



EDMUND G. BROWN JR.  
GOVERNOR

MATTHEW RODRIGUEZ  
SECRETARY FOR  
ENVIRONMENTAL PROTECTION

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**Santa Ana Regional Water Quality Control Board**

February 6, 2018

SENTRÉ, Inc.  
225 Broadway, Suite 2075  
San Diego, CA 92101  
(By Regular Mail)

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

John Brand  
[jbrand@sentre.com](mailto:jbrand@sentre.com)  
(By Email Only)

Douglas M. Arthur (Agent for Service of Process)  
225 Broadway, Suite 2075  
San Diego, CA 92101  
(By Certified Mail)

**TRANSMITTAL OF MANDATORY MINIMUM PENALTY (MMP) COMPLAINT NO. R8-2018-0016, SENTRE, INC.**

Dear Mr. Brand:

Enclosed is a certified copy of Mandatory Minimum Penalty Complaint No. R8-2018-0016 (Complaint). The Complaint alleges that you have violated the State's General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities, Order No. 2009-0009-DWQ as amended by Order No. 2010-0014-DWQ as amended by Order No. 2012-0006-DWQ; NPDES No. CAS000002 (General Permit) by failing to submit the 2016-2017 annual report by September 1, 2017 for the Lakeshore project in the City of Irvine.

The Complaint proposes that a penalty in the amount of one thousand nine hundred dollars (\$1,900) be imposed. The penalty amount is comprised of mandatory minimum penalties and staff costs as authorized by California Water Code Sections 13399.33(c) 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/](http://www.waterboards.ca.gov/santaana/board_info/agendas/).

Pursuant to California Water Code Section 13323, SENTRE, Inc (Sentre) has the option to waive its rights to a hearing. Should Sentre waive its rights to a hearing and pay the proposed assessment, the Regional Board may not hold a public hearing on this matter. If Sentre 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 one thousand nine hundred dollars (\$1,900) and include the Complaint Number on the memo line. Please send the following information to the appropriate location:

Mail Waiver Form to:  
RWQCB  
Attn: Michael Kashak  
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 Sentre 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 Michael Kashak by phone at (951) 782-4469 or by email at [Michael.Kashak@waterboards.ca.gov](mailto:Michael.Kashak@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:

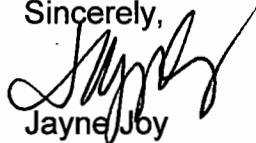
[http://www.waterboards.ca.gov/santaana/public\\_notices/enforcement\\_actions.shtml](http://www.waterboards.ca.gov/santaana/public_notices/enforcement_actions.shtml)

The Fact Sheet describes the complaint process and explains what Sentre can expect and its obligations as the process proceeds. If preferred, a hard copy of the Fact Sheet may be obtained by contacting Michael Kashak at (951) 782-4469.

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 Michael Kashak by phone at (951) 782-4469 or by email at [Michael.Kashak@waterboards.ca.gov](mailto:Michael.Kashak@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](mailto:David.Boyers@waterboards.ca.gov).

Sincerely,



Jayne Joby

Assistant Executive Officer  
Regional Board Prosecution Team

Enclosures: MMP Complaint No. R8-2018-0016  
Hearing Procedure  
Waiver Form  
Exhibit 1: 1<sup>st</sup> Notice of Non-Compliance, dated 9/18/17  
Exhibit 2: 2<sup>nd</sup> Notice of Non-Compliance, dated 10/18/17  
Exhibit 3: Board staff email to Sentre, dated 11/7/17

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. Thomas Lo, City of Irvine NPDES Coordinator

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

IN THE MATTER OF:

SENTRE, Inc.  
225 Broadway, Suite 2075  
San Diego, CA 92101  
Attn: John Brand

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Complaint No. R8-2018-0016  
for  
Mandatory Minimum Penalty and Staff  
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 (hereinafter Regional Board), must impose liability under 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. SENTRE, Inc. (Sentre), 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 Sentre 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/](http://www.waterboards.ca.gov/santaana/board_info/agendas/).
3. Sentre 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. Lakeview, operated by Sentre, located at 18171 Von Karman, in the City of Irvine, is regulated under the State's General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities, Order No. 2009-

0009-DWQ as amended by Order No. 2010-0014 as amended by Order No. 2012-0006, NPDES No. CAS000002 (General Permit). The site's WDID Number is 830C375063. The General Permit requires submittal of an annual report by September 1 of each year.

