

**Santa Ana Regional Water Quality Control Board**

April 25, 2013

**BY REGULAR MAIL AND EMAIL**

Mr. Ronnie Tabibnia  
Tile Tech Pavers  
10943 Jasmine Street  
Fontana, CA 92337

**TENTATIVE ORDER NO. R8-2013-0037, STAFF REPORT AND HEARING PROCEDURE  
PERTAINING TO MINIMUM MANDATORY PENALTY (MMP) ISSUED TO TILE TECH  
PAVERS**

Dear Mr. Tabibnia:

We are enclosing a copy each of the tentative order, staff report and the hearing procedure pertaining to the MMP Complaint that was first issued to Tile Tech Pavers on February 11, 2013 and re-issued on April 25, 2013 (copy enclosed). The Complaint was re-issued to change the Regional Board hearing date and location.

Please note that the public hearing on this item is now scheduled for the Regional Board's meeting on June 7, 2013. The meeting starts at 9:00 a.m. and will be held in the City Council Chambers, City of Loma Linda, 25541 Barton Road, Loma Linda, California.

The Hearing Procedure sets forth important requirements and deadlines for participation in the hearing. Additionally, a Fact Sheet describing the Complaint process is available at: [http://www.waterboards.ca.gov/santaana/public\\_notices/enforcement\\_actions.shtml](http://www.waterboards.ca.gov/santaana/public_notices/enforcement_actions.shtml). The Fact Sheet describes the complaint process and explains what Tile Tech Pavers can expect and its obligations as the process proceeds. If preferred, a hard copy of the Fact Sheet may be obtained by contacting Milasol C. Gaslan at (951) 782-4419.

**Please read the Hearing Procedure carefully. The Board may adopt an Order requiring that you pay a penalty.**

A copy of the June 7, 2013 Board meeting agenda will be posted on our website approximately 10 days prior to the hearing.

If you wish, you may request a pre-hearing meeting, as set forth in the Hearing Procedure. Should you wish to schedule a pre-hearing meeting, please contact Milasol Gaslan, Chief, Inland Storm Water, at (951) 782-4419 ([mgaslan@waterboards.ca.gov](mailto:mgaslan@waterboards.ca.gov)) by May 8, 2013.

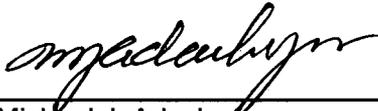
Mr. Ronnie Tabibnia  
Tile Tech Pavers

- 2 -

April 25, 2013

If you have any questions about the Complaint or the Hearing Procedure, please contact Milasol C. Gaslan (951-782-4419, [mgaslan@waterboards.ca.gov](mailto:mgaslan@waterboards.ca.gov)). All legal questions should be directed to Cris Carrigan at (916) 341-5896 ([CCarrigan@waterboards.ca.gov](mailto:CCarrigan@waterboards.ca.gov)), Director, Office of Enforcement.

Sincerely,



---

Michael J. Adackapara  
Division Chief

Enclosures: Tentative Order No. R8-2013-0037; Staff Report; Hearing Procedure; and Amended MMP Complaint No. R8-2013-0011

Cc (by electronic mail only):

Regional Board  
Executive Officer, Kurt V. Berchtold (Regional Board Advisory Team)  
State Water Resources Control Board, Office of Chief Counsel – David Rice (Regional Board Advisory Team Attorney)  
State Water Resources Control Board, Division of Water Quality – Diana Messina  
State Water Resources Control Board, Office of Enforcement – Cris Carrigan, Director (Regional Board Prosecution Team Attorney)  
U.S. Environmental Protection Agency, Region 9 (WTR-7) – Ken Greenberg  
Inland Empire Waterkeepers – Colin Kelly, [colin@coastkeeper.org](mailto:colin@coastkeeper.org)  
City of Fontana, NPDES – Tony Mata, [tmata@fontana.org](mailto:tmata@fontana.org)  
Tile Tech Pavers – Ronnie Tabibnia, [ronnie@tiletechpavers.com](mailto:ronnie@tiletechpavers.com)

**State of California  
California Regional Water Quality Control Board  
Santa Ana Region  
June 7, 2013  
Staff Report**

**ITEM: X**

**SUBJECT:** Order No. R8-2013-0037 Affirming Mandatory Minimum Penalty  
Complaint No. R8-2013-0011, Tile Tech Pavers, San Bernardino  
County

**INTRODUCTION**

The matter before the California Regional Water Quality Control Board, Santa Ana Region (Regional Board), is whether to affirm, reject or modify the proposed Order imposing an assessment of \$1,450 against Tile Tech Pavers; owner: Ronnie Tabibnia.

**BACKGROUND**

On February 11, 2013, the Division Chief issued Mandatory Minimum Penalty Complaint (MMP or the Complaint) No. R8-2013-0011 (copy attached) to Tile Tech Pavers (owner: Ronnie Tabibnia) (Discharger) for alleged violations of the State's General Permit for Storm Water Discharges Associated with Industrial Activities (General Permit), Order No. 97-03-DWQ. In the MMP, the Division Chief proposed an assessment of \$1,450 for the alleged violations.

MMP No. R8-2013-0011 was issued to the Discharger for the non-submittal of the 2011-2012 storm water annual report. Non-submittal of the annual report is a violation of the General Permit.

**DISCUSSION**

The General Permit regulates the discharge of storm water from industrial facilities as required under Section 402(p) of the Federal Clean Water Act. The Discharger owns and operates a manufacturing facility at 10943 Jasmine Street, in Fontana, California and the discharge of storm water from the facility is regulated under the State's General Permit.

The General Permit requires submittal of an annual report by July 1 of each year. The Discharger failed to submit the annual report for 2011-12 by the July 1, 2012 deadline. Regional Board staff issued two certified letters reminding the Discharger to submit the annual report. In addition, staff also reminded the Discharger twice through emails and requested to submit the annual report. The

Discharger was also reminded about the mandatory minimum penalty for non-submittal of the annual report. According to the return receipt for the certified mails, the Discharger received both certified letters. The Discharger did not respond to the certified mails or the emails and did not submit the annual report as requested.

The Water Code specifies that the Regional Board shall impose a minimum penalty of \$1,000 and recover staff costs from dischargers who fail to submit the annual reports. On February 11, 2013, the attached Mandatory Minimum Penalty Complaint was issued to the Discharger (Attachment 1). The Discharger was given an option to waive its right to a hearing. The Discharger did not waive its right to a hearing. The Complaint includes details of a number of prior violations and the enforcement actions taken by Regional Board staff, including a number of Notices of Violation.

### **WATER CODE VIOLATIONS/PENALTIES**

California Water Code Section 13399.33(c) requires that the Regional Board impose a minimum penalty of \$1,000 for non-submittal of annual reports. Section 13399.33(d) allows the Regional Board to recover staff costs incurred by the Regional Board. Despite repeated reminders and warnings, the Discharger has not submitted the annual report.

### **CONSISTENCY WITH THE STATEWIDE ENFORCEMENT POLICY**

On November 19, 2009, the State Water Resources Control Board adopted a State Water Quality Enforcement Policy to ensure that enforcement actions throughout the State are consistent, predictable, and fair. The above-described Complaint and the proposed Order are in accordance with the Statewide Enforcement Policy.

### **RECOMMENDATION**

Board staff recommends that the Board adopt Order No. R8-2013-0037 affirming the assessment of \$1,450.

