



Santa Ana Regional Water Quality Control Board

March 25, 2014

All Met Recycling
1401 North Miller Street
Anaheim, CA 92806
(By Regular Mail)

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Belinda Perez
Vice President
allmet@pacbell.net
(By Email Only)

Jeffrey R. Matsen (Agent for Service of Process)
695 Town Center Drive, Suite 700
Costa Mesa, CA 92626
(By Certified Mail)

TENTATIVE ORDER NO. R8-2014-0037 PERTAINING TO MANDATORY MINIMUM PENALTY (MMP) ISSUED TO ALL MET RECYCLING

Dear Ms. Perez:

Enclosed is a copy of Tentative Order No. R8-2014-0037 pertaining to MMP Complaint No. R8-2014-0023 issued to All Met Recycling on February 11, 2014. As described in our letter to you dated February 11, 2014, the hearing on this item will be heard at the April 25, 2014 Santa Ana Regional Water Quality Control Board (Regional Board) meeting.

The Regional Board will consider whether to affirm, reject, or modify the mandatory minimum penalty that was proposed in MMP Complaint No. R8-2014-0023.

If you have any questions about the Order, please contact Michelle Beckwith at (951) 782-4433 (Michelle.Beckwith@waterboards.ca.gov). All legal questions should be directed to Naomi Kaplowitz at (916) 341-5677 (Naomi.Kaplowitz@waterboards.ca.gov), Office of Enforcement.

Sincerely,



Hope A. Smythe
Division Chief
Regional Board Prosecution Team

Enclosures: Tentative Order No. R8-2014-0037

cc (via e-mail): Kurt Berchtold, Executive Officer, Regional Board Advisory Team
David Rice, Attorney, State Water Resources Control Board, Office
of Chief Counsel, Regional Board Advisory Team
Naomi Kaplowitz, Attorney, State Water Resources Control Board,
Office of Enforcement, Regional Board Prosecution Team

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

In the matter of:)	Complaint No. R8-2014-0037
)	for
All Met Recycling, Inc.)	Mandatory Minimum Penalty
1401 North Miller Street)	
Anaheim, CA 92806)	
)	
Attention: Belinda Perez)	

The California Regional Water Quality Control Board, Santa Ana Region (hereafter, Regional Board), held a hearing in Fountain Valley, California on April 25, 2014 to receive testimony and take evidence on the allegations contained in Complaint No. R8-2014-0037 (Complaint), and on the recommendation for the imposition of penalties and staff costs pursuant to Water Code section 13399.33, subdivisions (c) and (d), in the amount of one thousand seven hundred and fifty dollars (\$1,750). The Regional Board finds as follows:

1. All Met Recycling, Incorporated (All Met Recycling or Discharger) owns and operates a scrap metal facility (Site) located at 1401 North Miller Street in Anaheim, California.
2. The Discharger enrolled under the Sector Specific General Permit for Storm Water Runoff Associated with Industrial Activities from Scrap Metal Recycling Facilities within the Santa Ana Region, Order No. R8-2012-0012, NPDES No. CAG618001 (Scrap Metal Permit) and is currently regulated under that Permit. The facility's WDID Number is 8 30MR000040. The Scrap Metal Permit requires that dischargers enrolled under the permit submit an annual report by August 1 of each year.
3. The Discharger failed to submit its 2012-2013 annual report by August 1, 2013. On September 4, 2013, the Regional Board issued a Notice of Non-Compliance (NNC) to the Discharger by certified mail. In that NNC, Regional Board staff reminded the Discharger of the requirement to submit an annual report by August 1, 2013, and notified it of the mandatory minimum penalties associated with violations of that requirement. The return receipt showed that the Discharger received the NNC on September 5, 2013. The Discharger did not respond to that September 3, 2013 NNC.
4. On October 3, 2013, Regional Board staff issued a second NNC to the Discharger by certified mail. The second NNC requested that the Discharger submit an annual report by November 1, 2013, along with a statement explaining why the annual report was not submitted by the August 1, 2013 deadline. Regional Board staff explained in the second NNC that, in order to submit the annual report, the eAuthorization Form must be completed by the Legally Responsible Person (LRP), submitted to the State Water Resources Control Board (hereinafter State Board), and that, only once received and logged, would the annual report be accessible to the Discharger for submittal. The return receipt showed that the Discharger received the second NNC on October 4, 2013.
5. On October 28, 2013, Regional Board staff contacted Ms. Belinda Perez via All Metal Recycling's email account stating that the State Board had not yet received the eAuthorization Form, identified instructions to assist in the process of submitting the

