

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

**ORDER NO. R8-2025-0066**

**ASSESSING ADMINISTRATIVE CIVIL LIABILITY**

**IN THE MATTER OF WICKED CREATIONS, INC.**

**13832 WEST STREET  
GARDEN GROVE, CA 92843**

This matter comes before the California Regional Water Quality Control Board, Santa Ana Region (hereinafter Santa Ana Water Board) pursuant to Administrative Civil Liability Complaint No. R8-2025-0066 dated September 15, 2025 (Complaint) issued to Wicked Creations, Inc. (Discharger). The Complaint alleged a violation based on evidence that the Discharger failed to obtain appropriate regulatory coverage for its industrial operations under the *General Permit for Storm Water Discharges Associated with Industrial Activities, Order No. 2018-0028-DWQ, National Pollutant Discharge Elimination System (NPDES) Permit No. CAS000001* (General Permit) or otherwise obtain appropriate regulatory coverage, as described below, and proposed an administrative civil liability in the amount of \$150,000 pursuant to applicable laws and regulations, including California Water Code section 13385. A hearing took place on March 13, 2026, in accordance with the hearing notice and procedures served on the Discharger, and applicable laws and regulations, including California Code of Regulations, title 23, sections 648-648.8.

The Santa Ana Water Board acted on the Complaint on March 13, 2026. The Santa Ana Water Board hereby finds the following:

**BACKGROUND**

1. The Santa Ana Water Board is the public agency with primary responsibility for the protection of groundwater and surface water quality for all beneficial uses within the Santa Ana Region of the State of California.
2. The Discharger operates an industrial facility located at 13832 West Street in the City of Garden Grove (Facility).
3. The Facility is identified as an industrial facility engaged in manufacturing hardware, not elsewhere classified. This industrial activity is described in Standard Industrial Classification (SIC) code 3429.
4. The Facility discharges into East Garden Grove Wintersburg Channel, a Water of the United States.
5. The Facility requires an NPDES permit to regulate its discharge of industrial pollutants in stormwater pursuant to 40 Code of Federal Regulations section 122.26(b)(14).

6. Water Code section 13376, in relevant part, requires that “a person who discharges pollutants or proposes to discharge pollutants to navigable waters of the United States within the jurisdiction of this state ... shall file a report of the discharge in compliance with the procedures set forth in Section 13260.”
7. For industrial facilities, this obligation is most easily satisfied through enrollment in the General Permit.
8. The Discharger must obtain coverage under the General Permit or otherwise satisfy the obligation of Water Code section 13376 by submitting a report of waste discharge (ROWD) and obtaining an alternative NPDES permit.
9. The Discharger has been uncooperative with Santa Ana Water Board staff, who have attempted to assist the Discharger in correcting conditions of noncompliance through the issuance of Notices of Non-Compliance, multiple phone calls, and multiple attempted inspections.
10. As of the filing of the Complaint, the Discharger had accrued a total of 508 days of violation.
11. On March 13, 2026, the Santa Ana Water Board held a public hearing on the Complaint. The Prosecution Team presented its case before the Board. The Discharger did not appear at the hearing or otherwise submit evidence or argument prior to the hearing.
12. As of the date of the hearing, the Discharger had not sought coverage under the General Permit or otherwise satisfied the obligation of Water Code section 13376 by submitting a ROWD and obtaining an alternative NPDES permit.

### **VIOLATION**

13. The Discharger failed to meet the requirements of Water Code section 13376 by failing to obtain coverage under the General Permit or otherwise obtaining appropriate regulatory coverage from at least April 26, 2024 through September 15, 2025.

### **WATER CODE AUTHORITY FOR IMPOSING ADMINISTRATIVE CIVIL LIABILITY**

14. Pursuant to Water Code section 13385, subdivision (a)(1), any person who violates Water Code section 13376 is subject to administrative civil liability pursuant to Water Code section 13385, subdivision (c)(1), in an amount not to exceed ten thousand dollars (\$10,000) for each day in which the violation occurs.
15. Pursuant to Water Code section 13385(e), in determining the amount of civil liability, the Santa Ana Water Board shall take into consideration the nature, circumstances, extent, and gravity of the violation or violations, whether the discharge is susceptible to cleanup and abatement, the degree of toxicity of the discharge, and, with respect to the violator, the ability to pay, the effect on the ability to continue in business, and voluntary cleanup efforts undertaken, any prior history of violations, the degree of

culpability, economic benefit or savings, if any, resulting from the violation, and other matters as justice may require.

