



Santa Ana Regional Water Quality Control Board

November 15, 2023

Gold Coast Baking Company Inc
1590 East St Gertrude Place
Santa Ana, CA 92705
(Via USPS Mail)

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Edward Nashawaty
enashawaty@goldcoastbakery.com
(Via Email)

Gregory M. Yulish
Agent for Service of Process for Gold Coast Baking Company Inc
1590 East St Gertrude Place
Santa Ana, CA 92705
(Via Certified Mail)

CONDITIONAL SETTLEMENT OFFER NO. R8-2023-0065 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, NPDES NO. CAS000001) FOR GOLD COAST BAKING COMPANY INC, 1590 E ST GERTRUDE PL, SANTA ANA, WQID NO. 8 301028459

Dear Mr. Nashawaty,

This letter is to notify Gold Coast Baking Company 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 Stormwater Multiple Application & Report Tracking System (SMARTS), the Santa Ana Water 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, as amended by Order No. 2015-0122-DWQ and Order No. 2018-0028-DWQ, National Pollutant Discharge Elimination System (NPDES) Permit No. CAS000001 (Industrial General Permit), for the failure to submit the 2022-2023 Annual

KRISTINE MURRAY, CHAIR | JAYNE JOY, EXECUTIVE OFFICER

Report for the facility located at 1590 East St Gertrude Place in the City of Santa Ana. The Annual Report was due to the Santa Ana Water Board by July 15, 2023, as required by Section XVI of the Industrial General Permit. The Discharger failed to submit the facility's Annual Report by September 29, 2023 as required based on the Notices of Non-Compliance (NNCs) issued on August 1, 2023 and August 31, 2023. The 2022-2023 Annual Report was ultimately submitted on October 16, 2023, seventeen 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 (ACLC), 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 Conditional Settlement Offer**, waive your right to a board hearing, and pay a settlement of **one thousand three hundred and eighty-two dollars (\$1,382)**. The minimum administrative civil liability pursuant to California Water Code section 13399.33(c) is \$1,000 for failure to submit an annual report. Staff costs in this matter are \$382. This is a Conditional Settlement 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 14, 2023**. 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:

Tavish Sturdivant, General Stormwater Unit
Santa Ana Regional Water Quality Control Board
3737 Main Street, Suite 500
Riverside, CA 92501-3348

In response to the Conditional Settlement Offer and payment in settlement of this enforcement action, the Santa Ana Water Board Prosecution Team 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 14, 2023**. The Santa Ana Water Board Prosecution Team 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 Tavish Sturdivant.

If you do not respond in a manner described in the above options, the Santa Ana Water Board Prosecution Team will prepare an ACLC for the violations cited in the NNCs. The liability amount sought in the ACLC and/or imposed by the Santa Ana Water Board may be higher than the liability amount set forth in this Conditional Settlement Offer. Moreover, additional staff costs associated with formal enforcement may be considered in the recommended liability amount in an ACLC.

CONDITIONS FOR SANTA ANA WATER BOARD ACCEPTANCE OF RESOLUTION:

If you accept the Conditional Settlement 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 14, 2023**, 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 Conditional Settlement 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 Conditional Settlement Offer, please contact Tavish Sturdivant via email at Tavish.Sturdivant@waterboards.ca.gov or via phone at (951) 320-2053.

Sincerely,



A. Nick Amini, Ph.D., P.E.
Branch Manager, Surface Water & Agriculture
Santa Ana Water Board Prosecution Team

enclosures:

Notice of Non-Compliance, dated August 1, 2023

Notice of Non-Compliance, dated August 31, 2023

Acceptance of Conditional Resolution and Waiver of Right to Hearing; (proposed)
Order

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<input type="checkbox"/> Adult Signature Restricted Delivery	\$ _____

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To: GREGORY M YULISH
AGENT FOR SERVICE OF PROCESS FOR GOLD
SE: COAST BAKING COMPANY INC
ST: 1590 EAST ST GERTRUDE PLACE
Ci: SANTA ANA CA 92705

PS Form 3800, January 2023 PSN 7530-03-000-9047 See Reverse for Instructions

R8-2023-0065; WDID 8 30I028459

TS, MRB



Santa Ana Regional Water Quality Control Board

August 1, 2023

Gold Coast Baking Company Inc
1590 E St Gertrude Pl
Santa Ana, CA 92705

CERTIFIED MAIL
RETURN RECEIPT REQUIRED
9589 0710 5270 0884 0665 26

Edward Nashawaty
enashawaty@goldcoastbakery.com

NOTICE OF NON-COMPLIANCE: FAILURE TO COMPLY WITH REQUIREMENTS PRESCRIBED IN GENERAL PERMIT FOR STORM WATER DISCHARGES ASSOCIATED WITH INDUSTRIAL ACTIVITIES (ORDER NO. 2014-0057-DWQ, NPDES NO. CAS000001) (GENERAL PERMIT), WDID 8 30I028459

