



GAVIN NEWSOM
GOVERNOR



JARED BLUMENFELD
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Santa Ana Regional Water Quality Control Board

February 8, 2019

Mr. Saber Awad
642 North Linden LLC
918 South Teakwood Avenue
Bloomington, CA 92316

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

SETTLEMENT OFFER NO. R8-2019-0035: EXPEDITED PAYMENT PROGRAM FOR VIOLATION OF WATER CODE SECTION 13399.33(C), WDID NO. 8 36C380795

Dear Mr. Awad:

This letter is to notify 642 North Linden LLC (hereinafter Permittee or you) of alleged violations of the California Water Code (Water Code). The violation is your failure to submit the 2017-18 Annual Report by September 1, 2018 for the construction site identified as Tract 20085, located at West Victoria Street and North Linden Avenue in the City of Rialto.

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 Construction and Land Disturbance Activities, Order No. 2009-0009-DWQ as amended by 2010-0014-DWQ and 2012-0006-DWQ (Order).

Provision I.4.c. of the Order requires that the Permittee submit Annual Reports to the Regional Board by **September 1 of each year.**

Regional Board staff requested that the Permittee submit the 2017-18 Annual Report in the Notices of Noncompliance (NNC) issued on 10/29/2018 and 12/13/2018. Based on information in the Storm Water Multiple Application & Report Tracking System (SMARTS), as of February 7, 2019, the Annual Report has not been submitted.

WILLIAM RUH, CHAIR | HOPE SMYTHE, EXECUTIVE OFFICER

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

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 **each** 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. These minimum 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, you must comply with the Order and submit the requested Annual Report(s) and agree to pay a settlement of **\$1781**. 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 **\$781**.

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 March 8, 2019**. The form provides submittal instructions. Final closure on this action is only possible after ultimate submission of the settlement amount.

Please submit the outstanding Annual Report(s) in SMARTS and an original (blue ink) signed Acceptance and Wavier form to:

Santa Ana Regional Water Quality Control Board
Attn: Keith Elliott, Inland Stormwater Unit
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) or you are no longer

in business. If you choose this option, you must **submit your written documentation by March 8, 2019**. 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 terminated. 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 NNCs. The liability amount sought in the administrative civil liability complaint and/or imposed by the Regional Board may be higher than the amount set forth in this Conditional Offer. Moreover, additional staff costs may be considered in the recommended liability amount.

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 **March 8, 2019**. 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 to provide at least thirty (30) days for public comment on any settlement of an enforcement action addressing NPDES permit violations (40 C.F.R. section 123.27(d)(2)(iii)).

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, the Annual Reports, and other requested technical reports on or before **March 8, 2019**, 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/or 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. 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 enclosed NNCs. The Regional Board reserves the right to pursue formal enforcement of any violations not specifically cited in the enclosed 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.

Sincerely,

A handwritten signature in black ink, appearing to read "Jayne Joy", written in a cursive style.

Jayne Joy
Assistant Executive Officer

Enclosures:

Notice of Noncompliance dated 10/29/2018
Notice of Noncompliance dated 12/13/2018
Acceptance of Conditional Resolution and Waiver of Right to Hearing; proposed
Order

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

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

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), 642 North Linden LLC (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 (NNCs) which are enclosed 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 **\$1781** (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 enclosed NNCs.

Upon execution by the Permittee, the completed Acceptance and Waiver shall be returned to:

Santa Ana Regional Water Quality Control Board
Attn: Keith Elliott, Inland Stormwater Unit
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. This Acceptance and Waiver will be published for public comment prior to execution by the Regional Board Executive Officer, accordingly. 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 Notice of Noncompliance letters may be withdrawn. In that circumstance, the Permittee will be advised of that withdrawal. An administrative civil liability complaint may be issued and the matter may be set for a hearing before the Regional Board. If 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 **\$1781** liability amount including staff costs, shall be paid by a cashiers or certified check made out to the "**State Water Resources Control Board**" referencing Order number **R8-2019-0035** 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 the

Overnight Delivery Service:

State Water Resources Control Board,
Re: Settlement Offer No. R8-2019-0035; WDID No. 8 36C380795
Division of Administrative Services, Accounting Branch
1001 I Street, 18th Floor,
Sacramento, California 95814

Regular Mail:

State Water Resources Control Board,
Re: Settlement Offer No. R8-2019-0035; WDID No. 8 36C380795
Division of Administrative Services, Accounting Branch
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.