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

**In the matter of:**

*Ronnie Tabibnia  
Tile Tech Pavers  
10943 Jasmine Street  
Fontana, CA 92337*

*Mandatory Minimum  
Penalty  
  
Order No. R8-2013-0037*

1. The California Regional Water Quality Control Board, Santa Ana Region (hereinafter Regional Board), held a hearing on June 7, 2013 to receive testimony and take evidence on the allegations contained in Complaint No. R8-2013-0011, dated February 11, 2013 and on the recommendation for the imposition of penalties and staff costs pursuant to Water Code Sections 13399.33(c) and (d) in the amount of \$1,450. The Regional Board finds as follows:
2. Tile Tech Pavers, owned by Ronnie Tabibnia (hereinafter Discharger), is regulated under the State Water Resources Control Board's Waste Discharge Requirements, Order No. 97-03-DWQ, NPDES No. CAS000002 (General Permit). The General Permit requires submittal of an annual report by July 1 of each year. The Discharger failed to submit the annual report for 2011-12 by the July 1, 2012 deadline.
3. Regional Board staff issued two certified letters reminding the Discharger to submit the annual report. In addition, staff also reminded the Discharger twice through emails.
4. The Discharger did not respond to the certified mails or the emails. The Water Code specifies that the Regional Board shall impose a minimum penalty of \$1,000 and recover staff costs from dischargers who fail to submit the annual reports. Accordingly, on February 11, 2013, the attached Mandatory Minimum Penalty Complaint was issued to the Discharger (Attachment 1). The Discharger was given an option to waive its right to a hearing. The Discharger did not waive its right to a hearing.
5. By adopting this order, the Board incorporates the findings in Mandatory Minimum Penalty Complaint No. R8-2013-0011 and affirms the penalty specified therein.

6. Issuance of this Order is exempt from the provisions of the California Environmental Quality Act (Public Resources Code Section 2100 et seq.) in accordance with Section 15321, Chapter 3, Title 14, California Code of Regulations.

**IT IS HEREBY ORDERED** that, pursuant to California Water Code Sections 13399.33(e) and (d), a penalty shall be imposed on Tile Tech Pavers (owner Mr. Ronnie Tabibnia) in the amount of \$1,450, as proposed in Mandatory Minimum Penalty Complaint No. R8-2013-0011 for the violations cited, payable as set forth below.

1. Mr. Ronnie Tabibnia, dba Tile Tech Pavers, is liable for the assessed amount and shall pay \$1,450 to the Waste Discharge Permit Funds by July 8, 2013.

The Executive Officer is authorized to refer this matter to the Attorney General for enforcement.

Pursuant to Water Code Section 13320, you may petition the State Water Resources Control Board for review of this Order. If you choose to do so, you must submit the petition to the State Board within 30 days of the Regional Board's adoption of this Order.

I, Kurt V. Berchtold, Executive Officer, do hereby certify that 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 June 7, 2013.

---

Kurt V. Berchtold  
Executive Officer



to the first NNC, a second NNC was issued on October 4, 2012 (Exhibit 2). According to the return receipt, the second NNC was received by the facility on October 5, 2012. In both NNCs, Board staff requested submittal of the completed annual report and reminded Tile Tech Pavers of the mandatory minimum penalty for late submittal of the annual report. The second NNC requested that the annual report be submitted by November 5, 2012 along with a statement explaining why the annual report was not submitted by the July 1 deadline, and the measures that would be taken to ensure that future annual reports would be submitted on time.

6. Staff also contacted Mr. Tabibnia by electronic mail on August 28, 2012 and December 10, 2012 (Exhibit 3), to remind him of the due dates for submittal of the 2011-2012 annual report specified in the two NNCs. Staff provided Mr. Tabibnia the necessary forms to complete his annual report.
7. The NOI for this facility indicates that Mr. Tabibnia is the owner of the facility. To date, the annual report has not been received at the Regional Board office. This facility violated the General Permit, the Federal Clean Water Act and the California Water Code by failing to submit the annual report by July 1, 2012.
8. Section 13385(a)(2) of the California Water Code provides that any person who violates waste discharge requirements issued pursuant to the Federal Clean Water Act shall be civilly liable. Section 13385(c) provides that civil liability may be administratively imposed by a regional board in an amount not to exceed ten thousand dollars (\$10,000) for each day the violation occurs.
9. Section 13399.33(c) of the California Water Code specifies that the Regional Board shall impose a minimum penalty of \$1,000 for any person who fails to submit an annual report in accordance with Section 13399.31 of the Water Code. Section 13399.33(d) of the California Water Code further requires that the Regional Board recover the costs incurred by the Regional Board staff with regard to those persons.

#### **PROPOSED ADMINISTRATIVE CIVIL LIABILITY AND ASSESSMENT OF COSTS**

10. Pursuant to Section 13399.33(c), the Division Chief proposes that the mandatory minimum penalty of \$1,000 be imposed on Tile Tech Pavers for the violation cited above. In addition, the Division Chief proposes that staff costs in the amount of \$450 (3 hours at \$150 per hour=\$450) be recovered from Tile Tech Pavers. The total proposed mandatory minimum penalty (\$1,000) and staff costs (\$450) are \$1,450. In accordance with Water Code Section 13327 (a consideration of ability to pay and to continue in business), the Division Chief is not proposing to impose any penalty as per Water Code Section 13385(c) since any additional penalties would be a significant financial burden on a small business.
11. Notwithstanding the issuance of this Complaint, the Regional Board retains the authority to assess additional penalties for violations of the General Permit for which penalties have not yet been assessed or for violations that may subsequently occur.

12. Issuance of this Complaint is an enforcement action and is therefore exempt from the provisions of the California Environmental Quality Act (Pub. Res. Code § 21000 et seq.) pursuant to Title 14, California Code of Regulations, Sections 15308 and 15321 Subsection (a) (2).

4-25-2013

Date



---

Michael J. Adackapara, Division Chief  
Regional Board Prosecution Team

**Santa Ana Regional Water Quality Control Board**

**WAIVER FORM  
FOR MANDATORY MINIMUM PENALTY COMPLAINT NO. R8-2013-0011**

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

I am duly authorized to represent Tile Tech Pavers in connection with Mandatory Minimum Penalty Complaint No. R8-2013-0011 (hereinafter the "Complaint"). I am informed that California Water Code Section 13323, subdivision (b), states, "A hearing before the Regional Board shall be conducted within 90 days after the party has been served [with the Complaint]. The person who has been issued a complaint may waive the right to a hearing."

**Check here and sign below if Tile Tech Pavers waives the hearing requirement and will pay the liability in full.**

- a. I hereby waive any right Tile Tech Pavers may have to a hearing before the Regional Board.
- b. I certify that Tile Tech Pavers will remit payment for the proposed penalty in the full amount of one thousand four hundred fifty dollars (\$1,450) by check that references "Complaint No. R8-2013-0011" made payable to the Waste Discharge Permit Fund. Payment must be received by the Regional Board office no later than **May 17, 2013** or the Regional Board may adopt an Order requiring payment.
- c. I understand the payment of the above amount constitutes a proposed settlement of the Complaint, and that any settlement will not become final until after the 30-day public notice and comment period. Should the Regional Board receive significant new information or comments from any source (excluding the Regional Board's Prosecution Team) during this comment period, the Regional Board's Division Chief may withdraw the Complaint, return payment, and issue a new Complaint. I understand that this proposed settlement is subject to approval by the Executive Officer of the Regional Board, and that the Regional Board may consider this proposed settlement in a public meeting or hearing. I also understand that approval of the settlement will result in Tile Tech Pavers having waived the right to contest the allegations in the Complaint and the imposition of penalty.
- d. 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 Tile Tech Pavers to further enforcement, including additional penalties.

