



GAVIN NEWSOM  
GOVERNOR



JARED BLUMENFELD  
SECRETARY FOR  
ENVIRONMENTAL PROTECTION

## Santa Ana Regional Water Quality Control Board

January 9, 2020

P&A Marble and Granite, Inc.  
2100 E Howell Avenue, Ste 303  
Anaheim, California 92806  
(Via Regular Mail)

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

Pablo Leiva  
[pamarblegranite@hotmail.com](mailto:pamarblegranite@hotmail.com)  
(Via Email)

Pablo Leiva (Agent for Service of Process)  
2100 E Howell Avenue, Ste 303  
Anaheim, CA 92806  
(Via Certified Mail)

**SETTLEMENT OFFER NO. R8-2020-0012: OFFER TO PARTICIPATE IN EXPEDITED PAYMENT PROGRAM RELATING TO VIOLATIONS OF THE GENERAL PERMIT FOR STORM WATER DISCHARGES ASSOCIATED WITH INDUSTRIAL ACTIVITIES, ORDER NO. 2014-0057-DWQ, NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM NPDES NO. CAS000001, FOR P&A MARBLE AND GRANITE INC, 2100 E HOWELL AVENUE STE 303, WDID NO. 8 30I027581**

Dear Pablo Leiva:

This letter is to notify P&A Marble and Granite, 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 (Regional Board) Expedited Payment Program for Reporting Violations to address mandatory minimum penalties that must be assessed pursuant to California Water Code section 13399.31.

### **NOTICE OF VIOLATION:**

Based on information in the Storm Water Multiple Application & Report Tracking System (SMARTS), the Regional Board alleges that the Discharger is in violation of the General Permit Associated with Industrial Activities within the Santa Ana Region, Order No. 2014-0057-DWQ, National Pollutant Discharge Elimination System (NPDES) Permit No. CAS000001 (Industrial General Permit), failure to submit the 2018-2019 Annual Report for the facility located at 2100 E Howell Avenue, Ste 303 in the City of Anaheim. Annual

WILLIAM RUH, CHAIR | HOPE SMYTHE, EXECUTIVE OFFICER

Reports are due to the Regional Board by July 15, 2019 as required by Section XVI of the Industrial General Permit. The Discharger failed to submit the facility's Annual Report as required in the Notices of Non-Compliance (NNCs) issued on August 12, 2019 and September 10, 2019. The Discharger will have the opportunity to address the alleged violations as discussed below.

### **STATUTORY LIABILITY:**

Pursuant to Water Code section 13399.33(c), 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 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, although 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.

### **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 seven hundred and eighty dollars (\$1,780)**. 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 \$780. This is a Conditional Offer subject to certain terms and conditions set forth below. If you chose this option **you must sign and submit the enclosed Acceptance and Waiver form by February 7, 2020**. 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 in SMARTS and an original (blue ink) signed Acceptance and Wavier form to:

Kaitlin Diaz, 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 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 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 February 7, 2020**. 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 Kaitlin Diaz.

If you do not respond in a manner described in the above options, the Regional 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 Regional 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 REGIONAL BOARD ACCEPTANCE OF RESOLUTION:**

This offer to participate in the Expedited Payment Program is conditional upon the Regional Board's receipt of confirmation that the Discharger has submitted the Annual Report to the Regional Board on or before **February 7, 2020**. If you choose not to or fail to submit the Annual Report on or before that date, this offer will be deemed withdrawn and a formal enforcement action will be pursued.

If you accept the Expedited Payment Program offer, the settlement will be published in the following manner: Federal regulations require the Regional 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 **February 7, 2020**, Regional Board staff will publish a notice of the proposed resolution of the alleged violations.

If no comments are received 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.

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. 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 NNCs. 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, please contact Kaitlin Diaz via phone at (951) 782-4992 or via email at [Kaitlin.Diaz@waterboards.ca.gov](mailto:Kaitlin.Diaz@waterboards.ca.gov) regarding this matter.

