Service™
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- ☐ Return Receipt (hardcopy) \$
☐ Return Receipt (electronic) \$
☐ Certified Mail Restricted Delivery \$
☐ Adult Signature Required \$
☐ Adult Signature Restricted Delivery \$

Postage

\$

Total Postage and Fees

\$

Postmark
Here

Sent To

AL-CA Machine Industry
 Street and Apt. No., or PO Box No.
 2610 S. Croddy Way Ste #6
 City, State, ZIP+4®
 Santa Ana, CA 92704

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions

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:

AL-CA Machine Industry
 2610 S. Croddy Way Ste #6
 Santa Ana, CA
 92704



9590 9402 4213 8121 1143 52

2. Article Number (Transfer from service label)

7017 3040 0000 8553 6027

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

COMPLETE THIS SECTION ON DELIVERY

A. Signature

☒ *Talib D...* ☐ 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
☐ Insured Mail
☐ Registered Mail™
☐ Registered Mail Restricted Delivery
☐ Return Receipt for Merchandise
☐ Signature Confirmation™
☐ Signature Confirmation Restricted Delivery

Domestic Return Receipt

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Certified Mail Fee	\$
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	\$
Postage	\$
Total Postage and Fees	\$

Postmark Here

Sent To: AL-CA Machine Industry
Street and Apt. No., or PO Box No. 2610 S. Cruddy Way Ste #6
City, State, ZIP+4® Santa Ana CA 92704

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

USPS TRACKING#

9590 9402 4213 8121 1143 52

United States Postal Service

Received
AUG 2018
CR110CB
Santa Ana Region

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

CA REGIONAL WATER QUALITY CENTER
SANTA ANA REGION
3737 MAIN STREET, SUITE 300
RIVERSIDE, CA 92501-3540

MEB, KTW

EXHIBIT 6



EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Santa Ana Regional Water Quality Control Board

September 4, 2018

AL-CA Machine Industry
2610 South Croddy Way Suite #G
Santa Ana, CA 92704

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 AL-CA Machine Industry on August 1, 2018 via certified mail, requesting that AL-CA Machine Industry obtain coverage under the General Permit by August 30, 2018. Per the United States Postal Service, the letter was delivered on August 6, 2018. 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 September 28, 2018, 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 August 1, 2018

cc (w/o encl): OC Public Works – James Fortuna
City of Santa Ana, NPDES Coordinator – Craig Foster



EDMUND G. BROWN JR.
GOVERNOR



MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Santa Ana Regional Water Quality Control Board

August 1, 2018

AL-CA Machine Industry
2610 South Croddy Way Suite #G
Santa Ana, CA 92704

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 AL-CA Machine Industry is operating at 2610 South Croddy Way Suite #G in the city of Santa Ana and is engaged in manufacturing machinery and other equipment and parts. These activities are best described by Standard Industrial Classification (SIC) code 3599. Activities described by SIC code 3599 are among those requiring coverage under Attachment A of the General Permit. Since this coverage has not been obtained, AL-CA Machine Industry 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

WILLIAM RUH, CHAIR | HOPE A. SMYTHE, EXECUTIVE OFFICER

3737 Main St. Suite 500, Riverside, CA 92501 | www.waterboards.ca.gov/santaana

♻️ RECYCLED PAPER

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:

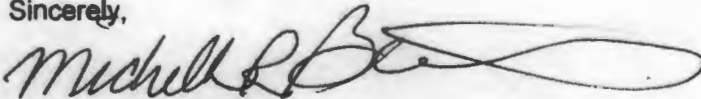
- a. A completed NEC Form (Section XVII.F.1) and signed certification statement (Section XVII.H);
- b. A completed NEC Checklist (Section XVII.F.2);
- c. A current Site Map (Section X.E); and,
- d. An application fee.

In order to address this violation, by August 30, 2018, AL-CA Machine Industry 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_smart.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 Santa Ana, NPDES Coordinator – Craig Foster

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☐ Return Receipt (hardcopy)	\$
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☐ Certified Mail Restricted Delivery	\$
☐ Adult Signature Required	\$
☐ Adult Signature Restricted Delivery	\$
Postage	

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AI-CA Machine Industry
2610 South Croddy Way Suite #G
Santa Ana, CA 92704

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

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.

AI-CA Machine Industry
2610 South Croddy Way Suite #G
Santa Ana, CA 92704



9590 9402 4213 8121 1140 86

2. Article Number (Transfer from service label)

7017 3040 0000 8553 5723

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

COMPLETE THIS SECTION ON DELIVERY

A. Signature 		☐ 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	☐ Priority Mail Express®
☐ Adult Signature	☐ Registered Mail™
☐ Adult Signature Restricted Delivery	☐ Registered Mail Restricted Delivery
☐ Certified Mail®	☐ Return Receipt for Merchandise
☐ Certified Mail Restricted Delivery	☐ Signature Confirmation™
☐ Collect on Delivery	☐ Signature Confirmation Restricted Delivery
☐ Collect on Delivery Restricted Delivery	
☐ Insured Mail	
☐ Mail Restricted Delivery (0)	

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☐ Return Receipt (electronic)	\$	
☐ Certified Mail Restricted Delivery	\$	
☐ Adult Signature Required	\$	
☐ Adult Signature Restricted Delivery	\$	

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Postmark
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AI-CA Machine Industry
2610 South Croddy Way Suite #G
Santa Ana, CA 92704

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions

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USPS
Permit No. G-10

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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

KJW



EXHIBIT 7

On Thu, Sep 20, 2018 at 3:17 PM Wright, Kyle@Waterboards <Kyle.Wright@waterboards.ca.gov> wrote:

Hi Festim,

This is a reminder email that your final day to obtain permit coverage by is September 28, 2018. 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.

Last, we spoke you said that your facility possibly qualified for an NEC permit. Please begin and complete this process before the deadline if this is correct.

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 8

From: Festim Djokovic [mailto:djokovic91@gmail.com]
Sent: Wednesday, September 26, 2018 10:04 AM
To: Wright, Kyle@Waterboards <Kyle.Wright@Waterboards.ca.gov>
Subject: Re: Permit Coverage for AL-Ca Machine industry

Also after trying to make him account I believe under federal # or company # his shop missed his taxes due to him being in the hospital for 3 months so we don't have one of those from what my

sister has told me while trying to help him create an account.

On Wed, Sep 26, 2018 at 9:37 AM Festim Djokovic <djokovic91@gmail.com> wrote:

Hey Kyle,

Just wondering if there's any type of extension you can give us. I've been out of town for the last week and coming back Sunday after the 28th while my father is still at the shop I have not had a chance to sit with him and complete the forms with him for his English and computer skills aren't the greatest. Thank you for the reminder.

EXHIBIT 9

From: [Wright, Kyle@Waterboards](mailto:Wright.Kyle@Waterboards.ca.gov)
To: ["Festim Djokovic"](#)
Subject: RE: Permit Coverage for AL-Ca Machine industry
Date: Wednesday, September 26, 2018 10:13:00 AM

Hi Festim,

We sent the 2nd and final notice out the 13th of September. AL – CA has had 60 days to complete, which is the max allowance we are able to give under our mandate. Your account and NEC application can easily be created in the time remaining. Just follow the help guide for creating an account, then follow the steps in creating the NEC application. Access to the system can be reached from any computer.

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.

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

From: [Wright, Kyle@Waterboards](mailto:Wright.Kyle@Waterboards)
To: ["talioalcamachine@yahoo.com"](mailto:talioalcamachine@yahoo.com)
Cc: [Beckwith, Michelle@Waterboards](mailto:Beckwith.Michelle@Waterboards) (michelle.beckwith@waterboards.ca.gov)
Subject: Storm Water Application Return for AL-CA Machine Industry
Date: Wednesday, October 17, 2018 4:26:00 PM

Taljo Djokovic,

The No Exposure Certification submitted on 9-26-2018 has been returned. Waterboard Staff are unable to process your application because the certifier's Electronic Authorization form has not been received. The form can be found in the certifier's SMARTS account by logging in and going to "UPDATE USER PROFILE." A link will display under the associated organizations for this form. You must include the NEC application ID 502011.

In addition, please upload a site map to the attachments that meets the requirements as written in section X.E of the Industrial General Permit.

The requirements for a site map are below.

E. Site Map

1. The Discharger shall prepare a site map that includes notes, legends, a north arrow, and other data as appropriate to ensure the map is clear, legible and understandable.
2. The Discharger may provide the required information on multiple site maps.
3. The Discharger shall include the following information on the site map:
 - a. The facility boundary, storm water drainage areas within the facility boundary, and portions of any drainage area impacted by discharges from surrounding areas. Include the flow direction of each drainage area, on-facility surface water bodies, areas of soil erosion, and location(s) of nearby water bodies (such as rivers, lakes, wetlands, etc.) or municipal storm drain inlets that may receive the facility's industrial storm water discharges and authorized NSWDS;
 - b. Locations of storm water collection and conveyance systems, associated discharge locations, and direction of flow. Include any sample locations if different than the identified discharge locations;
 - c. Locations and descriptions of structural control measures that affect industrial storm water discharges, authorized NSWDS, and/or run-on;
 - d. Identification of all impervious areas of the facility, including paved areas, buildings, covered storage areas, or other roofed structures;
 - e. Locations where materials are directly exposed to precipitation and the locations where identified significant spills or leaks (Section X.G.1.d) have occurred; and
 - f. Areas of industrial activity subject to this General Permit. Identify all industrial storage areas and storage tanks, shipping and receiving areas, fueling areas, vehicle and equipment storage/maintenance areas, material handling and processing areas, waste treatment and disposal areas, dust or particulate generating areas, cleaning and material reuse areas, and other areas of industrial activity that may have potential pollutant sources.

Resubmission of the NEC Application must be completed by Friday October 19, 2018 or a formal enforcement action will take place.

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 11

Certification [\[Back To Search Results\]](#)

The application is organized into different tabs. Please complete all applicable tabs before submitting the form. If you want to complete the application at a later time, please click on "Save & Exit".

NEC ID/App ID: 8 30NEC004675 - 502011

Operator: ALCA Machine Industries

Certified Date: 10/19/2018

Status: Terminated

2610 S Croddy way unit G Santa Ana CA 92704

Processed Date: 10/26/2018

Order No: 2014-0057-DWQ

Facility: ALCA Machine Industries

NOT Effective Date: 10/23/2019

Permit Type: Industrial - NEC

2610 S Croddy way unit G Santa Ana CA 92704

Previous ID: -

Operator Info	Facility Info	NEC Checklist	Billing Info	Attachments	Certification	Reports	Inspections	Violations	Enforcement Actions
Admin Changes	Tasks	Print	Notes	Status History	Linked Users	NOTs	COIs		

The application was successfully received by the State Water Resources Control Board.

SWRCB Application No.	SA502011
Permit Type:	Industrial
Submission/Certify Date	10/19/2018
Certifier Name	Taljo Djokovic
Certifier Title	Owner

Please print out this screen as proof of certification. The confirmation details was also email to the address on file

[Download Copy of Record](#)

EXHIBIT 12

Stormwater@Waterboards

From: lyris@swrcb18.waterboards.ca.gov
Sent: Wednesday, July 3, 2019 7:40 AM
To: Stormwater@Waterboards
Subject: 2019 No Exposure Certification (NEC) Recertification



This is a message from the State Water Resources Control Board

Hello,

You are receiving this email because the No Exposure Certification (NEC) is now available to recertify for the 2019/2020 year. The NEC is required to be recertified by October 1, 2019. If the NEC is not recertified by October 1, 2019 the State Water Resource Control Board will proceed to terminate coverage under the Industrial General Permit (IGP) starting October 7, 2019.

The Legally Responsible Person (LRP) or a Duly Authorized Representative (DAR) may recertify the NEC by completing the following:

Log in at <https://smarts.waterboards.ca.gov>

Go to Recertification in the main menu.

Click on Industrial.

On the next screen open the NEC record by clicking on the App ID.

Fill out the NEC checklist and certify and submit to complete the process.

For detailed instructions on how to complete recertification, please review the following NEC Recertification help guide for SMARTS:

http://www.waterboards.ca.gov/water_issues/programs/stormwater/docs/industrial/nec_annual_recert_guide.pdf

For help with accessing your SMARTS account (UserID/Password) please send an email to stormwater@waterboards.ca.gov

Thank You,
Stormwater Help Desk
Division of Water Quality
State Water Resources Control Board

EXHIBIT 13

From: lyris@swrcb18.waterboards.ca.gov
To: Otsuji_Patrick@Waterboards
Subject: Industrial General Permit No-Exposure Certification (NEC) Recertification Reminder (DUE OCTOBER 1st)
Date: Thursday, September 12, 2019 12:09:30 PM



**This is a
message from the State Water Resources Control Board**

Hello,

This email serves as a reminder of important upcoming requirements in the Statewide Storm Water Industrial General Permit.

The Water Boards show the No-Exposure Certification (NEC) recertification for the facility has not been completed as of 09/10/2019.

By October 1st of each reporting year, the Legally Responsible Person (LRP) or a Duly Authorized Representative must annually electronically re-certify the NEC via SMARTS demonstrating the facility has been evaluated, and that none of the Industrial Materials or Activities are, or will be in the foreseeable future, exposed to precipitation. **Please be advised if the NEC recertification is not completed by October 1st, the NEC record will be terminated.**

If conditions change resulting in the exposure of materials and activities to storm water, the LRP must electronically certify and submit Permit Registration Documents (PRDs) via SMARTS for Notice of Intent (NOI) coverage under the Industrial General Permit (IGP).

The Legally Responsible Person (LRP) or a Duly Authorized Representative (DAR) can recertify the NEC by completing the following:

Log in at <https://smarts.waterboards.ca.gov>

Go to Recertification in the main menu.

Click on Industrial.

On the next screen open the NEC record by clicking on the App ID.

Fill out the NEC checklist and certify and submit to complete the process.

For detailed instructions on how to complete recertification, please review the following NEC Recertification help guide

for SMARTS:

http://www.waterboards.ca.gov/water_issues/programs/stormwater/docs/industrial/nec_annual_recert_guide.pdf

For help with accessing your SMARTS account (UserID/Password) please send an email to stormwater@waterboards.ca.gov

For help with accessing your SMARTS account (UserID/Password) please send an email to stormwater@waterboards.ca.gov

Thank You,
Storm Water Help Desk
Division of Water Quality
State Water Resources Control Board

EXHIBIT 14

Storm Water Multiple Application & Report Tracking System 2

Storm Water Violation Details

General Details:

WDID:	8 30NEC004675	Facility/Site:	ALCA Machine Industries 2610 S Croddy way unit G Contact: Taljo Djokovic Phone: 714-754-7575 Email: talioalcamachine@yahoo.com
Owner / Operator	ALCA Machine Industries 2610 S Croddy way unit G Contact: Taljo Djokovic Phone: 714-754-7575 Email: talioalcamachine@yahoo.com	Source Id:	
Violation ID:	871677	Violation Type:	Failure to Obtain Permit
Violation Source:	Internal Report	Serious Violation:	No
Determined By:	State Board	Priority Violation:	Class 3-Minor
Enforcement Action:	Yes	Occurrence Date:	10/02/2019
Exemption From MMP:	No	Discovery Date:	
Status:	Violation		
Violation Description:	Discharger failed to recertify the NEC by October 1, 2019		

Enforcement Actions:

Enf. Action ID	Enforcement Action Type	Issuance Date	Order Number	Status Code
434830	Verbal Communication	10/06/2019		Active
435026	Verbal Communication	10/30/2019		Active

Attachments:

Attachment Id	File Type	File Title	File Desc	Part#
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EXHIBIT 15

From: lyris@swrcb18.waterboards.ca.gov
To: Stormwater@Waterboards
Subject: FINAL NOTICE: No-Exposure Certification (NEC) Recertification
Date: Sunday, October 6, 2019 10:54:46 PM



**This is a
message from the State Water Resources Control Board**

Hello,

October 1, 2019 was the deadline to recertify the No Exposure Certifications (NEC) filed prior to June 30, 2019 and the facility's NEC is now scheduled for termination.

