



EDMUND G. BROWN JR.
GOVERNOR



MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Santa Ana Regional Water Quality Control Board

February 6, 2018

Dr Fresh LLC
6645 Caballero Boulevard
Buena Park, CA 90620
(By Regular Mail)

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

David Law
david.law@drfresh.com
(By Email Only)

Rocky Jain
rocky@drfresh.com
(By Email Only)

Vivian Imperial (Agent for Service of Process)
CT Corporation System
818 West Seventh Street, Suite 930
Los Angeles, CA 90017
(By Certified Mail)

TRANSMITTAL OF MANDATORY MINIMUM PENALTY COMPLAINT NO. R8-2018-0014, DR FRESH LLC

Dear Messrs. Law and Jain:

Enclosed is a certified copy of Mandatory Minimum Penalty Complaint No. R8-2018-0014 (Complaint). The Complaint alleges that you have violated the State's General Permit for Storm Water Discharges Associated with Industrial Activities, Order No. 2014-0057-DWQ, NPDES No. CAS000001 (General Permit) by failing to submit the 2016-2017 annual report by July 15, 2017 for Dr Fresh LLC's (Dr Fresh) facility located at 6645 Caballero Boulevard, in the city of Buena Park.

The Complaint proposes that a penalty in the amount of two thousand two hundred (\$2,200) be imposed. The penalty amount is comprised of mandatory minimum penalties and staff costs as authorized by California Water Code Sections 13399.33(a)(1) and 13399.33(d).

A public hearing on this matter is scheduled for the Regional Board meeting on May 4, 2018 at a to be determined location. A tentative order, the staff report regarding this

Complaint and the meeting agenda will be mailed to you not less than 10 days prior to the hearing. A meeting agenda will also be available at: http://www.waterboards.ca.gov/santaana/board_info/agendas/.

Pursuant to California Water Code Section 13323, Dr Fresh has the option to waive its rights to a hearing. Should Dr Fresh waive its rights to a hearing and pay the proposed assessment, the Regional Board may not hold a public hearing on this matter. If Dr Fresh chooses to waive its rights to a hearing, please sign and submit the enclosed Waiver Form by March 6, 2018. Please make the check payable to the Waste Discharge Permit Fund for two thousand two hundred (\$2,200) and include the Complaint Number on the memo line. Please send the following information to the appropriate location:

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

If Dr Fresh does not wish to waive its rights to a hearing, a pre-hearing meeting is recommended. Should you wish to schedule a pre-hearing meeting, please submit your request to Michelle Beckwith by phone at (951) 782-4433 or by email at Michelle.Beckwith@waterboards.ca.gov prior to February 14, 2018.

A Hearing Procedure pertaining to this Complaint is also enclosed. The Hearing Procedure sets forth important requirements and deadlines for participation in the hearing. Additionally, a Fact Sheet describing the Complaint process is available at:

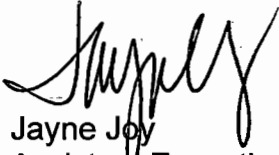
http://www.waterboards.ca.gov/santaana/public_notices/enforcement_actions.shtml

The Fact Sheet describes the complaint process and explains what Dr Fresh can expect and its obligations as the process proceeds. If preferred, a hard copy of the Fact Sheet may be obtained by contacting Michelle Beckwith at (951) 782-4433.

Please read the Hearing Procedure carefully. The Board may adopt an Order requiring that you pay a penalty.

If you have any questions regarding the Complaint or the enclosed documents, please contact Michelle Beckwith by phone at (951) 782-4433 or by email at Michelle.Beckwith@waterboards.ca.gov. All legal questions should be directed to David Boyers, Office of Enforcement, by phone at (916) 341-5276 or by email at David.Boyers@waterboards.ca.gov.