\_\_\_\_\_  
(Print Name and Title)

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

**Attn: Ronnie Tabibnia or Facility Manager**  
**Tile Tech Pavers**  
**10943 Jasmine Street**  
**Fontana, CA 92337**

**8 361021454**  
**8/9/2012**

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  Agent  
 Addressee

B. Received by (Printed Name) **Ricardo Alvarez** C. Date of Delivery **8/9**

D. Is delivery address different from item 1?  Yes  
 If YES, enter delivery address below:  No

3. Service Type  
 Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes

2. Article Number

(Transfer from service label)

**7007 2680 0000 4251 0501**

PS Form 3811, February 2004

Domestic Return Receipt

102585-02-M-1540

**U.S. Postal Service**  
**CERTIFIED MAIL RECEIPT**  
 (Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at [www.usps.com](http://www.usps.com).

**OFFICIAL USE**

Postage	\$	<b>\$0.45</b>
Certified Fee		<b>\$2.95</b>
Return Receipt Fee (Endorsement Required)		<b>\$2.35</b>
Restricted Delivery Fee (Endorsement Required)		
<b>Total Postage &amp; Fees</b>	<b>\$</b>	<b>\$5.75</b>

**Send Date:**

**8/9/2012**

Postmark  
Here

**1st NNC Letter**

**8 361021454**

Sent To **Attn: Ronnie Tabibnia or Facility Manager**  
**Tile Tech Pavers**

Street, Apt. No., or PO Box No. **10943 Jasmine Street**

City, State, ZIP+4 **Fontana, CA**

PS Form 3800, August 2006

See Reverse for Instructions

7007 2680 0000 4251 0501

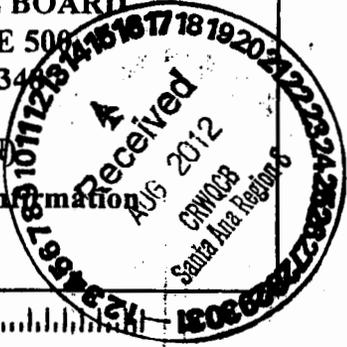
UNITED STATES POSTAL SERVICE



First-Class Mail  
Postage & Fees Paid  
USPS  
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4 in this box •  
**SANTA ANA REGIONAL  
WATER QUALITY CONTROL BOARD**  
3737 MAIN STREET, SUITE 500  
RIVERSIDE, CA 92501-3344

ATTN: INLAND STORM WATER (NKN)  
RECORD: 2011-2012 A.R. Cert. Mail Confirmation  
1st NNC Letter





EDMUND G. BROWN JR.  
GOVERNOR

MATTHEW RODRIGUEZ  
SECRETARY FOR  
ENVIRONMENTAL PROTECTION

---

**Santa Ana Regional Water Quality Control Board**

August 9, 2012

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Attn: Ronnie Tabibnia or Facility Manager  
Tile Tech Pavers  
10943 Jasmine Street  
Fontana, CA

**Notice of Noncompliance: Failure to Comply With the General Permit for Storm Water Discharges Associated With Industrial Activities, Order No. 97-03-DWQ, NPDES NO. CAS00001 (General Permit), Waste Discharge Identification (WDID) Number 8 36I021454**

Dear Ronnie Tabibnia or Facility Manager:

Your facility located at 10943 Jasmine Street, in the city of Fontana, is regulated under the General Permit and is identified by WDID number 8 36I021454. Section B.14 of the General Permit requires you to submit an annual report by July 1 of each year. Our records show that your annual report for the July 1, 2011 to June 30, 2012 reporting period has not been received.

You are in violation of the General Permit, the California Water Code and the federal Clean Water Act for failure to submit a complete 2011-2012 annual report. We request that you submit a complete 2011-2012 annual report to this office no later than 30 days from the date of this letter. A blank copy of the report form can be downloaded from the Storm Water section of the State Water Resources Control Board web site at:

[http://www.waterboards.ca.gov/water\\_issues/programs/stormwater/annualreport.shtml](http://www.waterboards.ca.gov/water_issues/programs/stormwater/annualreport.shtml)

Along with the annual report, you must also provide a statement explaining why the annual report was not submitted by the July 1 deadline and the measures you have taken to ensure timely submittals in the future. Failure to submit the requested information may result in enforcement action, including civil monetary penalties of up to \$10,000 for each day of violation. Please note that Section 13399.33 of the California Water Code stipulates a minimum penalty of \$1,000 to those permittees that do not submit their annual reports after notification.

If you wish to be notified electronically of future annual report submittals prior to the due date, please update the first page of annual report contact information with the appropriate e-mail address. If you wish to add additional contact person(s) to the notification list, please indicate on a separate page.

CAROLE H. BESWICK, CHAIR | KURT V. BERCHTOLD, EXECUTIVE OFFICER

3737 Main St., Suite 500, Riverside, CA 92501 | [www.waterboards.ca.gov/santsana](http://www.waterboards.ca.gov/santsana)

Should you need assistance in completing the annual report or have any questions, please contact Nam Nguyen at 951-321-4582 (e-mail: [nnguyen@waterboards.ca.gov](mailto:nnguyen@waterboards.ca.gov)), or Michael Roth at 951-320-2027 (e-mail: [mroth@waterboards.ca.gov](mailto:mroth@waterboards.ca.gov))

Sincerely,

A handwritten signature in black ink, appearing to read "mjadackapara". The signature is written in a cursive, somewhat stylized font.

Michael J. Adackapara  
Division Chief

CC to Owner: Ronnie Tabibnia or Facility Owner. Tile Tech Pavers. PO Box 5982, Los Angeles, CA 90055



EDMUND G. BROWN JR.  
GOVERNOR

MATTHEW RODRIGUEZ  
SECRETARY FOR  
ENVIRONMENTAL PROTECTION

---

**Santa Ana Regional Water Quality Control Board**

August 9, 2012

**This is a copy letter to facility owner**

Ronnie Tabibnia or Facility Owner  
Tile Tech Pavers  
PO Box 5982  
Los Angeles, CA 90055

**Notice of Noncompliance: Failure to Comply With the General Permit for Storm Water Discharges Associated With Industrial Activities, Order No. 97-03-DWQ, NPDES NO. CAS000001 (General Permit), Waste Discharge Identification (WDID) Number 8 36I021454**

Dear Ronnie Tabibnia or Facility Owner:

Your facility located at 10943 Jasmine Street, in the city of Fontana, is regulated under the General Permit and is identified by WDID number 8 36I021454. Section B.14 of the General Permit requires you to submit an annual report by July 1 of each year. Our records show that your annual report for the July 1, 2011 to June 30, 2012 reporting period has not been received.

You are in violation of the General Permit, the California Water Code and the federal Clean Water Act for failure to submit a complete 2011-2012 annual report. We request that you submit a complete 2011-2012 annual report to this office no later than 30 days from the date of this letter. A blank copy of the report form can be downloaded from the Storm Water section of the State Water Resources Control Board web site at:

[http://www.waterboards.ca.gov/water\\_issues/programs/stormwater/annualreport.shtml](http://www.waterboards.ca.gov/water_issues/programs/stormwater/annualreport.shtml)

Along with the annual report, you must also provide a statement explaining why the annual report was not submitted by the July 1 deadline and the measures you have taken to ensure timely submittals in the future. Failure to submit the requested information may result in enforcement action, including civil monetary penalties of up to \$10,000 for each day of violation. Please note that Section 13399.33 of the California Water Code stipulates a minimum penalty of \$1,000 to those permittees that do not submit their annual reports after notification.

