

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

IN THE MATTER OF:

ALCA Machine Industries, a.k.a AL-CA
Machine Industry, a sole proprietorship of
Taljo Djokovic

2610 S Croddy Way, Ste G
Santa Ana, CA 92704

**Administrative Civil Liability
Order No. R8-2021-0002
for
Mandatory Minimum Penalty
and Staff Costs**

The California Regional Water Quality Control Board, Santa Ana Region (Santa Ana Water Board) having held a public hearing on December 10, 2021 to receive testimony and take evidence on the allegations contained in administrative civil liability Complaint No. R8-2021-0002 (Complaint), and on the recommendation for the imposition of penalties and staff costs pursuant to Water Code section 13399.33, subdivisions (a)(1) and (d), in the amount of six thousand six hundred and five dollars (\$6,605). The Santa Ana Water Board finds as follows:

1. ALCA Machine Industries, also known as AL-CA Machine Industry, a sole proprietorship of Taljo Djokovic (Discharger) is located at 2610 S Croddy Way, Suite G (Facility) in the City of Santa Ana and was identified by the Santa Ana Water Board as an industrial facility engaged in manufacturing metal products.
2. On December 4, 2019, 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 No. 2014-0057-DWQ, as amended by Order No. 2015-0122-DWQ and Order No. 2018-0028-DWQ, NPDES Permit No. CAS000001 (General Permit). The General Permit regulates facilities with certain Standard Industrial Classification (SIC) codes listed in Attachment A of the permit, including manufacturing facilities with SIC codes 20XX through 39XX, 4221 through 4225. The Discharger conducts industrial activities that fall within SIC code 3399, primary metal products, and is therefore required to obtain coverage under the 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 January 2, 2020.
3. On January 2, 2020, since the Discharger had not obtained the necessary permit coverage, Santa Ana Water Board staff issued a second NNC. The second NNC required that the Discharger submit an NOI to obtain coverage or otherwise enroll in the General Permit by January 31, 2020.
4. On January 21, 2020 at 10:17 am, Santa Ana Water Board staff attempted to contact Mr. Djokovic via phone. Santa Ana Water Board staff were able to communicate with the Discharger's employee who stated that Mr. Djokovic was retired and would be closing the business in a couple of months, however, the employee did not have a firm date for the

Facility's closure. Santa Ana Water Board staff informed the Discharger's employee that two NNCs had been issued and that the Facility would need to obtain General Permit coverage by the January 31, 2020 deadline or could be subject to an enforcement action. Facility staff agreed to relay Santa Ana Water Board staff's contact information to Mr. Djokovic.

5. On January 28, 2020, Santa Ana Water Board staff sent Mr. Djokovic a reminder email to obtain General Permit coverage by the January 31, 2020 deadline. The email reiterated that failure to do so by the deadline would result in the issuance of a mandatory minimum penalty (MMP).
6. On January 28, 2020, Santa Ana Water Board staff attempted to contact Mr. Djokovic via phone and left a message reminding him of the two issued NNCs and the upcoming final deadline to obtain permit coverage. Santa Ana Water Board staff informed Mr. Djokovic that an MMP would be issued if permit coverage was not obtained by January 31, 2020.
7. On January 31, 2020, Santa Ana Water Board staff sent Mr. Djokovic another reminder email to obtain permit coverage by the January 31, 2020 deadline. The email again reiterated that failure to obtain permit coverage by the deadline would result in the issuance of an MMP.
8. On January 31, 2020, Santa Ana Water Board staff again attempted to contact Mr. Djokovic via phone and left a message informing him of the two issued NNCs and that date's deadline to obtain permit coverage. Santa Ana Water Board staff informed Mr. Djokovic that an MMP would be issued if permit coverage was not obtained by that date.
9. On February 12, 2020, Santa Ana Water Board staff issued a new set of NNCs, as the first two did not have sufficient proof of delivery. Santa Ana Water Board staff visited the Facility and hand delivered the reissued first NNC.
10. On March 11, 2020, Santa Ana Water Board staff visited the Facility to hand deliver the reissued second NNC to the Discharger. During this site visit, Mr. Djokovic stated that he would be closing his business the following month. Santa Ana Water Board staff asked what date he would be closing his business to which Mr. Djokovic replied that he did not need permit coverage and that he had already thrown away the first reissued NNC that was hand-delivered to the Facility. Mr. Djokovic refused to accept the second NNC and dismissed staff from his Facility.
11. On March 13, 2020, the second reissued NNC was issued via certified mail to the Discharger explaining that the Facility required coverage under the General Permit, however, had yet to obtain permit coverage. The second NNC response final due date for the Discharger to obtain permit coverage was April 10, 2020.
12. On April 1, 2020, Santa Ana Water Board staff confirmed delivery of the second reissued NNC with the United States Postal Service certified mail receipt.