Sincerely,



Jayne Joy
Assistant Executive Officer
Regional Board Prosecution Team

Enclosures: MMP Complaint No. R8-2018-0014
Hearing Procedures
Waiver Form
Exhibit 1: 1st Notice of Non-Compliance, dated 7/31/2017
Exhibit 2: 2nd Notice of Non-Compliance, dated 8/31/2017

cc: Regional Board
Ms. Hope Smythe, Executive Officer, RWQCB, Riverside (Regional Board
Advisory Team)
Ms. Teresita Sablan, Office of Chief Counsel, SWRCB, Sacramento (Regional
Board Advisory Team Attorney)
Mr. David Boyers, Office of Enforcement, SWRCB, Sacramento
Ms. Diana Messina, Division of Water Quality, SWRCB, Sacramento
Mr. James Fortuna, Orange County Public Works
Mr. Doug Brodowski, City of Buena Park NPDES Coordinator

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

IN THE MATTER OF:

Dr Fresh LLC)	Complaint No. R8-2018-0014
6645 Caballero Boulevard)	for
Buena Park, CA 90620)	Mandatory Minimum Penalty and Staff
Attn: David Law and Rocky Jain)	Costs
_____)	

YOU ARE HEREBY GIVEN NOTICE THAT:

1. You are alleged to have violated provisions of law for which the California Regional Water Quality Control Board, Santa Ana Region (Board), must impose a mandatory minimum penalty under Water Code Section 13399.33 of the California Water Code.
2. Unless waived, a hearing concerning this Complaint will be held before the Regional Board at its regular meeting on May 4, 2018, at a to be determined location. Dr Fresh LLC (Dr Fresh), or its representative, will have an opportunity to appear and be heard, and to contest the allegations in this Complaint and the imposition of mandatory penalties by the Regional Board. An agenda for the meeting will be mailed to Dr Fresh not less than 10 days before the hearing date. A meeting agenda will also be available at: http://www.waterboards.ca.gov/santaana/board_info/agendas/.
3. Dr Fresh can waive its right to a hearing to contest the allegation contained in this Complaint by signing and submitting the enclosed waiver and paying the liability in full or by taking other actions as described in the waiver form. If this matter proceeds to a hearing, the Prosecution Team reserves the right to seek an increase in the penalty amount to cover the costs of enforcement incurred subsequent to the issuance of this Complaint through hearing. The enforcement costs may be recovered pursuant to Water Code Section 13399.33(d).
4. At the hearing, the Regional Board will consider whether to affirm, reject, or modify the proposed mandatory minimum penalties and assessment of costs pursuant to Water Code section 13399.33, or whether to refer the matter to the Attorney General for recovery of judicial civil liability.

THIS COMPLAINT IS BASED ON THE FOLLOWING FACTS:

5. Most industrial facilities that discharge storm water associated with industrial activities are required to obtain coverage under the General Permit. General

Permit coverage is required for facilities listed by industrial category and by Standard Industrial Classification (SIC) codes in 40 Code of Federal Regulations section 122.26(b)(14) and in Attachment 1 of the General Permit.

6. Dr Fresh, located at 6645 Caballero Boulevard, in the city of Buena Park, and is currently regulated under the State's General Permit for Storm Water Discharges Associated with Industrial Activities, Order No. 2014-0057-DWQ, NPDES No. CAS000001 (General Permit). The facility's WDID Number is 8 30I024020. The General Permit requires submittal of an annual report by July 15 of each year via the Storm Water Multiple Application and Report Tracking System (SMARTS).
7. The 2016-2017 annual report for Dr Fresh was not submitted via SMARTS by the July 15, 2017 deadline. Therefore a notice of Non-Compliance (NNC) was issued to Dr Fresh, by certified mail, on July 31, 2017. The NNC requested that Dr Fresh submit the 2016-2017 annual report via SMARTS no later than August 29, 2017. Per the United States Postal Service website, the NNC was received on August 2, 2017. The NNC is attached to this complaint as Exhibit #1.
8. On August 31, 2017, Regional Board staff received no response to the first NNC, therefore a second NNC was issued. Per the United States Postal Service website, the second NNC was received on September 5, 2017. The second NNC requested that Dr Fresh submit the 2016-2017 annual report via SMARTS by September 28, 2017. The second NNC is attached to this complaint as Exhibit #2.
9. On September 20, 2017, Regional Board staff contacted Mr. Rocky Jain, Dr Fresh's Legally Responsible Person (LRP), via voicemail reiterating the final annual report submittal deadline.
10. On September 22, 2017, Regional Board staff contacted Mr. Jain via email requesting the submittal of the 2016-2017 annual report.
11. On September 26, 2017, Regional Board staff contacted Mr. Jain via voicemail reminding him that the 2016-2017 annual report was due September 28, 2017 and the impending monetary penalties if the report is not submitted by that deadline. Staff also left a voicemail with the facility's receptionist reiterating the same information. Additionally, Regional Board staff forwarded the email that was sent to Mr. Jain on September 22, 2017 to Dr Fresh's general company email address.
12. On September 27, 2017, Regional Board staff attempted to make contact with Mr. Jain again via phone, however there was no answer. Staff left another voicemail message informing Mr. Jain that the deadline to submit the annual report was tomorrow (September 28, 2017) and that failing to submit report would result in a monetary penalty of at least one thousand dollars (\$1,000).
13. On September 28 2017, Regional Board staff made contact with Mr. David Law who indicated that Mr. Jain was no longer with the company and he requested an