If you wish to be notified electronically of future annual report submittals prior to the due date, please update the first page of annual report contact information with the appropriate e-mail address. If you wish to add additional contact person(s) to the notification list, please indicate on a separate page.

CAROLE H. BESWICK, CHAIR | KURT V. BERCHTOLD, EXECUTIVE OFFICER

3737 Main St., Suite 500, Riverside, CA 92501 | [www.waterboards.ca.gov/santaana](http://www.waterboards.ca.gov/santaana)

Tile Tech Pavers  
Ronnie Tabibnia or Facility Owner

- 2 -

August 9, 2012

Should you need assistance in completing the annual report or have any questions, please contact Nam Nguyen at 951-321-4582 (e-mail: [nnguyen@waterboards.ca.gov](mailto:nnguyen@waterboards.ca.gov)), or Michael Roth at 951-320-2027 (e-mail: [mroth@waterboards.ca.gov](mailto:mroth@waterboards.ca.gov))

Sincerely,



---

Michael J. Adackapara  
Division Chief

CC via regular mail to: Tile Tech Pavers. Ronnie Tabibnia. 10943 Jasmine Street,  
Fontana, CA 92337.

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:  
**Attn: Facility Manager or Ronnie Tabibnia**  
**Tile Tech Pavers**  
**10943 Jasmine Street**  
**Fontana, CA 92337**

**8 36I021454**  
**10/4/2012**

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  Agent  
 Addressee  
*[Signature]*

B. Received by (Printed Name) C. Date of Delivery  
*Jose L. Sandoval* *10-5-12*

D. Is delivery address different from item 1?  Yes  
 If YES, enter delivery address below:  No

3. Service Type.  
 Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes

2. Article Number **7011 0110 0000 5909 0169**  
 (Transfer from service)

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

**U.S. Postal Service**  
**CERTIFIED MAIL RECEIPT**  
 (Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at [www.usps.com](http://www.usps.com).

**OFFICIAL USE**

7011 0110 0000 5909 0169

Postage	\$	\$0.45
Certified Fee		\$2.95
Return Receipt Fee (Endorsement Required)		\$2.35
Restricted Delivery Fee (Endorsement Required)		
<b>Total Postage &amp; Fees</b>	<b>\$</b>	<b>\$5.75</b>

**Send Date:**  
**10/4/2012**  
 Here

**2ND NNC Letter**  
**8 36I021454**

Sent To **Attn: Facility Manager or Ronnie Tabibnia**  
**Tile Tech Pavers**  
 Street, Apt. No., or PO Box No. **10943 Jasmine Street**  
 City, State, ZIP+4 **Fontana, CA 92337**

UNITED STATES POSTAL SERVICE



First-Class Mail  
Postage & Fees Paid  
USPS  
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4 in this box •

**Received**  
OCT 2012  
CHWCB  
Santa Ana Region

**SANTA ANA REGIONAL  
WATER QUALITY CONTROL BOARD**  
577 MAIN STREET, SUITE 500  
RIVERSIDE, CA 92501-3348

ATTN: INLEAK AND STORM WATER (NKN)  
RECORD: 2011-2012 A.R. Cert. Mail Confirmation  
2ND NNC Letter





EDMUND G. BROWN JR.  
GOVERNOR



MATTHEW RODRIGUEZ  
SECRETARY FOR  
ENVIRONMENTAL PROTECTION

---

## Santa Ana Regional Water Quality Control Board

October 4, 2012

**This is a copy letter to facility owner**

Facility Owner or Ronnie Tabibnia  
Tile Tech Pavers  
PO Box 5982  
Los Angeles, CA 90055

**Notice of Noncompliance - Second and Final Notice: Failure to Comply with the General Permit for Storm Water Discharges Associated with Industrial Activities, (Order No. 97-03-DWQ, NPDES No. CAS000001) WDID No. 8 36I021454**

Dear Facility Owner or Ronnie Tabibnia:

Your facility located at 10943 Jasmine Street, in the city of Fontana, is regulated under the General Permit and is identified by WDID No. **8 36I021454**. Section B.14 of the General Permit requires you to submit an annual report by July 1 of each year. Our records show that your annual report for the July 1, 2011 to June 30, 2012 reporting period has not been received.

You are currently in violation of the General Permit, the California Water Code and the federal Clean Water Act for failure to submit a complete 2011-2012 annual report. We request that you submit a complete 2011-2012 annual report to this office no later than 30 days from the date of this letter. A blank copy of the report form can be downloaded from the Storm Water section of the State Water Resources Control Board website:

[http://www.waterboards.ca.gov/water\\_issues/programs/stormwater/annualreport.shtml](http://www.waterboards.ca.gov/water_issues/programs/stormwater/annualreport.shtml)

Along with the annual report, you must also provide a statement explaining why the annual report was not submitted by the July 1 deadline and the measures you have taken to ensure timely submittals in the future.

**This is your second and final notice.** The first notice was dated and sent on August 9, 2012. Failure to submit the requested information may result in enforcement action, including civil monetary penalties of up to \$10,000 for each day of violation. Please

---

CAROLE H. BESWICK, CHAIR | KURT V. BERCHTOLD, EXECUTIVE OFFICER

3737 Main St., Suite 500, Riverside, CA 92501 | [www.waterboards.ca.gov/santeana](http://www.waterboards.ca.gov/santeana)

note that Section 13399.33 of the California Water Code stipulates a minimum penalty of \$1,000 to those permittees that do not submit their annual reports after notification.

If you wish to be notified electronically of future annual report submittals prior to the due date, please update the first page of annual report contact information with the appropriate e-mail address. If you wish to add additional contact person(s) to the notification list, please indicate on a separate page.

Should you need assistance in completing the annual report or have any questions, please contact Nam Nguyen at (951) 321-4582 (email: [nnguyen@waterboards.ca.gov](mailto:nnguyen@waterboards.ca.gov)), or Michael Roth at (951) 320-2027 (email: [mroth@waterboards.ca.gov](mailto:mroth@waterboards.ca.gov)).

Sincerely,

A handwritten signature in black ink, appearing to read "mjadackapara". The signature is written in a cursive, flowing style.

Michael J. Adackapara  
Division Chief



EDMUND G. BROWN JR.  
GOVERNOR



MATTHEW RODRIGUEZ  
SECRETARY FOR  
ENVIRONMENTAL PROTECTION

---

**Santa Ana Regional Water Quality Control Board**

October 4, 2012

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Attn: Facility Manager or Ronnie Tabibnia  
Tile Tech Pavers  
10943 Jasmine Street  
Fontana, CA 92337

**Notice of Noncompliance - Second and Final Notice: Failure to Comply with the General Permit for Storm Water Discharges Associated with Industrial Activities, (Order No. 97-03-DWQ, NPDES No. CAS000001) WDID No. 8 361021454**

Dear Facility Manager or Ronnie Tabibnia:

Your facility located at 10943 Jasmine Street, in the city of Fontana, is regulated under the General Permit and is identified by WDID No. **8 361021454**. Section B.14 of the General Permit requires you to submit an annual report by July 1 of each year. Our records show that your annual report for the July 1, 2011 to June 30, 2012 reporting period has not been received.

