

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

IN THE MATTER OF:

Design Form, Inc.
8250 Electric Avenue
Stanton, CA 90680

Attention: Glenn Baldwin

**Order R8-2020-0043 for
Mandatory Minimum Penalty
Complaint and Staff Costs**

The California Regional Water Quality Control Board, Santa Ana Region (Santa Ana Water Board) having held a public hearing on September 11, 2020 to receive testimony and take evidence on the allegations contained in Mandatory Minimum Penalty (MMP) Complaint R8-2020-0016 (Complaint), and on the recommendation for the imposition of penalties and staff costs pursuant to California Water Code (Water Code) Section 13399.33, subdivisions (a)(1) and (d) in the amount of seven thousand eight hundred and forty dollars (\$7,840). The Santa Ana Water Board finds as follows:

1. Design Form, Inc. (Discharger) is located at 8250 Electric Ave (Facility) in the City of Stanton and was identified by the Santa Ana Water Board as an industrial facility engaged in sheet metal fabrication.
2. On February 6, 2019, the Santa Ana Water Board staff issued a Notice of Non-Compliance (NNC) to the Discharger for failure to obtain coverage under the General Permit for Storm Water Discharges Associated with Industrial Activities, Order 2014-0057-DWQ, NPDES Permit CAS000001 (General Permit). The NNC required that the Discharger submit a Notice of Intent (NOI) to obtain coverage or otherwise enroll in the General Permit by March 7, 2019.
3. On March 7, 2019, since the Discharger had not obtained the necessary permit coverage, the Santa Ana Water Board staff issued a second NNC. The second NNC required that the Discharger submit a NOI to obtain coverage or otherwise enroll in the General Permit by April 5, 2019. The second NNC was later returned undelivered due to clerical error.
4. On March 13, 2019, the Santa Ana Water Board staff re-issued the second NNC with the same April 5, 2019 deadline.
5. Santa Ana Water Board staff did not receive a response to the NNCs. On April 2, 2019, the Santa Ana Water Board staff contacted the Discharger regarding the NNCs and the April 5, 2019 deadline to obtain General Permit coverage. Staff spoke with Mr. Luis Llamas, an employee of Design Form and Mr. Llamas stated they needed to

contact Mr. Glenn Baldwin as he is the CEO of Design Form, Inc.. Santa Ana Water Board staff emailed Mr. Baldwin explaining that Design Form, Inc. was issued two NNCs and Design Form, Inc. needed to obtain General Permit coverage by April 5, 2019. Santa Ana Water Board staff explained the potential for administrative civil liability if the Discharger did not obtain coverage by the specific deadline.

6. On April 4, 2019, Santa Ana Water Board staff contacted Mr. Baldwin via phone and left a voicemail explaining the final day to obtain General Permit coverage was April 5, 2019. Santa Ana Water Board staff reiterated the potential for mandatory minimum penalties if the Discharger did not obtain coverage by the deadline. Santa Ana Water Board staff also contacted Mr. Baldwin via email explaining the deadline to obtain General Permit coverage was April 5, 2019.
7. Pursuant to Water Code section 13399.30, subdivision (c)(2), if a discharger fails to submit the required Notice of Intent to the regional board within 60 days from the date on which the first NNC was sent, after receiving a second notice, the Santa Ana Water Board shall impose the penalties described in section 13399.33, subdivision (a).
8. The Assistant Executive Officer of the Santa Ana Water Board issued MMP Complaint R8-2020-0016 (incorporated into this order as Attachment 1) to the Discharger on February 10, 2020, which proposed a mandatory minimum penalty in the amount of \$5,000 and staff costs of \$2,840, pursuant to Water Code section 13399.33, subdivisions (a)(1) and (d).
9. On April 9, 2020, the Discharger submitted a signed Waiver (incorporated into this Order as Attachment 2), electing to waive the 90-day hearing requirement in order to extend the hearing date and/or hearing deadlines.
10. As of September 11, 2020, the Discharger has not obtained General Permit coverage and continues to operate without the required General Permit coverage.
11. The Santa Ana Water Board finds that the Discharger violated Water Code section 13399.30 by failing to gain General Permit coverage and is liable for \$7,840 in mandatory minimum penalties and staff costs pursuant to Water Code section 13399.33, subdivisions (a)(1) and (d). By adopting this Order, the Santa Ana Water Board incorporates the findings in Complaint R8-2020-0016 and imposes the penalty specified therein.
12. This Order on Complaint R8-2020-0016 is effective and final upon issuance by the Santa Ana Water Board. Payment must be received by the Santa Ana Water Board no later than thirty days from the date on which this Order is issued.
13. Issuance of this Order is exempt from the provisions of the California Environmental Quality Act in accordance with California Code of Regulations, title 14, section 15321, subdivision (a) (enforcement actions by regulatory agencies).

14. Any aggrieved person may petition the State Water Board to review this action by the Santa Ana Water Board in accordance with Water Code section 13320 and the State Water Board's regulations. The petition must be received by the State Water Board within 30 days of the date of this Order. Copies of the law and regulations applicable to filing petitions are available at the Waterboards Petition Website and will also be provided upon request.

IT IS HEREBY ORDERED THAT:

1. Pursuant to Water Code section 13399.33, subdivisions (a) and (d), the California Regional Water Quality Control Board, Santa Ana Region imposes a mandatory minimum penalty in the amount of five thousand dollars against Design Form, Inc. and requires Design Form, Inc. to pay staff costs incurred in the enforcement of the matter of two thousand eight hundred forty dollars for a total liability of seven thousand eight hundred forty dollars (\$7,840).
2. Design Form, Inc. shall make a payment of \$7,840 to the Waste Discharge Permit Fund within 30 days from the Santa Ana Water Board's adoption of this Order. Design Form, Inc. must make the check payable to "State Water Resources Control Board–Waste Discharge Permit Fund" with a reference to "MMP Order R8-2020-043" and send the check to the following address:

State Water Resources Control Board
Division of Administrative Services
Attention: Sarah Fong
Accounting Branch
P.O. Box 1888
Sacramento, CA 95812-1888

3. If the Discharger fails to make the specified payment to the Waste Discharge Fund within the time limit specified in this Order, the Santa Ana Water Board's Executive Officer is hereby authorized to collect as any other civil judgement the full amount due under the settlement in any manner permitted by California Law, including a referral to the Attorney General's Office.

I, Hope A. Smythe, Executive Officer, do hereby certify that the forgoing is a full, true, and correct copy of an order adopted by the California Regional Water Quality Control Board, Santa Ana Region, on September 11, 2020.

Hope Smythe Digitally signed by Hope Smythe
Date: 2020.09.15 14:14:35 -07'00'


Hope A. Smythe
Executive Officer
Santa Ana Regional Water Quality Control Board