



Santa Ana Regional Water Quality Control Board

March 25, 2014

Ardus International
23900 Highway 74
Perris, CA 92570
(By Regular Mail)

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Jose Arreola (Business Owner)
jf_arreola1@hotmail.com
(By Email Only)

David Lee (Agent for Service of Process)
3660 Wilshire Boulevard, Suite 1102
Los Angeles, CA 90010
(By Certified Mail)

TENTATIVE ORDER NO. R8-2014-0038 PERTAINING TO MANDATORY MINIMUM PENALTY (MMP) ISSUED TO ARDUS INTERNATIONAL

Dear Mr. Arreola:

Enclosed is a copy of Tentative Order No. R8-2014-0038 pertaining to MMP Complaint No. R8-2014-0024 issued to Ardus International on February 11, 2014. As described in our letter to you dated February 11, 2014, the hearing on this item will be heard at the April 25, 2014 Santa Ana Regional Water Quality Control Board (Regional Board) meeting.

The Regional Board will consider whether to affirm, reject, or modify the mandatory minimum penalty that was proposed in MMP Complaint No. R8-2014-0024.

If you have any questions about the Order, please contact Michelle Beckwith at (951) 782-4433 (Michelle.Beckwith@waterboards.ca.gov). All legal questions should be directed to Naomi Kaplowitz at (916) 341-5677 (Naomi.Kaplowitz@waterboards.ca.gov), Office of Enforcement.

Sincerely,

A handwritten signature in black ink that reads "Hope A. Smythe".

Hope A. Smythe
Division Chief
Regional Board Prosecution Team

Enclosures: Tentative Order No. R8-2014-0038

cc via e-mail: Kurt Berchtold, Executive Officer, Regional Board Advisory Team
David Rice, Attorney, State Water Resources Control Board, Office of Chief
Counsel, Regional Board Advisory Team
Naomi Kaplowitz, Attorney, State Water Resources Control Board, Office of
Enforcement, Regional Board Prosecution Team

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

| | | |
|---|---|----------------------------------|
| In the matter of: |) | Order No. R8-2014-0038 |
| |) | for |
| Ardus International, Inc. |) | Mandatory Minimum Penalty |
| 23900 Highway 74 |) | |
| Perris, CA 92570 |) | |
| |) | |
| Attention: Jose Arreola, Principal |) | |

The California Regional Water Quality Control Board, Santa Ana Region (hereafter, Regional Board), held a hearing in Fountain Valley, California on April 25, 2014 to receive testimony and take evidence on the allegations contained in Complaint No. R8-2014-0024 (Complaint), and on the recommendation for the imposition of penalties and staff costs pursuant to Water Code section 13399.33, subdivisions (c) and (d) in the amount of one thousand seven hundred and fifty dollars (\$1,750). The Regional Board finds as follows:

1. Ardus International, Incorporated (Ardus International or Discharger) owns and operates A1 Salvage (Site) located at 23900 Highway 74 in Perris.
2. The Discharger enrolled under the Sector-Specific General Permit for Storm Water Runoff Associated with Industrial Activities from Scrap Metal Recycling Facilities within the Santa Ana Region, Order No. R8-2012-0012, NPDES No. CAG618001 (Scrap Metal Permit or Permit) and is currently regulated under that Permit. The facility's WDID Number is 8 33MR000045. The Scrap Metal Permit requires that dischargers enrolled under the permit submit an annual report by August 1 of each year.
3. The Discharger failed to submit its 2012-2013 annual report by August 1, 2013. On September 4, 2013, the Regional Board issued a Notice of Non-Compliance (NNC) to the Discharger by certified mail. In that NNC, Regional Board staff reminded the Discharger of the requirement to submit an annual report by August 1, 2013, and notified it of the mandatory minimum penalties associated with violations of that requirement. The return receipt showed that the Discharger received the NNC on September 5, 2013. The Discharger did not respond to that September 3, 2013 NNC.
4. On October 3, 2013, Regional Board staff issued a second NNC to the Discharger by certified mail. The second NNC requested that the Discharger submit an annual report by November 1, 2013, along with a statement explaining why the annual report was not submitted by the August 1, 2013 deadline. Regional Board staff explained in the second NNC that, in order to submit the annual report, the eAuthorization Form must be completed by the Legally Responsible Person (LRP), submitted to the State Water Resources Control Board (hereinafter State Board), and that, only once received and logged, would the annual report be accessible to the Discharger for submittal. The return receipt showed that the Discharger received the second NNC on October 4, 2013. No response was received from the Discharger.
5. On October 28, 2013, Board staff contacted Mr. Jose Arreola via email and stated that the State Board had not yet received the eAuthorization Form and that the final annual report submittal deadline was November 1, 2013. No response was received from the Discharger.

6. To date, the annual report has not been received by the Regional Board. The Discharger violated the Scrap Metal Permit, the Federal Clean Water Act, and the California Water Code by failing to submit the annual report by August 1, 2013.
7. Water Code section 13399.33, subdivision (c), requires that the Regional Board impose a minimum penalty of \$1,000 on a person who fails to submit an annual report in accordance with Water Code section 13399.31. Water Code section 13399.33, subdivision (d), further requires that the Regional Board recover the costs incurred in regard to those persons.
8. On February 11, 2014, the Division Chief of the Regional Board issued Mandatory Minimum Penalty Complaint No. R8-2014-0024, in the amount of \$1,750, to Ardus International. The Complaint penalty amount is based on the Mandatory Minimum Penalty amount of \$1,000, and the mandatory recovery of related staff costs, which totaled \$750.
9. The Regional Board concludes that the Discharger violated the Scrap Metal Permit by failing to submit its 2012-2013 annual report and is liable for \$1,750 in administrative civil liability pursuant to Water Code section 13399.33, subdivisions (c) and (d). By adopting this Order, the Regional Board incorporates the findings in Mandatory Minimum Penalty Complaint No. R8-2014-0024 and affirms the penalty specified therein.
10. This Order on Complaint No. R8-2014-0023 is effective and final upon issuance by the Regional Board. Payment must be received by the Regional Board no later than thirty days from the date on which this Order is issued.
11. 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 of the California Code of Regulations.
12. In the event that the Discharger fails to comply with the requirements of this Order on Complaint R8-2014-0023, the Executive Officer or his delegee is authorized to refer this matter to the Office of the Attorney General or a debt collection agency for enforcement and/or collection of penalties.
13. Any person aggrieved by this action of the Santa Ana Regional Water Quality Control Board may petition the State Water Resources Control Board (State Water Board) to review the action in accordance with Water Code section 13320 and California Code of Regulations, title 23, sections 2050 and following. The State Water Board must receive the petition by 5:00 p.m., 30 days after the Regional Board action, except that if the thirtieth day following the action 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 may be found on the Internet at http://www.waterboards.ca.gov/public_notices/petitions/water_quality or will be provided upon request.

IT IS HEREBY ORDERED that, pursuant to Water Code section 13399.33, subdivisions (c) and (d), a penalty, the Discharger shall make a payment by check in the amount of one thousand seventy hundred and fifty dollars (\$1,750) (payable to the Waste Discharge Permit Fund) no later than thirty days after the date of issuance of this Order. The check shall reference "Order No. R8-2014-0038."

CERTIFICATION

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 April 25, 2014.

Date

Kurt V. Berchtold
Executive Officer

TENTATIVE

7011 2970 0003 2495 5634

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ARDUS INTERNATIONAL
23900 HIGHWAY 74
PERRIS, CA. 92570

Sent To _____
Street, Apt. , or PO Box # _____
City, State, _____