extension. Staff informed the contact that extensions could not be given and provided him with the SMARTS Help Guide to assist him in the replacement of the LRP as well as the annual report submittal.

14. On September 28, 2017, Regional Board staff contacted Mr. Law via both voicemail message and email reiterating the final deadlines and impending fines.
15. To date, Dr Fresh has not submitted the 2016-2017 annual report via SMARTS.

LEGAL AUTHORITY

16. Section 13399.30 of the California Water Code requires the Regional Board impose a minimum penalty of one thousand dollars (\$1,000) for any person who fails to submit an annual report in accordance to Section 13399.31 of the Water Code. Section 13399.33(d) further requires that Regional Board recovers the cost incurred by the Regional Board with regards to that person.

PROPOSED MANDATORY MINIMUM PENALTIES AND ASSESSMENT OF COSTS

17. Pursuant to Water Code section 13399.33(c), the Regional Board shall administratively impose a penalty in an amount that is not less than one thousand dollars (\$1,000) for violation cited above. The Regional Board shall impose this mandatory minimum penalty unless it makes express findings setting forth the reasons for its failure to do so, based on the specific factors required to be considered pursuant to 13399.33(a)(2).
18. Based on the non-submittal of the 2016-2017 annual report by July 15, 2017, Dr Fresh is alleged to have violated the General Permit for 205 days (from July 16, 2017 to February 6, 2018, the issuance of the Complaint).
19. Water Code section 13399.33(d) allows for the recovery of costs incurred by the Regional Board for enforcement actions against dischargers who fail to submit the required annual report. Staff spent approximately eight (8) hours for this enforcement action resulting in total Staff costs of \$1,200 (8 hrs @ \$150/hr= \$1,200). The total liability, including staff costs, is \$2,200 (\$1,000 mandatory penalty+\$1,200 in staff costs).
20. Issuance of this Complaint is an enforcement action and is therefore exempt from the provisions of the California Environmental Quality Act (Pub. Res. Code Section 21000 et seq.) pursuant to title 14, California Code of Regulations Sections 15308 and 15321, subdivision (a), paragraph (2).

WAIVER OF HEARING

DHL Express may waive its right to a hearing. If Dr Fresh chooses to do so, please sign the enclosed Waiver Form and return it, together with a check for **\$2,200**. Indicate "**R8-2018-**

0014" on the check and make it payable to the Waste Discharge Permit Fund. Send the check to the following address:

State Water Resources Control Board
Division of Administrative Services
Accounting Branch
P.O. Box 1888
Sacramento, CA 95814

The waiver and a copy of the check shall also be mailed to the Regional Board at the following address:

Santa Ana Regional Water Quality Control Board
3737 Main Street, Suite 500
Riverside, CA 92501-3348
Attention: Michelle Beckwith

If Dr Fresh waives its right to a hearing and pays the assessed amount, the Regional Board may not hold a hearing regarding this Complaint.

If you have any questions, please contact Michelle Beckwith at (951) 782-4433. For legal questions, contact David Boyers, Office of Enforcement, at (916) 341-5276.

