



Santa Ana Regional Water Quality Control Board

November 10, 2021

Sunwest Metals Inc
1150 N Anaheim Blvd.
Anaheim, CA 92801
(Via USPS Mail)

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
7008 1140 0002 4103 3381

Chase Stanley
Chase530@gmail.com
(Via Email)

Tomer Shine (Agent for Service of Process)
1150 N Anaheim Blvd.
Anaheim, CA 92801
(Via Certified Mail)

SETTLEMENT OFFER NO. R8-2021-0070: OFFER TO PARTICIPATE IN EXPEDITED PAYMENT PROGRAM RELATING TO VIOLATIONS OF THE SECTOR-SPECIFIC GENERAL PERMIT FOR STORM WATER RUNOFF ASSOCIATED WITH INDUSTRIAL ACTIVITIES FROM SCRAP METAL RECYCLING FACILITIES WITHIN THE SANTA ANA REGION, ORDER NO. R8-2018-0069, NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM NPDES NO. CAG618001 (SCRAP METAL PERMIT), FOR SUNWEST METALS, 1150 N ANAHEIM BLVD, ANAHEIM; WDID NO. 8 30MR000034

Dear Chase Stanley:

This letter is to notify Sunwest Metals Inc. (hereinafter “Discharger” or “you”) of alleged violations of the California Water Code (Water Code) identified in the State Water Resources Control Board’s water quality data system, and to allow the Discharger to participate in the Santa Ana Regional Water Quality Control Board’s (Santa Ana Water Board) Expedited Payment Program for Reporting Violations to address mandatory minimum penalties that must be assessed pursuant to Water Code section 13399.31.

NOTICE OF VIOLATION:

Based on information in the Storm Water Multiple Application & Report Tracking System (SMARTS), the Santa Ana Water Board alleges that the Discharger is in violation of the Sector-Specific General Permit for Storm Water Runoff Associated with Industrial Activities from Scrap Metal Recycling Facilities within the Santa Ana Region, Order No. R8-2018-0069, National Pollutant Discharge Elimination System (NPDES) Permit No.

LANA ONG PETERSON, CHAIR | JAYNE JOY, EXECUTIVE OFFICER

CAG618001 (Scrap Metal Permit) for failure to submit the 2020-2021 Annual Report for the facility located at 1150 N Anaheim Blvd in the City of Anaheim. The Annual Report was due to the Santa Ana Water Board by August 1, 2021, as required by Section VII of the Scrap Metal Permit. The Discharger failed to submit the facility's Annual Report by October 14, 2021 as required based on the Notice of Non-Compliances (NNCs) issued on August 16, 2021 and September 14, 2021. The 2020-2021 Annual Report was ultimately submitted on October 18, 2021, four days after the deadline. The Discharger will have the opportunity to address the alleged violations as discussed below.

STATUTORY LIABILITY:

Pursuant to Water Code section 13399.33(c)-(d), the Discharger is subject to a minimum penalty of not less than one thousand dollars (\$1,000) plus staff costs for failing to submit the required Annual Report in accordance with Water Code section 13399.31 within sixty (60) days after the first NNC was sent. The Discharger 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 Santa Ana Water Board beginning with the date that the violations first occurred. The formal enforcement action that the Santa Ana Water Board uses to assess such liability is an administrative civil liability complaint, although the Santa Ana Water Board may instead refer such matters to the Office of the Attorney General 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.

DISCHARGER'S OPTIONS FOR RESPONSE TO OFFER:

You have two options to respond as outlined below.

1. **Accept the Expedited Payment Program offer** by complying with the Order and agreeing to pay a settlement of **one thousand three hundred and eighty dollars (\$1,380)**. The minimum administrative civil liability pursuant to California Water Code section 13399.33(c) is \$1,000 per year of noncompliance or fraction thereof. Staff costs in this matter are \$380. 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 10, 2021**. The form provides submittal instructions. Final closure on this action is only possible after ultimate submission of the settlement amount.

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

Celia Pazos, Coastal Storm Water 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 Santa Ana Water 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 non-filing violation** by submitting, in writing, the basis of your challenge with supporting evidence. For example, you may have evidence that you previously submitted your Annual Report, or you are no longer in business. If you choose this option, you must **submit your written documentation by December 10, 2021**. We will review your submission, and if we agree with you, 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 Celia Pazos.