6. On September 18, 2017, Regional Board staff issued a Notice of Non-Compliance (NNC), via certified mail, for failure to submit the 2016-2017 annual report. The NNC requested that Sentre submit the 2016-2017 annual report by October 17, 2017. The return receipt showed the NNC was received on October 5, 2017. The NNC and return receipt are attached to this complaint as Exhibit #1.
7. On October 18, 2017, Regional Board staff received no response to the first NNC, therefore a second NNC was issued via certified mail. The second NNC requested that Sentre submit the 2016-2017 annual report by November 16, 2017 to the Regional Board. The second NNC was returned to the Regional Board office on October 30, 2017. The second NNC and returned envelope are attached to this complaint as Exhibit #2.
8. On November 7, 2017 Regional Board staff contacted Mr. John Brand, Sentre's contact on file, via email. An email copy was sent to Mr. John Arvin, the person identified in the Water Board's Storm Water Multiple Application and Report Tracking System (SMARTS), as the Data Entry Person for Sentre's Lakeview project. The email to Mr. Brand and Mr. Arvin indicated that an NNC had been issued on September 18, 2017. The email also indicated that a second NNC was issued on October 18, 2017. The email included a copy of both NNCs and instructions for submitting the 2016-2017 annual report. The email indicated that a \$1,000 mandatory minimum fine plus staff costs would be issued if the report was not submitted by the November 16, 2017 final deadline. A copy of the email and confirmation of delivery is attached to this complaint as Exhibit #3.
9. On November 15, 2017, Regional Board staff left a voice mail for Mr. John Brand, stating that the 2016-2017 annual report was due and that a \$1,000 mandatory minimum fine plus staff costs would be assessed if the report was not submitted by close of business on November 16, 2017. Board staff also stated that two NNCs had been issued. Regional Board staff offered assistance in completing the annual report.
10. On November 16, 2017, Regional Board staff left a voice mail for Mr. John Brand stating that the 2016-2017 annual report must be submitted by close of business that day to avoid a \$1,000 mandatory minimum fine plus staff costs. Regional Board staff offered assistance in completing the annual report.
11. The Santa Ana Regional Water Quality Control Board received the 2016-2017 annual report from Sentre via SMARTS on December 27, 2017, forty-one days after the final deadline.

**LEGAL AUTHORITY**

12. Section 13399.33(c) of the California Water Code requires that the Regional Board impose a minimum penalty of \$1,000 for any person who fails to submit an annual report in accordance with Section 13399.31 of the Water Code. Section 13399.33(d) of the California Water Code further requires that the Regional Board recover the costs incurred by the Regional Board with regard to those persons.

**PROPOSED MANDATORY MINIMUM PENALTIES AND ASSESSMENT OF COSTS**

13. 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 the 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).
14. Based on the non-submittal of the 2016-2017 annual report by September 1, 2017, the Sentre is alleged to have violated the General Permit for 116 days (from September 2, 2017 to December 26, 2017, the date prior to submittal of the 2016-2017 annual report).
15. 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 six (6) hours for this enforcement action resulting in total Staff costs of \$900 (6 hrs @ \$150/hr = \$900). The total liability, including staff costs, is \$1,900 (\$1,000 mandatory penalty+\$900 in staff costs).
16. 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**

Sentre may waive its right to a hearing. If Sentre chooses to do so, please sign the enclosed Waiver Form and return it, together with a check for **\$1,900**. Indicate "**R8-2018-0016**" 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

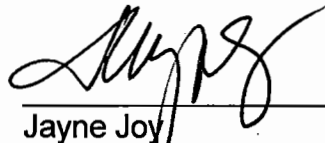
The waiver and a copy of the check shall also be mailed to the Regional Board at the following address:

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

If Sentre 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 Michael Kashak at (951) 782-4469. 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

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**Santa Ana Regional Water Quality Control Board**

California Regional Water Quality Control Board  
Santa Ana Region

**HEARING PROCEDURE  
FOR MANDATORY MINIMUM PENALTY COMPLAINT**

**NO. R8-2018-0016**

**ISSUED TO**

**SENTRÉ, Inc.**

**225 Broadway, Suite 2075**

**San Diego, CA 92101**

**San Diego 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 SENTRE Inc. (Sentre) alleging that it has violated the State's General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities, Order No. 2009-0009-DWQ as amended by Order No. 2010-0014-DWQ as amended by Order No. 2012-0006-DWQ, NPDES No. CAS000002 (General Permit) by failing to submit the 2016-2017 annual report by September 1, 2017.

The Complaint proposes that the Regional Board impose a mandatory minimum penalty and staff costs in the amount of **one thousand nine hundred dollars (\$1,900)** pursuant to Water Code Section 13399.33. Unless Sentre 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.

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

3737 Main St., Suite 500, Riverside, CA 92501 | [www.waterboards.ca.gov/santaana](http://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/](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.

Sentre 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, Michael Kashak, 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. Sentre

**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) 327-8233  
[Teresita.Sablan@waterboards.ca.gov](mailto:Teresita.Sablan@waterboards.ca.gov)

**Prosecution Team:**

Michael Kashak, Environmental Scientist  
Regional Water Quality Control Board – Santa Ana Region  
3737 Main Street, Suite 500, Riverside, CA 92501  
Phone: (951) 782-4469  
[Michael.Kashak@waterboards.ca.gov](mailto:Michael.Kashak@waterboards.ca.gov)

**Discharger:**

John Brand  
Sentre  
225 Broadway, Suite 2075  
San Diego, CA 92101  
[jbrand@sentre.com](mailto:jbrand@sentre.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 Sentre) 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 Sentre; 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 Sentre):** 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"> <li>▪ Prosecution Team issues Complaint and Hearing Procedure on Sentre and other parties.</li> </ul>
February 14, 2018	<ul style="list-style-type: none"> <li>▪ Sentre's deadline to request a pre-hearing meeting.</li> </ul>
March 6, 2018	<ul style="list-style-type: none"> <li>▪ Sentre's deadline to submit 90-Day Hearing Waiver Form and payment</li> <li>▪ Objections due on Hearing Procedure.</li> </ul> <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"> <li>▪ Prosecution Team's deadline for submission of information required under "Submission of Evidence and Policy Statements," above.</li> </ul>

	<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"> <li>▪ Deadline to request "Designated Party" status.</li> </ul> <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"> <li>▪ Deadline to submit opposition to requests for Designated Party status.</li> </ul> <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"> <li>▪ Advisory Team issues decision on Hearing Procedure objections.</li> <li>▪ Advisory Team issues decision on requests for designated party status.</li> </ul>
April 4, 2018*	<ul style="list-style-type: none"> <li>▪ Remaining Designated Parties' (including Sentre'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.</li> <li>▪ Interested Persons' comments are due.</li> </ul> <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"> <li>▪ Prosecution Team's deadline to submit any rebuttal evidence, any rebuttal to legal arguments and/or policy statements, and all evidentiary objections.</li> <li>▪ Deadline to submit requests for additional time.</li> <li>▪ 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.</li> </ul> <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"> <li>▪ Prosecution Team submits Hearing binder on the parties and Board.</li> </ul> <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

\* Sentre 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, Sentre 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. R8-2018-0016**

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

I am duly authorized to represent SENTRE, Inc. (Sentre) in connection with Mandatory Minimum Penalty Complaint No. R8-2018-0016 (Complaint). I am informed that California Water Code section 13323, subdivision (b), states that, "a hearing before the regional board shall be conducted within 90 days after the party has been served with the complaint. The person(s) who have been issued a complaint may waive the right to a hearing."