### **WATER QUALITY ENFORCEMENT POLICY**

16. The State Water Resources Control Board (State Water Board) adopted Resolution No. 2023-0043, which adopted the 2024 Water Quality Enforcement Policy (2024 Enforcement Policy). The 2024 Enforcement Policy was approved by the Office of Administrative Law and became effective on November 7, 2024. The 2024 Enforcement Policy establishes a methodology for assessing administrative civil liability that addresses the factors that are required to be considered when imposing a civil liability as outlined in Water Code sections 13385(e).
17. The Enforcement Policy “strongly encourage[s]” Water Boards “to recover staff costs that reflect the effort to investigate and issue an enforcement action.” (2024 Enforcement Policy, at p. 28.)

### **PROPOSED ADMINISTRATIVE CIVIL LIABILITY**

18. The Complaint proposed an administrative civil liability of \$150,000 for the violation, as detailed in Attachment A to the Complaint. This proposed administrative civil liability was derived from the use of the penalty methodology in the 2024 Enforcement Policy. The proposed administrative civil liability takes into account the factors described in Water Code section 13385(e), including the Discharger’s culpability, history of violations, ability to pay, and other factors as justice may require.
19. The Prosecution Team accrued \$4,603 in staff costs associated with the investigation and preparation of the violations alleged herein. The Prosecution Team elected not to include these costs in the proposed civil liability.

### **MAXIMUM STATUTORY LIABILITY**

20. Pursuant to Water Code section 13385(c), the statutory maximum administrative civil liability for the violation is \$10,000 per day of violation.
21. The maximum liability amount for the violation is \$5,080,000 = \$10,000 x 508 days.

### **MINIMUM LIABILITY**

22. Water Code section 13385(e) requires that when pursuing civil liability under Water Code section 13385, “[a]t a minimum, liability shall be assessed at a level that recovers the economic benefit, if any derived from the acts that constitute the violation.”
23. The 2024 Enforcement Policy directs that the minimum liability be at least 10% higher than the economic benefit amount such that the liabilities are not construed as the cost of doing business and that the assessed liability provides a meaningful deterrent to

future violation. The economic benefit for the alleged violations is calculated to be \$20,383. Therefore, the minimum liability is \$22,421.

### **ADMINISTRATIVE CIVIL LIABILITY**

24. Based on consideration of the above facts, the evidence in this matter, materials submitted by the parties, the testimony and arguments presented at hearing, and the applicable law, the Santa Ana Water Board finds that the Discharger is liable for the Violation alleged in the Complaint.
25. In consideration of the foregoing, and after applying the methodology in the Enforcement Policy, the Santa Ana Water Board further finds that civil liability shall be imposed administratively against the Discharger in the proposed amount of \$150,000, plus staff costs of \$4,603, for a Total Liability Amount of **\$154,603**. Calculation of the Total Liability Amount is explained in detail in Attachment A to this Order, which is hereby incorporated into this Order by reference.

### **REGULATORY CONSIDERATIONS**

26. Notwithstanding the issuance of this Order, the Santa Ana Water Board retains the authority to assess additional penalties for violations for which penalties have not yet been assessed or for violations that may subsequently occur.
27. Any person aggrieved by this action of the Santa Ana Water Board may petition the State Water Board to review the action in accordance with Water Code section 13320 and California Code of Regulations, title 23, section 2050 and following. The State Water Board must receive the petition by 5:00 p.m., 30 days after the date of this Order, except that if the thirtieth day following the date of this Order falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Water Board by 5:00 p.m. on the next business day. Copies of the law and regulations applicable to filing petitions will be provided upon request and may be found on the Internet at: [http://www.waterboards.ca.gov/public\\_notices/petitions/water\\_quality/](http://www.waterboards.ca.gov/public_notices/petitions/water_quality/)