2/6/2018
Date



Jayne Joy
Assistant Executive Officer
Regional Board Prosecution Team



EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Santa Ana Regional Water Quality Control Board

California Regional Water Quality Control Board
Santa Ana Region

HEARING PROCEDURE
FOR MANDATORY MINIMUM PENALTY COMPLAINT
NO. R8-2018-0014
ISSUED TO
Dr Fresh LLC
6645 Caballero Boulevard
Buena Park, CA 90620
Orange County

SCHEDULED FOR MAY 4, 2018

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

Background

On February 6, 2018, the Assistant Executive Officer, acting as head of the Santa Ana Regional Water Quality Control Board (Regional Board) Prosecution Team, issued a Mandatory Minimum Penalty Complaint (Complaint) pursuant to California Water Code (Water Code) Section 13323 against Dr Fresh LLC (Dr Fresh) alleging that it violated Water Code Section 13399.30(a)(2) and the State's General Permit for Storm Water Discharges Associated with Industrial Activity, Order No. 2014-0057-DWQ, NPDES No. CAS000001 (General Permit) by failing to submit the 2016-2017 annual report by July 15, 2017.

The Complaint proposes that the Regional Board impose a mandatory minimum penalty and staff costs in the amount of **two thousand dollars two hundred (\$2,200)** pursuant to Water Code Section 13399.33. Unless Dr Fresh pays the proposed liability, a hearing will be held before the Regional Board during its May 4, 2018 meeting.

Purpose of Hearing

The purpose of the hearing is to consider relevant evidence and testimony regarding the Complaint and any proposed Order. At the hearing, the Regional Board will consider whether to issue an administrative civil liability order assessing the proposed liability, or a higher or lower amount, or reject the proposed liability.

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

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

♻️ RECYCLED PAPER

The public hearing will be held on May 4, 2018, and will commence no earlier than 9:00 a.m. or as soon thereafter as practical, or as announced in the Regional Board meeting agenda. The meeting will be held at a to be determined location.

Any proposed Order and an agenda for the meeting will be issued at least ten days before the meeting and posted on the Regional Board's web page at:

http://www.waterboards.ca.gov/santaana/board_info/agendas/

Hearing Procedure

The hearing will be conducted in accordance with this Hearing Procedure, which has been approved by the Board Chair for the adjudication of such matters. The procedures governing adjudicatory hearings before the Regional Board may be found at California Code of Regulations, title 23, section 648 et seq., and are available at:

<http://www.waterboards.ca.gov>

Copies will be provided upon request. In accordance with Section 648(d), any procedure not provided by this Hearing Procedure is deemed waived. Except as provided in Section 648(b) and herein, Chapter 5 of the Administrative Procedures Act (Gov. Code, § 11500 et seq.) does not apply to this hearing.

Dr Fresh shall attempt to resolve objections to this Hearing Procedure with the Prosecution Team BEFORE submitting objections to the Advisory Team.

Separation of Prosecutorial and Advisory Functions

To help ensure the fairness and impartiality of this proceeding, the functions of those who will act in a prosecutorial role by presenting evidence for consideration by the Board (the Prosecution Team) have been separated from those who will provide legal and technical advice to the Board (the Advisory Team). Members of the Advisory Team are: Hope Smythe, Executive Officer and Teresita Sablan, Staff Counsel. Members of the Prosecution Team are: Jayne Joy, Assistant Executive Officer; Michelle Beckwith, Senior Environmental Scientist, and David Boyers, Office of Enforcement.

Any members of the Advisory Team who normally supervise any members of the Prosecution Team are not acting as their supervisors in this proceeding, and vice versa. Other members of the Prosecution Team act or have acted as advisors to the Regional Board in other, unrelated matters, but they are not advising the Regional Board in this proceeding. Members of the Prosecution Team have not had any ex parte communications with the members of the Regional Board or the Advisory Team regarding this proceeding.