If NEC permit coverage is required, please be advised failure to obtain coverage under the Industrial 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.

To avoid penalties recertify the NEC by doing the following:

Log in at <https://smarts.waterboards.ca.gov>

Go to "Recertification" in the main menu.

Click on "Industrial".

On the next screen open the NEC record by clicking on the "App ID".

Fill out the NEC checklist and certify and submit to complete the process.

If you believe you received this notice in error please contact
stormwater@waterboards.ca.gov.

Thank You,
Stormwater Help Desk
State Water Resources Control Board

EXHIBIT 16

WDID: 8 30NEC004675 **Operator:** ALCA Machine Industries
 2610 S Croddy way unit G Santa Ana CA 92704 **NOT Status:** Approved **NOT Submitted Date:**
Permit Type: Industrial **Facility:** ALCA Machine Industries
 2610 S Croddy way unit G Santa Ana CA 92704 **NOT Return Date:** **NOT Processed Date:** 10/23/2019

[NOT Form](#) [NOT Attachments](#) [NOT Certify/Review](#) [NOT Status](#) [NOT Print](#) [Back To NOI Summary](#)

The electronic "Notice of Termination" has been successfully received by the State Water Resources Control Board's database. The confirmation information for this certification is as follows:

Application ID	548729
Permit Type:	Industrial
Submission/Certify Date	
Certifier Name	Administrative Termination
Certifier Title	

Please print out this screen as proof of certification. If you need to correct any information, please contact the Regional Board representative.

All records must be retained for 5 years from the date of the report or monitoring activity.

NOT Application No:548729

After reviewing the application, record your comments below. Click on the appropriate button indicating the review decision. The status of the application will be changed by the system and an e-mail to the discharger will be automatically generated notifying them of the review results.

Review Comments:	
Notes to discharger (Prints on the Return and Deny letter)	Only enter 2000 characters or less.
NOT Received Date	Please enter the received date.
NOT Effective Date	10/23/2019 Please enter a justification in the Notes if the NOT effective date entered is prior to the accepted/approved date.
RB Staff Assigned to NOT:	Select Date
RB Staff Approved/Denied NOT:	Patrick Otsuji Date
Review Result	Accept NOT for further review Approve NOT Rescind NOT Update To update please enter the reason in the review comments

EXHIBIT 17

Storm Water Multiple Application & Report Tracking System

SMARTS Inspection Details

Inspection Date: 10/29/2019 **Inspection ID:** 2044974

Inspection Classification: **Inspection Status:**

Inspection Start Time: **Inspection End Time:**

Inspection Purpose: NEC

WDID: 8 30NEC004675

Owner / Operator: ALCA Machine Industries
2610 S Croddy way unit G
Santa Ana, CA 92704 **Facility/Site:** ALCA Machine Industries
2610 S Croddy way unit G
Santa Ana, CA 92704

Inspector: Kaitlin Diaz - Regional Board

Agency: Regional Board

Met With:

Violations: No

Follow Up Action: Additional Info Required

Notes: Regional Board staff conducted a cursory inspection for the above facility on October 29, 2019. The facility was administratively terminated for not recertifying their NEC. The facility is currently in operation and will have to gain new NEC permit coverage.

Violations:

Violation ID	Violation Type	Occurrence Date	Violation Source	Status
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Attachments:

Attachment ID	File Type	File Title	File Description	Part No.
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EXHIBIT 18

From: [Diaz, Kaitlin@Waterboards](mailto:Diaz.Kaitlin@Waterboards.ca.gov)
Cc: [Beckwith, Michelle@Waterboards](mailto:Beckwith.Michelle@Waterboards.ca.gov)
Bcc:



talioalcamachine@yahoo.com

Subject: Industrial General Permit No-Exposure Certification (NEC) Recertification
Date: Wednesday, October 30, 2019 12:30:00 PM

Hello,

October 1, 2019 was the deadline to recertify your facilities No Exposure Certification (NEC) and State Board staff sent reminder emails on September 12, 2019 and October 6, 2019.

Since the NEC permit was not recertified by the deadline, the permit was terminated on October 23, 2019.

You are currently out of compliance with the Industrial General Permit and will need to obtain new permit coverage. If you **recertify the NEC permit by this Friday, November 1st** you will not need to go through the steps of gaining brand new permit coverage.

Failure to recertify by Friday, November 1st will result in further enforcement actions.

Recertify the NEC by doing the following:

Log in at <https://smarts.waterboards.ca.gov>

Go to "Recertification" in the main menu

Click on "Industrial"

On the next screen open the NEC record by clicking on the "App ID"

Fill out the NEC checklist and certify and submit to complete the process

If you have questions on recertifying, please contact the stormwater help desk at stormwater@waterboards.ca.gov. If you have questions concerning your NEC permit, please contact Michelle Beckwith at michelle.beckwith@waterboards.ca.gov.

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 19

Storm Water Multiple Application & Report Tracking System 2

Storm Water Violation Details

General Details:

WDID:	8 30IN605945	Facility/Site:	ALCA Machine Industries 2610 S Croddy Wy Contact: Taljo Djokovic Phone: Email: talioalcamachine@yahoo.com
Owner / Operator	ALCA Machine Industries 2610 S Croddy Wy Contact: Taljo Djokovic Phone: Email: talioalcamachine@yahoo.com		
Violation ID:	872167	Source Id:	0
Violation Source:	Report	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:	12/04/2019
Status:	Violation	Discovery Date:	
Violation Description:	Administratively terminated for not recertifying NEC. Failure to obtain permit coverage.		

Enforcement Actions:

Enf. Action ID	Enforcement Action Type	Issuance Date	Order Number	Status Code
435527	NNC	12/04/2019		Active
435921	NNC	01/02/2020		Active

Attachments:

Attachment Id	File Type	File Title	File Desc	Part#
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EXHIBIT 20



GAVIN NEWSOM
GOVERNOR

JARED BLUMENFELD
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Santa Ana Regional Water Quality Control Board

December 4, 2019

ALCA Machine Industries
2610 S Croddy Way, Unit G
Santa Ana, California 92704

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 NO. CAS000001

Dear Taljo Djokovic:

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.

Further, dischargers subject to the General Permit may qualify for a conditional exclusion from specific requirements if they submit a No Exposure Certification (NEC) demonstrating that their facilities have no exposure of industrial activities and materials to storm water discharges. The General Permit is available here.

On October 26, 2018, you certified that ALCA Machine Industries had no industrial activities or materials exposed to storm water, that all unauthorized non-storm water discharges had been eliminated, and that all the requirements of the NEC were met. In doing so, you were issued WDID #8 30NEC004675.

As defined in Section XVII.G. of the General Permit, the facility's NEC must be re-certified annually by October 1st of each reporting year. The deadline for this reporting year was October 1, 2019. ALCA Machine Industries was notified via email on July 3, 2019 and September 12, 2019 of the impending deadline to recertify the NEC and the consequences of not recertifying by the deadline. On October 6, 2019, you were notified via email that your facility's NEC coverage would be administratively terminated. Since ALCA Machine Industries did not re-certify the NEC by the deadline, State Board staff administratively terminated the facility's permit on October 23, 2019.

WILLIAM RUH, CHAIR | HOPE SMYTHE, EXECUTIVE OFFICER

3737 Main St., Suite 500, Riverside, CA 92501 | www.waterboards.ca.gov/santaana

This facility is currently in violation of the General Permit, the California Water Code and the federal Clean Water Act. **You are required to immediately obtain coverage under the General Permit by January 2, 2020.**

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 Kaitlin Diaz via email at Kaitlin.Diaz@waterboards.ca.gov or via phone at (951) 782-4992.

Sincerely,

A handwritten signature in black ink, appearing to read "Michelle R. Beckwith", with a long, sweeping horizontal line extending to the right.

Michelle R. Beckwith, Chief
Coastal Storm Water Unit

cc: OC Public Works – James Fortuna
City of Santa Ana, NPDES Coordinator – Craig Foster

7018 3090 0001 0420 2536

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| ☐ Return Receipt (electronic) | \$ | |
| ☐ Certified Mail Restricted Delivery | \$ | |
| ☐ Adult Signature Required | \$ | |
| ☐ Adult Signature Restricted Delivery | \$ | |

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City, State, ZIP+4®

ALCA Machine industries
2610 S Croddy Way Unit G
Santa Ana, California 92704

EXHIBIT 21

Santa Ana Regional Water Quality Control Board

January 2, 2020

ALCA Machine Industries
2610 S Croddy Way, Unit G
Santa Ana, California 92704

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 NO. CAS000001

SECOND NOTICE

A Notice of Non-Compliance (NNC) was set to ALCA Machine Industries on December 4, 2019, via certified mail, requesting that ALCA Machine Industries obtain coverage under the General Permit by January 2, 2020. To date, permit coverage was not obtained.

NPDES Permit No. CAS000001 (General Permit), authorizes discharges associated with industrial activity subject to certain conditions and limitations. Dischargers may qualify for a conditional exclusion from specific requirements if they submit a No Exposure Certification (NEC). [The General Permit is available here.](#)

You are required to immediately obtain coverage under the General Permit. Failure to obtain coverage by January 31, 2020, will result in a minimum mandatory penalty of \$5,000. Failure to submit the requested information may result in further enforcement action, including civil monetary penalties of up to \$10,000 for each day of violation.

If you have any questions regarding this matter, please contact Kaitlin Diaz via email at Kaitlin.Diaz@waterboards.ca.gov or via phone at (951) 782-4992.

Sincerely,



Michelle R. Beckwith, Chief
Coastal Storm Water Unit

cc: OC Public Works – James Fortuna
City of Santa Ana, NPDES Coordinator – Craig Foster

WILLIAM RUH, CHAIR | HOPE SMYTHE, EXECUTIVE OFFICER

3737 Main St., Suite 500, Riverside, CA 92501 | www.waterboards.ca.gov/santaana



GAVIN NEWSOM
GOVERNOR



JARED BLUMENFELD
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Santa Ana Regional Water Quality Control Board

December 4, 2019

ALCA Machine Industries
2610 S Croddy Way, Unit G
Santa Ana, California 92704

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 NO. CAS000001

Dear Taljo Djokovic:

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.

Further, dischargers subject to the General Permit may qualify for a conditional exclusion from specific requirements if they submit a No Exposure Certification (NEC) demonstrating that their facilities have no exposure of industrial activities and materials to storm water discharges. The General Permit is available here.

On October 26, 2018, you certified that ALCA Machine Industries had no industrial activities or materials exposed to storm water, that all unauthorized non-storm water discharges had been eliminated, and that all the requirements of the NEC were met. In doing so, you were issued WDID #8 30NEC004675.

As defined in Section XVII.G. of the General Permit, the facility's NEC must be re-certified annually by October 1st of each reporting year. The deadline for this reporting year was October 1, 2019. ALCA Machine Industries was notified via email on July 3, 2019 and September 12, 2019 of the impending deadline to recertify the NEC and the consequences of not recertifying by the deadline. On October 6, 2019, you were notified via email that your facility's NEC coverage would be administratively terminated. Since ALCA Machine Industries did not re-certify the NEC by the deadline, State Board staff administratively terminated the facility's permit on October 23, 2019.

WILLIAM RUH, CHAIR | HOPE SMYTHE, EXECUTIVE OFFICER

3737 Main St., Suite 500, Riverside, CA 92501 | www.waterboards.ca.gov/santaana

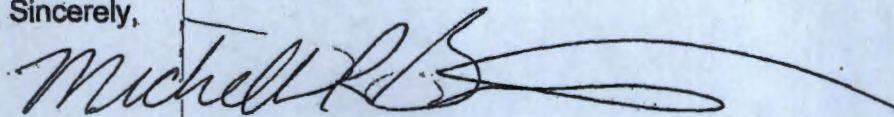
December 4, 2019

This facility is currently in violation of the General Permit, the California Water Code and the federal Clean Water Act. **You are required to immediately obtain coverage under the General Permit by January 2, 2020.**

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 Kaitlin Diaz via email at Kaitlin.Diaz@waterboards.ca.gov or via phone at (951) 782-4992.

Sincerely,



Michelle R. Beckwith, Chief
Coastal Storm Water Unit

cc:

OC Public Works – James Fortuna
City of Santa Ana, NPDES Coordinator – Craig Foster

7019 1120 0002 2919 7007

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Postage

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Sent To

Street and

City, State

ALCA Machine Industries
2610 S Croddy Way, Unit G
Santa Ana, CA
92704

Postmark
Here

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:

ALCA Machine Industries
2610 S Croddy Way, Unit G
Santa Ana, CA
92704



9590 9402 5053 9092 6353 17

2. Article Number (Transfer from service label)

7019 1120 0002 2919 7007

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

COMPLETE THIS SECTION ON DELIVERY

A. Signature

☒ Signature☐ Agent☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

1/4/20

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

3. Service Type

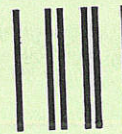
☐ Adult Signature☐ Adult Signature Restricted Delivery☒ Certified Mail®☐ Certified Mail Restricted Delivery☐ Collect on Delivery☐ Collect on Delivery Restricted Delivery☐ Insured Mail☐ Insured Mail Restricted Delivery
(over \$500)☐ Priority Mail Express®☐ Registered Mail™☐ Registered Mail Restricted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

Domestic Return Receipt

USPS TRACKING #



9590 9402 5053 9092 6353 17



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SANTA ANA REGION
3737 MAIN STREET, SUITE 500
SANTA ANA, CA 92701-3348

KMD

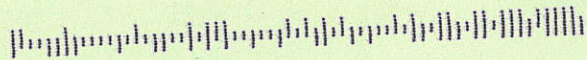


EXHIBIT 22

ALCA Machine Industries Phone Log

LRP: Taljo Djokovic
Phone: 714-754-7575

January 21, 2020 10:07am	Ms. Kaitlin Diaz called Mr. Taljo Djokovic at 714-754-7575. An employee of ALCA Machine Industries informed Ms. Diaz that Mr. Djokovic was retired and would be closing the business in the next couple of months but did not have a firm date. Ms. Diaz informed the facility staff that two Notice of Non-Compliance letters were mailed to the facility for not obtaining new No Exposure Certification (NEC) permit coverage. Ms. Diaz informed staff that the deadline to obtain new permit coverage was January 31, 2020. The facility staff took down the information and informed Ms. Diaz that Mr. Djokovic would contact her.
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EXHIBIT 23

From: [Diaz, Kaitlin@Waterboards](mailto:Diaz,Kaitlin@Waterboards)
To: talioalcamachine@yahoo.com
Subject: ALCA Machine Industries - No Exposure Certification Permit Coverage
Date: Tuesday, January 28, 2020 3:02:00 PM
Attachments: [ALCA Machine Industries NNC 12.04.19.pdf](#)
[ALCA Machine Industries 2NNC 01.02.20.pdf](#)
[NEC New Permit.pdf](#)

Hi Taljo,

I wanted to send a reminder that a No Exposure Certification (NEC) permit application is due by this Friday, January 31st. Attached are the two Notice of Non-Compliance letters we mailed to the facility alerting you that your previous NEC permit was terminated in October 2019 for not re-certifying the permit.