**IT IS HEREBY ORDERED**, pursuant to Water Code section 13385 and other applicable law, that:

1. Wicked Creations, Inc., shall be assessed an Administrative Civil Liability in the amount of one hundred fifty-four thousand six hundred three dollars (\$154,603).
2. Payment shall be made no later than 30 days from the date on which this Order is adopted. Wicked Creations, Inc. shall send the original signed check to:

State Water Resources Control Board  
Division of Administrative Services  
ATTN: Accounting  
1001 I Street, 18<sup>th</sup> Floor  
Sacramento, CA 95814

And shall send a copy to:

Santa Ana Regional Water Quality Control Board  
ATTN: David Rosas  
3737 Main Street, Suite 500  
Riverside, CA 92501

I, Alan Kuoch, Supervising Engineering Geologist, do hereby certify 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 April 24, 2026:

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Alan Kuoch  
Supervising Engineering Geologist

Attachment A:        Specific Factors Considered for Administrative Civil Liability Order No.  
                                 R8-2025-0066

**ATTACHMENT A**  
**Specific Factors Considered for**  
**Administrative Civil Liability Order No. R8-2025-0066**  
**Wicked Creations, Inc.**

Wicked Creations, Inc. (Discharger) violated California Water Code section 13376 by failing to enroll in the *General Permit for Storm Water Discharges Associated with Industrial Activities*, Order No. 2014-0057-DWQ, *National Pollutant Discharge Elimination System (NPDES) Permit No. CAS000001* (General Permit), or otherwise obtain appropriate regulatory coverage, at its industrial facility located at 13832 West Street in the City of Garden Grove (Facility).

The State Water Resources Control Board's Water Quality 2024 Enforcement Policy ([Enforcement Policy](#))<sup>1</sup> establishes a methodology for determining administrative civil liability by addressing the factors that are required to be considered under California Water Code (Water Code) section 13385, subdivision (e). Each factor of the ten-step approach and its application to the violation is discussed below, as is the basis for assessing the corresponding score.

**Violation: The Discharger failed to meet the requirements of Water Code section 13376 by failing to obtain coverage under the General Permit, or otherwise obtaining appropriate regulatory coverage from at least April 26, 2024 through September 15, 2025.**

**ENFORCEMENT POLICY – PENALTY CALCULATION**

**Step 1 and Step 2 – Actual or Potential for Harm for Discharge Violations and Assessments for Discharge Violations**

These steps are not applicable to the violation because this is a non-discharge violation.

**Step 3 – Per Day Assessments for Non-Discharge Violations**

Step 3 of the Enforcement Policy directs the Santa Ana Water Board to calculate a per day factor for non-discharge violations by considering the Potential for Harm and Deviation from Requirement using Table 3 in the Enforcement Policy.

**Potential for Harm: Moderate**

The Enforcement Policy requires a determination of whether the characteristics of the violation resulted in a minor, moderate, or major potential for harm and/or threat to beneficial uses.

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<sup>1</sup> The violation alleged in this Complaint pre-dates the effective date of the 2024 Enforcement Policy, therefore, consistent with Attachment D to the Enforcement Policy, substantive changes included in the 2024 Enforcement Policy are not applied to this violation.

The Discharger's failure to obtain appropriate regulatory coverage has a moderate potential for harm because it undermines the Santa Ana Water Board's statutory mandate to regulate industrial dischargers. Without enrolling in the General Permit, or otherwise obtaining regulatory coverage, the Discharger is not required to implement any Best Management Practices (BMPs) or conduct any monitoring of its stormwater discharges. BMPs and monitoring are critical pillars of the stormwater regulatory program designed to ensure that pollutants in stormwater are minimized. Failure to implement these tasks results in uncontrolled and unknown quantities of industrial pollutants to be discharged into the receiving water. Industrial facilities with Notice of Intent permit coverage are required to collect and analyze their discharge for Total Suspended Solids (TSS), Oil and Grease (O&G), and pH. Industrial facilities with the SIC Code 3429 would be expected to include the following pollutants in their sample analysis: Zinc, Nitrate & Nitrite Nitrogen (N+N), Iron, and Aluminum. The City of Garden Grove has confirmed the Facility's receiving water to be the East Garden Grove Wintersburg Channel, which discharges to the Bolsa Chica Ecological Preserve. The Water Quality Control Plan for the Santa Ana River Basin identifies the beneficial uses for the Bolsa Chica Ecological Preserve to include the following: Water Contact Recreation; Non-contact Water Recreation; Preservation of Biological Habitats of Special Significance; Wildlife Habitat; Rare, Threatened or Endangered Species; Spawning, Reproduction and Development; Marine Habitat; and Estuarine Habitat.