If you do not respond in a manner described in the above options, the Santa Ana Water Board 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 Santa Ana Water Board may be higher than the liability amount set forth in this Conditional Offer. Moreover, additional staff costs associated with formal enforcement may be considered in the recommended liability amount in an administrative civil liability complaint.

CONDITIONS FOR SANTA ANA WATER BOARD ACCEPTANCE OF RESOLUTION:

If you accept the Expedited Payment Program offer, the settlement will be published in the following manner: Federal regulations require the Santa Ana Water Board to publish notice of, 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)). Upon receipt of the Discharger's Acceptance and Waiver and other requested technical reports on or before **December 10, 2021**, Santa Ana Water Board staff will publish a notice of the proposed resolution of the alleged violations.

If no comments are received within the notice period, the Santa Ana Water 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.

If, however, significant comments are received in opposition to the settlement, this offer may be withdrawn. In that case, the Discharger's waiver pursuant to the Acceptance and Waiver will also be treated as withdrawn, and 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 NNCs. The Santa Ana Water 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, please contact Celia Pazos via email at Celia.Pazos@waterboards.ca.gov regarding this matter.

Sincerely,

Ann E.  Digitally signed by Ann E.
Sturdivant
Date: 2021.11.10 11:56:15
-08'00'
Sturdivant
Ann Sturdivant, PG, CEG, CHG
Supervising Engineering Geologist
Chief, Groundwater Protection Division

enclosures:

- Notice of Non-Compliance, dated August 16, 2021
- Notice of Non-Compliance, dated September 14, 2021
- Acceptance of Conditional Resolution and Waiver of Right to Hearing; (proposed)
Order



Santa Ana Regional Water Quality Control Board

August 16, 2021

Sunwest Metals Inc.
1150 North Anaheim Boulevard
Anaheim, CA 92801

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Chase Stanley
chase530@gmail.com

NOTICE OF NON-COMPLIANCE: FAILURE TO COMPLY WITH THE SECTOR-SPECIFIC GENERAL PERMIT FOR STORM WATER RUNOFF ASSOCIATED WITH INDUSTRIAL ACTIVITIES FROM SCRAP METAL RECYCLING FACILITIES WITHIN THE SANTA ANA REGION, ORDER NO. R8-2018-0069, NPDES NO. CAG618001 (SCRAP METAL PERMIT) WDID NO. 8 30MR000034

Dear Chase Stanley:

Your facility located at 1150 N. Anaheim Blvd., in the city of Anaheim, is regulated under the Scrap Metal Permit and is identified by WDID No. 8 30MR000034. Section VII.C of the Monitoring and Reporting Program of the Scrap Metal Permit requires you to submit an annual report by August 1 of each year via the Stormwater Multiple Application and Reporting Tracking System (SMARTS). According to our records, we have not received your annual report by the August 1, 2021 deadline.

Currently you are in violation of the Scrap Metal Permit, the California Water Code, and the Federal Clean Water Act for failure to submit a complete 2020-2021 annual report. We request that you submit a complete 2020-2021 annual report via SMARTS no later than **September 14, 2021**.

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

LANA ONG PETERSON, CHAIR | JAYNE JOY, EXECUTIVE OFFICER

If you have any questions regarding this notice, please contact Celia Pazos via email at Celia.Pazos@waterboards.ca.gov.

Sincerely,

Michelle R. Beckwith Digitally signed by Michelle R. Beckwith
Date: 2021.08.16 09:09:46 -07'00'

Water Boards

Michelle R. Beckwith, Chief
Senior Environmental Scientist
Coastal Storm Water Unit

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GAVIN NEWSOM
GOVERNOR



JARED BLUMENFELD
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Santa Ana Regional Water Quality Control Board

September 14, 2021

Sunwest Metals Inc.
1150 N. Anaheim Blvd.
Anaheim, CA 92801

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
7020 1290 0001 2676 4177

Chase Stanley
Chase530@gmail.com

**NOTICE OF NON-COMPLIANCE: FAILURE TO COMPLY WITH THE SECTOR- SPECIFIC GENERAL PERMIT FOR STORM WATER RUNOFF ASSOCIATED WITH INDUSTRIAL ACTIVITIES FROM SCRAP METAL RECYCLING FACILITIES WITHIN THE SANTA ANA REGION, ORDER NO. R8-2018-0069, NPDES NO. CAG618001 (SCRAP METAL PERMIT) WDID NO. 8 30MR000034
SECOND NOTICE**

Dear Chase Stanley:

Your facility located at 1150 N. Anaheim Blvd., in the city of Anaheim, is regulated under the Scrap Metal Permit and is identified by WDID No. 8 30MR000034. Section VII.C of the Monitoring and Reporting Program of the Scrap Metal Permit requires you to submit an annual report by August 1 of each year via the Stormwater Multiple Application and Reporting Tracking System (SMARTS). According to our records, we have not received your annual report by the August 1, 2021 deadline.