I have also attached a helpful guide on how to obtain new NEC permit coverage.

If new NEC permit coverage is not obtained by this Friday, there will be a minimum mandatory penalty of \$5,000.

Let me know if you have any questions.

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 24

ALCA Machine Industries Phone Log

LRP: Taljo Djokovic
Phone: 714-754-7575

January 28, 2020 2:16pm	Ms. Diaz called Mr. Djokovic at 714-754-7575 and left a voicemail indicating that new NEC permit coverage had not been obtained for the facility. Ms. Diaz explained two Notice on Non-Compliance letters were issued to the facility and the deadline to obtain NEC permit coverage was January 31, 2020. Ms. Diaz informed Mr. Djokovic that a mandatory minimum penalty of \$5,000 would be issued if coverage was not obtained by the deadline.
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EXHIBIT 25

From: [Diaz, Kaitlin@Waterboards](mailto:Diaz,Kaitlin@Waterboards)
To: talioalcamachine@yahoo.com
Subject: ALCA Machine Industries - No Exposure Certification Permit Coverage
Date: Friday, January 31, 2020 11:02:00 AM
Attachments: [ALCA Machine Industries NNC 12.04.19.pdf](#)
[ALCA Machine Industries 2NNC 01.02.20.pdf](#)
[NEC New Permit.pdf](#)

Taljo,

Today is the final deadline to submit a No Exposure Certification (NEC) permit application. Attached are the two Notice of Non-Compliance letters we mailed to the facility alerting you that your previous NEC permit was terminated in October 2019 for not re-certifying the permit.

I have also attached a helpful guide on how to obtain new NEC permit coverage.

If a NEC permit application is not obtained by close of business today, you will be issued a mandatory minimum penalty of \$5,000.

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 26

ALCA Machine Industries Phone Log

LRP: Taljo Djokovic
Phone: 714-754-7575

January 31, 2020 10:07pm	Ms. Diaz called Mr. Djokovic at 714-754-7575 and left a voicemail indicating that new NEC permit coverage had not been obtained for the facility. Ms. Diaz explained two Notice on Non-Compliance letters were issued to the facility and the deadline to obtain NEC permit coverage was close of business today. Ms. Diaz informed Mr. Djokovic that a mandatory minimum penalty of \$5,000 would be issued if coverage was not obtained by today.
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EXHIBIT 27

Storm Water Multiple Application & Report Tracking System

SMARTS Inspection Details

Inspection Date: 02/12/2020 **Inspection ID:** 2046350

Inspection Classification: **Inspection Status:**

Inspection Start Time: 10:42 **Inspection End Time:** 11:00

Inspection Purpose: Enforcement Follow-up

WDID: 8 30IN605945

Owner / Operator: ALCA Machine Industries
2610 S Croddy Wy
Santa Ana, CA 92704 **Facility/Site:** ALCA Machine Industries
2610 S Croddy Wy
Santa Ana, CA 92704

Inspector: Kaitlin Diaz - Regional Board

Agency: Regional Board

Met With: Mr. Tim Gjokaj

Violations: Yes

Follow Up Action: Additional Info Required

Notes: Regional Board staff conducted an inspection of the above facility on February 12, 2020. Staff met with Mr. Tim Gjokaj to deliver a Notice of Non-Compliance for the facility not obtaining permit coverage after their NEC permit coverage was terminated. Mr. Taljo Djokovic, LRP, was on site but did not speak enough English to communicate. Mr. Djokovic did explain that he will be closing the business but did not have a timeline. Mr. Gjokaj took the NNC and signed a delivery receipt. Staff explained the facility had 60 days to obtain new NEC permit coverage.

Violations:

Violation ID	Violation Type	Occurrence Date	Violation Source	Status
872660	Failure to Obtain Permit	02/12/2020	Inspection	Violation

Attachments:

Attachment ID	File Type	File Title	File Description	Part No.
2595444	Supporting Documentation	ALCA Machine Industries Delivery Receipt 02.12.20	Delivery Receipt for NNC	null/

EXHIBIT 28

Storm Water Multiple Application & Report Tracking System 2

Storm Water Violation Details

General Details:

WDID:	8 30IN605945	Facility/Site:	ALCA Machine Industries 2610 S Croddy Wy Contact: Taljo Djokovic Phone: Email: talioalcamachine@yahoo.com
Owner / Operator	ALCA Machine Industries 2610 S Croddy Wy Contact: Taljo Djokovic Phone: Email: talioalcamachine@yahoo.com	Source Id:	2046350
Violation ID:	872660	Violation Type:	Failure to Obtain Permit
Violation Source:	Inspection	Serious Violation:	No
Determined By:	Regional Board	Priority Violation:	Exemption From MMP:
Enforcement Action:	Yes		
No	Occurrence Date:	02/12/2020	Status:
Violation	Discovery Date:		Violation Description:

Enforcement Actions:

Enf. Action ID	Enforcement Action Type	Issuance Date	Order Number	Status Code
436253	NNC	02/12/2020		Active
436547	NNC	03/13/2020		Active
439340	EPL	01/04/2021	R8-2021-0002	Active

Attachments:

Attachment Id	File Type	File Title	File Desc	Part#
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EXHIBIT 29

Santa Ana Regional Water Quality Control Board

February 12, 2020

ALCA Machine Industries
2610 S. Croddy Way, Unit G
Santa Ana, California 92704

HAND DELIVERED

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

Dear Taljo Djokovic:

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.

Further, dischargers subject to the General Permit may qualify for a conditional exclusion from specific requirements if they submit a No Exposure Certification (NEC) demonstrating that their facilities have no exposure of industrial activities and materials to storm water discharges. [The General Permit is available here.](#)

On October 26, 2019, you certified that ALCA Machine Industries had no industrial activities or materials exposed to storm water, that all unauthorized non-storm water discharges had been eliminated, and that all the requirements of the NEC were met. In doing so, you were issued WDID #8 30NEC004675.

As defined in Section XVII.G. of the General Permit, the facility's NEC must be re-certified annually by October 1st of each reporting year. The deadline for this reporting year was October 1, 2019. ALCA Machine Industries was notified via email on July 3, 2019 and September 12, 2019 of the impending deadline to recertify the NEC and the consequences of not recertifying by the deadline. On October 6, 2019, you were notified via email that your facility's NEC coverage would be administratively terminated. Since «Facility» did not re-certify the NEC by the deadline, State Board staff administratively terminated the facility's permit on October 23, 2019.

WILLIAM RUH, CHAIR | HOPE SMYTHE, EXECUTIVE OFFICER

3737 Main St., Suite 500, Riverside, CA 92501 | www.waterboards.ca.gov/santaana

This facility is currently in violation of the General Permit, the California Water Code and the federal Clean Water Act. **You are required to immediately obtain coverage under the General Permit by March 12, 2020.**

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 Kaitlin Diaz via email at Kaitlin.Diaz@waterboards.ca.gov or via phone at (951) 782-4992.

Sincerely,

/s/ Michelle R. Beckwith

Michelle R. Beckwith, Chief
Senior Environmental Scientist
Coastal Storm Water Unit



GAVIN NEWSOM
GOVERNOR



JARED BLUMENFELD
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Santa Ana Regional Water Quality Control Board

DOCUMENT RECEIPT

Type of Document: ALCA Machine Industries Notice of Non-Compliance

Printed Name: Tim Gjo Kaj

Signature: [Handwritten Signature]

Title: Machinist

Date: 02/12/2020

WILLIAM RUH, CHAIR | HOPE SMYTHE, EXECUTIVE OFFICER

3737 Main St., Suite 500, Riverside, CA 92501 | www.waterboards.ca.gov/santaana

EXHIBIT 30

Storm Water Multiple Application & Report Tracking System

SMARTS Inspection Details

Inspection Date: 03/11/2020 **Inspection ID:** 2046688

Inspection Classification: Reconnaissance Inspection (RI) **Inspection Status:** Finalized

Inspection Start Time: 11:00 **Inspection End Time:** 11:10

Inspection Purpose: Enforcement Follow-up

WDID: 8 30IN605945

Owner / Operator: ALCA Machine Industries
2610 S Croddy Wy
Santa Ana, CA 92704 **Facility/Site:** ALCA Machine Industries
2610 S Croddy Wy
Santa Ana, CA 92704

Inspector: Kaitlin Diaz - Regional Board

Agency: Regional Board

Met With:

Violations: No

Follow Up Action: Additional Info Required

Notes: Regional Board staff conducted an inspection of the above facility on March 11, 2020. Staff met with Mr. Taljo Djokovic to deliver a second NNC. Mr. Djokovic stated he will be closing his business next month and staff asked what date he would be closing his business. He replied that he did not need permit coverage and that he had already thrown away the first NNC that was hand-delivered to the facility. Mr. Djokovic refused to accept the second NNC and dismissed staff from his facility.

Violations:

Violation ID	Violation Type	Occurrence Date	Violation Source	Status
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Attachments:

Attachment ID	File Type	File Title	File Description	Part No.
2860367	Final Inspection Report	ALCA Machine Industries Inspection		null/

EXHIBIT 31



GAVIN NEWSOM
GOVERNOR



JARED BLUMENFELD
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Santa Ana Regional Water Quality Control Board

March 13, 2020

ALCA Machine Industries
2610 S. Croddy Way, Unit G
Santa Ana, CA 92704

CERTIFIED MAIL
RETURN RECEIPT REQUIRED

Taljo Djokovic
talioalcamachine@yahoo.com
(Via Email)

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

SECOND NOTICE

A Notice of Non-Compliance (NNC) was hand delivered to ALCA Machine Industries on February 12, 2020 requesting that ALCA Machine Industries obtain coverage under the General Permit by March 12, 2020. To date, permit coverage has not been obtained.

NPDES Permit No. CAS000001 (General Permit), authorizes discharges associated with industrial activity subject to certain conditions and limitations. Dischargers may qualify for a conditional exclusion from specific requirements if they submit a No Exposure Certification (NEC). The General Permit is available here.

You are required to immediately obtain coverage under the General Permit. Failure to obtain coverage by April 10, 2020, will result in a minimum mandatory penalty of at least \$5,000. Failure to submit the requested information may result in further enforcement action, including civil monetary penalties of up to \$10,000 for each day of violation.

If you have any questions regarding this matter, please contact Kaitlin Diaz via email at Kaitlin.Diaz@waterboards.ca.gov or via phone at (951) 782-4992.

Sincerely,


Michelle R. Beckwith, Chief
Senior Environmental Scientist
Coastal Storm Water Unit

WILLIAM RUH, CHAIR | HOPE SMYTHE, EXECUTIVE OFFICER

3737 Main St., Suite 500, Riverside, CA 92501 | www.waterboards.ca.gov/santaana



GAVIN NEWSOM
GOVERNOR



JARED BLUMENFELD
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Santa Ana Regional Water Quality Control Board

February 12, 2020

ALCA Machine Industries
2610 S. Croddy Way, Unit G
Santa Ana, California 92704

HAND DELIVERED

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

Dear Taljo Djokovic:

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.

Further, dischargers subject to the General Permit may qualify for a conditional exclusion from specific requirements if they submit a No Exposure Certification (NEC) demonstrating that their facilities have no exposure of industrial activities and materials to storm water discharges. The General Permit is available here.

On October 26, 2019, you certified that ALCA Machine Industries had no industrial activities or materials exposed to storm water, that all unauthorized non-storm water discharges had been eliminated, and that all the requirements of the NEC were met. In doing so, you were issued WDID #8 30NEC004675.

As defined in Section XVII.G. of the General Permit, the facility's NEC must be re-certified annually by October 1st of each reporting year. The deadline for this reporting year was October 1, 2019. ALCA Machine Industries was notified via email on July 3, 2019 and September 12, 2019 of the impending deadline to recertify the NEC and the consequences of not recertifying by the deadline. On October 6, 2019, you were notified via email that your facility's NEC coverage would be administratively terminated. Since «Facility» did not re-certify the NEC by the deadline, State Board staff administratively terminated the facility's permit on October 23, 2019.

WILLIAM RUH, CHAIR | HOPE SMYTHE, EXECUTIVE OFFICER

3737 Main St., Suite 500, Riverside, CA 92501 | www.waterboards.ca.gov/santaana

This facility is currently in violation of the General Permit, the California Water Code and the federal Clean Water Act. **You are required to immediately obtain coverage under the General Permit by March 12, 2020.**

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 Kaitlin Diaz via email at Kaitlin.Diaz@waterboards.ca.gov or via phone at (951) 782-4992.

Sincerely,

/s/ Michelle R. Beckwith

Michelle R. Beckwith, Chief
Senior Environmental Scientist
Coastal Storm Water Unit

7019 1120 0002 2919 2446

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
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For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Certified Mail Fee

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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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ALCA Machine Industries
2610 S. Croddy Way, Unit G
Santa Ana, CA 92704

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions

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:

ALCA Machine Industries
2610 S. Croddy Way, Unit G
Santa Ana, CA 92704



9590 9402 5053 9092 6373 42

2. Article Number (Transfer from service label)

7019 1120 0002 2419 12446

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

3/17/10

D. Is delivery address different from item 1?
If YES, enter delivery address below:☐ Yes☐ 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

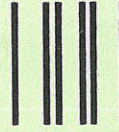
PS Form 3811, July 2015 PSN 7530-02-000-9053

Domestic Return Receipt

USPS TRACKING #



9590 9402 5053 9092 6373 42



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

KMD

EXHIBIT 32

From: [Diaz, Kaitlin@Waterboards](mailto:Diaz,Kaitlin@Waterboards)
To: talioalcamachine@yahoo.com
Subject: ALCA Machine Industries - Industrial General Permit Coverage
Date: Wednesday, April 8, 2020 2:35:37 PM
Attachments: [ALCA Machine Industries NNC 02.12.20.pdf](#)
[ALCA Machine Industries 2nd NNC 03.13.20.pdf](#)

Taljo,

This is a reminder that the facility must obtain new Industrial General Permit coverage by Friday, April 10, 2020. The facility's original permit was administratively terminated due to not re-certifying the No Exposure Certification (NEC) permit by October 1, 2019.

