



EDMUND G. BROWN JR.  
GOVERNOR

MATTHEW RODRIGUEZ  
SECRETARY FOR  
ENVIRONMENTAL PROTECTION

**Los Angeles Regional Water Quality Control Board**

March 30, 2016

Jim Beck  
BECKCO Inc.  
P.O. Box 1486  
Chino, CA 91708

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED  
CLAIM NO. 7015 0640 0006 6112 6869

Jeremy J. Beck  
Agent for Service of Process for  
BECKCO Inc.  
972 South Reservoir Street  
Pomona, CA 91766

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED  
CLAIM NO. 7015 0640 0006 6112 7187

**SETTLEMENT OFFER NO. R4-2016-0102: OFFER TO PARTICIPATE IN THE EXPEDITED PAYMENT PROGRAM FOR THE FAILURE TO RECERTIFY UNDER THE REQUIREMENTS OF NPDES GENERAL PERMIT FOR STORM WATER DISCHARGES ASSOCIATED WITH INDUSTRIAL ACTIVITIES FOR BECKCO INC., BECKCO INC., 972 SOUTH RESERVOIR STREET, POMONA, CA (ORDER NO. 2014-0057-DWQ, NPDES NO. CAS000001, WDID NO. 4 19I024452)**

Dear Jim Beck and Jeremy J. Beck:

This letter is to notify BECKCO Inc. (hereinafter "Permittee" or "you") of alleged violations of the California Water Code identified in the State Water Resources Control Board's water quality data system, and to allow the Permittee to participate in the Los Angeles Regional Water Quality Control Board's (Regional Board) Expedited Payment Program to address mandatory minimum penalties that may be assessed pursuant to California Water Code (Water Code) section 13399.33(a)(1).

**NOTICE OF VIOLATION:**

Based on information in the Storm Water Multiple Application & Report Tracking System (SMARTS), as of March 30, 2016, the Regional Board alleges that the Permittee is in violation of Water Code section 13399.30 (a) (2) for failing to recertify the existing Notice of Intent to obtain coverage under the State Water Resources Control Board (State Board) National Pollution Discharge Elimination system (NPDES) General Permit for Storm Water Discharges Associated with Industrial Activities, Order No. 2014-0057-DWQ (new General Permit) that was adopted on April 1, 2014. The new General Permit became effective on July 1, 2015 and superseded the previous General Permit, Order

No. 97-03-DWQ that expired on August 14, 2015. The General Permit required Permittees with coverage under the previous General Permit to recertify the Notice of Intent and submit the facility's site map, and storm water pollution prevention plan by August 14, 2015 electronically via SMARTS.

The State Water Resources Control Board notified the Permittee in January 2015, May 1, 2015, June 5, 2015, July 10, 2015 and August 3, 2015 of the requirement to recertify via SMARTS by August 14, 2015 in order to obtain coverage under the new General Permit. On September 2, 2015, Regional Board staff visited BECKCO Inc. and provided the Permittee written instructions on recertifying the facility in SMARTS. The Permittee failed to recertify the NOI.

On December 21, 2015, the Regional Board issued a Notice of Non Compliance (NNC) to the Permittee for failing to recertify under the new General Permit. The Permittee did not respond to the NNC. On January 28, 2016, the Regional Board issued a Notice of Violation (NOV) to the Permittee for failing to recertify. The Permittee did not recertify or respond to the NOV. The Permittee is currently operating without an NPDES Permit.

#### **STATUTORY LIABILITY:**

Your facility is suspected of discharging storm water associated with industrial activity. Pursuant to Water Code section 13399.33(a)(1), the Permittee is subject to a minimum penalty of not less than five thousand dollars (\$5,000) per year of noncompliance or fraction thereof plus staff costs for failing to submit the required notice of intent in accordance with Water Code section 13399.30.

#### **PERMITTEE'S OPTIONS FOR RESPONSE TO OFFER:**

You have two options to respond as outlined below:

##### **1. Accept the Expedited Payment Program Conditional Offer**

Acceptance of this Conditional Offer requires the Permittee to pay \$5,500 for settlement of the recertification violation and apply for coverage under the new General Permit by (1) completing a Notice of Intent online via the SMARTS database, and (2) uploading the facility's storm water pollution prevention plan (SWPPP), and current site map into SMARTS by **April 29, 2016**.

If the Permittee elects to accept this Conditional Offer and participate in the Regional Board's Expedited Payment Program, the Regional Board will forego issuance of a formal administrative civil liability complaint (Complaint); the Regional Board will not refer the violation to the Attorney General or to the District Attorney; the Regional Board will waive its right to seek additional

discretionary civil liabilities against the Permittee for the failure to recertify under the new General Permit.

The penalty includes a \$5,000 mandatory minimum penalty in addition to \$500 in staff costs incurred in seeking compliance with California Water Code Chapter 5.9, the Storm Water Enforcement Act of 1998. This is a Conditional Offer subject to certain terms and conditions set forth below. If you choose this option **you must sign and submit the enclosed Acceptance and Waiver form along with payment, and submit a completed NOI, SWPPP, and facility site map electronically via SMARTS by April 29, 2016.** The form provides submittal instructions. This option is deemed complete only after submission of the mandatory minimum penalty amount and completion of the NOI, SWPPP, and facility site map via SMARTS.