Sincerely,



Jayne Joy, PE  
Assistant Executive Officer

Enclosures:

Notice of Non-Compliance, dated August 12, 2019  
Notice of Non-Compliance, dated September 10, 2019  
Acceptance of Conditional Resolution and Waiver of Right to Hearing; (proposed)  
Order

cc (w/encl):

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



GAVIN NEWSOM  
GOVERNOR



JARED BLUMENFELD  
SECRETARY FOR  
ENVIRONMENTAL PROTECTION

## Santa Ana Regional Water Quality Control Board

August 12, 2019

P&A Marble And Granite Incorporated  
2100 E Howell Ave Ste 303  
Anaheim, California 92806

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUIRED**  
7017 3040 0000 8553 8731

Pablo Leiva  
pamarblegranite@hotmail.com

**NOTICE OF NON-COMPLIANCE: FAILURE TO COMPLY WITH THE GENERAL PERMIT FOR STORM WATER DISCHARGES ASSOCIATED WITH INDUSTRIAL ACTIVITIES, ORDER NO. 2014-0057-DWQ, NPDES NO. CAS000001 (WDID # 8 30I027581)**

Dear Pablo Leiva:

Your facility located at 2100 E Howell Ave Ste 303, in the city of Anaheim, is regulated under the General Permit and is identified by WDID No. 8 30I027581. Section XVI.A of the General Permit requires you to submit an annual report by July 15 of each year via the Storm Water Multiple Application and Report Tracking System (SMARTS). According to our records, we have not received your annual report by the July 15, 2019 deadline.

Currently you are in violation of the General Permit, the California Water Code, and the federal Clean Water Act for failure to submit a complete 2018-2019 annual report. We request that you submit a complete 2018-2019 annual report via SMARTS no later than **September 9, 2019**. Hard copies of the annual report are not accepted. [Help guides related to SMARTS are available here.](#)

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

WILLIAM RUH, CHAIR | HOPE SMYTHE, EXECUTIVE OFFICER

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

If you have any questions regarding this matter, please contact Kaitlin Diaz via email at [Kaitlin.Diaz@waterboards.ca.gov](mailto:Kaitlin.Diaz@waterboards.ca.gov) or via phone at (951) 782-4992.

Sincerely,

A handwritten signature in black ink that reads "Michelle Beckwith". The signature is written in a cursive, flowing style.

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

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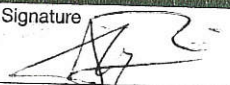

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| <input type="checkbox"/> Certified Mail Restricted Delivery  | \$ _____ |
| <input type="checkbox"/> Adult Signature Required            | \$ _____ |
| <input type="checkbox"/> Adult Signature Restricted Delivery | \$ _____ |

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P&A Marble and Granite, Inc.  
2100 E. Howell Ave, Suite 303  
Anaheim, CA 92806  
8 301027581

7017 3040 0000 8553 8731

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> <li>Complete items 1, 2, and 3.</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 type="checkbox"/> Agent  <input checked="" type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) _____ C. Date of Delivery _____</p>
<p>1. Article Addressed to:</p> <p>P&amp;A Marble and Granite, Inc.  2100 E. Howell Ave, Suite 303  Anaheim, CA 92806  8 301027581</p>  <p>9590 9402 4592 8278 6087 84</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>2. Article Number (Transfer from service label)</p> <p>7017 3040 0000 8553 8731</p>	<p>3. Service Type</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Adult Signature</li> <li><input type="checkbox"/> Adult Signature Restricted Delivery</li> <li><input checked="" type="checkbox"/> Certified Mail®</li> <li><input type="checkbox"/> Certified Mail Restricted Delivery</li> <li><input type="checkbox"/> Collect on Delivery</li> <li><input type="checkbox"/> Collect on Delivery Restricted Delivery</li> <li><input type="checkbox"/> Priority Mail Express®</li> <li><input type="checkbox"/> Registered Mail™</li> <li><input type="checkbox"/> Registered Mail Restricted Delivery</li> <li><input checked="" type="checkbox"/> Return Receipt for Merchandise</li> <li><input type="checkbox"/> Signature Confirmation™</li> <li><input type="checkbox"/> Signature Confirmation Restricted Delivery</li> </ul>

PS Form 3811, July 2015 PSN 7530-02-000-9053

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<input type="checkbox"/> Certified Mail Restricted Delivery	\$ _____	
<input type="checkbox"/> Adult Signature Required	\$ _____	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$ _____	
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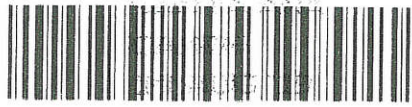
P&A Marble and Granite, Inc.  
2100 E. Howell Ave, Suite 303  
Anaheim, CA 92806  
8 301027581