A Notice of Non-Compliance was hand-delivered to the facility on February 12, 2020 and a second Notice of Non-Compliance was mailed on March 13, 2020. Both documents are attached.

It was communicated that the facility is planning on eventually closing but permit coverage must be obtained by April 10, 2020 if the facility is still open by that date. The permit can then be terminated when the facility does close.

Please be advised that failure to obtain permit coverage by the deadline will result in a mandatory minimum penalty of \$5,000 under Section 13399.33(a)(1) of the California Water Code.

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 33

From: [Diaz, Kaitlin@Waterboards](mailto:Diaz,Kaitlin@Waterboards)
To: talioalcamachine@yahoo.com
Subject: Re: ALCA Machine Industries - Industrial General Permit Coverage
Date: Friday, April 10, 2020 2:50:26 PM

Taljo,

Just a reminder that the deadline to obtain Industrial General Permit coverage is today, Friday, April 10th.

Here is a link to a help step-by-step guidance document on how to obtain the No Exposure Certification permit:

https://www.waterboards.ca.gov/water_issues/programs/stormwater/docs/industrial/nec_guide.pdf

Let me know if you have any questions.

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

From: Diaz, Kaitlin@Waterboards
Sent: Wednesday, April 8, 2020 2:35 PM
To: talioalcamachine@yahoo.com <talioalcamachine@yahoo.com>
Subject: ALCA Machine Industries - Industrial General Permit Coverage

Taljo,

This is a reminder that the facility must obtain new Industrial General Permit coverage by Friday, April 10, 2020. The facility's original permit was administratively terminated due to not re-certifying the No Exposure Certification (NEC) permit by October 1, 2019.

A Notice of Non-Compliance was hand-delivered to the facility on February 12, 2020 and a second Notice of Non-Compliance was mailed on March 13, 2020. Both documents are attached.

It was communicated that the facility is planning on eventually closing but permit coverage must be obtained by April 10, 2020 if the facility is still open by that date. The permit can then be terminated when the facility does close.

Please be advised that failure to obtain permit coverage by the deadline will result in a mandatory

minimum penalty of \$5,000 under Section 13399.33(a)(1) of the California Water Code.

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 34

Storm Water Multiple Application & Report Tracking System

SMARTS Inspection Details

Inspection Date: 10/26/2020 **Inspection ID:** 2049262

Inspection Classification: Reconnaissance Inspection (RI) **Inspection Status:** Finalized

Inspection Start Time: 13:04 **Inspection End Time:** 13:11

Inspection Purpose: Inspection from Vehicle

WDID: 8 30IN605945

Owner / Operator: ALCA Machine Industries
2610 S Croddy Wy
Santa Ana, CA 92704 **Facility/Site:** ALCA Machine Industries
2610 S Croddy Wy
Santa Ana, CA 92704

Inspector: Kaitlin Diaz - Regional Board

Agency: Regional Board

Met With:

Violations: No

Follow Up Action: Additional Info Required

Notes: Regional Board staff conducted a drive-by inspection of the above facility on October 26, 2020 to verify if the facility was still in operation. Facility signage was no longer present at the front of the building but staff observed operations still being conducted inside the facility bay doors.

Violations:

Violation ID	Violation Type	Occurrence Date	Violation Source	Status
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Attachments:

Attachment ID	File Type	File Title	File Description	Part No.
2860370	Final Inspection Report	ALCA Machine Industries Inspection		null/

EXHIBIT 35



GAVIN NEWSOM
GOVERNOR

JARED BLUMENFELD
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Santa Ana Regional Water Quality Control Board

January 4, 2021

ALCA Machine Industries
2610 S. Croddy Way, Unit G
Santa Ana, CA 92704
(Via Certified Mail)

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Taljo Djokovic
talioalcamachine@yahoo.com
(Via Email)

SETTLEMENT OFFER NO. R8-2021-0002: OFFER TO PARTICIPATE IN EXPEDITED PAYMENT PROGRAM RELATING TO VIOLATIONS OF THE GENERAL PERMIT FOR STORM WATER DISCHARGES ASSOCIATED WITH INDUSTRIAL ACTIVITIES, ORDER NO. 2014-0057-DWQ, NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM NPDES NO. CAS000001, FOR ALCA MACHINE INDUSTRIES, 2610 S. CRODDY WAY

Dear Mr. Djokovic:

This letter is to notify ALCA Machine Industries, (hereinafter "Discharger" or "you") of alleged violations of the California Water Code (Water Code) identified in the State Water Resources Control Board's water quality data system and to allow the Discharger to participate in the Santa Ana Regional Water Quality Control Board's (Santa Ana Water Board) Expedited Payment Program for Reporting Violations to address mandatory minimum penalties that must be assessed pursuant to Water Code section 13399.33.

NOTICE OF VIOLATION:

Based on information in the Storm Water Multiple Application & Report Tracking System (SMARTS), the Santa Ana Water Board alleges that the Discharger is in violation of the General Permit Associated with Industrial Activities within the Santa Ana Region, Order No. 2014-0057-DWQ, National Pollutant Discharge Elimination System (NPDES) Permit No. CAS000001 (Industrial General Permit), for failure to obtain permit coverage for the facility located at 2610 S. Croddy Way, Unit G in the City of Santa Ana. You failed to obtain permit coverage as required by the Water Code and as indicated in the Notices of Non-Compliance (NNCs) issued on February 12, 2020 and March 12, 2020. The Discharger will have the opportunity to address the alleged violations as discussed below.

WILLIAM RUH, CHAIR | HOPE SMYTHE, EXECUTIVE OFFICER

3737 Main St., Suite 500, Riverside, CA 92501 | www.waterboards.ca.gov/santaana

STATUTORY LIABILITY:

Pursuant to Water Code section 13399.33(a)(1), the Discharger is subject to a minimum penalty of not less than five thousand dollars (\$5,000) plus staff costs for failing to submit the required Notice of Intent in accordance with Water Code section 13399.30 within sixty (60) days after the first NNC was sent. The Discharger is also subject to discretionary administrative civil liabilities of up to ten thousand dollars (\$10,000) for each day in which the violation occurs. These minimum and discretionary administrative civil liabilities may be assessed by the Santa Ana Water Board beginning with the date that the violations first occurred. The formal enforcement action that the Santa Ana Water Board uses to assess such liability is an administrative civil liability complaint, although the Santa Ana Water Board may instead refer such matters to the Attorney General's Office for prosecution. If referred to the Attorney General for prosecution, the Superior Court may assess up to twenty-five thousand dollars (\$25,000) per violation.

DISCHARGER'S OPTIONS FOR RESPONSE TO OFFER:

You have two options to respond as outlined below.

1. **Accept the Expedited Payment Program offer** by complying with the Order and agreeing to pay a settlement of **five thousand seven hundred and fifty dollars (\$5,750)**. The minimum administrative civil liability pursuant to California Water Code section 13399.33(a)(1) is \$5,000 per year of noncompliance or fraction thereof. Staff costs in this matter are \$750. This is a Conditional Offer subject to certain terms and conditions set forth below. If you chose this option **you must sign and submit the enclosed Acceptance and Waiver form by February 2, 2021**. The form provides submittal instructions. Final closure on this action is only possible after ultimate submission of the settlement amount.

Please submit an original (blue ink) signed Acceptance and Wavier form to:

Kaitlin Diaz, Coastal Storm Water Unit
Santa Ana Regional Water Quality Control Board
3737 Main Street, Suite 500
Riverside, CA 92501-3348

In response to the Conditional Offer and payment in settlement of this enforcement action, the Santa Ana Water Board will forego issuance of a formal administrative complaint, will not refer the violation to the Attorney General, and will waive its right to seek additional discretionary civil liabilities for the violations identified in the NNCs.

2. **Contest the non-filing violation** by submitting in writing, the basis of your challenge with supporting evidence. For example, you may have evidence that you previously submitted permit coverage, or you are no longer in business. If you choose this option, you must **submit your written documentation by February**

2, 2021. We will review your submission, and if we agree with you, we will notify you in writing that you are no longer considered in violation of the permit and that our enforcement action has been terminated. All responses should be directed to Kaitlin Diaz.

If you do not respond in a manner described in the above options, the Santa Ana Water Board will prepare an administrative civil liability complaint for the violation cited in the NNCs. The liability amount sought in the administrative civil liability complaint and/or imposed by the Santa Ana Water Board may be higher than the liability amount set forth in this Conditional Offer. Moreover, additional staff costs associated with formal enforcement may be considered in the recommended liability amount in an administrative civil liability complaint.

CONDITIONS FOR REGIONAL BOARD ACCEPTANCE OF RESOLUTION:

If you accept the Expedited Payment Program offer, the settlement will be published in the following manner: Federal regulations require the Santa Ana Water Board to publish notice of, and to provide at least thirty (30) days for public comment on, any settlement of an enforcement action addressing NPDES permit violations (40 C.F.R. section 123.27(d)(2)(iii)). Upon receipt of the Discharger's Acceptance and Waiver and other requested technical reports on or before **February 2, 2021**, Santa Ana Water Board staff will publish a notice of the proposed resolution of the alleged violations.

If no comments are received within the notice period, the Santa Ana Water Board Executive Officer will execute the Acceptance and Waiver as a stipulated order assessing the uncontested penalty amount pursuant to Water Code section 13399.33. You will then be notified that payment is due within 30 days. Failure to pay the penalty within that time frame may result in further liability, referral of the matter to the Attorney General, and/or may void the offer to participate in this Expedited Payment Program.

If, however, significant comments are received in opposition to the settlement, this offer may be withdrawn. In that case, the Discharger's waiver pursuant to the Acceptance and Waiver will also be treated as withdrawn. In that case, the violations will be addressed through a formal enforcement action.

This Expedited Payment Program offer does not address or resolve liability for any violation that is not specifically identified in the attached NNCs. The Santa Ana Water Board reserves the right to pursue formal enforcement of any violations not specifically cited in the attached NNCs.

Should you have any questions about this Expedited Payment Program, please contact Kaitlin Diaz via phone at (951) 782-4992 or via email at Kaitlin.Diaz@waterboards.ca.gov regarding this matter.

January 4, 2021

Sincerely,

Jayne Joy

Digitally signed by Jayne Joy

Date: 2021.01.04 11:39:23

-08'00'

Water Board

Jayne Joy, PE

Assistant Executive Officer

enclosures:

Notice of Non-Compliance, dated February 12, 2020

Notice of Non-Compliance, dated March 12, 2020

Acceptance of Conditional Resolution and Waiver of Right to Hearing; (proposed)
Order

cc (w/encl):

Catherine Hawe, Office of Enforcement, State Water Resources Control Board

Santa Ana Regional Water Quality Control Board

February 12, 2020

ALCA Machine Industries
2610 S. Croddy Way, Unit G
Santa Ana, California 92704

HAND DELIVERED

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

Dear Taljo Djokovic:

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.

Further, dischargers subject to the General Permit may qualify for a conditional exclusion from specific requirements if they submit a No Exposure Certification (NEC) demonstrating that their facilities have no exposure of industrial activities and materials to storm water discharges. [The General Permit is available here.](#)

On October 26, 2019, you certified that ALCA Machine Industries had no industrial activities or materials exposed to storm water, that all unauthorized non-storm water discharges had been eliminated, and that all the requirements of the NEC were met. In doing so, you were issued WDID #8 30NEC004675.

As defined in Section XVII.G. of the General Permit, the facility's NEC must be re-certified annually by October 1st of each reporting year. The deadline for this reporting year was October 1, 2019. ALCA Machine Industries was notified via email on July 3, 2019 and September 12, 2019 of the impending deadline to recertify the NEC and the consequences of not recertifying by the deadline. On October 6, 2019, you were notified via email that your facility's NEC coverage would be administratively terminated. Since «Facility» did not re-certify the NEC by the deadline, State Board staff administratively terminated the facility's permit on October 23, 2019.

WILLIAM RUH, CHAIR | HOPE SMYTHE, EXECUTIVE OFFICER

3737 Main St., Suite 500, Riverside, CA 92501 | www.waterboards.ca.gov/santaana

This facility is currently in violation of the General Permit, the California Water Code and the federal Clean Water Act. **You are required to immediately obtain coverage under the General Permit by March 12, 2020.**

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 Kaitlin Diaz via email at Kaitlin.Diaz@waterboards.ca.gov or via phone at (951) 782-4992.

Sincerely,

/s/ Michelle R. Beckwith

Michelle R. Beckwith, Chief
Senior Environmental Scientist
Coastal Storm Water Unit

Santa Ana Regional Water Quality Control Board

March 12, 2020

ALCA Machine Industries
2610 S. Croddy Way, Unit G
Santa Ana, CA 92704

HAND DELIVERED

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

SECOND NOTICE

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If you have any questions regarding this matter, please contact Kaitlin Diaz via email at Kaitlin.Diaz@waterboards.ca.gov or via phone at (951) 782-4992.

Sincerely,



Michelle R. Beckwith, Chief
Senior Environmental Scientist
Coastal Storm Water Unit

WILLIAM RUH, CHAIR | HOPE SMYTHE, EXECUTIVE OFFICER

3737 Main St., Suite 500, Riverside, CA 92501 | www.waterboards.ca.gov/santaana

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

ALCA Machine Industries
Settlement Offer No. R8-2021-0002

By signing below and returning this Acceptance of Conditional Resolution and Waiver of Right to Hearing (Acceptance and Waiver) to the Santa Ana Regional Water Quality Control Board (Santa Ana Water Board), ALCA Machine Industries (Discharger) hereby accepts the "Offer to Participate in Expedited Payment Program" and waives the right to a hearing before the Santa Ana Water Board to dispute the violations described in the Notices of Non-Compliance (NNCs) which are attached and incorporated herein by reference.

The Discharger agrees that the Expedited Payment Program Offer shall serve as a complaint pursuant to Article 2.5 of the California Water Code and that no separate complaint is required for the Santa Ana Water Board to assert jurisdiction over the alleged violations through its Chief Prosecutor. The Discharger agrees to pay the administrative civil liability authorized by California Water Code section 13399.30, in the sum of \$5,750 (Expedited Payment Amount) which shall be deemed payment in full of any civil liability pursuant to California Water Code section 13399.30 that otherwise might be assessed for the violations described in the NNCs.

The Discharger understands that this Acceptance and Waiver waives its right to contest the allegations in the NNCs and the amount of civil liability for such violations. The Discharger understands that this Acceptance and Waiver does not address or resolve liability for any violation that is not specifically identified in the NNCs.