You are currently in violation of the General Permit, the California Water Code and the federal Clean Water Act for failure to submit a complete 2011-2012 annual report. We request that you submit a complete 2011-2012 annual report to this office no later than 30 days from the date of this letter. A blank copy of the report form can be downloaded from the Storm Water section of the State Water Resources Control Board website:

[http://www.waterboards.ca.gov/water\\_issues/programs/stormwater/annualreport.shtml](http://www.waterboards.ca.gov/water_issues/programs/stormwater/annualreport.shtml)

Along with the annual report, you must also provide a statement explaining why the annual report was not submitted by the July 1 deadline and the measures you have taken to ensure timely submittals in the future.

**This is your second and final notice.** The first notice was dated and sent on August 9, 2012. Failure to submit the requested information may result in enforcement action,

---

CAROLE H. BESWICK, CHAIR | KURT V. BERCHTOLD, EXECUTIVE OFFICER

3737 Main St., Suite 500, Riverside, CA 92501 | [www.waterboards.ca.gov/santaana](http://www.waterboards.ca.gov/santaana)

including civil monetary penalties of up to \$10,000 for each day of violation. Please note that Section 13399.33 of the California Water Code stipulates a minimum penalty of \$1,000 to those permittees that do not submit their annual reports after notification.

If you wish to be notified electronically of future annual report submittals prior to the due date, please update the first page of annual report contact information with the appropriate e-mail address. If you wish to add additional contact person(s) to the notification list, please indicate on a separate page.

Should you need assistance in completing the annual report or have any questions, please contact Nam Nguyen at (951) 321-4582 (email: [nnguyen@waterboards.ca.gov](mailto:nnguyen@waterboards.ca.gov)), or Michael Roth at (951) 320-2027 (email: [mroth@waterboards.ca.gov](mailto:mroth@waterboards.ca.gov)).

Sincerely,



Michael J. Adackapara  
Division Chief

CC to owner: Facility Owner or Ronnie Tabibnia. Tile Tech Pavers. PO Box 5982, Los Angeles, CA 90055

## Nguyen, Nam@Waterboards

---

**From:** Nguyen, Nam@Waterboards  
**Sent:** Tuesday, August 28, 2012 9:32 AM  
**To:** 'Ronnie@TileTechPavers.com'  
**Subject:** RE: Friendly Reminder for 2011-2012 General Industrial Storm Water Annual Report

Hi Ronnie,

You don't need a consulting company to complete the annual report at all Ronnie. It's merely a series questionnaire that can be done either by you, or your plant's manager. You're more than welcome to contact me any time you want to get some info, line by line, instruction.

If you have any question or comment, please feel free to contact me via e-mail or by phone.

Nam Nguyen  
Environmental Scientist, Inland Storm Water Unit  
Regional Water Quality Control Board,  
Santa Ana Region 8  
3737 Main St., Suite 500, Riverside, CA 92501-3348  
Direct Phone: (951) 321-4582  
Direct Fax: (951) 321-4580  
Front Desk for Assistant: (951) 782-4130  
Website: <http://www.waterboards.ca.gov/santaana>

How is my customer service? If you have any comments that you would like to express, please visit the following website and describe your experience: <http://www.calepa.ca.gov/Customer/CSForm.asp>

---

**From:** Ronnie@TileTechPavers.com [mailto:Ronnie@TileTechPavers.com]  
**Sent:** Friday, August 24, 2012 4:10 PM  
**To:** Nguyen, Nam@Waterboards  
**Subject:** Re: Friendly Reminder for 2011-2012 General Industrial Storm Water Annual Report

Hi Nam

I need your help completing the form as we cannot afford to use a company to do the report this year

Ronnie Tabibnia  
Tile Tech Pavers  
National Sales  
213-380-5560 x701  
[www.TileTechPavers.com](http://www.TileTechPavers.com)

----- Original Message -----

**From:** Nam Nguyen  
**To:** Undisclosed recipients:  
**Sent:** Thursday, May 03, 2012 1:26 PM  
**Subject:** Friendly Reminder for 2011-2012 General Industrial Storm Water Annual Report

Greetings from the local Santa Ana Regional Water Board,

**\* Please forward this email to the appropriate party if you are not the designated personnel to handle this matter.**

This is the final friendly reminder that the 2011-2012 General Industrial Storm Water Annual Report is due before or on 07/02/2012. **ANNUAL REPORT IS NOT AN INVOICE.**

It's best to start gathering up your facility's recorded observations, storm water sampling lab results, and inspection records for easy information transfer onto the annual report. Please, treat this document as if it's your yearly income tax return. Forgeries, improper reporting (such as making copies of the older reports and submitted as the current year), falsify of information (without proper validation of your records), and ignoring submission of the document will result in heavy penalties. Penalty of non-submission is an automatic \$5,000. If there's a history of non-submission, the fine will be an automatic of \$10,000. Forgeries and falsification of documentation can and will result in a \$10,000 per day, per violation, until the situation is resolved, and possible criminal investigation and imprisonment in addition to the fine.

This means, **DO NOT LEAVE ANY FORM EMPTY!** Please, used the provided forms from the Annual Report template provided the State Water Resources Control Board (links are provided later in the email). Form 1 to Form 5 must be filled out correctly, after answering all the questionnaires properly. Empty forms and unanswered questionnaires will no longer be tolerated, unless there are explanation included with the annual report. If the any of the form does not pertain to your site, write a large "N/A" across the form(s). **Forms 4 and 5 SHOULD NOT BE EMPTY** for any reason.

The online SMARTS public interfaces had been completed, and is available for sign-up for electronic annual report submission. It will take a couple of weeks to complete the registration process. Please, do not wait until the last few weeks before annual report submission to register. This online SMARTS system allows you to record your annual report info with ease, as well recalling past information on your annual report submission, with just a few clicks of your mouse. Here's the website:

<https://smarts.waterboards.ca.gov/>

Click on the link "LRP Registration Form" to access the PDF document, fill it out, and mail the document to the indicated mailing address. A quick access link is here:

[https://smarts.waterboards.ca.gov/smarts/faces/help/lrp\\_registration.pdf](https://smarts.waterboards.ca.gov/smarts/faces/help/lrp_registration.pdf)

If you are still interested in using the hard copy, please, visit this website:

[http://www.waterboards.ca.gov/water\\_issues/programs/stormwater/annualreport.shtml](http://www.waterboards.ca.gov/water_issues/programs/stormwater/annualreport.shtml)

**\* You can have the first page of the annual report filled automatically by click on the link "2011/2012 Annual Report".** The website will ask you to enter your WDID number, starting with the letter "I", not the number "1", follow by the last six numbers. An example is, if your WDID is "8 33I012345", you will enter "I012345" (without the quotation marks). Click the Search button, and follow the instruction on the screen.

**\* You can also download the 2011/2012 Annual Report blank template forms (either in the Word or Acrobat PDF format). Make sure to fill out all the fields to the best that you can for the GENERAL INFORMATION.**

**When submitting the annual report, please, make sure your mail is certified so enforcement actions may not be issued if your mail happened to get lost along the way.**

If you like to submit by email, **MAKE SURE ALL DOCUMENTS ARE SIGNED PROPERLY**, and feel free to scan your hard copy of your annual report, then send it to me via email (at [nnguyen@waterboards.ca.gov](mailto:nnguyen@waterboards.ca.gov)). I'll respond back with an email receipt. This will save both postage cost, and eliminate any possible mail mishandling along the way. Make sure your file does not exceed more than 25 megabytes in size. If the document does exceed 25MB in size, break the document down to multiple attachments and send the attachments in different e-mails, or upload it to a storage center, such as BOX.net, or various free provider out there.