Despite the severity of the impact to the regulatory program, the Enforcement Policy states that most non-discharge violations should be considered to present a moderate potential for harm. Therefore, the potential for harm is moderate.

Deviation from Requirement: Major

A major deviation from requirement is appropriate because the Discharger's failure to enroll in the General Permit, or otherwise obtain appropriate regulatory coverage, rendered the requirement that industrial facilities with industrial activities exposed to stormwater receive permit coverage completely ineffective. All goals of the regulatory program are entirely undermined when a discharger is not required to implement or observe any of the requirements included in the General Permit such as implementation of BMPs and monitoring and sampling programs. Therefore, the deviation from requirement is major.

Per Day Factor: 0.55

Using a moderate Potential for Harm and a major Deviation from Requirement, the per day factor for this violation from Table 3 of the 2024 Enforcement Policy is 0.55.

Days of Violation:

As of September 15, 2025, the Discharger has accrued a total of 508 days of violation. The Santa Ana Water Board Prosecution Team has elected to count days of violation

beginning with the day after the deadline for the Discharger to enroll and accept a Conditional Settlement Offer (April 26, 2024), which led to the assessment of a mandatory minimum liability in Order R8-2024-0038, and ending with the issuance of Complaint No. R8-2025-0066 (September 15, 2025).

#### Multiple Day Violation Reduction:

The Enforcement Policy allows for an alternate approach to calculating penalties for violations that last more than thirty (30) days. Where appropriate, this alternative approach shall result in a liability that is not less than an amount that is calculated based on an assessment of the first 30 days of the violation, plus an assessment for each 5-day period of violation, until the 60th day, plus an assessment for each 30 days of violation thereafter.

Here, the Discharger's failure to obtain appropriate regulatory coverage did not cause provable daily detrimental impacts to the environment, though it did cause daily detrimental impacts to the regulatory program. However, the violation has not resulted in a discrete economic benefit that can be measured on a daily basis because the Discharger did not avoid specific daily costs related to potential compliance measures that any permit would have required it to implement. Therefore, application of the multiple day reduction is appropriate.

Based on the application of the multiple day reduction, the total number of days of violation for the Violation is  $(30 + (30/5) + (508-60)/30) = 36+14= 50$ .

#### Initial Liability Amount:

\$10,000 [maximum statutory liability per day violation] x 50 [days of violation] x 0.55 [per day factor]

$$\mathbf{\$10,000 \times 50 \text{ days} \times 0.55 = \$275,000}$$

#### **Step 4 – Adjustment Factors**

The Enforcement Policy then requires consideration of the discharger's conduct, specifically, the discharger's culpability, degree of cleanup and cooperation, and compliance history.

#### Culpability: 1.4

For culpability, the Enforcement Policy prescribes an adjustment using a multiplier between 0.75 to 1.5. The lower multiplier applies to accidental incidents and the higher multiplier for intentional and negligent behavior.

Here, the Discharger has been negligent in its failure to enroll in the General Permit, or otherwise obtain NPDES coverage. All industrial facilities across the state of California that are engaged in manufacturing processes described under SIC code 3429 are required to submit a Report of Waste Discharge before conducting industrial activities that could result in discharges to Waters of the United States. In addition, the Discharger was informed of this requirement many times through a previous enforcement effort comprised of Notices of Non-Compliance issued on December 6, 2023, and January 4, 2024, an Expedited Payment Letter issued on March 27, 2024, site inspections, and phone calls from Santa Ana Water Board staff. Receipt of the Notices of Non-Compliance was confirmed via certified mail return receipt. Therefore, a culpability score of 1.4 is assigned.

