



EDMUND G. BROWN JR.  
GOVERNOR



MATTHEW RODRIGUEZ  
SECRETARY FOR  
ENVIRONMENTAL PROTECTION

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## State Water Resources Control Board

### **First Amended Complaint No. OE-2011-0024 for Mandatory Minimum Penalties Against Elixir Industries**

On November 8, 2011, the State Water Resources Control Board's (State Water Board), Director of the Office of Enforcement issued First Amended Complaint No. OE-2011-0024 (Complaint) to Elixir Industries for alleged violations of Regional Water Quality Resources Control Board, Los Angeles Region Order No. R4-2003-0149. On January 10, 2012, Elixir Industries agreed to resolve the violations alleged in the Complaint by paying mandatory minimum penalties in the amount of \$195,000 and waived its right to a hearing.

A copy of the waiver submitted by Elixir Industries follows.

**WAIVER FORM  
FOR FIRST AMENDED COMPLAINT NO. OE-2011-0024  
FOR MANDATORY MINIMUM PENALTIES**

By signing this waiver, I affirm and acknowledge the following:

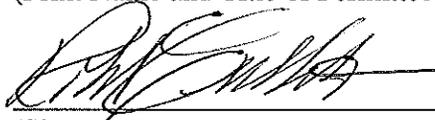
I am duly authorized to represent Elixir Industries (hereinafter "Permittee") in connection with First Amended Administrative Civil Liability Complaint No. OE-2011-0024 (hereinafter the "Complaint"). I am informed that California Water Code Section 13323, subdivision (c), states that, "any hearing shall be before the state board, or before a member of the state board in accordance with Section 183, and shall be conducted not later than 90 days after the party has been served [with the complaint]."

1. I hereby waive any right the Permittee may have to a hearing before the State Water Resources Control Board (State Water Board) Hearing Officer.
2. I understand that the following violations have been dismissed by the State Water Board Prosecution Team for the reasons provided, and that the attached Exhibit "A" identifies the effluent limit violations for which mandatory minimum penalties shall be imposed:
  - a. Violation Number 876927: The Permittee's self-monitoring report states that the reported value for pH is within the range for compliance set forth in Order No. R4-2003-0149, NPDES Permit No. CA0062537.
  - b. Violation Number 876977: This alleged violation duplicated Violation Number 885810.
3. I certify that the Permittee will remit payment for the civil liability imposed in the amount of **\$195,000.00** by check that references "ACL Complaint No. OE-2011-0024" made payable to the "*State Water Pollution Cleanup and Abatement Account*". Payment must be received by the State Water Board by February 10, 2012 or the State Water Board may adopt an Administrative Civil Liability Order requiring payment.
4. I understand the payment of the above amount constitutes a proposed settlement of the violations alleged in the Complaint, and that any settlement will not become final until after the 30-day public notice and comment period expires. Should the State Water Board receive significant new information or comments from any source (excluding the Water Board's Prosecution Team) during this comment period, the Director of the State Water Board Office of Enforcement may withdraw the Complaint, return payment, and issue a new complaint. I understand that this proposed settlement is subject to approval by the State Water Board (or the State Water Board's Executive Director, if so delegated), and that the State Water Board may consider this proposed settlement in a public meeting or hearing.
5. I also understand that approval of the settlement will result in the Permittee having waived the right to contest the allegations in the Complaint and the imposition of civil liability. The settlement, once approved, will constitute a full and final settlement as to the violations listed in Exhibit "A" to this Waiver.

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Page 2 of 2

6. I understand that payment of the above amount is not a substitute for compliance with applicable laws and that continuing violations of the type alleged in the Complaint may subject the Permittee to further enforcement, including additional civil liability.

ROBERT CUTHBERTSON, CHIEF FINANCIAL  
(Print Name and Title of Permittee's Representative) OFFICER

  
(Signature)

1-10-12  
(Date)