Please submit a hard copy of the Acceptance and Waiver form to:

Enrique Loera, Enforcement Unit  
Expedited Payment Program  
Los Angeles Regional Water Quality Control Board  
320 West 4<sup>th</sup> Street, Suite 200  
Los Angeles, California 90013

Acceptance of this Conditional Offer and participation in the Expedited Payment Program does not address or resolve liability for any violation that is not specifically identified above and in the corresponding NNC and NOV regardless of the date that the violation occurred.

## 2. Contest the Violation

Submit in writing the basis of your challenge with supporting evidence. For example, you have designed your facility to contain storm water but have failed to submit the required Notice of Non-Applicability (NONA) to the Regional Board and the civil liability administratively should be assessed in the amount of one thousand dollars (\$1,000) pursuant to Water Code section 13399.33(a)(2)(b), or you have evidence that you previously submitted a Notice of Termination (NOT) because you are no longer in business. If you choose this option, you must **submit your written documentation by April 29, 2016.**

Regional Board staff will review the submission, and if we agree with the challenge, we will notify the Permittee in writing that it is no longer considered in violation of California Water Code Section 13399.30(a)(2), and the Regional Board Prosecution Team will take no further action against the Permittee for the alleged failure to recertify under the General Permit. If after

review of your submission Regional Board staff does not agree with your challenge, the alleged violation will still apply to the Permittee; the Permittee will be given thirty (30) days from the date of receipt of Regional Board staff's determination to participate in the Expedited Payment Program by completing and returning the Acceptance and Waiver.

If you do not respond in a manner described in the above two options, the Regional Board Prosecution Team will prepare an administrative civil liability complaint (Complaint) for failing to obtain coverage under the new General Permit and a hearing will be scheduled before the Regional Board or an authorized delegate. The amount of the administrative civil liability sought in a Complaint and/or ultimately imposed by the Regional Board may be higher than the liability amount set forth in this Conditional Offer. Moreover, additional staff costs associated with formal enforcement will be considered in the recommended liability amount.

#### **CONDITIONS FOR REGIONAL BOARD ACCEPTANCE OF RESOLUTION:**

This offer to participate in the Expedited Payment Program is conditional upon submitting a completed NOI, uploading a copy of a current site map and SWPPP via the State Board's SMARTS on or before **April 29, 2016**. If you choose not to, this offer will be deemed withdrawn and a formal enforcement action will be pursued. After the offer is deemed withdrawn, the Regional Board Prosecution Team will issue a Complaint, as described above.

Should you participate in the Expedited Payment Program, the settlement will be published in the following manner: Federal regulations require the Regional Board to publish notice of, and to provide at least thirty (30) days for public comment on, any settlement of an enforcement action addressing NPDES permit violations (40 C.F.R. section 123.27(d)(2)(iii)). Upon submitting a NOI, site map, SWPPP and upon receipt of the Permittee's Acceptance and Waiver on or before **April 29, 2016**, Regional Board staff will publish a notice of the proposed resolution.

If no comments are received within the notice period, the Regional Board Executive Officer will be presented with the Acceptance and Waiver as a stipulated order for execution assessing the uncontested penalty amount pursuant to Water Code section 13399.33 as described under the heading "Statutory Liability" herein. The Permittee will then be notified that payment is due within 30 days from the date of execution by the Executive Officer.

Failure to pay the penalty within that time frame may result in further liability, referral of the matter to the Attorney General, District Attorney, and/or may void the offer to participate in this Expedited Payment Program.

If, however, significant comments are received in opposition to the proposed resolution, this offer may be withdrawn. In that case, the Permittee's waiver pursuant to the Acceptance and Waiver will also be treated as withdrawn. The violations will be addressed in a liability assessment proceeding before the Regional Board or authorized delegate. At the liability assessment hearing the Permittee will be free to make arguments as to any of the alleged violations, and the Permittee's agreement to accept this conditional offer will not in any way be binding or used as evidence against the Permittee. The Permittee will be provided with further information on the liability assessment proceeding.

Should you have any questions about this Conditional Offer or in submitting the NOI, please contact Enforcement Unit staff Enrique Loera at (213) 620-2111 or via email at [Enrique.Loera@waterboards.ca.gov](mailto:Enrique.Loera@waterboards.ca.gov) or Ms. Pavlova Vitale at (213) 576-6751 or via email at [Pavlova.Vitale@waterboards.ca.gov](mailto:Pavlova.Vitale@waterboards.ca.gov).

