
Santa Ana Regional Water Quality Control Board

December 4, 2018

Mr. Nanu C Patel
Riverside Mining Limited
3500-B Pyrite Street
Jurupa Valley, CA 92509
riversidemininglimited@gmail.com
(Certified Mail and Email)

VIA HAND DELIVERY

SETTLEMENT OFFER NO. R8-2018-0094: EXPEDITED PAYMENT PROGRAM FOR VIOLATION OF WATER CODE SECTION 13399.33(C). WDID NO. 8 331022115

Dear Mr. Patel,

This letter is to notify Riverside Mining Limited (hereinafter "Permittee or "you") of alleged violations of the California Water Code (Water Code). The violation is a failure to submit the 2017-18 Annual Report by July 15, 2018 for the Industrial facility located at 3500-B Pyrite Street in the City of Jurupa Valley (Site).

This is an invitation to participate in the Santa Ana Regional Water Quality Control Board's (Regional Board) Expedited Payment Program to address mandatory minimum penalties that must be assessed pursuant to California Water Code sections 13385 and 13385.1.

ALLEGED VIOLATION:

Regional Board staff alleges that the Permittee has violated provisions of the National Pollutant Discharge Elimination System (NPDES) Statewide General Permit for Storm Water Discharges Associated with Industrial Activities, Order No. 2014-0057-DWQ (Order).

Provision XVI.A. of the Order requires that the Permittee submit Annual Reports via SMARTS by **July 15th of each year.**

Regional Board staff requested that the Permittee submit the 2017-18 Annual Report in the Notices of Noncompliance (NNC) issued on August 10, 2018 and September 11, 2018. Based on information in the Storm Water Multiple Application & Report Tracking System (SMARTS), as of October 16, 2018, the Annual Report has not been submitted.

Pursuant to Water Code section 13399.33(c), the Permittee is subject to a minimum penalty of not less than one thousand dollars (\$1,000) plus staff costs for failing to submit the Annual Report within sixty (60) days after the first NNC was sent. The Permittee is also subject to discretionary administrative civil liabilities of up to ten thousand dollars (\$10,000) for each day in which the violation occurs.

The minimum penalty and discretionary administrative civil liabilities may be assessed by the Regional Board beginning with the date that the violations first occurred. The formal enforcement action that the Regional Board uses to assess such liability is an administrative civil liability complaint. The Regional 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.

PERMITTEE'S OPTIONS FOR RESPONSE TO OFFER:

You have two options to respond as outlined below.

1. **Accept the Expedited Payment Program offer.** If the permittee chooses to accept this offer, they must agree to pay a settlement of **\$1,534.00**. This settlement offer is based on Water Code section 13399.33(c) which requires \$1,000 per missing report plus staff costs. Staff costs in this matter are \$534.00.

This is a Conditional Offer subject to certain terms and conditions set forth below. If you choose this option, **you must sign and submit the enclosed Acceptance and Waiver form by December 31, 2018**. The form provides submittal instructions. Final closure on this action is only possible after ultimate submission of the settlement amount.

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

Keith Elliott, Inland Stormwater 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 Regional 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 violation.** To contest the violation, the Permittee must submit in writing the basis of your challenge with supporting evidence. For example, you may have evidence that you previously submitted your Annual Report(s) prior to July 15, 2018

or you are no longer in business. If you choose this option, you must **submit your written documentation by December 18, 2018**. We will review your submission and, if we agree, we will notify you in writing that you are no longer considered in violation of the permit and that our enforcement action has been withdrawn. All responses should be directed to Keith Elliott at the address listed in the above paragraph.

If you do not respond in a manner described in the above options, Regional Board staff will prepare an administrative civil liability complaint for the violations cited in the NNC. The liability amount sought in the administrative civil liability complaint and/or imposed by the Regional Board may be higher than the liability amount set forth in this Conditional Offer. Moreover, additional staff costs may be considered in the recommended liability amount in an administrative civil liability complaint.

