

Santa Ana Regional Water Quality Control Board

December 19, 2012

Garda Cash Logistics
1601 W Orangewood Ave
Orange, CA 92868
(By regular mail)

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Jimmy Allums
jimmy.allums@gardacashlogistics.com
(By email only)

C T Corporation System (Agent for Service of Process)
818 W Seventh St
Los Angeles, CA 90017
(By Certified mail)

TRANSMITTAL OF MANDATORY MINIMUM PENALTY (MMP) COMPLAINT NO. R8-2012-0054, GARDA CASH LOGISTICS

Dear Mr. Allums:

Enclosed is a certified copy of Mandatory Minimum Penalty Complaint No. R8-2012-0054 (hereinafter "Complaint"). The Complaint alleges that Garda Cash Logistics has violated the General Permit for Storm Water Discharges Associated with Industrial Activity, Order No. 97-03-DWQ by failing to submit the 2011-2012 annual report by July 1, 2012. Pursuant to California Water Code Section 13399.33, the Complaint proposes that the Regional Board impose five thousand five hundred dollars (\$5,500) in mandatory minimum penalties and staff costs.

A public hearing on this matter has been scheduled for the Regional Board meeting on February 1, 2013. The staff report regarding this Complaint and the meeting agenda will be mailed to you not less than 10 days prior to the hearing.

Pursuant to California Water Code Section 13323, Garda Cash Logistics, has the option to waive its right to a hearing. Should Garda Cash Logistics waive its right to a hearing and pay the proposed assessment, the Regional Board may not hold a public hearing on this matter. If Garda Cash Logistics chooses to waive its right to a hearing, please sign and submit the enclosed Waiver Form with a check for five thousand five hundred dollars (\$5,500) made payable to the Waste Discharge Permit Fund. The Waiver Form, the check, and any other correspondence regarding this Complaint should be sent to the Regional Board office in the enclosed pre-printed envelope.

If Garda Cash Logistics does not wish to waive its right to a hearing, a pre-hearing meeting is recommended. Should you wish to schedule a pre-hearing meeting, please submit your request to Michelle Beckwith at (951) 782-4433 or mbeckwith@waterboards.ca.gov prior to January 11, 2013.

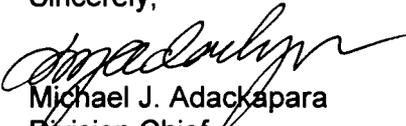
CAROLE H. BESWICK, CHAIR | KURT V. BERCHTOLD, EXECUTIVE OFFICER

3737 Main St., Suite 500, Riverside, CA 92501 | www.waterboards.ca.gov/santaana

December 19, 2012

If you have any questions about the Complaint or the enclosed documents, please contact Michelle Beckwith at (951) 782-4433 (mbeckwith@waterboards.ca.gov), Mark Smythe at (951) 782-4998 (msmythe@waterboards.ca.gov) or me at (951) 782-3238 (madackapara@waterboards.ca.gov). All legal questions should be directed to Cris Carrigan at (916) 341-5889 (ccarrigan@waterboards.ca.gov), Director, Office of Enforcement.

Sincerely,



Michael J. Adackapara
Division Chief

Regional Board Prosecution Team

Enclosures: Complaint No. R8-2012-0054
Waiver Form
Exhibit 1 (NNC dated July 31, 2012)
Exhibit 2 (NNC dated August 29, 2012)

cc: Regional Board
Executive Officer – Kurt 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 – Bruce Fujimoto
State Water Resources Control Board, Office of Enforcement – Cris Carrigan
(Regional Board Prosecution Team Attorney)
U.S. Environmental Protection Agency, Region 9 (WTR-7) – Ken Greenberg
Orange County, Public Works – Richard Boon
City of Orange, NPDES Coordinator – Gene Estrada

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

In the matter of:)	Complaint No. R8-2012-0054
)	for
Garda Cash Logistics)	Mandatory Minimum Penalty and Staff Costs
1601 West Oranewood Avenue)	
Orange, CA 92868)	
)	
Attention: Jimmy Allums)	

YOU ARE HEREBY GIVEN NOTICE THAT:

1. You are alleged to have violated provisions of law for which the California Regional Water Quality Control Board, Santa Ana Region (hereinafter Board), must impose liability under Section 13399.33 of the California Water Code.
2. A hearing concerning this Complaint will be held before the Board within ninety days of the date of issuance of this Complaint. The hearing in this matter has been scheduled for the Board's regular meeting on February 1, 2013, at the Loma Linda City Council Chambers, 25541 Barton Road, City of Loma Linda, California. You or your representative will have an opportunity to appear and be heard, and to contest the allegations in this Complaint and the imposition of a mandatory penalty and staff costs by the Board. An agenda for the meeting will be mailed to you not less than 10 days before the hearing date.
3. At the hearing, the Board will consider whether to affirm, reject or modify the proposed Mandatory Minimum Penalty Complaint and assessment of staff costs pursuant to Section 13399.33 of the Water Code, to assess discretionary penalties pursuant to Section 13385 of the Water Code, or to refer the matter to the Attorney General for recovery of judicial civil liability.
4. Garda Cash Logistics (hereinafter Garda), located at 1601 West Oranewood Avenue in Orange, is currently regulated under 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 facility's WDID Number is 8 30I019555. The General Permit requires submittal of an annual report by July 1 of each year.
5. Garda's 2011-2012 annual report was not received by Board staff by the July 1, 2012 deadline. Therefore a Notice of Non-Compliance (NNC) was issued to Garda, by certified mail, on July 31, 2012. The post office returned the NNC stating that the facility was vacant; however, Board staff confirmed that industrial activities still occur onsite by conducting a cursory inspection on August 21, 2012. Board staff faxed a copy of the NNC to Mr. Jimmy Allums, Garda's contact, on August 21, 2012. When Board staff received no response to the first NNC, a second NNC was issued on August 29, 2012. The post office returned the second NNC stating that the letter was unclaimed. In both NNCs, Board staff requested submittal of the completed annual report and reminded Garda of the mandatory minimum penalty for late submittal of the annual report. The second NNC requested that the annual report be submitted by September 28, 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 are submitted on time. Both NNCs are attached to this Complaint as Exhibits 1 and 2.

6. On September 25, 2012, Board staff spoke with Mr. Allums informing him of the mandatory minimum penalty if the annual report was not submitted by September 28, 2012. To date, the annual report has not been received by the Regional Board office. Garda 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.
7. Historically, Garda received two NNCs for the non-submittal of its 2010-2011 annual report; received two NNCs for the non-submittal of its 2009-2010 annual report; received two NNCs for the non-submittal of its 2008-2009 annual report; received two NNCs for the non-submittal of its 2007-2008 annual report; received two NNCs for the non-submittal of its 2005-2006 annual report. In each of those prior years Garda submitted their annual report within 60 days of the transmittal of the first NNC.
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. Based on non-submittal of the 2011-2012 annual report, Garda is alleged to have violated the General Permit for 170 days (from July 2, 2010 to December 19, 2012, the date of issuance of this complaint). The total maximum liability for this violation is \$1,700,000 (170 days at \$10,000/day).
10. Section 13399.33(c) of the California Water Code requires that the Regional Board 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 with regard to those persons.

PROPOSED PENALTIES AND ASSESSMENT OF COSTS

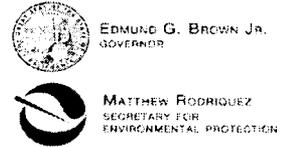
1. Pursuant to Section 13399.33(c) the Division Chief proposes that the mandatory minimum penalty of \$1,000 be imposed on Garda for the violation cited above. In addition, the Division Chief proposes that staff costs in the amount of \$750 (5 hours at \$150/hour) be recovered from Garda for the enforcement efforts associated with the 2011-12 annual report and the Division Chief further proposes that staff costs in the amount of \$3,750 (25 hours at \$150/hour) be recovered from Garda for the enforcement efforts that were necessary to gain Garda's compliance with the annual report provisions of the General Permit during the prior years. The total proposed mandatory minimum penalty and staff costs amount is \$5,500.
2. Notwithstanding the issuance of this Complaint, the Regional Board retains the authority to assess additional penalties for violations of the requirements of Garda's waste discharge requirements for which penalties have not yet been assessed or for violations that may subsequently occur.

3. 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).

12-19-12
Date



Michael J. Adackapara, Division Chief



EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Santa Ana Regional Water Quality Control Board

**WAIVER FORM
FOR MANDATORY MINIMUM PENALTY COMPLAINT NO. R8-2012-0054**

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

I am duly authorized to represent Garda Cash Logistics (hereinafter "Garda") in connection with Mandatory Minimum Penalty Complaint No. R8-2012-0054 (hereinafter the "Complaint"). I am informed that California Water Code Section 13323, subdivision (b), states that, "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 Garda waives the hearing requirement and will pay the liability in full.