Hearing Participants

Participants in this proceeding are designated as either "Designated Parties" or "Interested Persons." Designated Parties may present evidence and cross-examine witnesses and are subject to cross-examination. Interested Persons may present non-evidentiary policy statements, but may not cross-examine witnesses and are not subject to cross-examination. Interested Persons generally may not present evidence (e.g., photographs, eye-witness testimony, monitoring data). At the hearing, both Designated Parties and Interested Persons

may be asked to respond to clarifying questions from the Regional Board, staff, or others, at the discretion of the Board Chair.

The following participants are hereby designated as Designated Parties in this proceeding:

1. Regional Board Prosecution Team
2. Dr Fresh

Requesting Designated Party Status

Persons who wish to participate in the hearing as a Designated Party must request designated party status by submitting a request in writing so that it is received no later than the deadline listed under "Important Deadlines" below. The request shall include an explanation of the basis for status as a Designated Party (i.e., how the issues to be addressed at the hearing affect the person, the need to present evidence or cross-examine witnesses), along with a statement explaining why the parties listed above do not adequately represent the person's interest. Any objections to these requests for designated party status must be submitted so that they are received no later than the deadline listed under "Important Deadlines" below.

Primary Contacts

Advisory Team:

Teresita Sablan, Staff Counsel
State Water Resources Control Board
P.O. Box 100, Sacramento, CA 95812
Phone: (916) 331-5174
Teresita.Sablan@waterboards.ca.gov

Prosecution Team:

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

Discharger:

David Law and Rocky Jain
Dr Fresh LLC
6645 Caballero Boulevard
Buena Park, CA 90620
david.law@drfresh.com rocky@drfresh.com

Ex Parte Communications

Designated Parties and Interested Persons are forbidden from engaging in ex parte communications regarding this matter. An ex parte communication is a written or verbal

communication related to the investigation, preparation, or prosecution of the Complaint between a Designated Party or an Interested Person and a Board Member or a member of the Board's Advisory Team (see Gov. Code, § 11430.10 et seq.). However, if the communication is copied to all other persons (if written) or is made in a manner open to all other persons (if verbal), then the communication is not considered an ex parte communication. Communications regarding non-controversial procedural matters are also not considered ex parte communications and are not restricted.

Hearing Time Limits

To ensure that all participants have an opportunity to participate in the hearing, the following time limits shall apply: each Designated Party shall have a combined 20 minutes to present evidence (including evidence presented by witnesses called by the Designated Party), to cross-examine witnesses (if warranted), and to provide a closing statement. Each Interested Person shall have 3 minutes to present a non-evidentiary policy statement. Participants with similar interests or comments are requested to make joint presentations, and participants are requested to avoid redundant comments. Participants who would like additional time must submit their request to the Advisory Team so that it is received no later than the deadline listed under "Important Deadlines" below. Additional time may be provided at the discretion of the Advisory Team (prior to the hearing) or the Board Chair (at the hearing) upon a showing that additional time is necessary. Such showing shall explain what testimony, comments, or legal argument requires extra time, and why it could not have been provided in writing by the applicable deadline.

A timer will be used, but will not run during Board questions or the responses to such questions, or during discussions of procedural issues.

Submission of Evidence and Policy Statements

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

1. All documentary evidence and exhibits to be offered at the hearing.
2. All legal and technical arguments or analysis.
3. The name of each witness, if any, whom the Designated Party intends to call at the hearing, the subject of each witness' proposed testimony, and the estimated time required by each witness to present direct testimony. Alternatively, the testimony of any witness may be presented by declaration, so long as that witness will be available for cross-examination at the hearing.
4. The qualifications of each expert witness, if any.

Prosecution Team: The Prosecution Team's information must include the legal and factual basis for its claims against Dr Fresh; a list of all evidence on which the Prosecution Team relies, which must include, at a minimum, all documents cited in the Complaint, Staff Report, or other material submitted by the Prosecution Team; and the witness information required under items 3-4 for all witnesses, including Board staff.

Designated Parties (including Dr Fresh): All Designated Parties shall submit comments regarding the Complaint along with any additional supporting evidence not cited by the Regional Board's Prosecution Team no later than the deadline listed under "Important Deadlines" below.