**(OPTION 1: Check here if Sentre waives the hearing requirement and will pay the liability in full.)**

- a. I hereby waive any right Sentre may have to a hearing before the Regional Board.
- b. I certify that Sentre will remit payment for the proposed penalty in the full amount of **one thousand nine hundred dollars (\$1,900)** by submitting a check made payable to the "Waste Discharge Permit Fund," that references "Complaint No. R8-2018-0016." Payment must be received by the State Board by **March 6, 2018** or the State 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 Board receive significant new information or comments from any source (excluding the Water Board's Prosecution Team) during this comment period, the Regional Board's Assistant Executive Officer may withdraw the complaint, return payment, and issue a new complaint. I understand that this proposed settlement is subject to approval by the Regional Board (or the Regional Board's delegee), and that the Regional Board may consider this proposed settlement in a public meeting or hearing. I also understand that approval of the settlement will result in Sentre 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 Sentre 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 Sentre may have to a hearing before the Regional Board within 90 days after service of the Complaint. By checking this box, Sentre requests that the Regional Board delay the hearing and/or hearing deadlines so that Sentre may have additional time to prepare for the hearing. It remains within the discretion of the Regional 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**

September 18, 2017

SENTRÉ  
401 WEST A STREET STE 2300  
SAN DIEGO, CA 92101

**Certified Mail**  
**Return Receipt Required**

**NOTICE OF NON-COMPLIANCE: FAILURE TO COMPLY WITH THE GENERAL PERMIT FOR STORM WATER DISCHARGES ASSOCIATED WITH CONSTRUCTION AND LAND DISTURBANCE ACTIVITIES, ORDER NO. 2009-0009-DWQ AS AMENDED BY ORDER NO. 2010-0014-DWQ AS AMENDED BY ORDER NO. 2012-0006-DWQ, NPDES NO. CAS000002 (GENERAL PERMIT) WDID NO. 8 30C375063**

Dear JOHN BRAND:

Your construction site located at 18171 Von Karman, in the city of Irvine, is regulated under the General Permit and is identified by WDID No. 8 30C375063. Section XVI.A of the General Permit requires that you prepare and electronically submit an annual report by September 1 of each year. According to our records, we have not received your 2016-2017 annual report.

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 the Storm Water Multiple Application and Report Tracking System (SMARTS) no later than **October 17, 2017**.

Failure to submit the requested information will result in further enforcement action, which may include 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 need assistance in completing the annual report, please contact the SMARTS Help Desk at [Stormwater@waterboards.ca.gov](mailto:Stormwater@waterboards.ca.gov). If you have any questions specific to your site, please contact Michael Kashak by phone at (951) 782-4469 or by e-mail at [Michael.Kashak@waterboards.ca.gov](mailto:Michael.Kashak@waterboards.ca.gov).

Sincerely,

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



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Certified Mail Restricted Delivery \$ \_\_\_\_\_

Adult Signature Required \$ \_\_\_\_\_

Adult Signature Restricted Delivery \$ \_\_\_\_\_

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Postage  
\$ \_\_\_\_\_

Total Post  
\$ \_\_\_\_\_

Sent To

Street and

City, State

SENTRÉ  
401 WEST A STREET STE 2300  
SAN DIEGO, CA 92101  
8 30C375063

PS Form 3811, April 2013 PSN 7530-02-000-9017 See Reverse for Instructions

7016 0910 0002 0530 5397

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> <li>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>■ Print your name and address on the reverse so that we can return the card to you.</li> <li>■ Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<p>A. Signature  <input checked="" type="checkbox"/> <i>Frank C...</i> <input type="checkbox"/> Agent  <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name)  <i>Sacredwe C...</i></p> <p>C. Date of Delivery  <i>10-5</i></p>
<p>1. Article Addressed to:</p> <p>SENTRÉ 401 WEST A STREET STE 2300 SAN DIEGO, CA 92101 8 30C375063</p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes          If YES, enter delivery address below: <input type="checkbox"/> No</p> <p>3. Service Type  <input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Priority Mail Express™  <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail <input type="checkbox"/> Collect on Delivery</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>