CONDITIONS FOR REGIONAL BOARD ACCEPTANCE OF RESOLUTION:

This offer to participate in the Expedited Payment Program is conditioned upon the Regional Board's receipt of confirmation that the Permittee has submitted the Annual Reports in SMARTS on or before **December 31, 2018**. If you choose not to or fail to submit the Annual Reports on or before that date, this offer will be deemed withdrawn and a formal enforcement action will be pursued.

Federal regulations require the Regional Board to publish notice and 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)).

If you accept the Expedited Payment Program offer, the settlement will be published in the following manner:

1. Upon receipt of the Permittee's Acceptance and Waiver, and other requested technical reports on or before **December 31, 2018**, Regional Board staff will publish a notice of the proposed resolution of the alleged violations.
2. If Regional Board staff receives no comments within the notice period, the Regional 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 may void the offer to participate in this Expedited Payment Program.
3. If Regional Board staff receives significant comments in opposition to the settlement, this offer may be withdrawn. In that case, the Permittee'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 NNC. The Regional 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 or Notice of Noncompliance, please contact Keith Elliott at (951) 782-4925 or at keith.elliott@waterboards.ca.gov regarding this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Jayne Joy". The signature is fluid and cursive, with a large initial "J" and a long, sweeping tail.

Jayne Joy
Assistant Executive Officer

Enclosures:

Notice of Noncompliance dated August 10, 2018
Notice of Noncompliance dated September 11, 2018
Acceptance of Conditional Resolution and Waiver of Right to Hearing

cc: (via email)

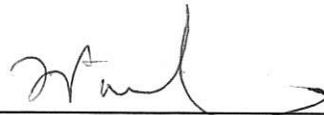
Catherine Hawe, Office of Enforcement, State Water Resources Control Board

Santa Ana Regional Water Quality Control Board

Document Receipt

Type of Document: EPL - 833I 02715

Printed Name: Delivered to

Signature:  NANCY C. PATEL

Printed name for Delivered to by Rachel Cap. DM -
Title: Gen. Patel's - Date: 12/4/18



EDMUND G. BROWN JR.
GOVERNOR



MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Santa Ana Regional Water Quality Control Board

August 10, 2018

Mr. Nanu Patel
Riverside Mining Limited
3500 B Pyrite Street
Jurupa Valley, California 92509

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

NOTICE OF NONCOMPLIANCE: 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), WASTE DISCHARGE IDENTIFICATION (WDID) 8 331022115

Dear Mr. Patel:

Your facility located at 3500 B Pyrite Street in the City of Riverside, is regulated under the General Permit and is identified by WDID **8 331022115**. Section XVI of the General Permit requires that an Annual Report be submitted by July 15 of each year via the online SMARTS database. Our records show that your annual report for the July 1, 2017 to June 30, 2018 reporting period has not been submitted.

Riverside Mining Limited is consequently in violation of provisions of Section XVI of the General Permit for failure to submit a complete 2017-2018 Annual Report. We request that you submit a complete 2017-2018 Annual Report via the online SMARTS database no later than **September 10, 2018**.

The online SMARTS database is available at: <https://smarts.waterboards.ca.gov>

The following links are to assist you with the online SMARTS database system:

Main page for the SMARTS guides:

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

How to submit an Annual Report guide:

http://www.waterboards.ca.gov/water_issues/programs/stormwater/docs/annual_report_060216.pdf

How to submit an Ad Hoc (storm water sample) Report guide:

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

You must also provide a statement along with the Annual Report as an Attachment. The statement must explain why the Annual Report was not submitted by the July 15 deadline and the measures you have taken to ensure timely submittals in the future.

Failure to submit the 2017-2018 Annual Report via the online SMARTS database 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 minimum penalty of \$1,000 to those permittees that do not submit their annual reports after notification.

Should you need assistance in completing the Annual Report or have any questions relating to SMARTS, please contact the SMARTS Helpdesk at stormwater@waterboards.ca.gov; or Keith Elliott at keith.elliott@waterboards.ca.gov or 951-782-4925.