Rebuttal: Any Designated Party that would like to submit evidence, legal analysis, or policy statements to rebut information previously submitted by other Designated Parties shall submit this rebuttal information so that it is received no later than the deadline listed under "Important Deadlines" below. "Rebuttal" means evidence, analysis or comments offered to disprove or contradict other submissions. Rebuttal shall be limited to the scope of the materials previously submitted. Rebuttal information that is not responsive to information previously submitted may be excluded.

Copies: For each evidentiary deadline, each Designated Party shall send one electronic copy of the above materials to each of the other Designated Parties at the address or addresses provided above by 5:00 p.m. on the deadline described above.

Interested Persons: Interested Persons who would like to submit written non-evidentiary policy statements are encouraged to submit them to the Advisory Team as early as possible, but they must be received by the deadline listed under "Important Deadlines" to be included in the Board's agenda package. Interested Persons do not need to submit written comments in order to speak at the hearing.

Prohibition on Surprise Evidence: In accordance with California Code of Regulations, title 23, section 648.4, the Regional Board endeavors to avoid surprise testimony or evidence. Absent a showing of good cause and lack of prejudice to the parties, the Board Chair may exclude evidence and testimony that is not submitted in accordance with this Hearing Procedure. Excluded evidence and testimony will *not* be considered by the Regional Board and will not be included in the administrative record for this proceeding.

Presentations: Power Point and other visual presentations may be used at the hearing, but their content shall not exceed the scope of other submitted written material. These presentations must be provided to the Advisory Team at or before the hearing both in hard copy and in electronic format so that they may be included in the administrative record.

Witnesses: All witnesses who have submitted written testimony shall appear at the hearing to affirm that the testimony is true and correct, and shall be available for cross-examination.

Questions

Questions concerning this proceeding may be addressed to the Advisory Team attorney (contact information above).

IMPORTANT DEADLINES

All required submissions must be received by 5:00 p.m. on the respective due date.

February 6, 2018	<ul style="list-style-type: none"> ▪ Prosecution Team issues Complaint and Hearing Procedure on Dr Fresh and other parties.
February 14, 2018	<ul style="list-style-type: none"> ▪ Dr Fresh's deadline to request a pre-hearing meeting.
March 6, 2018	<ul style="list-style-type: none"> ▪ Dr Fresh's deadline to submit 90-Day Hearing Waiver Form and payment ▪ Objections due on Hearing Procedure. <p><u>Electronic or Hard Copies to:</u> All other Designated Parties, All known Interested Persons, Prosecution Team Attorney, Advisory Team Attorney</p> <p><u>Electronic or Hard Copies to:</u> Prosecution Team Primary Contact, Advisory Team Primary Contact</p>
March 14, 2018	<ul style="list-style-type: none"> ▪ Prosecution Team's deadline for submission of information required under "Submission of Evidence and Policy Statements," above.