#### History of Violations: 1.1

The Discharger has a history of adjudicated violations of the California Water Code within the past five years. After a public hearing, the Santa Ana Water Board's Executive Officer adopted Order No. R8-2024-0038 on the Santa Ana Water Board's behalf thereby ordering the Discharger pay a total liability of seven thousand three hundred seventy-six dollars (\$7,376) pursuant to Water Code sections 13399.30 and 13399.33. Therefore, an elevated factor of 1.1 is assigned.

#### Cleanup and Cooperation: 1.5

This factor reflects the extent to which a discharger voluntarily cooperates in returning to compliance and correcting environmental damage. A multiplier between 0.75 and 1.5 is to be used, with a higher multiplier reflecting a lack of cooperation in obtaining compliance.

The Discharger was uncooperative with Santa Ana Water Board staff, who attempted to assist the Discharger in correcting conditions of noncompliance through the issuance of Notices of Non-Compliance, multiple phone calls<sup>2</sup> and multiple attempted inspections.<sup>3</sup> In addition, as of the date of the hearing, the Discharger had not enrolled in the General Order, despite being ordered to do so in Order R8-2024-0038. This response falls far below what can reasonably be expected from a discharger. A reasonable discharger would have complied with the requirements of Water Code section 13376 by enrolling in the Permit which is a straightforward compliance option that can be satisfied by submitting Permit Registration Documents (PRDs) via SMARTS. The Discharger has failed to make any effort at complying with the requirements of Water Code section 13376. Therefore, a cleanup and cooperation factor of 1.5 is assigned.

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<sup>2</sup> Santa Ana Water Board staff attempted to contact the Discharger over the phone on January 25, 2024, January 29, 2024, February 1, 2024, February 2, 2024, February 14, 2024, and April 24, 2024.

<sup>3</sup> Santa Ana Water Board staff attempted to inspect the facility on December 6, 2023, and June 7, 2024, but were denied access.

### **Step 5 – Determination of Total Base Liability Amount**

The Total Base Liability Amount for the Violation is determined by multiplying the Initial Liability Amount determined in Step 3 by the Step 4 adjustment factors.

\$275,000 [initial liability amount] x 1.4 [culpability] x 1.1 [violation history] x 1.5 [cleanup and cooperation]

$$\mathbf{\$275,000 \times 1.4 \times 1.1 \times 1.5 = \$635,250}$$

### **Step 6 – Economic Benefit**

Estimated Economic Benefit: \$20,383

The Enforcement Policy requires the Economic Benefit Amount to be estimated for every violation. The economic benefit is any savings or monetary gain derived from the act or omission that constitutes the violation.

The Enforcement Policy provides that the United States Environmental Protection Agency's Economic Benefit of Noncompliance Model (BEN model) should be used to calculate the economic benefit equal to the present value of the avoided costs plus the "interest" on delayed costs. This calculation reflects the fact that the Discharger has had the use of the money that should have been used to avoid the instance of noncompliance. Using the BEN Model, the Discharger has derived an economic benefit of \$20,383.

Pursuant to California Water Code section 13385 subdivision (e), civil liability, at a minimum, must be assessed at a level that recovers the economic benefit, if any, derived from the acts that constitute a violation. The Violation described above identifies several avoided expenses that have significantly benefited the Discharger.

### **Step 7 – Other Factors as Justice May Require**

In accordance with Step 7 of the Enforcement Policy, the Total Base Liability Amount may be adjusted under the provision for "other factors as justice may require" if express findings are made. The Prosecution Team believes that the amount of \$635,250 is disproportionate to assessments for similar conduct under the Stormwater Enforcement Act of 1998. The Storm Water Enforcement Act requires that a mandatory minimum penalty of \$5,000 be assessed for failing to enroll in the General Permit. The Discharger's conduct here, as described in the above analysis, warrants the assessment of discretionary penalties that are greater than the mandatory minimum penalty under the Storm Water Enforcement Act, but less than the statutory maximum under Water Code section 13385.