Please, be advised that if you have created your own forms, or hired consultants utilized their own forms for your inspections recording purposes, make sure the forms mimic the template that State Water Resources Control Board has posted for usages. Inspections and visual observation records **MUST** contains the observer's printed name, signature, time, date, and location. Missing information will result in enforcement action.

**[Sites belong to Group Monitoring]**

Please, ensure that you submit your own annual reports and analytical data for completeness. Verify whether or not your group leaders are submitting the annual reports for you. Group leaders are not responsible for your submissions, which is the complete annual report with the storm water analytical results for your group industrial activities. Missing documentation will result in enforcement actions.

If you have any question or comment, please feel free to contact me via e-mail or by phone.

Nam Nguyen  
Environmental Scientist, Inland Storm Water Unit  
Regional Water Quality Control Board,  
Santa Ana Region 8  
3737 Main St., Suite 500, Riverside, CA 92501-3348  
Direct Phone: (951) 321-4582  
Direct Fax: (951) 321-4580  
Front Desk for Assistant: (951) 782-4130  
Website: <http://www.waterboards.ca.gov/santaana>

How is my customer service? If you have any comments that you would like to express, please visit the following website and describe your experience: <http://www.calepa.ca.gov/Customer/CSForm.asp>

No virus found in this message.

Checked by AVG - [www.avg.com](http://www.avg.com)

Version: 2012.0.1913 / Virus Database: 2425/4975 - Release Date: 05/03/12

## **Nguyen, Nam@Waterboards**

---

**From:** Nguyen, Nam@Waterboards  
**Sent:** Wednesday, November 14, 2012 2:37 PM  
**To:** Ronnie@TileTechPavers.com  
**Subject:** Missing 2011-2012 Annual Report submission

Ronnie,

According to our online SMARTS system, as of today, we have not receive your General Industrial Permit 2011-2012 Annual Report submission, which was supposed to be submitted on July 1 of each year.

Two letters already went out to the facility with certified mails. Two went as also as regular mail. Certified mails were signed for. I also contacted and reminded you earlier about the annual report as well. It doesn't take more than 30 minutes to fill out the forms and submit it. I know you have quite a busy schedule on your own hands, but at the same time, you have to delegate the task to the plant's personnel, such as the manager, as well, since you're not there most of the time. Remember, you can complete the forms without the aid of a consultant. The questions are very straight forward.

Please contact me as soon as possible by e-mail or by phone. Your facility is facing a possible fine if the annual report doesn't get turned in soon.

Nam Nguyen  
Environmental Scientist, Inland Storm Water Unit  
Regional Water Quality Control Board,  
Santa Ana Region 8  
3737 Main St., Suite 500, Riverside, CA 92501-3348  
Direct Phone: (951) 321-4582  
Direct Fax: (951) 321-4580  
Front Desk for Assistant: (951) 782-4130  
Website: <http://www.waterboards.ca.gov/santaana>

How is my customer service? If you have any comments that you would like to express, please visit the following website and describe your experience: <http://www.calepa.ca.gov/Customer/CSForm.asp>

## Nguyen, Nam@Waterboards

---

**From:** Nguyen, Nam@Waterboards  
**Sent:** Tuesday, December 11, 2012 7:32 AM  
**To:** 'Ronnie@TileTechPavers.com'  
**Subject:** RE: 2011-2012 annual report status?  
**Attachments:** 2011-2012 annual report.pdf

Your requested file is attached.

Nam

---

**From:** [Ronnie@TileTechPavers.com](mailto:Ronnie@TileTechPavers.com) [<mailto:Ronnie@TileTechPavers.com>]  
**Sent:** Monday, December 10, 2012 8:59 PM  
**To:** Nguyen, Nam@Waterboards  
**Subject:** Re: 2011-2012 annual report status?

Work is very slow here and I am trying to get orders to pay the bills can you please attach a PDF version of the form so that I can print, fill and email back to you

Thank You

Ronnie Tabibnia  
Tile Tech Pavers  
National Sales  
213-380-5560 x701  
[www.TileTechPavers.com](http://www.TileTechPavers.com)

----- Original Message -----

**From:** [Nguyen, Nam@Waterboards](mailto:Nguyen, Nam@Waterboards)  
**To:** [Ronnie@TileTechPavers.com](mailto:Ronnie@TileTechPavers.com)  
**Sent:** Monday, December 10, 2012 11:58 AM  
**Subject:** 2011-2012 annual report status?

Hi Ronnie,

Please, give me and update on your 2011-2012 annual report for your industrial permit? This is my last email about this Ronnie. Last indication that you were attempting to hire the consultant to do this work for you. I've indicated that it doesn't require for you to hire a consultant to fill these questionnaires and forms out yourself. It does not require more than 30 minutes of your busy schedule. This is the permit's required task.

If you have any question or comment, please feel free to contact me via e-mail or by phone.

Nam Nguyen  
Environmental Scientist, Inland Storm Water Unit  
Regional Water Quality Control Board,  
Santa Ana Region 8  
3737 Main St., Suite 500, Riverside, CA 92501-3348  
Direct Phone: (951) 321-4582  
Direct Fax: (951) 321-4580  
Front Desk for Assistant: (951) 782-4130  
Website: <http://www.waterboards.ca.gov/santaana>

How is my customer service? If you have any comments that you would like to express, please visit the following website and describe your experience: <http://www.calepa.ca.gov/Customer/CSForm.asp>

No virus found in this message.

Checked by AVG - [www.avg.com](http://www.avg.com)

Version: 2012.0.2221 / Virus Database: 2634/5449 - Release Date: 12/10/12

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS, FOLD AT DOTTED LINE  
**CERTIFIED MAIL**<sup>TM</sup>



7009 2820 0001 6722 6282  
7009 2820 0001 6722 6282

U.S. Postal Service  
**CERTIFIED MAIL RECEIPT**  
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at [www.usps.com](http://www.usps.com)

**OFFICIAL USE**

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage	\$

Postmark  
Here

Sent To **Ronnie Tabibnia**  
**Tile Tech Pavers**  
Street, Apt. or PO Box **10943 Jasmine St.**  
City, State, **Fontana, CA 92337**

PS Form 3849, June 2002



# California Regional Water Quality Control Board

## Santa Ana Region



**Matthew Rodriguez**  
Secretary for  
Environmental Protection

3737 Main Street, Suite 500, Riverside, California 92501-3348  
Phone (951) 782-4130 • FAX (951) 781-6288  
[www.waterboards.ca.gov/santaana](http://www.waterboards.ca.gov/santaana)

**Edmund G. Brown Jr.**  
Governor

HEARING PROCEDURE  
FOR MANDATORY MINIMUM PENALTY  
ORDER NO. R8-2013-0037  
ISSUED TO  
TILE TECH PAVERS  
10943 Jasmine Street  
Fontana, CA 92337

SCHEDULED FOR JUNE 7, 2013

PLEASE READ THIS HEARING PROCEDURE CAREFULLY. FAILURE TO COMPLY WITH THE DEADLINES AND OTHER REQUIREMENTS CONTAINED HEREIN MAY RESULT IN THE EXCLUSION OF YOUR DOCUMENTS AND/OR TESTIMONY.