Upon Execution by the Discharger, the completed Acceptance and Waiver, shall be mailed to:

Kaitlin Diaz, Coastal Storm Water Unit
Expedited Payment Letter
Santa Ana Regional Water Quality Control Board
3737 Main Street, Suite 500
Riverside, CA 92501

The Discharger understands that federal regulations set forth at title 40, Code of Federal Regulations, section 123.27(d)(2)(iii) require the Santa Ana Water Board to publish notice of and provide at least (30) days for public comment on any proposed resolution of an enforcement action addressing NPDES permit violations. Accordingly, this Acceptance and Waiver, prior to execution by the Santa Ana Water Board Executive Officer, will be published as required by law for public comment.

If no comments are received within the notice period that causes the Santa Ana Water Board Executive Officer to question the Expedited Payment Amount, the Santa Ana Water Board Executive Officer will execute the Acceptance and Waiver.

The Discharger understands that if significant comments are received in opposition to the Expedited Payment Amount, the offer on behalf of the Santa Ana Water Board to resolve the violations set forth in the NNCs may be withdrawn. In that circumstance, the Discharger will be advised of that withdrawal, and an administrative civil liability complaint may be issued, and the matter may be set for a hearing before the Santa Ana Water Board. In the event that this matter proceeds to hearing, the Discharger understands that this Acceptance and Waiver executed by the Discharger will be treated as a settlement communication and will not be used as evidence in that hearing.

The Discharger further understands that once this Acceptance and Waiver is executed by the Santa Ana Water Board Executive Officer, the full payment required by the deadline set forth below is a condition of this Acceptance and Waiver. In accordance with California Water Code section 13399.37(a), funds collected for violations pursuant to sections 13399.33(a)(1) and 13399.33(d) shall be deposited in the Waste Discharge Permit Fund. Accordingly, the \$5,750 liability including staff costs shall be paid by a cashiers or certified check made out to the "State Water Resources Control Board" referencing this Order number for deposit into the Waste Discharge Permit Fund. The payment must be submitted to the State Water Resources Control Board no later than thirty (30) calendar days after the date the Acceptance and Waiver is executed by the Santa Ana Water Board Executive Officer.

Please mail check to:

State Water Resources Control Board
Re: Order No. R8-2021-0002
Division of Administrative Services, Accounting Branch
1001 I Street, 18th Floor, 95814
P.O. Box 1888
Sacramento, CA 95812-1888

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

ALCA Machine Industries

By:

(Signed Name)

(Date)

(Printed or Typed Name)

(Title)

IT IS SO ORDERED PURSUANT TO CALIFORNIA WATER CODE SECTION 13323
AND GOVERNMENT CODE SECTION 11415.60.

Date: _____

By: _____
Hope Smythe
Executive Officer

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

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

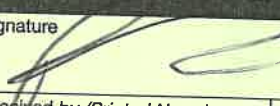
OFFICIAL USE

Certified Mail Fee \$	Postmark Here
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 \$	
Postage \$	
Total Postage and Fees \$	
Sent To AICA Machine Industries	
Street and Apt. No., or PO Box No. 2610 S. Croddy Way #G	
City, State, ZIP+4® Santa Ana CA 92704	

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

7018 3090 0001 0920 4097

KMD

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
■ 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: AICA Machine Industries 2610 S. Croddy Way #G Santa Ana CA 92704 9590 9402 5053 9092 6385 47 2. Article Number (Transfer from service label) 7018 3090 0001 0920 4097	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 ☐ 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 36

From: [Diaz, Kaitlin@Waterboards](mailto:Diaz,Kaitlin@Waterboards)
To: taloalcamachine@yahoo.com
Subject: ALCA Machine Industries - Expedited Payment Letter
Date: Friday, January 29, 2021 2:41:00 PM
Attachments: [ALCA Machine Industries EPL 01.04.21.pdf](#)

Mr. Djokovic,

As a reminder the signed Acceptance of Conditional Resolution and Waiver of Right to Hearing form from the Expedited Payment Letter is due Tuesday, February 2nd.

If you choose to accept the Expedited Payment Program offer you agree to pay the settlement of \$5,750 for not obtaining Industrial General Permit coverage by the deadline.

The payment is not due right away, as outlined in the letter, but the Acceptance and Waiver form must be signed in blue ink and mailed to our Riverside Santa Ana Water Board address by 5pm on Tuesday.

If you choose not to accept the Expedited Payment Program or the Tuesday deadline is missed, a Mandatory Minimum Penalty will be issued with additional penalty costs.

Attached is the Expedited Payment Letter issued January 4, 2021. Please let me know if you have any questions.

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

[TELEWORK NOTICE: Due to COVID-19, I am currently working from home. My preferred method of contact is by email.](#)

EXHIBIT 37

02.02.21 1026am
ALCA Machine Industries
Mr. Taljo Djokovic
714-754-7575

Ms. Kaitlin Diaz called Mr. Taljo Djokovic at 714-754-7575 regarding the Expediated Payment Letter deadline today, February 2, 2021. Mr. Djokovic was not available, and Ms. Diaz asked to leave a message with the gentleman on the phone. Ms. Diaz gave her name and agency and before asking the gentleman's name or relaying the message, the gentleman interrupted Ms. Diaz and stated the Water Board was a scam company and to stop calling. He stated he asked every neighbor in their complex and no one has coverage under the Water Board. He then stated to stop calling or he would obtain a restraining order and hung up.

EXHIBIT 38

From: [Diaz, Kaitlin@Waterboards](mailto:Diaz,Kaitlin@Waterboards)
To: taliocalcamachine@yahoo.com
Subject: RE: ALCA Machine Industries - Expedited Payment Letter
Date: Tuesday, February 2, 2021 11:04:00 AM
Attachments: [ALCA Machine Industries EPL 01.04.21.pdf](#)

Mr. Djokovic,

I called your facility this morning but wanted to send a reminder email as well regarding the Expedited Payment Letter deadline. The signed Acceptance of Conditional Resolution and Waiver of Right to Hearing form is due today by 5pm.

If you choose to accept the Expedited Payment Program offer you agree to pay the settlement of \$5,750 for not obtaining Industrial General Permit coverage by the deadline.

The payment is not due right away, as outlined in the letter, but the Acceptance and Waiver form must be signed in blue ink and mailed to our Riverside Water Board address by 5pm today.

If you choose not to accept the Expedited Payment Program or the deadline is missed, a Mandatory Minimum Penalty will be issued with additional penalty costs.

Attached is the Expedited Payment Letter issued January 4, 2021. Please let me know if you have any questions.

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

TELEWORK NOTICE: Due to COVID-19, I am currently working from home. My preferred method of contact is by email.

EXHIBIT 39

From: [Talio Djokovic](#)
To: [Diaz, Kaitlin@Waterboards](mailto:Diaz,Kaitlin@Waterboards)
Subject: Re: ALCA Machine Industries - Expedited Payment Letter
Date: Tuesday, February 2, 2021 11:17:38 AM
Attachments: [ALCA Machine Industries EPL 01.04.21.pdf](#)

EXTERNAL:

Dear Scamming Agency,

Take your scam elsewhere please. Any further harassment from your agency will lead to legal actions filed in your county and ours. Not a single other unit has paid for whatever make believe fines you are pressuring and our property manager has no recognition of ever needing to apply or pay for your waterboard fees/fines. This is a final notice to you Kaitlin and any other employee who tries to contact me or my management. I am a poor old man with nothing to live for so if you want \$5,000 good luck finding it. Thank you and have a great life. If you are going to call my shop and try harassing my employees anymore with a private number while you claim to work for a public government company or send anymore notices a restraining order will be filed against you and your agency along with a emotional distress harassment claim filed against you personally and your agency with the phone records and mail I have constantly from you. Thank you.

Talio Djokovic
AL-CA Machine Industry
2610 Croddy Way #G
Santa Ana, CA 92704
(714)754-7575
Fax (714) 754-7940

EXHIBIT 40

**CITY OF SANTA ANA
BUSINESS TAX SECTION (M-15)**

20 CIVIC CENTER PLAZA, FIRST FLOOR, P.O. BOX 1964, SANTA ANA, CA 92702 (714) 647-5447



BUSINESS LICENSE TAX RECORD

BUSINESS TAX NUMBER: 171567
BUSINESS TYPE: MACHINE SHOP - SCHED 3

BUSINESS NAME: AL-CA MACHINE INDUSTRY
BUSINESS ADDRESS: 2610 S CRODDY WAY Unit# G Santa Ana, CA 92704-2406
BUSINESS PHONE NO: (714) 754-7575

OWNER NAME: DJOKOVIC, TALJO
OWNERSHIP TYPE: SOLE PROPRIETOR
START DATE: 04/25/1996
EXPIRATION DATE: 03/31/2022
STATUS: ACTIVE

EXTRACT DATE: 9/21/2021

EXHIBIT 41

Industrial/Commercial Inspection Form



City of Santa Ana
Stormwater Program
20 Civic Center Plaza, Santa Ana, CA 92702
Craig Foster, Stormwater Coordinator
(714) 647-5659

Inspector Name Ellen Smith

Inspection Date 2-6-2018 Time 12:01 PM

Reason for Inspection ☒ Initial/Routine ☐ Response to Complaint ☐ Follow-up ☐ Routine + Follow-up		Business Type ☒ Industrial ☐ Commercial	
Facility Name	AL-CA MACHINE INDUSTRY	Site Address	2610 S CRODDY WAY SANTA ANA, CA 92704
Facility Contact Name	DJOKOVIC, TALJO	Phone Number	714-754-7575
Inspection Contact Name	Taljo Djokovic	Email	

Prioritization Verification

Percent of Activities Outdoors and Uncovered ☐ 0% ☒ >0-25% ☐ 25-50% ☐ 50-75% ☐ >75%

Approximate Impervious Area ☒ <5,000 sq. ft. ☐ 5,000-100,000 sq. ft. ☐ >100,000 sq. ft.

Amount of Raw Material Kept Indoors or Properly Covered Outdoors ☒ All ☐ Some ☐ None

Field Verified SIC Code
3541

SIC Description
Machine Tools, Metal Cutting Type

Observed Business Type
Machine Shop

Is the facility covered under a stormwater permit? (Check all that apply)

☐ Does not need coverage ☒ No, but may need to refer to Regional Board ☐ No Exposure Certification (NEC) ☐ General Industrial Permit (filed NOI)

SWPPP on site? ☐ Yes ☐ No ☒ N/A

Facility's WDID # NA

Business License # 171567

Violation(S) of City Ordinance Section 18-155

☒ No Violations Noted During Inspection/Investigation ☐ Illegal Discharge(s) of Pollutants ☐ Illegal Connection

☐ No Violation But Observed BMP Deficiencies That May Result In a Violation ☐ Other

Any spill/discharge that poses an immediate threat to receiving waters or requires hazardous material response?

☐ Yes ☐ No ☒ N/A

Corrective Action ☒ None ☐ Verbal Warning or Recommendations Provided ☐ Notice of Non-Compliance (Warning Citation)

☐ Notice of Non-Compliance Citation ☐ 1st Citation ☐ 2nd Citation ☐ 3rd Citation ☐ Other

AC #

Follow-Up Inspection Required ☒ No ☐ Yes

Inspection To Be Performed By (Date)

If this was a follow-up inspection, were deficiencies corrected?

☐ No ☐ Yes ☒ Not Applicable

☒ Additional Information Provided On Supplemental Page ☒ Photos Taken ☒ BMP Factsheets Provided

Which principal pollutant threat(s) were abated as a result of this inspection? ☒ None ☐ Nutrients ☐ Bacteria ☐ Pesticides

☐ Sediment ☐ Trash ☐ Metals ☐ Oil & Grease ☐ Organics ☐ Other

Violations/Corrective Actions/Recommendations

Based on our observations, good housekeeping practices appeared implemented and no evidence of a prohibited discharge was observed. Based on the facilities SIC Code, the business may require coverage under the SWRCB's Industrial General Permit. Recommend the facility review the IGP Fact Sheet provided and evaluate whether coverage is required.

BMP Assessment			
(IC3) Building Maintenance			
1) Are outside areas kept neat and clean?	☒ Y	☐ N	☐ N/A
2) Are storm drains inlets and storm drain conveyances maintained?	☒ Y	☐ N	☐ N/A
3) Do employees have training or awareness of stormwater pollution prevention measures?	☒ Y	☐ N	☐ N/A
(IC6) Contaminated and Erodible Surface Areas			
1) Are unpaved outdoor areas protected from water and wind erosion?	☐ Y	☐ N	☒ N/A
2) Are contaminated and erodible surfaces designed to prevent run-on of stormwater and run-off of spills?	☐ Y	☐ N	☒ N/A
(IC7) Landscape Maintenance			
1) Are irrigation systems properly managed?	☐ Y	☐ N	☒ N/A
2) Are landscape materials and chemicals properly managed?	☐ Y	☐ N	☒ N/A
(IC9) Outdoor Drainage from Indoor Areas			
1) Are materials prevented from being tracked out from inside areas?	☒ Y	☐ N	☐ N/A
(IC10) Outdoor Loading and Unloading of Materials			
1) Are the loading and unloading areas well maintained?	☒ Y	☐ N	☐ N/A
2) Are BMPs in place to reduce exposure during rain events?	☐ Y	☐ N	☒ N/A
(IC11) Outdoor Process Equipment Operations and Maintenance			
1) Is outdoor process equipment clean (i.e., free of excess oil & grease, rust, ect.) ?	☐ Y	☐ N	☒ N/A
(IC12) Outdoor Storage of Raw Materials, Products, and Containers			
1) Are raw materials and products stored appropriately?	☐ Y	☐ N	☒ N/A
2) Based on discussion with employees, are additional BMPs implemented to protect raw materials or products prior to rainfall events and during high winds?	☐ Y	☐ N	☒ N/A
(IC15) Parking and Storage Area Maintenance			
1) Are parking and storage areas maintained?	☒ Y	☐ N	☐ N/A
(IC17) Spill Prevention and Cleanup			
1) Are spill containment and cleanup materials readily available?	☐ Y	☐ N	☒ N/A
2) Are absorbent materials removed and properly disposed of in a timely manner?	☐ Y	☐ N	☒ N/A
(IC18-19) Vehicle and Equipment Fueling and Maintenance			
1) Are fuel dispensing areas well maintained?	☐ Y	☐ N	☒ N/A
2) Are fuel safeguards used (i.e. automated shutoff, spill kits)?	☐ Y	☐ N	☒ N/A
3) Are vehicle and equipment maintenance activities indoors or in a designated and contained area outdoors?	☐ Y	☐ N	☒ N/A
4) Are maintenance areas well maintained?	☐ Y	☐ N	☒ N/A
(IC21) Waste Handling and Disposal of Wastewater Generated by Outdoor Activities			
1) Are the hazardous waste accumulation areas covered well?	☒ Y	☐ N	☐ N/A
2) Do hazardous waste containers have secondary containment?	☐ Y	☐ N	☒ N/A
3) Are hazardous waste areas properly managed?	☒ Y	☐ N	☐ N/A
4) Is trash enclosure clean and waste dumpsters covered?	☐ Y	☐ N	☒ N/A
(IC20&24) Vehicle and Equipment Washing			
1) Does the site have washing operations for vehicles or equipment?	☐ Y	☐ N	☒ N/A
2) Is wash water contained and properly disposed of in accordance with the options listed in IC24?	☐ Y	☐ N	☒ N/A
3) Are the washing areas clearly marked and within designated areas?	☐ Y	☐ N	☒ N/A
4) Is wash area equipped with a clarifier or oil water separator that is connected to the sanitary sewer?	☐ Y	☐ N	☒ N/A
5) Is the clarifier or oil/water separator maintained and documented regularly?	☐ Y	☐ N	☒ N/A
BMP Assessment Findings and/or other BMP fact sheets			
(IC3)(3) Provide on-going employee training in pollution prevention.			