2. Article Number (Transfer from se) **7016 0910 0002 0530 5397**

UNITED STATES POSTAL SERVICE  
SAN DIEGO  
CA 920  
05 OCT '16  
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First-Class Mail  
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SANTA ANA REGIONAL WATER QUALITY CONTROL BOARD  
SANTA ANA REGION  
3737 MAIN STREET, SUITE 500  
RIVERSIDE, CA 92501-3348

MRB/mK





EDMUND G. BROWN JR.  
GOVERNOR

MATTHEW RODRIGUEZ  
SECRETARY FOR  
ENVIRONMENTAL PROTECTION

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**Santa Ana Regional Water Quality Control Board**

October 18, 2017

SENTRÉ  
401 WEST A STREET SUITE 2300  
SAN DIEGO, CA 92101

**Certified Mail**  
**Return Receipt Required**

**NOTICE OF NON-COMPLIANCE: FAILURE TO COMPLY WITH THE GENERAL PERMIT FOR STORM WATER DISCHARGES ASSOCIATED WITH CONSTRUCTION AND LAND DISTURBANCE ACTIVITIES, ORDER NO. 2009-0009-DWQ AS AMENDED BY ORDER NO. 2010-0014-DWQ AS AMENDED BY ORDER NO. 2012-0006-DWQ, NPDES NO. CAS000002 (GENERAL PERMIT) WDID NO. 8 30C375063**

**SECOND NOTICE**

Dear John Brand:

Your construction site located at 18171 Von Karman, in the city of Irvine, is regulated under the General Permit and is identified by WDID No. 8 30C375063. Section XVI.A of the General Permit requires that you prepare and electronically submit an annual report by September 1 of each year. According to our records, we have not received your 2016-2017 annual report.

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 the Storm Water Multiple Application and Report Tracking System (SMARTS) by **November 16, 2017**.

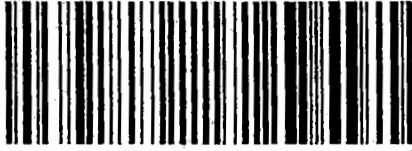
**This is your second and final notice.** The first notice was sent on September 18, 2017 and to date, we have not received an adequate response to that notice. Please note that Section 13399.33 of the California Water Code stipulates failure to submit the requested information by the November 16, 2017 due date will result in a mandatory minimum penalty of \$1,000 to those permittees that do not submit their annual reports after notification. Further enforcement action, including civil monetary penalties of up to \$10,000 for each day of violation, may result.

If you need assistance in completing the annual report, please contact the SMARTS Help Desk at [Stormwater@waterboards.ca.gov](mailto:Stormwater@waterboards.ca.gov) or (866) 563-3107. If you have any questions specific to your site, please contact Michael Kashak by phone at (951) 782-4469 or by e-mail at [Michael.Kashak@waterboards.ca.gov](mailto:Michael.Kashak@waterboards.ca.gov).

Sincerely,

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

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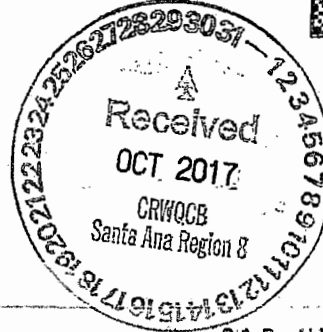


7016 0910 0002 0530 7780

CA Regional Water  
Quality Control RB8  
3737 Main St. #500  
Riverside, CA 92501



UNITED STATES POSTAGE  
02 1P \$0  
0000843266 OC  
MAILED FROM ZIP C



October 18, 2017

SENTRÉ  
401 WEST A STREET SUITE 2300  
SAN DIEGO, CA 92101

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SAN DIEGO CA 92101 USPS

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<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$

Postmark  
Here

Postage	\$
Total Postage	\$
Sent To:	John Brand
Street and Ap:	SENTRÉ 401 WEST A STREET SUITE 2300 SAN DIEGO, CA 92101
City, State, Zi:	WDID: 8 30C375063