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

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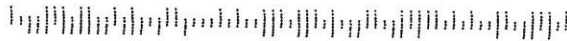
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CA REGIONAL WATER QUALITY CONTROL BOARD  
SANTA ANA REGION  
3737 MAIN STREET SUITE 500  
RIVERSIDE, CA 92501-3348

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8 301027581

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GOVERNOR



JARED BLUMENFELD  
SECRETARY FOR  
ENVIRONMENTAL PROTECTION

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## Santa Ana Regional Water Quality Control Board

September 10, 2019

P&A Marble And Granite Incorporated  
2100 E Howell Ave, Ste 303  
Anaheim, California 92806

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUIRED**  
7012 0470 0002 5060 2411

Pablo Leiva  
pamarblegranite@hotmail.com

**NOTICE OF NON-COMPLIANCE: FAILURE TO COMPLY WITH THE GENERAL PERMIT FOR STORM WATER DISCHARGES ASSOCIATED WITH INDUSTRIAL ACTIVITIES, ORDER NO. 2014-0057-DWQ, NPDES NO. CAS000001 (WDID # 8 30I027581)**

### **SECOND NOTICE**

Dear Pablo Leiva:

Your facility located at 2100 E Howell Ave, Ste 303, in the city of Anaheim, is regulated under the General Permit and is identified by WDID No. 8 30I027581. Section XVI.A of the General Permit requires you to submit an annual report by July 15 of each year via the Storm Water Multiple Application and Report Tracking System (SMARTS). According to our records, we have not received your annual report by the July 15, 2019 deadline.

Currently you are in violation of the General Permit, the California Water Code, and the federal Clean Water Act for failure to submit a complete 2018-2019 annual report. We request that you submit a complete 2018-2019 annual report via SMARTS no later than **October 9, 2019**.

**This is your second notice.** The first notice was dated and sent on August 12, 2019. 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 due date will result in a mandatory minimum penalty of \$1,000 to those permittees that do not submit their annual report within 60 days of notification. Further enforcement action, including civil monetary penalties of up to \$10,000 for each day of violation, may result.

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WILLIAM RUH, CHAIR | HOPE SMYTHE, EXECUTIVE OFFICER

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

If you have any questions regarding this matter, please contact Kaitlin Diaz via email at [Kaitlin.Diaz@waterboards.ca.gov](mailto:Kaitlin.Diaz@waterboards.ca.gov) or via phone at (951) 782-4992.

Sincerely,

A handwritten signature in black ink that reads "Michelle Beckwith". The signature is written in a cursive style with a large, decorative flourish at the end.

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

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Total P.	P&A Marble & Granite, Inc.	
Sent To	2100 E. Howell Avenue, Ste 303	
Street, Apt or PO Box	Anaheim, CA 92806	
City, State	8 301027581	

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- Complete items 1, 2, and 3.
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1. Article Addressed to:

P&A Marble & Granite, Inc.  
2100 E. Howell Avenue, Ste 303  
Anaheim, CA 92806  
8 301027581



9590 9402 5053 9092 6399 64

2. Article Number (Transfer from service label)

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- Agent
- Addressee

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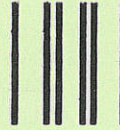
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CA REGIONAL WATER QUALITY CONTROL BOARD  
SANTA ANA REGION  
3737 MAIN STREET, SUITE 500  
RIVERSIDE, CA 92501-3348

KMD

959094025



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

P&A Marble and Granite Incorporated  
Settlement Offer No. R8-2020-0012  
WDID No. 8 30I027581

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), P&A Marble and Granite Inc. (Discharger) 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 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 Regional 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 section 13399.31, in the sum of \$1,780 (Expedited Payment Amount) which shall be deemed payment in full of any civil liability pursuant to California Water Code section 13399.31 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 and proof of the Annual Report electronic submittal via SMARTS shall be returned to:

Kaitlin Diaz, 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 Regional 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 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 Discharger 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 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 Regional 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 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 \$1,780 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. R8-2020-0012  
Division of Administrative Services, Accounting Branch  
1001 I Street, 18<sup>th</sup> 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.

P&A Marble and Granite Incorporated

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: \_\_\_\_\_  
Hope Smythe  
Executive Officer