

**STATE OF CALIFORNIA
REGIONAL WATER QUALITY CONTROL BOARD
SANTA ANA REGION**

In the matter of:

Classic Plating Inc.)	Order No. R8-2013-0045
2985 East Mira Loma Avenue)	For
Suite U)	Mandatory Minimum Penalty
Anaheim, CA 92806)	
_____)	

The California Regional Water Quality Control Board, Santa Ana Region (hereafter, Regional Board), held a hearing on September 13, 2013 to receive testimony and take evidence on the allegations contained in Complaint No. R8-2013-0036, dated May 7, 2013 and on the recommendation for the imposition of penalties and staff costs pursuant to Water Code Sections 13399.33(a)(1) and 13399.33(d) in the amount of \$17,475. The Regional Board finds as follows:

1. Classic Plating Inc. is a metal plating shop located at 2985 East Mira Loma Avenue, Suite U, in the City of Anaheim, California (hereinafter the "site").
2. Most industrial facilities that discharge storm water associated with industrial activities are required to obtain coverage under the State's General Permit for Storm Water Discharges Associated with Industrial Activity, Oder No. 97-03-DWQ, NPDES Permit No. CAS000001 (hereinafter "General Permit"). The facilities that are required to get coverage are listed by industrial category and by Standard Industrial Classification (SIC) Codes in 40CFR Section 122.26(b)(14) and in Attachment 1 of the General Permit.
3. Metal plating, polishing and buffing activities are described by Standard Industrial Classification ("SIC") Code 3471. SIC Code 3471 is among those activities where coverage under General Permit is conditioned on industrial materials or activities being exposed to storm water.
4. Classic Plating Inc. was initially contacted by Regional Board staff on August 4, 2010 while Regional Board staff was performing inspections in the area. Regional Board staff met with Mr. Shafiqul Alam who identified himself as the business owner. During the visit, Regional Board staff observed wooden pallets and other industrial materials stored outside uncovered. Incoming and/or outgoing metal products were also stored outside exposed to storm water. Regional Board staff explained to Mr. Alam the need to obtain coverage under

the General Permit. Mr. Alam indicated that the exposed materials were not critical to his business and requested time to dispose of materials and modify his practices to eliminate exposure to storm water. Mr. Alam requested until September 1, 2010 to eliminate exposure but later asked that this date be moved to October 1, 2010.

5. Regional Board staff returned to Classic Plating Inc. on October 4, 2010 and found the site conditions largely unchanged from the August 4, 2010 visit.
6. On October 7, 2010, Regional Board staff sent a Notice of Noncompliance ("NNC") by Certified Mail, to Classic Plating Inc. requesting, in part, that a Notice of Intent be submitted to the State Water Resources Control Board by November 7, 2010. The October 7, 2010 NNC was returned "unclaimed" but was hand-delivered by Regional Board staff to Eduardo Valdez, an employee at Classic Plating Inc., on November 8, 2010.
7. On February 8, 2011, Regional Board staff visited Classic Plating Inc. and met with Mr. Alam. During that visit, Regional Board staff observed that long-term storage of industrial materials had been discontinued. However, short-term outside storage and intra-shop transportation of final and intermediate products continued to occur, resulting in tracking of pollutants in areas exposed to storm water. After a long discussion, Mr. Alam indicated that they were unable to modify the facility or practices to prevent industrial activities from being exposed to storm water. Based on exposure of industrial activities and/or materials to storm water, Classic Plating Inc. was requested to obtain coverage under the General Permit.
8. By April 29, 2011, Regional Board records did not indicate that Classic Plating Inc. had submitted an NOI and a second NNC was hand-delivered by Regional Board staff that day. The April 29, 2011 NNC also notified Classic Plating Inc. that the failure to submit the NOI following the first October 7, 2010 NNC was a violation of Water Code Section 13399.30(2) and could subject them to a \$5,000 Mandatory Minimum Penalty. The April 29, 2011 NNC requested, in part, that an NOI be submitted to the State Board by May 29, 2011.
9. On March 1, 2013, Regional Board staff visited Classic Plating Inc. to confirm its continued operation and ownership by Mr. Alam. While Mr. Alam was not at the facility, Regional Board staff spoke with him by telephone, explained the reasons why Classic Plating Inc. still needed to be covered under the General Permit and the likelihood of a mandatory minimum penalty. Mr. Alam asked for an additional month to enroll and Regional Board staff explained that a final NNC would be issued, giving Mr. Alam one more month to enroll under the General Permit.
10. A NNC was sent to Classic Plating Inc. on March 5, 2013 marked as a "Final Notice". The March 5, 2013 NNC notified Classic Plating Inc. of the continued violations of California Water Code Section 13399.30(2) and that the Mandatory

Minimum Penalty for failure to submit an NOI would be \$15,000, for the three (3) years of noncompliance. The March 5, 2013 NNC required that an NOI be submitted to the State Board by April 4, 2013.

11. On May 7, 2013, the Division Chief issued Mandatory Minimum Penalty Complaint R8-2013-0036, in the amount of \$17,475, to Classic Plating Inc. The penalty amount is based on the Mandatory Minimum Penalty amount and the recovery of staff costs of enforcement.
12. California Water Code Section 13399.33(a)(1) allows the Regional Board to reduce the Mandatory Minimum Penalty amount where the Regional Board makes express findings setting forth the reasons for its failure to impose the mandatory penalty based on the specific factors required to be considered pursuant to Section 13399.33(a)(2).
13. Classic Plating Inc. has been provided the opportunity to provide information supporting any claim for a reduction in the penalty amount based on the factors outlined in California Water Code Section 13399.33(a)(2) as communicated to them in a letters dated May 15, 2013, July 9, 2013, and July 29, 2013 and in a telephone message from Regional Board staff on June 25, 2013.
14. As of August 23, 2013, Classic Plating Inc. has not provided any supporting information to consider any reduction in the assessed amount. In the absence of such information, the Regional Board is required to assess the mandatory minimum penalty as specified in Complaint No. R8-2013-0036.
15. By adopting this Order, the Regional Board incorporates the findings in Mandatory Minimum Penalty Complaint No. R8-2013-0036 and affirms the penalty specified therein.
16. Issuance of this Order is exempt from the provisions of the California Environmental Quality Act (Public Resources Code Section 2100 *et seq.*) in accordance with Section 15321, Chapter 3, Title 14 of the California Code of Regulations.

IT IS HEREBY ORDERED that, pursuant to California Water Code Sections 13399.33(c) and (d), a penalty, including staff costs, shall be imposed on Classic Plating Inc. in the amount of \$17,475, as proposed in Mandatory Minimum Penalty Complaint No. R8-2013-0036 for the violations cited, payable as set forth below.

1. Classic Plating Inc. is liable for the assessed amount and shall pay \$17,475 to the Waste Discharge Permits Fund by October 14, 2013.

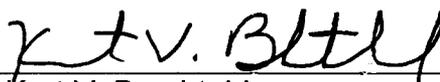
The Executive Officer is authorized to refer this matter to the Attorney General for enforcement.

Pursuant to Water Code Section 13320, you may petition the State Water Resources Control Board for review of this Order. If you choose to do so, you must submit the petition to the State Board within 30-days of the Regional Board's adoption of this Order.

I, Kurt V. Berchtold, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Santa Ana Region, on September 13, 2013.

9/17/13

Date



Kurt V. Berchtold
Executive Officer