Currently you are in violation of the Scrap Metal Permit, the California Water Code, and the Federal Clean Water Act for failure to submit a complete 2020-2021 annual report. We request that you submit a complete 2020-2021 annual report via SMARTS no later than **October 14, 2021**.

This is your second notice. The first notice was dated and sent August 16, 2021. To date, we have not received a response to that notice. Please note that Section 13399.33 of the California Water Code stipulates failure to submit the requested information by the October 14 due date will result in a mandatory minimum penalty of \$1,000 to those permittees that do not submit their annual reports with 60 days of notification. Further enforcement action, including civil monetary penalties of up to \$10,000 for each violation, may result.

If you have any questions regarding this notice, please contact Celia Pazos via email at Celia.Pazos@waterboards.ca.gov.

Sincerely,

Michelle R. Beckwith, Chief
Senior Environmental Scientist
Coastal Storm Water Unit

LANA ONG PETERSON, CHAIR | JAYNE JOY, EXECUTIVE OFFICER

7020 1290 0001 2676 4177

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<input type="checkbox"/> Adult Signature Restricted Delivery	\$ _____
Postage	\$ _____
Total Postage and Fees	\$ _____

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Sent To	Sun West Metals
Street and Apt. No., or PO Box No.	150 N. Anaheim Blvd
City, State, ZIP+4®	Anaheim Ct 92801

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

CP

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

Sunwest Metals Inc.
Settlement Offer No. R8-2021-0070
WDID No. 8 30MR000034

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 (Santa Ana Water Board), Sunwest Metals Inc. (Discharger) hereby accepts the "Offer to Participate in Expedited Payment Program" and waives the right to a hearing before the Santa Ana Water Board to dispute the violations described in the Notices of Non-Compliance (NNCs) which are attached and incorporated herein by reference.

The Discharger 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 Santa Ana Water Board to assert jurisdiction over the alleged violations through its Chief Prosecutor. The Discharger agrees to pay the administrative civil liability authorized by California Water Code sections 13399.31 and 13399.33, in the sum of \$1,380 (Expedited Payment Amount) which shall be deemed payment in full of any civil liability pursuant to California Water Code section 13399.33 that otherwise might be assessed for the violations described in the NNCs.

The Discharger 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 Discharger 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 Discharger, the completed Acceptance and Waiver should be mailed to the following:

Celia Pazos, Coastal Storm Water Unit
Expedited Payment Letter
Santa Ana Regional Water Quality Control Board
3737 Main Street, Suite 500
Riverside, CA 92501

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

The Discharger understands that if significant comments are received in opposition to the Expedited Payment Amount, the offer on behalf of the Santa Ana Water Board to resolve the violations set forth in the NNCs may be withdrawn. In that circumstance, the Discharger will be advised of that withdrawal, and an administrative civil liability complaint may be issued, and the matter may be set for a hearing before the Santa Ana Water Board. In the event that this matter proceeds to hearing, the Discharger understands that this Acceptance and Waiver executed by the Discharger will be treated as a settlement communication and will not be used as evidence in that hearing.

The Discharger further understands that once this Acceptance and Waiver is executed by the Santa Ana Water 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 \$1,380 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 Santa Ana Water Board Executive Officer.

Please mail check to:

State Water Resources Control Board
Re: Order No. R8-2021-0070
Division of Administrative Services, Accounting Branch
1001 I Street, 18th Floor, 95814
P.O. Box 1888
Sacramento, CA 95812-1888

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

Sunwest Metals Inc.

By: _____
(Signed Name) (Date)

(Printed or Typed Name) (Title)

IT IS SO ORDERED PURSUANT TO CALIFORNIA WATER CODE SECTION 13323
AND GOVERNMENT CODE SECTION 11415.60.

Date: _____

By: _____
Jayne E. Joy, PE
Executive Officer

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