	<p><u>Electronic or Hard Copies to:</u> All other Designated Parties, All known Interested Persons</p> <p><u>Electronic or Hard Copies to:</u> Advisory Team Primary Contact, Advisory Team Attorney</p>
March 16, 2018	<ul style="list-style-type: none"> ▪ Deadline to request "Designated Party" status. <p><u>Electronic or Hard Copies to:</u> All other Designated Parties, All known Interested Persons, Prosecution Team Attorney, Advisory Team Attorney</p> <p><u>Electronic or Hard Copies to:</u> Prosecution Team Primary Contact, Advisory Team Primary Contact</p>
March 20, 2018*	<ul style="list-style-type: none"> ▪ Deadline to submit opposition to requests for Designated Party status. <p><u>Electronic or Hard Copies to:</u> All other Designated Parties, All known Interested Persons, Prosecution Team Attorney, Advisory Team Attorney</p> <p><u>Electronic or Hard Copies to:</u> Prosecution Team Primary Contact, Advisory Team Primary Contact</p>
March 27, 2018	<ul style="list-style-type: none"> ▪ Advisory Team issues decision on Hearing Procedure objections. ▪ Advisory Team issues decision on requests for designated party status.
April 4, 2018*	<ul style="list-style-type: none"> ▪ Remaining Designated Parties' (including Dr Fresh's) deadline to submit all information required under "Submission of Evidence and Policy Statements" above. This includes all written comments regarding the Order, and any rebuttal evidence, any rebuttal to legal arguments and/or policy statements, and all evidentiary objections. ▪ Interested Persons' comments are due. <p><u>Electronic or Hard Copies to:</u> All other Designated Parties, All known Interested Persons, Prosecution Team Attorney, Advisory Team Attorney</p> <p><u>Electronic or Hard Copies to:</u> Prosecution Team Primary Contact, Advisory Team Primary Contact</p>
April 13, 2018*	<ul style="list-style-type: none"> ▪ Prosecution Team's deadline to submit any rebuttal evidence, any rebuttal to legal arguments and/or policy statements, and all evidentiary objections. ▪ Deadline to submit requests for additional time. ▪ If rebuttal evidence is submitted, all requests for additional time (to respond to the rebuttal at the hearing) must be made within 3 working days of <i>this</i> deadline. <p><u>Electronic or Hard Copies to:</u> All other Designated Parties, All known Interested Persons, Prosecution Team Attorney, Advisory Team Attorney</p> <p><u>Electronic or Hard Copies to:</u> Prosecution Team Primary Contact, Advisory Team Primary Contact</p>
April 24, 2018*†	<ul style="list-style-type: none"> ▪ Prosecution Team submits Hearing binder on the parties and Board. <p><u>Electronic or Hard Copies to:</u> All other Designated Parties, All known Interested Persons</p> <p><u>Electronic or Hard Copies to:</u> Advisory Team Primary Contact, Advisory Team Attorney</p>
May 4, 2018*	Hearing

* Dr Fresh has the right to a hearing before the Board within 90 days of receiving the Complaint, but this right can be waived (to facilitate settlement discussions, for example). By submitting the waiver form, Dr Fresh is not waiving the right to a hearing; unless a settlement is reached, the Board will hold a hearing prior to imposing civil liability. However, if the Board accepts the waiver, all deadlines marked with an "*" will be revised if a settlement cannot be reached.

† This deadline is set based on the date that the Board compiles the Board Members' agenda packages. Any material received after this deadline will not be included in the Board Members' agenda packages.

Santa Ana Regional Water Quality Control Board

**WAIVER FORM
FOR MANDATORY MINIMUM PENALTY COMPLAINT NO. R8-2018-0014**

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

I am duly authorized to represent Dr Fresh LLC (Dr Fresh) in connection with Mandatory Minimum Penalty Complaint No. R8-2018-0014 (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 with the complaint. The person(s) who have been issued a complaint may waive the right to a hearing."

- (OPTION 1: Check here if Dr Fresh waives the hearing requirement and will pay the liability in full.)**
- a. I hereby waive any right Dr Fresh may have to a hearing before the Regional Water Board.
 - b. I certify that Dr Fresh will remit payment for the proposed penalty in the full amount of two thousand two hundred (**\$2,200**) by submitting a check made payable to the "Waste Discharge Permit Fund," that references "Complaint No. R8-2018-0014." Payment must be received by the Regional Water Board by **March 6, 2018** or the Regional Water Board may adopt an Order requiring payment.
 - c. I understand the payment of the above amount constitutes a proposed settlement of the Complaint, and that any settlement will not become final until after the 30-day public notice and comment period. Should the Regional Water Board receive significant new information or comments from any source (excluding the Water Board's Prosecution Team) during this comment period, the Regional Water Board's Assistant Executive Officer may withdraw the complaint, return payment, and issue a new complaint. I understand that this proposed settlement is subject to approval by the Regional Water Board (or the Regional Board's delegee), and that the Regional Water Board may consider this proposed settlement in a public meeting or hearing. I also understand that approval of the settlement will result in Dr Fresh 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.

- (OPTION 2: Check here if Dr Fresh 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 Dr Fresh may have to a hearing before the Regional Water Board within 90 days after service of the Complaint. By checking this box, Dr Fresh requests that the Regional Water Board delay the hearing and/or hearing deadlines so that Dr Fresh may have additional time to prepare for the hearing. It remains within the discretion of the Regional Water Board to approve the extension.