Front of business.



No outdoor work or storage areas were observed. BMPs appeared implemented.

EXHIBIT 42



[SIC Manual](#) / [Description for 3399: Primary Metal Products, Not Elsewhere Classified](#)

SIC Search

Description for 3399: Primary Metal Products, Not Elsewhere Classified

[Division D: Manufacturing](#) | [Major Group 33: Primary Metal Industries](#) | [Industry Group 339: Miscellaneous Primary Metal Products](#)

3399 Primary Metal Products, Not Elsewhere Classified

Establishments primarily engaged in manufacturing primary metal products, not elsewhere classified, such as nonferrous nails, brads, and spikes, and metal powder, flakes, and paste.

- Aluminum atomized powder
- Balls, steel
- Brads, nonferrous metal (including wire)
- Flakes, metal
- Iron powdered
- Laminating steel for the trade
- Nails, nonferrous metal (including wire)
- Paste, metal
- Powder, metal: except artists' materials
- Reclaiming ferrous metals from clay
- Recovery of iron ore from open hearth slag
- Silver powder, except artists' materials
- Spikes, nonferrous metal (including wire)
- Staples, nonferrous metal (including wire)
- Tacks, nonferrous metal (including wire)



EXHIBIT 43

Website:



USA CNC MANUFACTURING SINCE 1994



PRECISION

We take pride in machining our numerically and visually perfect parts with the utmost tolerances.



FAMILY OWNED

AL-CA Machine always provides a family style and respectful mentality to every customer, employee, and vendor.



ULTRA-PRECISE

Our trained and highly skilled machinists, programmers, and inspectors always use flawless execution for every part.



USA CNC MANUFACTURING SINCE 1994



PRECISION

We take pride in machining our numerically and visually perfect parts with the utmost tolerances.



FAMILY OWNED

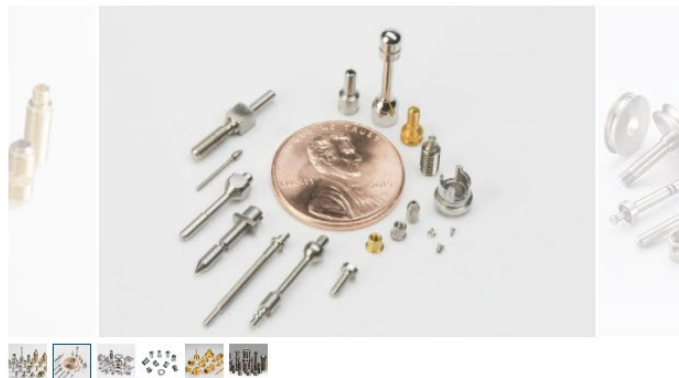
AL-CA Machine always provides a family style and respectful mentality to every customer, employee, and vendor.



ULTRA-PRECISE

Our trained and highly skilled machinists, programmers, and inspectors always use flawless execution for every part.

UNIQUE AND SIMPLE PART CAPABILITY WITH NO MINIMUM/MAXIMUM QUANTITY



PLEASE ALLOW UP TO 48 HOURS TO REPLY
THANK YOU

Name

Email*

Message

SEND

This site is protected by reCAPTCHA and the Google Privacy Policy and Terms of Service apply.



2610 S Croddy Way Santa Ana, CA 92704

Phone: (714)754-7575

Fax: (714)754-7940

"You have to put a little feeling into machining."

-Tajko Djokovic

Founder & President, AL-CA Machine

EXHIBIT 44

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:
ALCA MACHINE INDUSTRIES

MANDATORY MINIMUM PENALTY
COMPLAINT NO. R8-2021-0002

DECLARATION OF KAITLIN M.
DIAZ

I, KAITLIN M. DIAZ, declare as follows:

1. I am an Environmental Scientist with the Santa Ana Regional Water Quality Control Board (Santa Ana Water Board). I have personal knowledge of all facts stated in this declaration and, if called as a witness could and would testify competently under oath.
2. I have over four years of experience in implementing NPDES permit requirements and have been involved in discharge investigations and pollutant source determinations.
3. On October 29, 2019, I visited the ALCA Machine Industries (Discharger) facility located at 2610 South Croddy Way, Suite G, in the city of Santa Ana to determine whether the business was in operation. During this site visit, I determined that the Discharger needed to reobtain coverage under the General Permit for Storm Water Discharges Associated with Industrial Activities Order No. 2014-0057-DWQ as amended by Order No. 2015-0122-DWQ and Order No. 2018-0028-DWQ, NPDES Permit No. CA000001 (General

1 Permit) because the business was in operation and appeared to conduct activities listed in
2 Attachment A to the General Permit as requiring permit coverage.

3 4. On October 30, 2019, I sent an email to the Discharger reiterating that the
4 Discharger's No Exposure Certification (NEC) had not been recertified by October 1, 2019,
5 that therefore the Discharger's permit coverage had been administratively terminated. This
6 email also identified that the Facility was now out of compliance with the General Permit
7 and would need to obtain new permit coverage.

8 5. On December 4, 2019, a Notice of Non-Compliance (NNC) was issued to the
9 Discharger.

10 6. On January 2, 2020, a second NNC was issued to the Discharger with requiring that
11 the Discharger re-enroll in the General Permit by January 31, 2020.

12 7. On January 21, 2020, I attempted to contact Mr. Taljo Djokovic, ALCA Machine
13 Industries' owner, via phone. However, I was informed by ALCA Machine Industries staff
14 that Mr. Djokovic had retired, and that the business would be closing in the next couple of
15 months. I informed the Discharger representative that two NNCs had been issued to the
16 Discharger for failure to obtain General Permit coverage. Facility staff stated that Mr.
17 Djokovic would contact me.

18 8. On January 28, 2020, I sent a courtesy reminder email to Mr. Djokovic stating that
19 the final deadline to obtain permit coverage was January 31, 2020. Copies of both NNCs
20 were attached to the email and I reiterated the monetary penalty for failing to obtain permit
21 coverage by this final deadline.

22 9. On January 28, 2020, I attempted to contact Mr. Djokovic via phone and left a
23 voicemail indicating that permit coverage had not yet been obtained, that two NNCs had
24 been issued to the Discharger, and again reiterated the monetary penalty for failing to obtain
25 permit coverage.

26 10. On January 31, 2020, I sent a final courtesy reminder email to Mr. Djokovic stating
27 that the final deadline to obtain permit coverage was January 31, 2020. Copies of both
28 NNCs were attached to the email and I reiterated the monetary penalty for failing to obtain
permit coverage by this final deadline.

1 11. On January 31, 2020, I again attempted to contact Mr. Djokovic via phone left a
2 voicemail indicating that permit coverage had not yet been obtained, that two NNCs had
3 been issued to the Discharger, and again reiterated the monetary penalty for failing to obtain
4 permit coverage.

5 12. During the period of follow up beginning on October 30, 2019 and January 31, 2020
6 the Discharger did not provide any evidence of its Facility closing its operation.

7 13. On February 12, 2020, I conducted a site visit of ALCA Machine Industries confirming
8 that it was operational, and hand delivered a new NNC as the first set of NNCs had
9 insufficient proof of delivery. Mr. Djokovic was onsite but according to facility staff, Mr. Tim
10 Gjokaj, did not speak enough English to communicate. I spoke with Mr. Gjokaj and he
11 accepted the NNC and signed the delivery receipt.

12 14. On February 12, 2020, the Discharger was issued a new set of Notices of Non-
13 Compliance as the first two did not have sufficient proof of delivery. I conducted a site visit
14 of the Facility and hand delivered the February 12, 2020 Notice. Facility conditions I
15 observed are consistent with an operational industrial facility that is required to obtain
16 General Permit coverage.

17 15. On March 11, 2020, I attempted to hand deliver a second NNC, however, Mr.
18 Djokovic stated that he would be closing his business next month and refused to accept the
19 second NNC and asked me to leave the Facility.

20 16. One March 13, 2020, a second NNC was issued with a final deadline of April 10,
21 2020. The second NNC was signed for on March 17, 2020 via certified mail return receipt.

22 17. On April 8, 2020, I sent a courtesy reminder email to Mr. Djokovic stating that the
23 final deadline to obtain permit coverage was April 10, 2020. Copies of both NNCs were
24 attached to the email and I reiterated the monetary penalty for failing to obtain permit
25 coverage by this final deadline.

26 18. On April 10, 2020, I sent a final courtesy reminder email to Mr. Djokovic stating that
27 the final deadline to obtain permit coverage was April 10, 2020.

28 19. On October 26, 2020, I conducted a drive-by inspection of the Facility to verify
whether or not the Discharger was still in operation. Facility signage was no longer present

1 at the front of the building, however, I observed industrial activities still being conducted
2 inside the open bay doors at the Facility.

3 20. On January 4, 2021, an Expedited Payment Letter (EPL) was issued to the
4 Discharger offering to settle the MMP for five thousand seven hundred and fifty dollars
5 (\$5,750 with a response deadline of February 2, 2021).

6 21. On January 29, 2021, I sent a courtesy reminder email to Mr. Djokovic regarding the
7 deadline to submit the Acceptance of Conditional Resolution and Waiver of Right to Hearing
8 and provided further information regarding the EPL. A copy of the EPL was attached to the
9 email.

10 22. On February 2, 2021, I attempted to contact Mr. Djokovic via phone and was
11 informed that Mr. Djokovic was not available. I asked to leave a message for Mr. Djokovic
12 and was interrupted by Facility staff stating that the Water Board is a 'scam company' and
13 to stop calling. The Facility staff stated that he asked every neighbor in their complex and
14 no one had coverage under the Water Board. The Facility staff then stated to stop calling
15 or he would obtain a restraining order and hung up.

16 23. On February 2, 2021, I send a final courtesy reminder email to Mr. Djokovic regarding
17 the EPL response deadline. A copy of the EPL was attached to the email.

18 24. On February 2, 2021, I receive an email from Mr. Djokovic stating that the Water
19 Board is a scam company and to stop contacting him or he would obtain a restraining order.

20 25. As of October 4, 2021, ALCA Machine Industries has not obtained coverage under
21 the General Permit and remains non-compliant with the General Permit requirements.

22 26. I declare under penalty of perjury under the laws of the State of California that the
23 foregoing is true and correct.

24 Executed this 4th date of October 2021 at Riverside, California.

26 October 4, 2021

27 Date

26 Kaitlin Diaz

27 Kaitlin M. Diaz
28 Environmental Scientist

EXHIBIT 45

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:
ALCA MACHINE INDUSTRIES

MANDATORY MINIMUM PENALTY
COMPLAINT NO. R8-2021-0002

DECLARATION OF MICHELLE R.
BECKWITH

I, MICHELLE R. BECKWITH, declare as follows:

1. I am the Senior Environmental Scientist for the Santa Ana Regional Water Quality Control Board (Santa Ana 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 Executive Officer of the Santa Ana Water Board issued a Mandatory Minimum Penalty Complaint (Complaint) for this matter on October 11, 2021 to ALCA Machine Industries (Discharger). A hearing on this matter is currently scheduled for December 10, 2021.
4. The following issues are involved in this case: Santa Ana Water Board staff identify facilities which are not currently enrolled under the General Permit for Storm Water

Discharges Associated with Industrial Activities Order No. 2014-0057-DWQ as amended by Order No. 2015-0122-DWQ and Order No. 2018-0028-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.

5. The Discharger was identified as a non-filer who was newly administratively terminated due to its failure to recertify existing No Exposure Certification (NEC) by October 1, 2019 as required by the General Permit. Due to the Discharger's noncompliance with the General Permit requirements, its coverage was terminated. Prior to administrative termination, the Discharger was sent several courtesy NEC recertification reminder emails from the State Water Resources Control Board (State Water Board) including emails providing notice of the consequences for failing to do so by the permit deadline.

6. The Discharger conducts industrial activities at the Facility manufacturing metal products. Such activities are an industrial activity that is regulated under the General Permit. Attachment A of the General Permit, which describes what sort of industrial facilities must obtain coverage under the General Permit, identifies SIC code 3399 as an industrial activity which requires General Permit coverage. Per the Standard Industrial Classification Manual (1987) published by the Federal Office of Management and Budget, coating, engraving, and allied services is defined under SIC code 3399 – Primary Metal Products, Not Elsewhere Classified. This classification is for establishments primarily engaged in manufacturing metal products. The manual lists 15 potential 'other' metal products.

7. Based on the information gathered by the Santa Ana Water Board staff during the review of the Discharger's file, including its previously submitted No Exposure Certification, Santa Ana Water Board issued a Notice of Non-Compliance to the Discharger on December 4, 2019 for failure to obtain coverage under the General Permit.

8. On January 2, 2020, the Santa Ana Water Board issued a second Notice of Non-Compliance with a final deadline of January 31, 2020.

9. On February 12, 2020, the Discharger was issued a new set of Notices of Non-Compliance as the first two did not have sufficient proof of delivery. Santa Ana Water Board staff that I was responsible to oversee, conducted a cursory inspection of the Facility and

1 hand delivered the February 12, 2020 Notice. Facility conditions observed by staff are
2 consistent with an industrial facility.

3 10. On March 11, 2020, Santa Ana Water Board staff attempted to hand deliver a second
4 Notice of Non-Compliance however, the Discharger refused to accept the second notice.

5 11. On March 13, 2020, the Santa Ana Water Board issued a second Notice of Non-
6 Compliance with a final deadline of April 10, 2020.

7 12. As of October 4, 2021, ALCA Machine Industries has not obtained coverage under
8 the General Permit and remains non-compliant with the General Permit requirements.

9 13. I declare under penalty of perjury under the laws of the State of California that the
10 foregoing is true and correct.

11
12 Executed this 4th date of October 2021 at Riverside, California.

13 **Michelle R. Beckwith**

Digitally signed by Michelle R. Beckwith
Date: 2021.10.04 17:36:19 -07'00'

14 _____
Date

15 _____
Michelle R. Beckwith
Senior Environmental Scientist
for the Prosecution Team

EXHIBIT 46

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:	)	MANDATORY MINIMUM PENALTY
ALCA Machine Industries	)	COMPLAINT NO. R8-2021-0002
	)	
	)	DECLARATION OF JAYNE E. JOY
	)	

I, JAYNE JOY, declare as follows:

- I am the Executive Officer of the Regional Water Quality Control Board, Santa Ana Region (Santa Ana Water Board). As Executive Officer at the Santa Ana Water 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 Santa Ana Water Board's Prosecution Team and have worked on enforcement cases in a lead role.
- I have personal knowledge of the Santa Ana Water Board's procedures for facilities

1 regulated under Waste Discharge Requirements for Discharges of Storm Water Associated
2 with Industrial Activities, Order No. 2014-0057-DWQ, as amended by Order No. 2015-0122-
3 DWQ and Order No. 2018-0028-DWQ, NPDES Permit No. CAS000001, and oversee the
4 staff roles described below.