642 North Linden LLC

By:  3/12/19
(Signed Name) (Date)
Taber President
(Printed or Typed name) (Title)

IT IS SO ORDERED PURSUANT TO CALIFORNIA WATER CODE SECTION 13399.30

Date: _____

By: _____
Hope Smythe
Executive Officer

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- Adult Signature Required \$ _____
- Adult Signature Restricted Delivery \$ _____

Postmark
Here

Postage

\$

Total

\$ Sent

Street

City, S

Mr. Saber Awad
642 North Linden LLC
918 South Teakwood Avenue
Bloomington, CA 92316

0269 EP4 2000 DEPT 9T02 701A 1A30 0002 1483 6370

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

Track Another Package +

Tracking Number: 70181830000214836370

Remove X

Expected Delivery on

MONDAY

11

FEBRUARY
2019 ⓘ

[See Product Information](#) ✓

Feedback

 **Delivered**

February 11, 2019 at 1:34 pm
Delivered, Left with Individual
BLOOMINGTON, CA 92316

[Get Updates](#) ✓

Text & Email Updates



Tracking History



February 11, 2019, 1:34 pm
Delivered, Left with Individual
BLOOMINGTON, CA 92316

Your item was delivered to an individual at the address at 1:34 pm on February 11, 2019 in BLOOMINGTON, CA 92316.

February 11, 2019, 7:09 am

Out for Delivery

BLOOMINGTON, CA 92316

February 11, 2019, 6:59 am

Sorting Complete

BLOOMINGTON, CA 92316

February 11, 2019, 6:45 am

Arrived at Unit

BLOOMINGTON, CA 92316

February 11, 2019, 12:18 am

Departed USPS Regional Facility

SAN BERNARDINO CA DISTRIBUTION CENTER

February 10, 2019

In Transit to Next Facility

February 9, 2019, 12:36 am

Arrived at USPS Regional Facility

SAN BERNARDINO CA DISTRIBUTION CENTER

Feedback

Product Information



See Less ^

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

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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*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

October 29, 2018

CERTIFIED MAIL **RETURN RECEIPT REQUESTED**

Mr. Saber Awad
642 N Linden LLC
918 S Teakwood Avenue
Bloomington, CA 92316

FINAL NOTICE OF NON-COMPLIANCE - GENERAL PERMIT FOR STORM WATER DISCHARGES ASSOCIATED WITH CONSTRUCTION AND LAND DISTURBANCE ACTIVITIES, ORDER NO. 2009-0009-DWQ, NPDES NO. CAS000002

Dear Mr. Awad:

Regional Board records indicate that 642 N Linden LLC is operating a construction site identified as Tract 20085, located at West Victoria Street and North Linden Avenue in the City of Rialto. This site is regulated under the Construction General Permit and is identified by WDID **8 36C380795** - Application ID: **489898**. Section XVI.A. of the General Permit requires that an Annual Report be submitted by September 1st each year via the online SMARTS database.

Our records show that 642 N Linden LLC's annual report for the July 1, 2017 to June 30, 2018 reporting period has not been submitted. 642 N Linden LLC is consequently in violation of Section XVI.A. 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 **November 29, 2018**.

The online SMARTS database is available at:

<https://smarts.waterboards.ca.gov>

You must also provide a statement explaining why the annual report was not submitted by the September 1 deadline, propose the measures you will take to ensure timely submittals in the future, and upload the statement as part of SMARTS annual report Attachments.

Failure to submit the requested information by **November 29, 2018** 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.

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

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

♻️ RECYCLED PAPER

642 N Linden LLC
8 36C380795-489898

- 2 -

October 29, 2018

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. You may also contact Keith Elliott at 951-782-4925 or keith.elliott@waterboards.ca.gov.