(Print Name and Title)

(Signature)

(Date)



EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Santa Ana Regional Water Quality Control Board

July 31, 2017

Dr Fresh LLC
6645 Caballero Blvd
Buena Park, California 90620

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

NOTICE OF NON-COMPLIANCE: FAILURE TO COMPLY WITH THE GENERAL PERMIT FOR STORM WATER DISCHARGES ASSOCIATED WITH INDUSTRIAL ACTIVITIES, ORDER NO. 2014-0057-DWQ, NPDES NO. CAS000001 (GENERAL PERMIT) WDID NO. 8 30I024020

Dear Rocky Jain:

Your facility located at 6645 Caballero Blvd, in the city of Buena Park, is regulated under the General Permit and is identified by WDID No **8 30I024020**. Section XVI.A of the General Permit requires you to submit an annual report by July 15 of each year via the Storm Water Multiple Application and Report Tracking System (SMARTS). According to our records, we have not received your annual report by the July 15, 2017 deadline.

Currently you are in violation of the General Permit, the California Water Code and the federal Clean Water Act for failure to submit a complete 2016 - 2017 annual report. We request that you submit a complete 2016 - 2017 annual report via SMARTS no later than **August 29, 2017**. Hard copies of the annual report are not accepted. Help guides related to SMARTS are available here: http://www.waterboards.ca.gov/water_issues/programs/stormwater/smarts/industrial/indst_help_guides.shtml.

You must also provide a statement explaining why the annual report was not submitted by the deadline and the measures you have taken to insure timely submittals in the future. Failure to submit the requested information may result in enforcement action, including civil monetary penalties of up to \$10,000 for each day of violation. Please note that Section 13399.33 of the California Water Code stipulates a mandatory minimum penalty of \$1,000 to those permittees that do not submit their annual reports after notification.

If you have any questions, please contact Michelle Beckwith via phone at (951) 782-4433 or via e-mail at Michelle.Beckwith@waterboards.ca.gov.

Sincerely,

Ann Sturdivant, PG, CEG, CHG
Supervising Engineering Geologist
Chief, Groundwater and Regulatory Division

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

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

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EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Santa Ana Regional Water Quality Control Board

August 31, 2017

Dr Fresh LLC
6645 Caballero Blvd
Buena Park, California 90620

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

NOTICE OF NON-COMPLIANCE: FAILURE TO COMPLY WITH THE GENERAL PERMIT FOR STORM WATER DISCHARGES ASSOCIATED WITH INDUSTRIAL ACTIVITIES, ORDER NO. 2014-0057-DWQ, NPDES NO. CAS000001 (GENERAL PERMIT) WDID NO. 8 30I024020 SECOND NOTICE

Dear Rocky Jain:

Your facility located at 6645 Caballero Blvd, in the city of Buena Park, is regulated under the General Permit and is identified by WDID No **8 30I024020**. Section XVI.A of the General Permit requires you to submit an annual report by July 15 of each year via the Storm Water Multiple Application and Report Tracking System (SMARTS). According to our records, we have not received your annual report by the July 15, 2017 deadline.

Currently you are in violation of the General Permit, the California Water Code and the federal Clean Water Act for failure to submit a complete 2016 - 2017 annual report. We request that you submit a complete 2016 - 2017 annual report via SMARTS no later than **September 28, 2017**. Hard copies of the annual report are not accepted. Help guides related to SMARTS are available here:

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

This is your second notice. The first notice was dated and sent on July 31, 2017. To date, we have not received a response to that notice. Please note that Section 13399.31 of the California Water Code stipulates failure to submit the requested information by the September 28 due date will result in a mandatory minimum penalty of \$1,000 to those permittees that do not submit their annual reports within 60 days of notification. Further enforcement action, including civil monetary penalties of up to \$10,000 for each day of violation, may result.

If you have any questions, please contact Kaitlin Traver via phone at (951) 782-4992 or via e-mail at Kaitlin.Traver@waterboards.ca.gov.

Sincerely,

Ann Sturdivant, PG, CEG, CHG
Supervising Engineering Geologist
Chief, Groundwater and Regulatory Division

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

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

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