Sincerely,



Paula Rasmussen  
Assistant Executive Officer

Enclosure: Notice of Non-Compliance dated December 21, 2015  
Notice of Violation dated January 28, 2016  
Acceptance of Conditional Resolution and Waiver of Right to Hearing;  
(proposed) Order

cc: Vanessa Young, Office of Enforcement, State Water Resources Control Board  
Julie Carver, City of Pomona [[julie\\_carver@ci.pomona.ca.us](mailto:julie_carver@ci.pomona.ca.us)]

Settlement Offer No. R4-2016-0102  
WDID No. 4 19I024452

**ACCEPTANCE OF CONDITIONAL RESOLUTION  
AND WAIVER OF RIGHT TO HEARING: (Proposed) ORDER**

BECKCO Inc.  
Settlement Offer No. R4-2016-0102  
WDID No. 4 19I024452

By signing below and returning this Acceptance of Conditional Resolution and Waiver of Right to Hearing (Acceptance and Waiver) to the Los Angeles Regional Water Quality Control Board (Regional Board), BECKCO Inc. (Permittee) hereby accepts the "Offer to Participate in Expedited Payment Program" and waives the right to a hearing before the Regional Board to dispute the allegations of violations described in the Notice of Violation (NOV) and Notice of Noncompliance (NNCs), which are attached hereto as Exhibits 1 and 2 and incorporated herein by reference.

The Permittee agrees that the Conditional Offer shall serve as a complaint pursuant to Article 2.5 of the California Water Code and that no separate complaint is required for the Regional Board to assert jurisdiction over the alleged violations through its Assistant Executive Officer. The Permittee agrees to pay the administrative civil liability authorized by California Water Code section 13399.33(a)(1), in the sum of \$5,500 (Expedited Payment Amount) which shall be deemed payment in full of any civil liability pursuant to California Water Code section 13399.30(a)(2) that otherwise might be assessed for the violations described in the NOV and NNC. The Permittee understands that this Acceptance and Waiver waives its right to contest the allegations in the NOV and NNC and the amount of civil liability for such violations.

The Permittee understands that this Acceptance and Waiver does not address or resolve liability for any violation that is not specifically identified in the NOV and NNC.

Upon execution by the Permittee, the completed Acceptance and Waiver shall be returned to:

Enrique Loera, Enforcement Unit  
Expedited Payment Program  
Los Angeles Regional Water Quality Control Board  
320 West 4th Street, Suite 200  
Los Angeles, California 90013

The Permittee understands that federal regulations set forth at Title 40, Code of Federal Regulations, section 123.27(d)(2)(iii) require the Regional Board to publish notice of and provide at least thirty (30) days for public comment on any proposed resolution of an enforcement action addressing NPDES permit violations. Accordingly, this Acceptance and Waiver, prior to execution by the Regional Board Executive Officer, will be published as required by law for public comment.

If no comments are received within the notice period that causes the Regional Board Executive Officer to question the Expedited Payment Amount, the Regional Board Executive Officer will execute the Acceptance and Waiver.

The Permittee understands that if significant comments are received in opposition to the Expedited Payment Amount, the offer on behalf of the Regional Board to resolve the violation

Settlement Offer No. R4-2016-0102  
WDID No. 4 19I024452

set forth in the NOV and NNC may be withdrawn. In that circumstance, the Permittee will be advised of that withdrawal, and an administrative civil liability complaint may be issued and the matter may be set for a hearing before the Regional Board. For such a liability hearing, the Permittee understands that this Acceptance and Waiver executed by the Permittee will be treated as a settlement communication and will not be used as evidence in that hearing.

The Permittee further understands that once this Acceptance and Waiver is executed by the Regional Board's Executive Officer, the full payment required by the deadline set forth below is a condition of this Acceptance and Waiver. In accordance with California Water Code section 13399.37(a), funds collected for violations pursuant to sections 13399.33(a)(1) shall be deposited in the Waste Discharge Permit Fund. Accordingly, the \$5,500 liability shall be paid by a cashiers or certified check made out to the "State Water Resources Control Board" referencing this Order number for deposit into the Waste Discharge Permit Fund. The payment must be submitted to the State Water Resources Control Board no later than thirty (30) calendar days after the date the Acceptance and Waiver is executed by the Regional Board's Executive Officer.

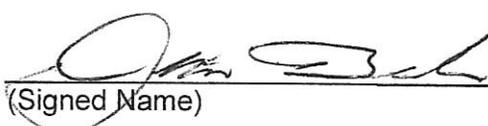
Please mail the check to:

State Water Resources Control Board  
Re: Order No. R4-2016-0102  
Division of Administrative Services, Accounting Branch  
1001 I Street, 18<sup>th</sup> Floor, [95814]  
P.O. Box 1888  
Sacramento, California 95812-1888

CALIFORNIA REGIONAL WATER  
QUALITY CONTROL BOARD  
LOS ANGELES REGION  
16 MAY -2 PM 1:53

I hereby affirm that I am duly authorized to act on behalf of and to bind the Permittee in the making and giving of this Acceptance and Waiver.

BECKCO Inc.

By:  (Signed Name)      4/28/16 (Date)  
Jim Beck (Printed or Typed name)      PRESIDENT (Title)

IT IS SO ORDERED PURSUANT TO CALIFORNIA WATER CODE SECTION 13399.33(a)(1)

Date: \_\_\_\_\_

By: \_\_\_\_\_  
Samuel Unger, P.E.  
Executive Officer