STATE OF CALIFORNIA
REGIONAL WATER QUALITY CONTROL BOARD
SANTA ANA REGION

In the matter of:	)	**Complaint No. R8-2003-0118**
	)	**for**
Pilkington Aerospace, Inc.	)	**Mandatory Penalties**
12122 Western Avenue	)	
Garden Grove, CA 92841	)	
	)	
Attention: L. D. Valenti	)	

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 November 21, 2003, at the Eastern Municipal Water District, in the city of Perris. 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 mandatory penalties 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 Penalties Complaint or whether to refer the matter to the Attorney General for recovery of judicial civil liability.

4. Pilkington Aerospace, Inc. (hereinafter Pilkington), located at 12122 Western Avenue, Garden Grove, 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 830I002331. The General Permit requires submittal of an annual report by July 1 of each year.

5. Prior to the July 1, 2003 deadline, a notice from the State Water Resources Control Board (SWRCB) was mailed to Pilkington indicating that a copy of the blank 2002-2003 Annual Report could be accessed via the internet, and that a hard copy would only be mailed to Pilkington if requested. Because the annual report was not received by Board staff by the July 1, 2003 deadline, a Notice of Non-Compliance (NNC) was issued to Pilkington, by certified mail, on July 24, 2003. The return receipt showed it was received on July 29, 2003. When Board staff received no response to the first NNC, a second NNC was issued on August 25, 2003, again by certified mail, and was received on September 2, 2003. In both NNCs, Board staff requested submittal of the completed annual report by September 25, 2003, 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 also identified the mandatory minimum penalty for failure to submit the annual report by the September 25, 2003 deadline.

6. On September 17, 2003, Board staff left a telephone message for Mr. Michael Baumeister, Pilkington's Environmental Health and Safety Manager, regarding the facility's non-submittal of the annual report. On September 19, 2003, Mr. Baumeister returned Board staff's telephone call indicating that he would be working on the annual report that weekend. Board staff left additional telephone messages for Mr. Baumeister on September 23, 2003 and September 25, 2003 reminding Pilkington that the annual report must be submitted by September 25, 2003 to avoid mandatory penalty. Later on the 25th, Board staff spoke to Mr. Baumeister and Mr. Larry Valenti (Vice President) and both informed Board staff that the deadline would not be met. Board staff again informed them of the minimum mandatory penalties. The annual report was received in this office on September 29, 2003. 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, 2003.

7. 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.

8. Based on non-submittal of the 2002-2003 annual report, the facility is alleged to have violated the General Permit for 90 days (from July 2, 2003 to September 29, 2003). The total maximum liability for this violation is $900,000.

9. 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.

10. Section 13385(e) specifies factors that the Board shall consider in establishing the amount of civil liability. After consideration of those factors, the Executive Officer proposes that civil liability be imposed on Pilkington in the amount of $1,000 for the violation cited above.

WAIVER OF HEARING

You may waive your right to a hearing. If you choose to do so, please sign the attached waiver form and mail it, together with a check or money order payable to the State Water Resources Control Board for $1000. The waiver form, bottom portion of the invoice, and the check or money order should be mailed to Sacramento in the enclosed envelope.

If you have any questions, please contact Michelle Beckwith at (909) 782-4433, or Mark Smythe at (909) 782-4998. For legal questions, contact the Regional Board's staff counsel, Jorge Leon at (916) 341-5180.

10/22/03
Date

Gerard J. Thibeault
Executive Officer

In the matter of:	)	**Complaint No. R8-2003-0118**
	)	**for**
Pilkington Aerospace, Inc.	)	**Mandatory Penalties**
12122 Western Avenue	)	
Garden Grove, CA 92841	)	
	)	
Attention: L. D. Valenti	)	

WAIVER OF HEARING

I agree to waive the right of Pilkington Aerospace, Inc. to a hearing before the Santa Ana Regional Water Quality Control Board with regard to the violations alleged in Complaint No. R8-2003-0118.

I have enclosed a check or money order, made payable to the State Water Resources Control Board, in the amount of $1,000. I understand that I am giving up the right of Pilkington Aerospace, Inc. to be heard and to argue against allegations made by the Executive Officer in this Complaint, and against the imposition of, and the amount of, the liability proposed.

_____ _____

Date for Pilkington Aerospace, Inc.