Sincerely,



Adam Fischer, Chief
Inland Storm Water Unit

7016 2070 0000 6805 8770

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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	\$
Postage	\$4.7
Total Postage and Fees	\$6.67

Postmark
 Here
2ndNNC
8 36C380795
489898

Sent To **Mr. Saber Awad**
 Street and Address **642 N Linden LLC**
918 S Teakwood Avenue
 City, State, ZIP+4® **Bloomington, CA 92316**
 PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:
Mr. Saber Awad
642 N Linden LLC
918 S Teakwood Avenue
Bloomington, CA 92316
WDID: 8 36C380795 AppID: 489898



2. Article Number (Transfer from service label)
7016 2070 0000 6805 8770

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X Agent
 Addressee

B. Received by (Printed Name) **Ramia Awad** C. Date of Delivery

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

3. Service Type

<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®
<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™
<input type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery
<input type="checkbox"/> Certified Mail Restricted Delivery	<input checked="" type="checkbox"/> Return Receipt for Merchandise
<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation™
<input type="checkbox"/> Collect on Delivery Restricted Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery
<input type="checkbox"/> Insured Mail	
<input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)	

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SANTA ANA REGIONAL
WATER QUALITY CONTROL BOARD
3737 MAIN STREET, SUITE 500
RIVERSIDE, CA 92501-3348

ATTN: INLAND STORM WATER
2017-2018 Construction General Permit
2ndNNC (KLE)

5
Received
NOV 2018
CRWQCB
Santa Ana Region 8



EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Santa Ana Regional Water Quality Control Board

December 13, 2018

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

Mr. Saber Awad
642 N Linden LLC
918 S Teakwood Avenue
Bloomington, CA 92316

**SECOND NOTICE OF NON-COMPLIANCE - GENERAL PERMIT FOR STORM
WATER DISCHARGES ASSOCIATED WITH CONSTRUCTION AND LAND
DISTURBANCE ACTIVITIES, ORDER NO. 2009-0009-DWQ, NPDES NO. CAS000002**

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Our records show that 642 N Linden LLC's annual report for the July 1, 2017 to June 30, 2018 reporting period has not been submitted. 642 N Linden LLC is consequently in violation of Section XVI.A. 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 **January 14, 2019**.

The online SMARTS database is available at:

<https://smarts.waterboards.ca.gov>

You must also provide a statement explaining why the annual report was not submitted by the September 1 deadline, propose the measures you will take to ensure timely submittals in the future, and upload the statement as part of SMARTS annual report Attachments.

Failure to submit the requested information by **January 14, 2019** 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

642 N Linden LLC
8 36C380795-489898

December 13, 2018

stipulates a mandatory 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. You may also contact Keith Elliott at 951-782-4925 or keith.elliott@waterboards.ca.gov.

Sincerely,



Adam Fischer, Chief
Inland Storm Water Unit

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<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	\$ _____
Postage	\$.47
Total Postage and Fees	\$6.67
Sent To	Mr. Saber Awad
Street and Apt. No. or PO Box No.	642 N Linden LLC
City, State, ZIP+4®	Bloomington, CA 92316
PS Form 3800, April 2015 See Reverse for Instructions	

7016 2070 0000 6805 3690

12/13/2018

Postmark Here

2nd NNC

8 36C380795
489898

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Tracking Number: 70162070000068053690

Remove X

Your item was delivered to an individual at the address at 1:14 pm on December 20, 2018 in BLOOMINGTON, CA 92316.

Delivered

December 20, 2018 at 1:14 pm
Delivered, Left with Individual
BLOOMINGTON, CA 92316

Feedback

Tracking History

December 20, 2018, 1:14 pm

Delivered, Left with Individual
BLOOMINGTON, CA 92316

Your item was delivered to an individual at the address at 1:14 pm on December 20, 2018 in BLOOMINGTON, CA 92316.

Reminder to Schedule Redelivery of your item

December 15, 2018, 12:42 pm

Notice Left (No Authorized Recipient Available)
BLOOMINGTON, CA 92316

December 15, 2018, 7:00 am

Out for Delivery

BLOOMINGTON, CA 92316

December 15, 2018, 6:50 am

Sorting Complete

BLOOMINGTON, CA 92316

December 15, 2018, 3:47 am

Arrived at Unit

BLOOMINGTON, CA 92316

December 14, 2018, 10:02 pm

Departed USPS Regional Facility

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December 14, 2018, 12:14 am

Arrived at USPS Regional Facility

SAN BERNARDINO CA DISTRIBUTION CENTER

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- Enter USPS Delivery Instructions™ for your mail carrier.

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