Sincerely,


Jayne Joy
Assistant Executive

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

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Extra Services & Fees (check box, add fee as appropriate)
 Return Receipt (hardcopy) \$ **\$2.75**
 Return Receipt (electronic) \$ _____
 Certified Mail Restricted Delivery \$ _____
 Adult Signature Required \$ _____
 Adult Signature Restricted Delivery \$ _____

Postage
\$ **\$0.47**

Total Postage and Fees
\$ **\$6.67**

8/9/2018

Postmark
Here
1st NNC

8 33I022115
364099

Sent To **Mr. Nanu Patel**
Street and Apt. No., or PO Box No. **Riverside Mining Limited**
City, State, **3500 B Pyrite Street**
Inyo Valley, California 92500

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

7015 1660 0000 1553 3078

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FAQs > (<http://faq.usps.com/?articleId=220900>)

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Remove X

Your item was delivered to the front desk or reception area at 10:52 am on August 13, 2018 in JURUPA VALLEY, CA 92509.

Delivered

August 13, 2018 at 10:52 am
Delivered, Front Desk/Reception
JURUPA VALLEY, CA 92509

Get Updates 

Text & Email Updates



Tracking History



August 13, 2018, 10:52 am

Delivered, Front Desk/Reception
JURUPA VALLEY, CA 92509

Your item was delivered to the front desk or reception area at 10:52 am on August 13, 2018 in JURUPA VALLEY, CA 92509.

August 12, 2018

In Transit to Next Facility

August 11, 2018, 11:19 pm

Arrived at USPS Regional Origin Facility
MORENO VALLEY CA DISTRIBUTION CENTER

August 11, 2018

In Transit to Next Facility

August 10, 2018, 9:50 pm

Departed USPS Regional Origin Facility
SAN BERNARDINO CA DISTRIBUTION CENTER

August 10, 2018, 7:59 pm

Arrived at USPS Regional Origin Facility
SAN BERNARDINO CA DISTRIBUTION CENTER

August 10, 2018, 5:21 pm

USPS in possession of item
RIVERSIDE, CA 92501

Product Information

See Less

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Go to our FAQs section to find answers to your tracking questions.

FAQs (<http://faq.usps.com/?articleId=220900>)

The easiest tracking number is the one you don't have to know.

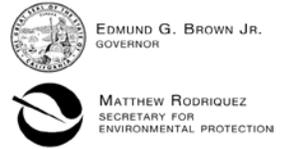
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- Set up email and text alerts so you don't need to enter tracking numbers.
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Sign Up

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*NOTE: Black and white (grayscale) images show the outside, front of letter-sized envelopes and mailpieces that are processed through USPS automated equipment.



EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Santa Ana Regional Water Quality Control Board

September 11, 2018

Mr. Nanu Patel
Riverside Mining Limited
3500 B Pyrite Street
Jurupa Valley, California 92509

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

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

Dear Mr. Patel:

Your facility, located at 3500 B Pyrite Street in the City of Riverside, is regulated under the General Permit and is identified by WDID **8 33I022115**. Section XVI of the General Permit requires that an Annual Report be submitted by July 15 of each year via the online SMARTS database. Our records show that your annual report for the July 1, 2017 to June 30, 2018 reporting period has not been submitted.

Riverside Mining Limited is consequently in violation of Section XVI.A of Order No. 2014-0057-DWQ for failure to submit a complete 2017-2018 Annual Report. We request that you submit a complete 2017-2018 Annual Report via the online SMARTS database no later than **October 10, 2018**.

The online SMARTS database is available at: <https://smarts.waterboards.ca.gov>

The following links are to assist you with the online SMARTS database system:

Main page for the SMARTS guides:

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

How to submit an Annual Report guide:

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How to submit an Ad Hoc (storm water sample) Report guide:

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

You must also provide a statement as an Attachment to the Annual Report. The statement must explain why the Annual Report was not submitted by the July 15 deadline and the measures you have taken to ensure timely submittals in the future.

This is your second and final notice. The first notice was dated and sent to you on August 10, 2018. Failure to submit the 2017-2018 Annual Report via the online SMARTS database by **October 10, 2018** 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 minimum penalty of \$1,000 to those permittees that do not submit their annual reports after notification.

Should you need assistance in completing the Annual Report or have any questions relating to SMARTS, please contact the SMARTS Helpdesk at stormwater@waterboards.ca.gov; or Keith Elliott at keith.elliott@waterboards.ca.gov or 951-782-4925.