### **Background**

On February 11, 2013, the Division Chief for the Santa Ana Regional Water Quality Control Board issued Mandatory Minimum Penalty (MMP) Complaint No. R8-2013-0011 to Tile Tech Pavers (owner: Ronnie Tabibnia) (hereinafter Discharger) and provided them an opportunity for an early settlement by waiving its right to a hearing and paying the assessed amount. Tile Tech Pavers has neither waived its right to a hearing nor paid the proposed assessment. The MMP Complaint alleged that the Discharger violated California Water Code Section 13399.31 by failing to submit an annual report as required by the State's General Permit for Storm Water Discharges Associated with Industrial Activities, Water Quality Order No. 97-03-DWQ, NPDES No. CAS000001 (General Permit). The Complaint proposed that a mandatory minimum penalty and staff costs in the amount of one thousand four hundred fifty dollars (\$1,450) be imposed as authorized by Water Code Sections 13399.33(c) and (d).

The Regional Board is required to provide a hearing within 90 days of issuance of the Complaint (Water Code Section 13323). Since a hearing was not held within the 90-day period, the Division Chief re-issued the Complaint on April 25, 2013.

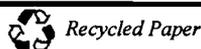
The February 11, 2013 MMP Complaint and the April 25, 2013 MMP Complaint can be accessed from:

[http://www.waterboards.ca.gov/santaana/public\\_notices/enforcement\\_actions.shtml](http://www.waterboards.ca.gov/santaana/public_notices/enforcement_actions.shtml)

A hearing on this matter is scheduled to be held before the Regional Board during its June 7, 2013 meeting.

### **Purpose of Hearing**

*California Environmental Protection Agency*



The purpose of the hearing is to consider relevant evidence and testimony regarding the MMP Complaint and the proposed Order. At the hearing, the Regional Board will consider whether to issue a mandatory minimum penalty order assessing the proposed liability, or a lower/higher amount, reject the proposed liability, or seek a higher liability amount through a judicial civil liability action. Here are the details regarding the public hearing:

Date of Hearing: June 7, 2013  
Time: 9:00 a.m.  
Location: City Council Chambers  
City of Loma Linda  
25541 Barton Road  
Loma Linda, CA 92354

An agenda for the meeting will be issued at least ten days before the meeting and posted on the Regional Board's web page at:

[http://www.waterboards.ca.gov/santaana/board\\_info/agendas/index.shtml](http://www.waterboards.ca.gov/santaana/board_info/agendas/index.shtml)

The agenda will include the final hearing date and location and the estimated start time for the meeting. Since the start time for this item is uncertain, all interested parties are urged to be present from the start of the Board meeting.

### **Hearing Procedures**

The hearing will be conducted in accordance with this hearing procedure. This hearing procedure has been pre-approved by the Regional Board's Advisory Team in model format. A copy of the general procedures governing adjudicatory hearings before the Regional Board may be found at Title 23 of the California Code of Regulations, Section 648 et seq., and is available at <http://www.waterboards.ca.gov> or upon request. In accordance with Section 648, subdivision (d), any procedure not provided by this Hearing Procedure is deemed waived. Except as provided in Section 648 and herein, subdivision (b), Chapter 5 of the Administrative Procedures Act (commencing with Section 11500 of the Government Code) does not apply to this hearing.

**THE PROCEDURES AND DEADLINES HEREIN MAY BE AMENDED BY THE ADVISORY TEAM AT ITS DISCRETION. ANY OBJECTIONS TO THE HEARING PROCEDURE MUST BE RECEIVED BY THE REGIONAL BOARD'S ADVISORY TEAM BY MAY 1, 2013 OR THEY WILL BE WAIVED. FAILURE TO COMPLY WITH THE DEADLINES AND REQUIREMENTS CONTAINED HEREIN MAY RESULT IN THE EXCLUSION OF DOCUMENTS AND/OR TESTIMONY.**

### **Separation of Functions**

To help ensure the fairness and impartiality of this proceeding, the functions of those who will act in a prosecutorial role by presenting evidence for consideration by the Regional Board (Prosecution Team) have been separated from those who will provide

advice to the Regional Board (Advisory Team). Any members of the Advisory Team who normally supervise any members of the Prosecution Team are not acting as their supervisors in this proceeding, and vice versa. Members of the Prosecution Team may have acted as advisors to the Regional Board in other, unrelated matters, but they are not advising the Regional Board in this proceeding. Members of the Prosecution Team have not had any ex parte communications (see below) with the members of the Regional Board or the Advisory Team regarding this proceeding.

### **Ex Parte Communications**

The designated parties and interested persons are forbidden from engaging in ex parte communications regarding this matter with members of the Advisory Team or members of the Regional Board. An ex parte contact is any written or oral communication pertaining to the investigation, preparation, or prosecution of the Complaint between a member of a designated party or interested person on the one hand, and a Regional Board member or an Advisory Team member on the other hand, unless the communication is copied to all other designated parties (if written) or made in a manner open to all other designated parties (if oral). Communications regarding non-controversial procedural matters are not ex parte contacts and are not restricted. Communications among one or more designated parties and interested persons themselves are not ex parte contacts.

### **Hearing Participants**

Participants in this proceeding are designated as either "parties" or "interested persons." Designated parties to the hearing may present evidence and cross-examine witnesses and are subject to cross-examination. Interested persons generally may not submit evidence, cross-examine witnesses, or be subject to cross examination, but may present policy statements. Policy statements may include comments on any aspect of the proceeding, but may not include evidence (e.g., photographs, eye-witness testimony, monitoring data, etc.). Interested persons who would like to submit evidence may do so if the evidence is submitted in accordance with the procedures and deadlines for submitting evidence described below. Interested persons who present evidence may be subject to cross-examination. Both designated parties and interested persons may be asked to respond to clarifying questions from the Regional Board, staff or others, at the discretion of the Regional Board.

The following participants are hereby designated as parties in this proceeding:

- (1) Regional Board Prosecution Team

**Prosecution Team Members:** Michael Adackapara, Division Chief, Santa Ana Regional Water Quality Control Board; Milasol Gaslan, Chief of Inland Storm Water Section, Santa Ana Regional Water Quality Control Board; Nam Nguyen, Water Resources Control Board, Santa Ana Regional Water Quality Control Board; and Cris Carrigan, Director, Office of Enforcement, State Water Resources Control Board.

- (2) Discharger Team

**Discharger Team Member:** Ronnie Tabibnia

- (3) Advisory Team

**Advisory Team Members:** Kurt Berchtold, Executive Officer, Santa Regional Water Quality Control Board and David Rice, Legal Counsel, State Water Resources Control Board.