13. On April 8, 2020, Santa Ana Water Board staff sent Mr. Djokovic a reminder email to obtain permit coverage by the April 10, 2020 deadline. The email explained that failure to obtain permit coverage by the deadline would result in the issuance of an MMP.
14. On April 10, 2020, Santa Ana Water Board staff sent Mr. Djokovic another reminder email to obtain permit coverage by that date's deadline. The email explained that failure to obtain permit coverage by that day would result in an MMP.
15. On October 26, 2020, Santa Ana Water Board staff conducted a drive-by inspection to verify whether the Facility was still in operation. Facility signage was no longer present at the front of the building, however, Santa Ana Water Board staff observed industrial activities still being conducted inside the open bay doors at the Facility.
16. On January 4, 2021, Santa Ana Water Board staff issued an Expedited Payment Letter (EPL) offering to settle the MMP for five thousand seven hundred and fifty dollars (\$5,750) with a response deadline of February 2, 2021.
17. On January 29, 2021, Santa Ana Water Board staff sent Mr. Djokovic an email reminder of the EPL Acceptance of Conditional Resolution and Waiver of Right to Hearing deadline of February 2, 2021. Santa Ana Water Board staff explained that if Mr. Djokovic chose to not accept the EPL, or missed the deadline, that additional enforcement would ensue and that the MMP may increase due to additional staff costs incurred by the Santa Ana Water Board.
18. On February 2, 2021, Santa Ana Water Board staff attempted to contact Mr. Djokovic via phone to remind him of the February 2, 2021 deadline. Mr. Djokovic was not available, so Santa Ana Water Board staff asked to leave a message with the gentleman on the phone. Santa Ana Water Board staff provided their name and agency information.
19. On February 2, 2021, Santa Ana Water Board staff sent Mr. Djokovic another email reminder of the EPL Acceptance of Conditional Resolution and Waiver of Right to Hearing deadline of February 2, 2021. Santa Ana Water Board staff reiterated that if Mr. Djokovic chose to not accept the EPL or missed the deadline, that additional penalties would be issued.
20. On February 2, 2021, Santa Ana Water Board staff received a reply email from Mr. Djokovic requesting that the staff from the Water Boards stop contacting him and his business or he would obtain a restraining order.
21. The Executive Officer of the Santa Ana Water Board issued Mandatory Minimum Penalty Complaint R8-2021-0002 (incorporated into this Order as Attachment 1) to the Discharger on October 11, 2021, which proposed a mandatory minimum penalty in the amount of \$5,000 and staff costs of \$1,605, pursuant to Water Code section 13399.33, subdivisions (a)(1) and (d).
22. As of December 10, 2021, the Discharger has not obtained General Permit coverage and continues to operate without the required General Permit coverage.

23. The Santa Ana Water Board concludes that the Discharger failed to obtain General Permit coverage in violation of Water Code section 13399.30 and is liable for \$6,605 in mandatory minimum penalties pursuant to Water Code sections 13399.33, subdivisions (a)(1) and (d). By adopting this Order, the Santa Ana Water Board incorporates the findings in Complaint No. R8-2021-0002 and affirms the penalty specified therein. Staff costs are enumerated in a declaration and summary of billing costs that are part of the administrative record. (Exhibits 46 and 47.)
24. Mr. Djokovic was personally served with a copy of Complaint No. R8-2021-0002, which included notice of the hearing on December 10, 2021. (See Attachment 1, Exhibit 49.) Additionally, the Discharger accepted service of the complaint via certified mail. (Exhibit 50.)
25. This Order on Complaint No. R8-2021-0002 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 (30) days from the date on which this Order is issued.
26. 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), because it is an enforcement action by a regulatory agency.
27. 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 the Discharger and requires the Discharger to pay staff costs incurred in the enforcement of the matter of one thousand and five dollars for a total liability of six thousand six hundred and five dollars (\$6,605).
2. The Discharger shall make a payment of \$6,605 to the Waste Discharge Permit Fund within 30 days from the Santa Ana Water Board's adoption of this Order. The Discharger must make a check payable to "State Water Resources Control Board – Waste Discharge Permit Fund" with a reference to "MMP Order R8-2021-0002" and send the check to the following address:

State Water Resources Control Board
Division of Administrative Services, Accounting Branch
PO Box 1888
Sacramento, CA 95812-1888

ALCA Machine Industries
Order No. R8-2021-0002

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, Ann E. Sturdivant, Groundwater Protection Division Chief, 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 December 10, 2021.

Ann E. Sturdivant  Digitally signed by Ann E.
Sturdivant
Date: 2021.12.17 12:12:13 -0800

Ann E. Sturdivant, PE, CEG, CHG
Groundwater Division Protection Chief
Santa Ana Regional Water Quality Control Board