

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
SANTA ANA REGION

In the Matter of: )

)  
**Solomon Colors, Inc.** )  
**1251 W. Durst Drive** )  
**Rialto, CA 92376** )

**Attn: Mr. Mark Freis** )

**ORDER No. R8-2010-0009**  
**On Stipulation and Settlement**  
**Agreement**

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This Order on Stipulation and Settlement Agreement (“Order”) is issued in reference to an adjudicative proceeding initiated by the issuance of Administrative Civil Liability Complaint No. R8-2009-0064, dated November 9, 2009 (“Complaint”). The parties to this proceeding are the California Regional Water Quality Control Board, Santa Ana Region’s (“Regional Water Board”) Prosecution Team, and Solomon Colors, Inc. (“Solomon”) (collectively hereinafter the “Parties”).

The Regional Water Board has been presented with a proposed settlement of the claims alleged in the Complaint that has been developed during negotiations between the Parties’ representatives (“Settlement Agreement”). The proposed Settlement Agreement represents a mutually agreed-upon resolution of the Prosecution Team’s claims by the payment of an administrative civil liability in the amount of \$68,000 (“Total Liability”) to the State Water Resources Control Board (“State Board”) Cleanup and Abatement Account (“CAA”). Solomon is to pay \$61,798 into the CAA in accordance with the terms of the Settlement Agreement within thirty (30) days of issuance of the Order, and will satisfy the balance of the Total Liability (the “Suspended Liability”) by remitting restitution to Toys R Us, for clean up costs incurred at its property located on Durst Drive because of the violations alleged in the Complaint, or by paying that portion of the Suspended Liability then due in accordance with the terms of the Settlement Agreement entered into by the Parties on the same date as this Order. Within thirty (30) days after Solomon timely makes restitution to Toys R Us the Suspended Liability will be permanently waived.

The Parties recommend that the Regional Water Board issue this Order to effectuate the proposed Settlement Agreement. Having provided public notice of the proposed Settlement Agreement and an opportunity for public comment, the Regional Water Board finds that:

1. Solomon Colors operates a liquid pigments (also referred to as iron oxide pigment) manufacturing and distribution facility at 1251 W. Durst Drive in Rialto, California. Pigments are generally mixed inside its building and stored in 300-gallon plastic totes outside the building prior to distribution. The pigments are used for coloring concrete. Solomon’s facility has been in operation since at least November 2003 based on a review of historical aerial photography of the site using Google Earth. The Property is subject to the requirements set forth in the State Water Resources Control Board General Permit for Storm Water Discharges Associated with Industrial Activity, Water Quality Order No. 97-0-DWQ, National

Pollution Discharge Elimination System Permit No. CAS000001 ("General Permit"), as alleged in the Complaint.

2. The Complaint proposes liability sufficient to compensate for the violations of failing to obtain coverage under the General Permit and failing to file a report of discharge prior to the discharge of pollutants in accordance with California Water Code section 13260, as alleged in the Complaint.

3. In accepting the proposed settlement, the Regional Water Board has considered, where applicable, each of the factors prescribed in Water Code section 13385(e). The Regional Water Board's consideration of these factors is based upon information obtained by the Regional Water Board in investigating the allegations in the Complaint or otherwise provided to the Regional Water Board. Further, the proposed settlement exceeds the minimum liability required to be assessed under Water Code section 13385(e) to recover economic benefits derived from the acts that constitute the violations alleged in the Complaint.

4. Notice of the settlement and assessment of civil liability was published in the San Bernardino Sun on or before February 16, 2010 notifying the public of the review period and soliciting public comments on the terms of the settlement. The proposed settlement supports the assessment of administrative civil liability as recommended in this Order. This settlement and assessment of administrative civil liability serves the public interest and provides for the full and final resolution of each and all of the claims that were set forth in the Complaint.

5. This action is an Order to enforce the laws and regulations administered by the Regional Water Board. Issuance of this Order is exempt from the provisions of the California Environmental Quality Act (Public Resources Code, sections 21000 et seq.), in accordance with Section 15321(a)(2), Title 14, of the California Code of Regulations.

**IT IS HEREBY ORDERED** that, pursuant to California Water Code section 13385 and Government Code section 11415.60 that:

1. The Settlement Agreement is approved;

2. Solomon shall pay the Total Liability agreed to under the Settlement Agreement in accordance with its terms;

3. The Assistant Executive Officer of the Regional Water Board is authorized to refer this matter directly to the Attorney General for enforcement if Solomon fails to perform any of its obligations under the Settlement Agreement; and

4. Fulfillment of Solomon's obligations under the Settlement Agreement constitutes full and final satisfaction of any and all liability for each claim set forth in the Complaint in accordance with the terms of this Order and the Settlement Agreement.

I, Gerard J. Thibeault, Executive Officer, do hereby certify that the foregoing is a full, complete, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Santa Ana Region, on March 18, 2010.

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Gerard J. Thibeault  
Executive Officer

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