- eAuthorization Form, and reiterated the final annual report submittal deadline of November 1, 2013.
6. On October 29, 2013, Regional Board staff received a voice mail from Ms. Perez stating that she was currently working on the annual report and would submit the report by the November 1, 2013 deadline.
 7. On November 26, 2013, twenty six days after the final deadline stated in the second NNC, Regional Board staff received correspondence via email from Ms. Perez requesting a meeting to assist in the completion of the annual report. After scheduling conflicts and cancellations by Ms. Perez, Regional Board staff was finally able to meet with Ms. Perez on February 5, 2014. Board staff provided guidance to Ms. Perez by assisting her with the annual report questions; however, since Ms. Perez had not submitted the eAuthorization Form prior to the meeting, the annual report could not be certified and submitted.
 8. To date, the annual report has not been received by the Regional Board. The Discharger violated the Scrap Metal Permit, the Federal Clean Water Act, and the California Water Code by failing to submit the annual report by August 1, 2013.
 9. Water Code section 13399.33, subdivision (c), requires that the Regional Board impose a minimum penalty of \$1,000 on a person who fails to submit an annual report in accordance with Water Code section 13399.31. Water Code section 13399.33, subdivision (d), further requires that the Regional Board recover the costs incurred in regard to those persons.
 10. On February 11, 2014, the Division Chief of the Regional Board issued Mandatory Minimum Penalty Complaint No. R8-2014-0023, in the amount of \$1,750, to All Met Recycling. The Complaint penalty amount is based on the Mandatory Minimum Penalty amount of \$1,000, and the mandatory recovery of related staff costs, which totaled \$750.
 11. The Regional Board concludes that the Discharger violated the Scrap Metal Permit by failing to submit its 2012-2013 annual report and is liable for \$1,750 in administrative civil liability pursuant to Water Code section 13399.33, subdivisions (c) and (d). By adopting this Order, the Regional Board incorporates the findings in Mandatory Minimum Penalty Complaint No. R8-2014-0023 and affirms the penalty specified therein.
 12. This Order on Complaint No. R8-2014-0023 is effective and final upon issuance by the Regional Board. Payment must be received by the Regional Board no later than thirty days from the date on which this Order is issued.
 13. Issuance of this Order is exempt from the provisions of the California Environmental Quality Act (Public Resources Code Section 2100 *et seq.*) in accordance with Section 15321, Chapter 3, Title 14 of the California Code of Regulations.
 14. In the event that the Discharger fails to comply with the requirements of this Order on Complaint R8-2014-0023, the Executive Officer or his delegee is authorized to refer this matter to the Office of the Attorney General or a debt collection agency for enforcement and/or collection of penalties.
 15. Any person aggrieved by this action of the Santa Ana Regional Water Quality Control Board may the State Water Resources Control Board (State Water Board) to review the action in accordance with Water Code section 13320 and California Code of Regulations, title 23,

sections 2050 and following. The State Water Board must receive the petition by 5:00 p.m., 30 days after the Regional Board action, except that if the thirtieth day following the action falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Water Board by 5:00 p.m. on the next business day. Copies of the law and regulations applicable to filing petitions may be found on the Internet at http://www.waterboards.ca.gov/public_notices/petitions/water_quality or will be provided upon request.

IT IS HEREBY ORDERED that, pursuant to Water Code section 13399.33, subdivisions (c) and (d), a penalty, the Discharger shall make a payment by check in the amount of one thousand seventy hundred and fifty dollars (\$1,750) (payable to the Waste Discharge Permit Fund) no later than thirty days after the date of issuance of this Order. The check shall reference "Order No. R8-2014-0037."

CERTIFICATION

I, Kurt V. Berchtold, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Santa Ana Region, on April 25, 2014.

Date

Kurt V. Berchtold
Executive Officer
Santa Ana Regional Water Quality Control
Board

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ALL MET RECYCLING
Sent To **1401 NORTH MILLER ST.**
Street, Apt. or PO Box **ANAHEIM, CA. 92806**
City, State,