State Water Resources Control Board

Winston H. Hickox
Secretary for Environmental Protection

The energy challenge facing California is real.
Every Californian needs to take immediate action to reduce energy consumption.
For a list of simple ways you can reduce demand and cut your energy costs, see our website at http://www.swrcb.ca.gov

Gray Davis
Governor

To:
PILKINGTON AEROSPACE, INC.
12122 WESTERN AVENUE
GARDEN GROVE, CA 92841

Invoice No: 36763
Invoice Date: 10/21/2003
Enforcement Action ID: 79231
Enforcement Order No: R8-2003-0118

INVOICE

Milestone ID	Description	Amount	Due Date
51403	LIABILITY AMOUNT	$1,000.00	11/21/2003
	TOTAL AMOUNT DUE	**$1,000.00**	

California Environmental Protection Agency

Recycled Paper

Retain above portion for your records
Please return bottom portion with your payment

PILKINGTON AEROSPACE, INC.
12122 WESTERN AVENUE
GARDEN GROVE, CA 92841

Milestone ID	Description	Amount	Due Date
51403	LIABDUE	$1,000.00	11/21/2003
	TOTAL AMOUNT DUE	**$1,000.00**	

Make your check payable to:
State Water Resources Control Board

Mail payment to:
SWRCB ACCOUNTING
ATTN: ENFORCEMENT
P. O. Box 100
SACRAMENTO, CA 95812-0100

Amount Enclosed: $_____

PLEASE PRINT THE FOLLOWING INVOICE NUMBER ON YOUR CHECK: **36763**

Invoice Date: 10/21/2003
Enforcement Action ID: 79231
Enforcement Order No.: R8-2003-0118

California Regional Water Quality Control Board
Santa Ana Region

\ ıon H. Hickox
Secretary for Environmental Protection

Internet Address: http://www.swrcb.ca.gov/rwqcb8
3737 Main Street, Suite 500, Riverside, California 92501-3348
Phone (909) 782-4130 - FAX (909) 781-6288

Gray Davis
Governor

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our website at www.swrcb.ca.gov/rwqcb8.

October 22, 2003

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. L. D. Valenti
Pilkington Aerospace, Inc.
12122 Western Avenue
Garden Grove, CA 92841

MANDATORY PENALTY COMPLAINT NO. R8-2003-0118

Dear Mr. Valenti:

We are enclosing a certified copy of Complaint No. R8-2003-0118, proposing a mandatory penalty of $1,000 for violations of the California Water Code and the State's General Permit for Storm Water Discharges Associated with Industrial Activity, Order No. 97-03-DWQ, NPDES No. CAS000001. An invoice for this amount is also enclosed.

If necessary, a public hearing on this matter will be scheduled for the Regional Board meeting on November 21, 2003. The staff report regarding this complaint and the meeting agenda will be mailed to you not less than 10 days prior to the Board meeting.

You have the option to waive your right to a hearing. Should you waive your right to a hearing and pay the proposed assessment, the Regional Board may not hold a public hearing on this matter. If you choose to waive your right to a hearing, please sign the enclosed waiver form and submit the form with a check or money order for $1,000. The check or money order should be made payable to the State Water Resources Control Board. The waiver form, the bottom portion of the invoice and the check should be mailed to Sacramento using the enclosed envelope. All other correspondence regarding this Complaint should be sent to this office at the address on this letterhead.

If you do not wish to waive your right to a hearing, a pre-hearing meeting with Board staff is recommended. Should you wish to schedule a pre-hearing meeting, please call us prior to October 29, 2003. At that time, you may submit information that may not have been previously available to staff regarding this matter.

If you have any questions regarding this complaint, you may contact Michelle Beckwith at (909) 782-4433, or Mark Smythe at (909) 782-4998. All legal questions should be referred to our legal counsel, Jorge Leon, at (916) 341-5180.

Sincerely,

Gerard J. Thibeault
Executive Officer

Enclosures: Complaint No. R8-2003-0118, Waiver Form, Invoice, and envelope

cc: State Water Resources Control Board, Division of Water Quality – Bruce Fujimoto
State Water Resources Control Board, Office of Chief Counsel – Jorge Leon
U.S. Environmental Protection Agency, Region 9 (WTR-7) – Kathy Moore
Orange County Public Facilities & Resources Dept. – Chris Crompton
City of Garden Grove, NPDES Coordinator – A. J. Holmon