2

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

7016 0910 0002 0530 7780

**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:**

SENTRÉ  
 401 WEST A STREET STE 2300  
 SAN DIEGO, CA 92101  
 WDID: 8 30C375063



9590 9402 3035 7124 4375 88

**2. Article Number (Transfer from service label)**

7008 1140 0002 4103 2629

**COMPLETE THIS SECTION ON DELIVERY**

**A. Signature**

**X**

- Agent
- Addressee

**B. Received by (Printed Name)**

**C. Date of Delivery**

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

**3. Service Type**

- Adult Signature
- Adult Signature Restricted Delivery
- Certified Mail®
- Certified Mail Restricted Delivery
- Collect on Delivery
- Collect on Delivery Restricted Delivery
- Priority Mail Express®
- Registered Mail™
- Registered Mail Restricted Delivery
- Return Receipt for Merchandise
- Signature Confirmation™
- Signature Confirmation Restricted Delivery

Restricted Delivery

## Kashak, Michael@Waterboards

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**From:** Kashak, Michael@Waterboards  
**Sent:** Tuesday, November 7, 2017 3:49 PM  
**To:** 'jbrand@sentre.com'  
**Cc:** 'john@mcecivil.com'  
**Subject:** Past-due Construction Storm Water Annual Report  
**Attachments:** 8 30C375063\_2016-2017 AR\_1stNNC\_18SEP2017.pdf; 8 30C375063\_2016-2017 AR\_2nd\_NNC\_18OCT2017.pdf

Good afternoon John. The 2016-2017 storm water construction annual report for the Lakeshore construction project (WDID No. 8 30C375063) is past-due. Attached are the two Notices of Non-compliance issued on 9/18/17 and 10/18/17. If the 2016-2017 annual report is not submitted (certified) by November 16, 2017, a \$1,000 mandatory minimum fine plus staff costs will be issued. To submit the annual report:

- 1) Using Internet Explorer, log into SMARTS at <https://smarts.waterboards.ca.gov>
- 2) Click the "Reports" link on the Main Menu Screen.
- 3) Select the reporting year (2016-2017) and do not enter any other information on this screen – click Search.
- 4) Click the site name to start the report.
- 5) Click the "Construction Annual Report" button and begin answering the questions.
- 6) If no construction occurred during the report year (7/1/16 – 6/30/17), you only need to answer the first question and can skip the rest of the report.
- 7) Click the "Save & Certify" button.
- 8) The last step is to check the box to the left of the certification (legal) statement, and enter your password and security question.

Thank you, and please let me know if you have any questions.

Mike Kashak  
Environmental Scientist  
Phone: 951.782.4469  
Fax: 951.781.6288  
E-mail: [Michael.Kashak@waterboards.ca.gov](mailto:Michael.Kashak@waterboards.ca.gov)  
Website: <http://www.waterboards.ca.gov/santaana>

California Regional Water Quality Control Board  
Santa Ana Region  
3737 Main Street, Suite 500  
Riverside, CA 92501  
My current work schedule is Monday through Thursday, 7:00 am - 6:00 pm.

**Kashak, Michael@Waterboards**

---

**From:** postmaster@sentre.onmicrosoft.com  
**To:** 'jbrand@sentre.com'  
**Sent:** Tuesday, November 7, 2017 3:49 PM  
**Subject:** Delivered: Past-due Construction Storm Water Annual Report

**Your message has been delivered to the following recipients:**

'jbrand@sentre.com' (jbrand@sentre.com)

**Subject:** Past-due Construction Storm Water Annual Report

**Kashak, Michael@Waterboards**

---

**From:** postmaster@mcecivil.com  
**To:** john@mcecivil.com  
**Sent:** Tuesday, November 7, 2017 3:49 PM  
**Subject:** Delivered: Past-due Construction Storm Water Annual Report

**Your message has been delivered to the following recipients:**

john@mcecivil.com (john@mcecivil.com)

**Subject:** Past-due Construction Storm Water Annual Report



7008 1140 0002 4103 2797

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Street, Apt. No. or PO Box No.	225 Broadway, Suite 2075
City, State, ZIP	San Diego, CA 92101

PS Form 3800, August 2006

See Reverse for Instructions