Dear Edward Nashawaty,

Your facility located at 1590 E St Gertrude Pl, in the city of Santa Ana, is regulated under the General Permit and is identified by WDID 8 30I028459. Section XVI.A of the General Permit requires you to submit an annual report by July 15th of each year via the Stormwater Multiple Application and Report Tracking System (SMARTS). According to our records, we have not received your annual report by the July 15, 2023 deadline.

You are currently in violation of the General Permit, the California Water Code, and the federal Clean Water Act for failure to submit a complete 2022-2023 annual report. You must submit a complete 2022-2023 annual report via SMARTS no later than **August 30, 2023**. [Help guides related to SMARTS can be found 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 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.

If you have any questions regarding this matter, please contact Tavish Sturdivant via phone at (951) 320-2053 or via email at Tavish.Sturdivant@waterboards.ca.gov.

Sincerely,

Michelle R. Beckwith, Supervisor
Senior Environmental Scientist
General Stormwater Unit

KRISTINE MURRAY, CHAIR | JAYNE JOY, EXECUTIVE OFFICER

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Sent To

Street

City, St.

Gold Coast Baking Company Inc
1590 E St Gertrude Pl
Santa Ana, CA 92705



Santa Ana Regional Water Quality Control Board

August 31, 2023

Gold Coast Baking Company Inc
1590 E St Gertrude Pl
Santa Ana, CA 92705

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9589 0710 5270 0884 0695 96

Edward Nashawaty
enashawaty@goldcoastbakery.com

NOTICE OF NON-COMPLIANCE: FAILURE TO COMPLY WITH REQUIREMENTS PRESCRIBED IN GENERAL PERMIT FOR STORM WATER DISCHARGES ASSOCIATED WITH INDUSTRIAL ACTIVITIES (ORDER NO. 2014-0057-DWQ, NPDES NO. CAS000001) (GENERAL PERMIT), WDID 8 30I028459 - SECOND NOTICE

Dear Edward Nashawaty,

Your facility located at 1590 E St Gertrude Pl, in the city of Santa Ana, is regulated under the General Permit and is identified by WDID 8 30I028459. Section XVI.A of the General Permit requires you to submit an annual report by July 15th of each year via the Stormwater Multiple Application and Report Tracking System (SMARTS). According to our records, we have not received your annual report by the July 15, 2023 deadline.

You are currently in violation of the General Permit, the California Water Code, and the federal Clean Water Act for failure to submit a complete 2022-2023 annual report. You must submit a complete 2022-2023 annual report via SMARTS no later than **September 29, 2023**. [Help guides related to SMARTS can be found here.](#)

This is your second notice. The first notice was issued on August 1, 2023. To date, we have not received a response to that notice. Please note that Section 13399.31 of the California Water Code stipulates 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.

If you have any questions regarding this matter, please contact Tavish Sturdivant via phone at (951) 320-2053 or via email at Tavish.Sturdivant@waterboards.ca.gov.

Sincerely,

Michelle R. Beckwith, Supervisor
Senior Environmental Scientist
General Stormwater Unit

KRISTINE MURRAY, CHAIR | JAYNE JOY, EXECUTIVE OFFICER

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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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Sent To	Gold Coast Baking Company Inc
Street	1590 E St Gertrude Pl
City, St	Santa Ana, CA 92705



Santa Ana Regional Water Quality Control Board

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

Gold Coast Baking Company Inc
Settlement Offer No. R8-2023-0065
WDID No. 8 30I028459

By signing below and returning this Acceptance of Conditional Resolution and Waiver of Right to a Board Hearing (Acceptance and Waiver) to the Santa Ana Regional Water Quality Control Board (Santa Ana Water Board), Gold Coast Baking Company 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 Conditional Settlement 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 \$1,382 (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:

Tavish Sturdivant, General Stormwater Unit
Conditional Settlement Offer
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 Conditional Settlement 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 \$1,382 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. R8-2023-0064
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.

Gold Coast Baking Company Inc

By: Edward G. Nashawaty January 09, 2024
(Signed Name) (Date)
Edward G. Nashawaty Director, Technical Services
(Printed or Typed Name) (Title)

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

By: _____
Jayne E. Joy, PE
Executive Officer