Sincerely,


Jayne Joy
Assistant Executive

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Delivered

September 14, 2018 at 10:42 am
Delivered, Front Desk/Reception
JURUPA VALLEY, CA 92509

Get Updates v

Feedback

Text & Email Updates



Tracking History



September 14, 2018, 10:42 am

Delivered, Front Desk/Reception
JURUPA VALLEY, CA 92509

Your item was delivered to the front desk or reception area at 10:42 am on September 14, 2018 in JURUPA VALLEY, CA 92509.

September 13, 2018, 11:45 pm

Arrived at USPS Regional Facility
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September 13, 2018

In Transit to Next Facility

September 12, 2018, 10:58 pm

Departed USPS Regional Facility

SAN BERNARDINO CA DISTRIBUTION CENTER

September 12, 2018, 10:15 pm

Arrived at USPS Regional Facility

SAN BERNARDINO CA DISTRIBUTION CENTER

Product Information



See Less ^

Feedback

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FAQs (<https://www.usps.com/faqs/uspstracking-faqs.htm>)

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- Set up email and text alerts so you don't need to enter tracking numbers.
- Enter USPS Delivery Instructions™ for your mail carrier.

Sign Up

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Feedback

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

Riverside Mining Limited
Settlement Offer No. R8-2018-0094

WDID No. 8 331022115

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 (Regional Board), Riverside Mining Limited (Permittee) hereby accepts the "Offer to Participate in Expedited Payment Program" and waives the right to a hearing before the Regional Board to dispute the violations described in the Notices of Noncompliance (NNC) which are attached and incorporated herein by reference.

The Permittee 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 Regional Board to assert jurisdiction over the alleged violations through its Chief Prosecutor. The Permittee agrees to pay the administrative civil liability authorized by California Water Code section 13399.30, in the sum of **\$1,534.00** (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 Permittee 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 Permittee 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 Permittee, the completed Acceptance and Waiver shall be returned to:

Keith Elliott, Enforcement Unit
Expedited Payment Program
Santa Ana Regional Water Quality Control Board
3737 Main Street, Suite 500
Riverside, California 92501

The Permittee understands that federal regulations set forth at title 40, Code of Federal Regulations, section 123.27(d)(2)(iii) require the Regional Board to publish notice and provide at least thirty (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 Regional 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 Regional Board Executive Officer to question the Expedited Payment Amount, the Regional Board Executive Officer will execute the Acceptance and Waiver.

The Permittee understands that if significant comments are received in opposition to the Expedited Payment Amount, the offer on behalf of the Regional Board to resolve the violations set forth in the NOV's may be withdrawn. In that circumstance, the Permittee will be advised of

Settlement Offer No. R8-2018-0094
WDID No. 8 331022115

that withdrawal. An administrative civil liability complaint may be issued, and the matter may be set for a hearing before the Regional Board. In the event that this matter proceeds to hearing, the Permittee understands that this Acceptance and Waiver executed by the Permittee will be treated as a settlement communication and will not be used as evidence in that hearing.

The Permittee further understands that once this Acceptance and Waiver is executed by the Regional 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(c) and 13399.33(d) shall be deposited in the Waste Discharge Permit Fund. Accordingly, the **\$1,534.00** 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 Regional Board Executive Officer.

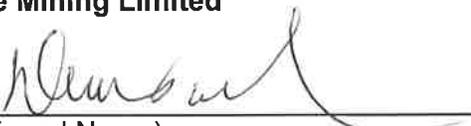
Please mail check to:

State Water Resources Control Board
Re: Order No. R8-2018-0094, WDID No. 8 331022115
Division of Administrative Services, Accounting Branch
1001 I Street, 18th Floor, 95814
P.O. Box 1888
Sacramento, California 95812-1888

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

Riverside Mining Limited

By:


(Signed Name)

NANCY PATEL
(Printed or Typed name)

January 8, 2019
(Date)

President, Rock Hard Exploration Inc.
(Title) managing Partner

IT IS SO ORDERED PURSUANT TO CALIFORNIA WATER CODE SECTION 13399.30

Date: _____

By: _____

Hope Smythe
Executive Officer