5 3. Kaitlin Diaz, Environmental Scientist, prepared and delivered the Notices of Non-
6 Compliance and Expedited Payment Letter for a total estimated time of 6 hours at the
7 hourly burdened rate of \$83.26/hour for a total staff cost of \$499.56.
8

9 4. Michael Kashak, Environmental Scientist, prepared the Mandatory Minimum
10 Penalty Complaint R8-2021-0002 for a total estimated time of 4 hours at the hourly
11 burdened rate of \$83.26/hour for a total staff cost of \$333.04.
12

13 5. Chuck Griffin, Senior Water Resource Control Engineer, reviewed the Mandatory
14 Minimum Penalty Complaint R8-2021-0002 for an estimated 1 hour at the hourly burdened
15 rate of \$163.24/hour for a total staff cost of \$163.24.

16 6. Michelle Beckwith, Senior Environmental Scientist, prepared and reviewed the
17 Mandatory Minimum Penalty Complaint R8-2021-0002 for a total estimated time of 2.75
18 hours at the hourly burdened rate of \$154.34/hour for a total staff cost of \$424.44.
19

20 7. I reviewed the Mandatory Minimum Penalty Complaint R8-2021-0002 for a total
21 estimated time of 1 hour at the hourly burdened rate of \$185.26/hour for a total staff cost
22 of \$185.26.
23

24 Executed this 11th day of October 2021, at Riverside, California.
25

26  Digitally signed by Jayne
Joy
Date: 2021.10.11 11:14:33
-07'00'
Water Board

27 _____
28 Jayne E. Joy, PE
Executive Officer
Santa Ana Regional Water Quality Control Board

EXHIBIT 47

Office of Enforcement Billing Cost

Employee Salary and Benefits by Classification

as of 4.19.21

Position	Bottom Salary	Mid Range	Top Salary
<u>Permanent Employees:</u>			
7500 - AEO CEA	\$ 7,442	\$ 12,478	\$ 17,513
5393 - Associate Governmental Program Analyst	\$ 5,149	\$ 5,895	\$ 6,640
3756 - Engineering Geologist (SWRCB)	\$ 5,540	\$ 7,985	\$ 10,430
0756 - Environmental Program Manager I (Supervisory) (SWRCB)	\$ 10,717	\$ 12,020	\$ 13,323
0769 - Environmental Program Manager II (SWRCB)	\$ 12,438	\$ 13,284	\$ 14,130
0762 - Environmental Scientist (SWRCB)	\$ 3,851	\$ 5,608	\$ 7,364
1728 - Executive Assistant	\$ 3,849	\$ 4,405	\$ 4,961
3851 - Principal Water Resources Control Engineer	\$ 13,033	\$ 13,918	\$ 14,803
5758 - Research Data Specialist II	\$ 6,213	\$ 7,112	\$ 8,010
3826 - Sanitary Engineering Associate	\$ 5,804	\$ 6,535	\$ 7,266
3751 - Senior Engineering Geologist (Statewide)	\$ 9,766	\$ 10,995	\$ 12,223
0764 - Senior Environmental Scientist (SWRCB)	\$ 9,268	\$ 10,395	\$ 11,522
0765 - Senior Environmental Scientist (Spec)	\$ 6,816	\$ 7,648	\$ 8,479
5333 - Senior Legal Analyst	\$ 5,406	\$ 6,190	\$ 6,973
3844 - Senior Water Resources Control Engineer (SWRCB)	\$ 9,766	\$ 10,995	\$ 12,223
3748 - Supervising Engineering Geologist (Statewide)	\$ 10,727	\$ 12,078	\$ 13,428
3849 - Supervising Water Resources Control Engineer (SWRCB)	\$ 10,727	\$ 12,078	\$ 13,428
3846 - Water Resources Control Engineer (SWRCB)	\$ 5,540	\$ 7,959	\$ 10,377
1931 - Scientific Aid	\$15.00/hour	\$16.40/hour	\$17.79/hour

STATE WATER RESOURCES CONTROL BOARD
ENFORCEMENT OFFICE
BILLING COST EXPLANATION
Fiscal Year 2020-2021

Copy and paste values for the form
below into the next tab "Billing Ex

Employee Salary and Benefit by Classification	Base Salary						Mid Range Salary				Top Salary			
	Salary Range			Benefits [1]	Overhead [1]	Total	Cost/Hour	Benefits [1]	Overhead [1]	Total	Cost/Hour	Benefits [1]	Overhead [1]	Total
	Base Salary	Mid Range	Top Salary	43.9%	78.5%		Base Salary	43.9%	78.5%		Mid Range	43.9%	78.5%	
7500 - AEO CEA	\$ 7,442	\$ 12,478	\$ 17,513	\$ 3,267	\$ 8,407	\$ 19,116	\$ 110.49	\$ 5,478	\$ 14,095	\$ 32,050	\$ 185.26	\$ 7,688	\$ 19,783	\$ 44,984
5393 - Associate Governmental Program Analyst	\$ 5,149	\$ 5,895	\$ 6,640	\$ 2,260	\$ 5,816	\$ 13,226	\$ 76.45	\$ 2,588	\$ 6,659	\$ 15,141	\$ 87.52	\$ 2,915	\$ 7,501	\$ 17,056
3756 - Engineering Geologist (SWRCB)	\$ 5,540	\$ 7,985	\$ 10,430	\$ 2,432	\$ 6,258	\$ 14,230	\$ 82.26	\$ 3,505	\$ 9,020	\$ 20,510	\$ 118.56	\$ 4,579	\$ 11,782	\$ 26,791
0756 - Environmental Program Manager I (Super	\$ 10,717	\$ 12,020	\$ 13,323	\$ 4,705	\$ 12,106	\$ 27,528	\$ 159.12	\$ 5,277	\$ 13,578	\$ 30,875	\$ 178.47	\$ 5,849	\$ 15,050	\$ 34,222
0769 - Environmental Program Manager II (SWR	\$ 12,438	\$ 13,284	\$ 14,130	\$ 5,460	\$ 14,050	\$ 31,948	\$ 184.67	\$ 5,832	\$ 15,006	\$ 34,121	\$ 197.23	\$ 6,203	\$ 15,961	\$ 36,295
0762 - Environmental Scientist (SWRCB)	\$ 3,851	\$ 5,608	\$ 7,364	\$ 1,691	\$ 4,350	\$ 9,892	\$ 57.18	\$ 2,462	\$ 6,334	\$ 14,404	\$ 83.26	\$ 3,233	\$ 8,318	\$ 18,915
1728 - Executive Assistant	\$ 3,849	\$ 4,405	\$ 4,961	\$ 1,690	\$ 4,348	\$ 9,887	\$ 57.15	\$ 1,934	\$ 4,976	\$ 11,315	\$ 65.40	\$ 2,178	\$ 5,604	\$ 12,743
3851 - Principal Water Resources Control Engine	\$ 13,033	\$ 13,918	\$ 14,803	\$ 5,721	\$ 14,722	\$ 33,477	\$ 193.51	\$ 6,110	\$ 15,722	\$ 35,750	\$ 206.65	\$ 6,499	\$ 16,722	\$ 38,023
5758 - Research Data Specialist II	\$ 6,213	\$ 7,112	\$ 8,010	\$ 2,728	\$ 7,018	\$ 15,959	\$ 92.25	\$ 3,122	\$ 8,033	\$ 18,267	\$ 105.59	\$ 3,516	\$ 9,048	\$ 20,575
3826 - Sanitary Engineering Associate	\$ 5,804	\$ 6,535	\$ 7,266	\$ 2,548	\$ 6,556	\$ 14,908	\$ 86.17	\$ 2,869	\$ 7,382	\$ 16,786	\$ 97.03	\$ 3,190	\$ 8,208	\$ 18,664
3751 - Senior Engineering Geologist (Statewide)	\$ 9,766	\$ 10,995	\$ 12,223	\$ 4,287	\$ 11,032	\$ 25,085	\$ 145.00	\$ 4,827	\$ 12,420	\$ 28,241	\$ 163.24	\$ 5,366	\$ 13,807	\$ 31,396
0764 - Senior Environmental Scientist (SWRCB)	\$ 9,268	\$ 10,395	\$ 11,522	\$ 4,069	\$ 10,469	\$ 23,806	\$ 137.61	\$ 4,563	\$ 11,742	\$ 26,701	\$ 154.34	\$ 5,058	\$ 13,015	\$ 29,596
0765 - Senior Environmental Scientist (Spec)	\$ 6,816	\$ 7,648	\$ 8,479	\$ 2,992	\$ 7,699	\$ 17,508	\$ 101.20	\$ 3,357	\$ 8,639	\$ 19,643	\$ 113.55	\$ 3,722	\$ 9,578	\$ 21,779
5333 - Senior Legal Analyst	\$ 5,406	\$ 6,190	\$ 6,973	\$ 2,373	\$ 6,107	\$ 13,886	\$ 80.27	\$ 2,717	\$ 6,992	\$ 15,898	\$ 91.90	\$ 3,061	\$ 7,877	\$ 17,911
3844 - Senior Water Resources Control Enginee	\$ 9,766	\$ 10,995	\$ 12,223	\$ 4,287	\$ 11,032	\$ 25,085	\$ 145.00	\$ 4,827	\$ 12,420	\$ 28,241	\$ 163.24	\$ 5,366	\$ 13,807	\$ 31,396
3748 - Supervising Engineering Geologist (State)	\$ 10,727	\$ 12,078	\$ 13,428	\$ 4,709	\$ 12,117	\$ 27,554	\$ 159.27	\$ 5,302	\$ 13,643	\$ 31,022	\$ 179.32	\$ 5,895	\$ 15,168	\$ 34,491
3849 - Supervising Water Resources Control Eng	\$ 10,727	\$ 12,078	\$ 13,428	\$ 4,709	\$ 12,117	\$ 27,554	\$ 159.27	\$ 5,302	\$ 13,643	\$ 31,022	\$ 179.32	\$ 5,895	\$ 15,168	\$ 34,491
3846 - Water Resources Control Engineer (SWR	\$ 5,540	\$ 7,959	\$ 10,377	\$ 2,432	\$ 6,258	\$ 14,230	\$ 82.26	\$ 3,494	\$ 8,990	\$ 20,442	\$ 118.16	\$ 4,556	\$ 11,722	\$ 26,655
1931 - Scientific Aid	\$15.00/hour	\$16.40/hour	\$17.79/hour	\$ 6.59	\$ 15.81	\$ 35.94	\$ 35.94	\$ 7.20	\$ 17.28	\$ 39.29	\$ 39.29	\$ 7.81	\$ 18.75	\$ 42.63

Operating Expenses and Equipment (both State and Regional Board offices)

Indirect Costs (Overhead = cost of do 78.5%

Billing Example	Billing Example	Billing Example
3846 - Water Resources Control Engineer	3846 - Water Resources Contr	3846 - Water Resources Control Engineer
Base Salary \$ 5,540	Mid Salary \$ 7,959	Top Salary \$ 10,377
Benefits (Base Salary * 43.9%) \$ 2,432	Benefits (Mid Sa \$ 3,494	Benefits (Top \$ 4,556
Overhead ((Base Salary + Benefits) * \$ 6,258	Overhead ((Mid \$ 8,990	Overhead ((Top \$ 11,722
Total Cost per month \$ 14,230	Total Cost per m \$ 20,442	Total Cost per \$ 26,655

Divided by 173 hours per month equa \$82.26 Divided by 173 h \$118.16 Divided by 173 \$154.07

[1] Benefits and Overhead use Top Salary of each classificaiton

STATE WATER RESOURCES CONTROL BOARD
ENFORCEMENT OFFICE
BILLING COST EXPLANATION
Fiscal Year 2020-2021

Employee Salary and Benefit by Classification	Base Salary	Cost/Hour		Mid-Range Salary	Cost/Hour		Top Salary	Cost/Hour
7500 - AEO CEA	\$ 7,442	\$ 110.49		\$ 12,478	\$ 185.26		\$ 17,513	\$ 260.02
5393 - Associate Governmental Program Analyst	\$ 5,149	\$ 76.45		\$ 5,895	\$ 87.52		\$ 6,640	\$ 98.59
3756 - Engineering Geologist (SWRCB)	\$ 5,540	\$ 82.26		\$ 7,985	\$ 118.56		\$ 10,430	\$ 154.86
0756 - Environmental Program Manager I (Supervisory) (SWRCB)	\$ 10,717	\$ 159.12		\$ 12,020	\$ 178.47		\$ 13,323	\$ 197.81
0769 - Environmental Program Manager II (SWRCB)	\$ 12,438	\$ 184.67		\$ 13,284	\$ 197.23		\$ 14,130	\$ 209.79
0762 - Environmental Scientist (SWRCB)	\$ 3,851	\$ 57.18		\$ 5,608	\$ 83.26		\$ 7,364	\$ 109.34
1728 - Executive Assistant	\$ 3,849	\$ 57.15		\$ 4,405	\$ 65.40		\$ 4,961	\$ 73.66
3851 - Principal Water Resources Control Engineer	\$ 13,033	\$ 193.51		\$ 13,918	\$ 206.65		\$ 14,803	\$ 219.79
5758 - Research Data Specialist II	\$ 6,213	\$ 92.25		\$ 7,112	\$ 105.59		\$ 8,010	\$ 118.93
3826 - Sanitary Engineering Associate	\$ 5,804	\$ 86.17		\$ 6,535	\$ 97.03		\$ 7,266	\$ 107.88
3751 - Senior Engineering Geologist (Statewide)	\$ 9,766	\$ 145.00		\$ 10,995	\$ 163.24		\$ 12,223	\$ 181.48
0764 - Senior Environmental Scientist (SWRCB)	\$ 9,268	\$ 137.61		\$ 10,395	\$ 154.34		\$ 11,522	\$ 171.07
0765 - Senior Environmental Scientist (Spec)	\$ 6,816	\$ 101.20		\$ 7,648	\$ 113.55		\$ 8,479	\$ 125.89
5333 - Senior Legal Analyst	\$ 5,406	\$ 80.27		\$ 6,190	\$ 91.90		\$ 6,973	\$ 103.53
3844 - Senior Water Resources Control Engineer (SWRCB)	\$ 9,766	\$ 145.00		\$ 10,995	\$ 163.24		\$ 12,223	\$ 181.48
3748 - Supervising Engineering Geologist (Statewide)	\$ 10,727	\$ 159.27		\$ 12,078	\$ 179.32		\$ 13,428	\$ 199.37
3849 - Supervising Water Resources Control Engineer (SWRCB)	\$ 10,727	\$ 159.27		\$ 12,078	\$ 179.32		\$ 13,428	\$ 199.37
3846 - Water Resources Control Engineer (SWRCB)	\$ 5,540	\$ 82.26		\$ 7,959	\$ 118.16		\$ 10,377	\$ 154.07
1931 - Scientific Aid	\$15.00/hour	\$ 35.94		\$16.40/hour	\$ 39.29		\$17.79/hour	\$ 42.63

Billing Example

3846 - Water Resources Control Engineer

Base Monthly Salary	\$ 5,540
Benefits (Base Range Salary * 43.9%)	\$ 2,432
Overhead ((Base Range Salary + Benefits) * 78.5%)	\$ 6,258
Total Monthly Cost	\$ 14,230

Divided by 173 hours per month equals cost per hour: \$82

Benefits and Overhead use Base Salary of each classification

Benefits = Base Salary * 43.9%

Overhead = (Base Salary + Benefits) * 78.5%

Benefits include costs associated with staff health/dental and retirement, etc.