In addition, the Prosecution Team notes that the Facility is located in a designated Disadvantaged Community as described in the Enforcement Policy. According to

CalEnviroScreen, a tool developed by the California Office of Environmental Health Hazard Assessment for the purposes of identifying impacted communities by taking into consideration pollution exposure and its effects, as well as health and socioeconomic status, the Facility is located in a census tract with an overall score of 90 out of 100. Resolution R8-2024-0029, adopted on March 15, 2024, reaffirmed the Santa Ana Water Board's commitment to uphold the human right to water, protect public health, beneficial uses, and particularly address communities that carry a disproportionate burden from environmental pollution within the Santa Ana River watershed. Therefore, residents in this community bear a disproportionate burden of pollution, and it is appropriate to impose a liability greater than the amount authorized pursuant to the Stormwater Enforcement Act.

Thus, the Prosecution Team proposed an adjustment yielding a Total Base Liability Amount of \$150,000. The Prosecution Team accrued \$4,603 in staff costs associated with the investigation and preparation of the Violation alleged herein. The Prosecution Team elected not to seek reimbursement of these costs due to the overall total liability in its proposed Total Base Liability Amount.

The 2024 Enforcement Policy provides that “[t]he Water Boards may exercise their discretion to include some of the costs of investigation and enforcement in a civil liability. Including some staff investigation and enforcement costs is valid from an economic standpoint as it requires those who commit water quality violations to pay a greater percentage of the full costs of their violations. . . . Water Boards are strongly encouraged to recover staff costs that reflect the effort to investigate and issue an enforcement action.” (2024 Enforcement Policy, at p. 28.)

The Santa Ana Water Board finds that it is appropriate and consistent with the Enforcement Policy to increase the Total Base Liability Amount by \$4,603 in consideration of the costs of investigation and enforcement necessitated by the Discharger's lack of cooperation with staffs' investigation. Therefore, the proposed Total Base Liability Amount is increased by \$4,603, for a Total Base Liability Amount of \$154,603.

### **Step 8 – Ability to Pay and Ability to Continue in Business**

The Enforcement Policy provides that if there is sufficient financial information available to assess the violator's ability to pay the Total Base Liability Amount or to assess the effect of the Total Base Liability Amount on the violator's ability to continue in business, the Total Base Liability Amount may be adjusted to address the ability to pay or to continue in business. There is no obligation to ensure that a violator has the ability to pay or continue in business, but, rather, the Santa Ana Water Board is obligated to consider these factors when imposing a civil liability under the Water Code.

The Prosecution Team has sufficient financial information necessary to suggest that the Discharger has the ability to pay the proposed civil liability. The Discharger's Business Profile Record reported sales from the Facility in 2024 to exceed \$1,308,000. Based on this publicly available information, the Discharger has the ability to pay the proposed penalty and remain in business. No evidence was submitted indicating that the Discharger did not have the ability to pay the proposed civil liability.

### **Step 9 – Maximum and Minimum Liability Amounts**

The Enforcement Policy directs the Santa Ana Water Board to consider the maximum and minimum liability amounts for each alleged violation.

Maximum Liability Amount: \$5,080,000

The maximum liability is set by statute. Water Code section 13385 allows the Santa Ana Water Board to impose daily liability in an amount not to exceed \$10,000 per day, per violation. The maximum liability amount for the Violation is \$5,080,000 (\$10,000 x 508 days).

Minimum Liability Amount: \$22,421

The Santa Ana Water Board is bound by statute to recover, at minimum, the economic benefit to the violator in an action for violations of Water Code section 13385. The Santa Ana Water Board should strive to impose civil liabilities 10 percent greater than the economic benefit to the violator. The Enforcement Policy states that "the adjusted Total Base Liability Amount should be at least 10 percent higher than the Economic Benefit Amount so that liabilities are not construed as the cost of doing business and that the assessed liability provides a meaningful deterrent to future violations". The minimum liability amount is \$22,421 (\$20,383 x 1.1).

### **Step 10 – Final Liability Amount**

Final Liability Amount: \$154,603

The Final Liability Amount consists of the proposed Total Base Liability Amount of \$150,000 plus staffs' investigation and enforcement costs of \$4,603. Based on the foregoing analysis, and consistent with the Enforcement Policy, the final Administrative Civil Liability is **\$154,603**.