**Advisory Team Primary Contact:**

**David Rice**  
**Email:** [Davidrice@waterboards.ca.gov](mailto:Davidrice@waterboards.ca.gov))  
**Phone:** 916-341-5182  
State Water Resources Control Board  
P.O. Box 100  
Sacramento, CA 95812-0100

**Prosecution Team Primary Contact:**

**Milasol Gaslan**  
**Email:** [mgaslan@waterboards.ca.gov](mailto:mgaslan@waterboards.ca.gov))  
**Phone:** 951-782-4419  
Regional Water Quality Control Board  
3737 Main Street, Suite 500  
Riverside, CA 92501-3348

**Discharger Primary Contact:**

**Ronnie Tabibnia**  
**Email:** [ronnie@tiletechpavers.com](mailto:ronnie@tiletechpavers.com)  
**Phone:** 951-245-2460  
10943 Jasmine Street  
Fontana, CA 92337

**Requesting Designated Party Status**

Persons who wish to participate in the hearing as a designated party must request party status by submitting a request in writing (with copies to the existing designated parties listed above) so that it is received by 5 p.m. on May 1, 2013 by Advisory Team Attorney David Rice, [Davidrice@waterboards.ca.gov](mailto:Davidrice@waterboards.ca.gov). The request shall include an explanation of the basis for status as a designated party (e.g., how the issues to be addressed in the hearing and the potential actions by the Regional Board affect the person), the information required of designated parties as provided below, and a statement explaining why the party or parties designated above do not adequately represent the

person's interest. Any opposition to the request must be received by the Advisory Team, the person requesting party status, and all parties by 5 p.m. on May 8, 2013. The parties will be notified by 5 p.m. on May 15, 2013 in writing whether the request has been granted or denied.

### **Hearing Time Limits**

To ensure that all participants have an opportunity to participate in the hearing, the following time limits shall apply: Each designated party shall have a combined 20 minutes to present evidence, cross-examine witnesses (if warranted), and provide a closing statement; and each interested person shall have 3 minutes to present a non-evidentiary policy statement. Participants with similar interests or comments are requested to make joint presentations, and participants are requested to avoid redundant comments. Participants who would like additional time must submit their request to the Advisory Team so that it is received no later than May 8, 2013. Additional time may be provided at the discretion of the Advisory Team (prior to the hearing) or the Regional Board Chair (at the hearing) upon a showing that additional time is necessary.

### **Submission of Evidence and Policy Statements**

The following information must be submitted in advance of the hearing:

1. All evidence (other than witness testimony to be presented orally at the hearing) that the Designated Party would like the Regional Board to consider. Evidence and exhibits already in the public files of the Regional Board may be submitted by reference as long as the exhibits and their location are clearly identified in accordance with Title 23, CCR, Section 648.3.
2. All legal and technical arguments or analysis.
3. The name of each witness, if any, whom the designated party intends to call at the hearing, the subject of each witness' proposed testimony, and the estimated time required by each witness to present direct testimony.
4. The qualifications of each expert witness, if any.
5. If the Discharger intends to argue an inability to pay the mandatory minimum penalty proposed in the Complaint (or an increased or decreased amount as may be imposed by the Regional Board), the Discharger should submit supporting evidence as set forth in the "MMP Fact Sheet" under "Factors that must be considered by the Board." See [http://www.waterboards.ca.gov/santaana/water\\_issues/programs/investigations\\_enforcement/docs/ACLC\\_FACT\\_SHEET\\_3-30-09.pdf](http://www.waterboards.ca.gov/santaana/water_issues/programs/investigations_enforcement/docs/ACLC_FACT_SHEET_3-30-09.pdf)

The designated parties to the hearing shall submit all evidence in an electronic format to Advisory Team Attorney David Rice so that it is received by 5 p.m. on May 8, 2013, with a copy to all other designated parties.

Any designated party that would like to submit information that rebuts the information previously submitted by other designated parties shall submit an electronic copy of their

rebuttal information to Advisory Team Attorney David Rice so that they are received by 5 p.m. on May 22, 2013 with a copy to all other designated parties. Rebuttal information shall be limited to the scope of the information previously submitted by the other designated parties. Rebuttal information that is not responsive to information previously submitted by other designated parties may be excluded.

Interested persons who would like to submit written non-evidentiary policy statements are encouraged to submit them to the Advisory Team as early as possible, but no later than May 8, 2013. Interested persons do not need to submit written non-evidentiary policy statements in order to speak at the hearing.

In accordance with Title 23, California Code of Regulations, Section 648.4, the Regional Board endeavors to avoid surprise testimony or evidence. Absent a showing of good cause and lack of prejudice to the parties, the Regional Board may exclude evidence and testimony that is not submitted in accordance with this hearing procedure. Excluded evidence and testimony will not be considered by the Regional Board and will not be included in the administrative record for this proceeding. Power Point and other visual presentations may be used at the hearing, but their content may not exceed the scope of other submitted written material. A copy of such material intended to be presented at the hearing must be submitted to the Advisory Team by May 22, 2013 for inclusion in the administrative record. Additionally, any witness who has submitted written testimony for the hearing shall appear at the hearing and affirm that the written testimony is true and correct, and shall be available for cross-examination.

### **Request for Pre-hearing Conference**

A designated party may request that a pre-hearing conference be held before the hearing in accordance with Water Code Section 13228.15. A pre-hearing conference may address any of the matters described in subdivision (b) of Government Code Section 11511.5. Requests must contain a description of the issues proposed to be discussed during that conference, and must be submitted to the Advisory Team, with a copy to all other designated parties, as early as practicable.

### **Evidentiary Objections**

Any designated party objecting to written evidence or exhibits submitted by another designated party must submit a written objection to the Advisory Team and all other designated parties so that it is received by 5 p.m. on May 29, 2013. The Advisory Team will notify the parties about further action to be taken on such objections and when that action will be taken.

### **Evidentiary Documents and File**

The Complaint and related evidentiary documents are on file and may be inspected or copied at the Regional Board office at 3737 Main Street, Suite 500, Riverside, CA 92501 by contacting August Lucas (email: [alucas@waterboards.ca.gov](mailto:alucas@waterboards.ca.gov); phone: 951-782-7961). This file shall be considered part of the official administrative record for this

hearing. Other submittals received for this proceeding will be added to this file and will become a part of the administrative record absent a contrary ruling by the Regional Board Chair. Many of these documents are also posted on-line at: [http://www.waterboards.ca.gov/santaana/public\\_notices/enforcement\\_actions.shtml](http://www.waterboards.ca.gov/santaana/public_notices/enforcement_actions.shtml). Although the web page is updated regularly, to assure access to the latest information, you may contact Milasol C. Gaslan ([mgaslan@waterboards.ca.gov](mailto:mgaslan@waterboards.ca.gov)).

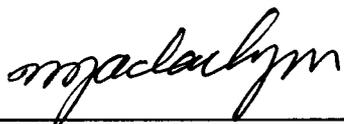
**Questions**

Questions concerning this proceeding may be addressed to the Advisory Team Attorney David Rice ([Davidrice@waterboards.ca.gov](mailto:Davidrice@waterboards.ca.gov)).

**IMPORTANT DEADLINES**

(Note: the Regional Board is required to provide a hearing within 90 days of issuance of the Complaint (Water Code Section 13323).

- April 25, 2013: Prosecution Team re-issues the MMP Complaint and sends the Hearing Procedure to Discharger and Advisory Team, and publishes Public Notice.
- May 1, 2013: Deadline to file objections to Hearing Procedures; requests for designated party status.
- May 8, 2013: Deadline for oppositions to requests for designated party status; requests for additional time for presentation at the hearing; deadline for submitting all evidentiary documents for the hearing.
- May 15, 2013: Advisory Team issues decision on requests for designated party status, if any.
- May 22, 2013: All Designated Parties' deadline for rebuttal information.
- May 22, 2013: All parties deadline for presentation materials (PowerPoint or other materials)
- May 29, 2013: All parties deadline for objections to material submitted by other parties.
- June 7, 2013: Public Hearing.



Michael J. Adackapara  
Division Chief  
Regional Board Prosecution Team

4-25-13

Date