Overhead includes operating expenses (such as facility costs and utilities), equipment and administrative costs (such as accounting, personnel, IT and pro rata)

STATE WATER RESOURCES CONTROL BOARD
ENFORCEMENT OFFICE
BILLING COST EXPLANATION
Fiscal Year 2020-2021

Employee Salary and Benefit by Classification	Base Salary	Benefits [1, 2] 43.9%	Overhead [1, 3] 78.5%	Total Monthly Cost	Cost/Hour
7500 - AEO CEA	\$ 7,442	\$ 3,267	\$ 8,407	\$ 19,116	\$ 110.49
5393 - Associate Governmental Program Analyst	\$ 5,149	\$ 2,260	\$ 5,816	\$ 13,226	\$ 76.45
3756 - Engineering Geologist (SWRCB)	\$ 5,540	\$ 2,432	\$ 6,258	\$ 14,230	\$ 82.26
0756 - Environmental Program Manager I (Supervisory) (SWRCB)	\$ 10,717	\$ 4,705	\$ 12,106	\$ 27,528	\$ 159.12
0769 - Environmental Program Manager II (SWRCB)	\$ 12,438	\$ 5,460	\$ 14,050	\$ 31,948	\$ 184.67
0762 - Environmental Scientist (SWRCB)	\$ 3,851	\$ 1,691	\$ 4,350	\$ 9,892	\$ 57.18
1728 - Executive Assistant	\$ 3,849	\$ 1,690	\$ 4,348	\$ 9,887	\$ 57.15
3851 - Principal Water Resources Control Engineer	\$ 13,033	\$ 5,721	\$ 14,722	\$ 33,477	\$ 193.51
5758 - Research Data Specialist II	\$ 6,213	\$ 2,728	\$ 7,018	\$ 15,959	\$ 92.25
3826 - Sanitary Engineering Associate	\$ 5,804	\$ 2,548	\$ 6,556	\$ 14,908	\$ 86.17
3751 - Senior Engineering Geologist (Statewide)	\$ 9,766	\$ 4,287	\$ 11,032	\$ 25,085	\$ 145.00
0764 - Senior Environmental Scientist (SWRCB)	\$ 9,268	\$ 4,069	\$ 10,469	\$ 23,806	\$ 137.61
0765 - Senior Environmental Scientist (Spec)	\$ 6,816	\$ 2,992	\$ 7,699	\$ 17,508	\$ 101.20
5333 - Senior Legal Analyst	\$ 5,406	\$ 2,373	\$ 6,107	\$ 13,886	\$ 80.27
3844 - Senior Water Resources Control Engineer (SWRCB)	\$ 9,766	\$ 4,287	\$ 11,032	\$ 25,085	\$ 145.00
3748 - Supervising Engineering Geologist (Statewide)	\$ 10,727	\$ 4,709	\$ 12,117	\$ 27,554	\$ 159.27
3849 - Supervising Water Resources Control Engineer (SWRCB)	\$ 10,727	\$ 4,709	\$ 12,117	\$ 27,554	\$ 159.27
3846 - Water Resources Control Engineer (SWRCB)	\$ 5,540	\$ 2,432	\$ 6,258	\$ 14,230	\$ 82.26
1931 - Scientific Aid	\$15.00/hour	\$ 6.59	\$ 15.81	\$ 35.94	\$ 35.94

Billing Example

3846 - Water Resources Control Engineer

Base Monthly Salary	\$ 5,540
Benefits (Base Range Salary * 43.9%)	\$ 2,432
Overhead ((Base Range Salary + Benefits) * 78.5%)	\$ 6,258
Total Monthly Cost	\$ 14,230

Divided by 173 hours per month equals per hour: \$82

[1] Benefits and Overhead use Base Salary of each classification

Benefits = Base Salary * 43.9%

Overhead = (Base Salary + Benefits) * 78.5%

[2] Benefits include costs associated with staff health/dental and retirement, etc.

[3] Overhead includes operating expenses (such as facility costs and utilities), equipment and administrative costs (such as accounting, personnel, IT and pro rata)

STATE WATER RESOURCES CONTROL BOARD
ENFORCEMENT OFFICE
BILLING COST EXPLANATION
Fiscal Year 2020-2021

Employee Salary and Benefit by Classification	Mid Salary	Benefits [1, 2] 43.9%	Overhead [1, 3] 78.5%	Total Monthly Cost	Cost/Hour
7500 - AEO CEA	\$ 12,478	\$ 5,478	\$ 14,095	\$ 32,050	\$ 185.26
5393 - Associate Governmental Program Analyst	\$ 5,895	\$ 2,588	\$ 6,659	\$ 15,141	\$ 87.52
3756 - Engineering Geologist (SWRCB)	\$ 7,985	\$ 3,505	\$ 9,020	\$ 20,510	\$ 118.56
0756 - Environmental Program Manager I (Supervisory) (SWRCB)	\$ 12,020	\$ 5,277	\$ 13,578	\$ 30,875	\$ 178.47
0769 - Environmental Program Manager II (SWRCB)	\$ 13,284	\$ 5,832	\$ 15,006	\$ 34,121	\$ 197.23
0762 - Environmental Scientist (SWRCB)	\$ 5,608	\$ 2,462	\$ 6,334	\$ 14,404	\$ 83.26
1728 - Executive Assistant	\$ 4,405	\$ 1,934	\$ 4,976	\$ 11,315	\$ 65.40
3851 - Principal Water Resources Control Engineer	\$ 13,918	\$ 6,110	\$ 15,722	\$ 35,750	\$ 206.65
5758 - Research Data Specialist II	\$ 7,112	\$ 3,122	\$ 8,033	\$ 18,267	\$ 105.59
3826 - Sanitary Engineering Associate	\$ 6,535	\$ 2,869	\$ 7,382	\$ 16,786	\$ 97.03
3751 - Senior Engineering Geologist (Statewide)	\$ 10,995	\$ 4,827	\$ 12,420	\$ 28,241	\$ 163.24
0764 - Senior Environmental Scientist (SWRCB)	\$ 10,395	\$ 4,563	\$ 11,742	\$ 26,701	\$ 154.34
0765 - Senior Environmental Scientist (Spec)	\$ 7,648	\$ 3,357	\$ 8,639	\$ 19,643	\$ 113.55
5333 - Senior Legal Analyst	\$ 6,190	\$ 2,717	\$ 6,992	\$ 15,898	\$ 91.90
3844 - Senior Water Resources Control Engineer (SWRCB)	\$ 10,995	\$ 4,827	\$ 12,420	\$ 28,241	\$ 163.24
3748 - Supervising Engineering Geologist (Statewide)	\$ 12,078	\$ 5,302	\$ 13,643	\$ 31,022	\$ 179.32
3849 - Supervising Water Resources Control Engineer (SWRCB)	\$ 12,078	\$ 5,302	\$ 13,643	\$ 31,022	\$ 179.32
3846 - Water Resources Control Engineer (SWRCB)	\$ 7,959	\$ 3,494	\$ 8,990	\$ 20,442	\$ 118.16
1931 - Scientific Aid	\$16.40/hour	\$ 7.20	\$ 17.28	\$ 39.29	\$ 39.29

Billing Example

3846 - Water Resources Control Engineer

Mid-Range Monthly Salary	\$ 7,959
Benefits (Mid Range Salary * 43.9%)	\$ 3,494
Overhead ((Mid Range Salary + Benefits) * 78.5%)	\$ 8,990
Total Monthly Cost	\$ 20,442

Divided by 173 hours per month equals per hour: \$ 118

[1] Benefits and Overhead use Mid-Range Salary of each classification

Benefits = Mid Salary * 43.9%

Overhead = (Mid Salary + Benefits) * 78.5%

[2] Benefits include costs associated with staff health/dental and retirement, etc.

[3] Overhead includes operating expenses (such as facility costs and utilities), equipment and administrative costs (such as accounting, personnel, IT and pro rata)

STATE WATER RESOURCES CONTROL BOARD
ENFORCEMENT OFFICE
BILLING COST EXPLANATION
Fiscal Year 2020-2021

Employee Salary and Benefit by Classification	Top Salary	Benefits [1, 2] 43.9%	Overhead [1, 3] 78.5%	Total Monthly Cost	Cost/Hour
7500 - AEO CEA	\$ 17,513	\$ 7,688	\$ 19,783	\$ 44,984	\$ 260.02
5393 - Associate Governmental Program Analyst	\$ 6,640	\$ 2,915	\$ 7,501	\$ 17,056	\$ 98.59
3756 - Engineering Geologist (SWRCB)	\$ 10,430	\$ 4,579	\$ 11,782	\$ 26,791	\$ 154.86
0756 - Environmental Program Manager I (Supervisory) (SWRCB)	\$ 13,323	\$ 5,849	\$ 15,050	\$ 34,222	\$ 197.81
0769 - Environmental Program Manager II (SWRCB)	\$ 14,130	\$ 6,203	\$ 15,961	\$ 36,295	\$ 209.79
0762 - Environmental Scientist (SWRCB)	\$ 7,364	\$ 3,233	\$ 8,318	\$ 18,915	\$ 109.34
1728 - Executive Assistant	\$ 4,961	\$ 2,178	\$ 5,604	\$ 12,743	\$ 73.66
3851 - Principal Water Resources Control Engineer	\$ 14,803	\$ 6,499	\$ 16,722	\$ 38,023	\$ 219.79
5758 - Research Data Specialist II	\$ 8,010	\$ 3,516	\$ 9,048	\$ 20,575	\$ 118.93
3826 - Sanitary Engineering Associate	\$ 7,266	\$ 3,190	\$ 8,208	\$ 18,664	\$ 107.88
3751 - Senior Engineering Geologist (Statewide)	\$ 12,223	\$ 5,366	\$ 13,807	\$ 31,396	\$ 181.48
0764 - Senior Environmental Scientist (SWRCB)	\$ 11,522	\$ 5,058	\$ 13,015	\$ 29,596	\$ 171.07
0765 - Senior Environmental Scientist (Spec)	\$ 8,479	\$ 3,722	\$ 9,578	\$ 21,779	\$ 125.89
5333 - Senior Legal Analyst	\$ 6,973	\$ 3,061	\$ 7,877	\$ 17,911	\$ 103.53
3844 - Senior Water Resources Control Engineer (SWRCB)	\$ 12,223	\$ 5,366	\$ 13,807	\$ 31,396	\$ 181.48
3748 - Supervising Engineering Geologist (Statewide)	\$ 13,428	\$ 5,895	\$ 15,168	\$ 34,491	\$ 199.37
3849 - Supervising Water Resources Control Engineer (SWRCB)	\$ 13,428	\$ 5,895	\$ 15,168	\$ 34,491	\$ 199.37
3846 - Water Resources Control Engineer (SWRCB)	\$ 10,377	\$ 4,556	\$ 11,722	\$ 26,655	\$ 154.07
1931 - Scientific Aid	\$17.79/hour	\$ 7.81	\$ 18.75	\$ 42.63	\$ 42.63

Billing Example

3846 - Water Resources Control Engineer

Top Monthly Salary	\$ 10,377
Benefits (Top Salary * 43.9%)	\$ 4,556
Overhead ((Top Salary + Benefits) * 78.5%)	\$ 11,722
Total Monthly Cost	\$ 26,655

Divided by 173 hours per month equals per hour: \$154

[1] Benefits and Overhead use Top Salary of each classification

Benefits = Top Salary * 43.9%

Overhead = (Top Salary + Benefits) * 78.5%

[2] Benefits include costs associated with staff health/dental and retirement, etc.

[3] Overhead includes operating expenses (such as facility costs and utilities), equipment and administrative costs (such as accounting, personnel, IT and pro rata)

EXHIBIT 48



GAVIN NEWSOM
GOVERNOR



JARED BLUMENFELD
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Santa Ana Regional Water Quality Control Board

TO: Jayne Joy
Assistant Executive Officer
SANTA ANA REGIONAL WATER QUALITY CONTROL BOARD

FROM: 
Hope A. Smythe
Executive Officer
SANTA ANA REGIONAL WATER QUALITY CONTROL BOARD

DATE: June 5, 2019

**SUBJECT: UPDATED DELEGATION OF AUTHORITY TO ISSUE ADMINISTRATIVE
CIVIL LIABILITY COMPLAINTS AND STORMWATER NOTICES OF NON-
COMPLIANCE**

Via memorandum dated March 19, 2018 (attached), pursuant to Section 7 of the California Water Code, I delegated to the Assistant Executive Officer, the authority to issue administrative civil liability complaints pursuant to California Water Code section 13323. This delegated authority includes, but is not limited to, the authority to make settlement offers.

I also delegate to the Assistant Executive Officer and the Stormwater Section Chiefs, the authority to issue stormwater Notices of Noncompliance pursuant to section 13399.31 of the California Water Code.

These delegation authorities do not affect my authority or discretion to act pursuant to sections 13323 or 13399.31 in any particular case, and shall remain in full force and effect until modified or revoked by me.

Attachment: March 19, 2018 Delegation Memo

WILLIAM RUH, CHAIR | HOPE SMYTHE, EXECUTIVE OFFICER

3737 Main St., Suite 500, Riverside, CA 92501 | www.waterboards.ca.gov/santaana

Santa Ana Regional Water Quality Control Board

TO: Regional Board Members
Regional Board Staff


FROM: Hope A. Smythe
Executive Officer
SANTA ANA REGIONAL WATER QUALITY CONTROL BOARD

DATE: March 19, 2018

**SUBJECT: DELEGATION OF AUTHORITY TO ISSUE ADMINISTRATIVE CIVIL
LIABILITY COMPLAINTS**

I, Hope Smythe, Executive Officer, pursuant to Section 7 of the California Water Code, hereby delegate to Jayne Joy, Assistant Executive Officer, the authority to issue administrative civil liability complaints pursuant to California Water Code section 13323. This delegated authority includes, but is not limited to, the authority to make settlement offers. This delegation does not affect my authority or discretion to act pursuant to Section 13323 in any particular case, and shall remain in full force and effect until modified or revoked by the Regional Board or by me.