- a. I hereby waive any right Garda may have to a hearing before the Regional Board.
- b. I certify that Garda will remit payment for the proposed penalty in the full amount of five thousand five hundred dollars (\$5,500) by check that references "Complaint No. R8-2012-0054" made payable to the Waste Discharge Permit Fund. Payment must be received by the Regional Board office no later than **January 18, 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 Garda having waived the right to contest the allegations in the Complaint and the imposition of the 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 Garda to further enforcement, including additional penalties.

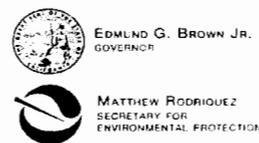
(Print Name and Title)

(Signature)

(Date)

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

3737 Main St., Suite 500, Riverside, CA 92501 | www.waterboards.ca.gov/santaana



EDMLND G. BROWN JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Santa Ana Regional Water Quality Control Board

July 31, 2012

Garda
1601 W Orangewood Ave
Orange, California 92868

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

NOTICE OF NON-COMPLIANCE: 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) WDID NO. 8 301019555

Dear Jimmy Allums:

Your facility located at 1601 W Orangewood Ave, in the city of Orange, is regulated under the General Permit and is identified by WDID No. **8 301019555**. Section B.16 of the General Permit requires you to submit an annual report by July 1 of each year. According to our records, we have not received your July 1, 2012 annual report.

Currently 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 at http://www.waterboards.ca.gov/water_issues/programs/stormwater/annualreport.shtml). You can also submit your annual report electronically via SMARTS (Storm Water Multiple Application and Report Tracking System). To register for SMARTS, download the application form at https://smarts.waterboards.ca.gov/smarts/faces/help/lrp_registration.pdf.

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 insure 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 mandatory minimum penalty of \$1,000 to those permittees that do not submit their annual reports after notification.

If you need assistance in completing the annual report or if you have any questions, please contact Michelle Beckwith by phone at (951) 782-4433 or by e-mail at mbeckwith@waterboards.ca.gov.

Sincerely,

Michael J. Adackapara
Division Chief

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

3737 Main St., Suite 500, Riverside, CA 92501 | www.waterboards.ca.gov/santaana



Santa Ana Regional Water Quality Control Board

August 29, 2012

Garda
1602 W Orange Grove Ave
Orange, California 92868

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

NOTICE OF NON-COMPLIANCE: 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) WDID NO. 8 301019555 SECOND NOTICE

Dear Jimmy Allums:

Your facility located at 1602 W Orange Grove Ave, in the city of Orange, is regulated under the General Permit and is identified by WDID No. **8 301019555**. Section B.16 of the General Permit requires you to submit an annual report by July 1 of each year. According to our records, we have not received your July 1, 2012 annual report.

Currently 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 at http://www.waterboards.ca.gov/water_issues/programs/stormwater/annualreport.shtml). You can also submit your annual report electronically via SMARTS (Storm Water Multiple Application and Report Tracking System). To register for SMARTS, download the application form at https://smarts.waterboards.ca.gov/smarts/faces/help/lrp_registration.pdf.

This is your second notice. The first notice was dated and sent on 7/31/12. To date, we have not received a response to that notice. Please note that Section 13399.31 of the California Water Code stipulates failure to submit the requested information by the September 28 due date will result in a mandatory minimum fine of \$1,000 to those permittees that do not submit their annual reports within 60 days of notification. Further enforcement action, including civil monetary penalties of up to \$10,000 for each day of violation, may result.

If you need assistance in completing the annual report or if you have any questions, please contact Michelle Beckwith by phone at (951) 782-4433 or by e-mail at michelle.beckwith@waterboards.ca.gov.

Sincerely,

Michael J. Adackapara
Division Chief

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

3737 Main St., Suite 500, Riverside, CA 92501 | www.waterboards.ca.gov/santaana

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT
OF THE RETURN ADDRESS. FOLD AT DOTTED LINE
CERTIFIED MAIL™



7009 2820 0001 6722 7777
7009 2820 0001 6722 7777

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

For delivery information visit our website at www.usps.com.

OFFICIAL USE

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

Postmark
Here

Sent To **CT Corporation System**
Street, Ap **818 W. Seventh St.**
or PO Box
City, State **Los Angeles, CA 90017**

PS Form

ations