



California Regional Water Quality Control Board

Central Coast Region



Linda S. Adams
Secretary for
Environmental
Protection

Arnold Schwarzenegger
Governor

Internet Address: <http://www.waterboards.ca.gov/centralcoast>
895 Aerovista Place, Suite 101, San Luis Obispo, California 93401-7906
Phone (805) 549-3147 • FAX (805) 543-0397

December 18, 2007

CERTIFIED MAIL 7007 0710 0004 4117 5604
RETURN RECEIPT REQUESTED

Mr. Don Robinson
Paul Trucking Company
P.O. Box 1450
Watsonville, CA 95076

CERTIFIED MAIL 7007 0710 0004 4117 5611
RETURN RECEIPT REQUESTED

Mr. Surjit Tut
Destiny Transportation, Inc
1201 N 54th Ave, Suite 122
Phoenix, AZ 85043

ADOPTION OF ADMINISTRATIVE CIVIL LIABILITY ORDER R3-2007-0089 FOR FAILURE TO SUBMIT INDUSTRIAL STORM WATER GENERAL PERMIT 2006-2007 ANNUAL REPORT; PAUL TRUCKING COMPANY AND DESTINY TRANSPORTATION, INC (dba PAUL TRUCKING COMPANY), WATSONVILLE, SANTA CRUZ COUNTY, W DID# 3 44 I 013 408

Dear Mr. Robinson:

At a public meeting on December 7, 2007, the Central Coast Water Board adopted Administrative Civil Liability Order No. R3-2007-0089 (Enclosed). The Order requires Paul Trucking Company and Destiny Transportation, Inc. (dba Paul Trucking Company) to pay \$20,000 for failure to submit an annual report on or before July 1, 2007. You are required to provide payment **no later than January 7, 2008.**

The Central Coast Water Board has not received your 2006-2007 annual report. Continued failure to submit the report will result in additional formal enforcement action.

Any person affected by this action of the Central Coast Water Board may petition the State Water Resources Control Board to review the action in accordance with Section 13320 of the California Water Code and Title 23, California Code of Regulations, Section 2050. The petition must be received by the State Water Resources Control Board within 30 days of the date of the Order. Copies of the law and regulations applicable to filing petitions will be provided upon request, and are available on the State Water Board's website at www.waterboards.ca.gov.

Please make your check payable to the "State Water Resources Control Board Waste Discharge Permit Fund", note "Order No. R3-2007-0089" on the check's memo line, and send it to the Central Coast Water Board at 895 Aerovista Place, Suite 101, San Luis Obispo, CA, 93401, attention Harvey Packard. Failure to pay will result in additional formal enforcement or collection action that may result in additional liability for collection costs, monetary penalties and attorneys' fees. (Ca. Water Code § 13328.)

California Environmental Protection Agency



Recycled Paper

Please contact staff member David Innis with any questions about complying with the General Permit. You can contact Mr. Innis at (805) 549-3150, or dbinnis@waterboards.ca.gov.

If you have questions about this enforcement action, please contact **Todd Stanley at (805) 542-4769**, Harvey Packard at (805) 542-4639, or staff counsel Yvonne West at (916) 341-5445.

Sincerely,



Roger W. Briggs
Executive Officer

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Enclosure: 1. Administrative Civil Liability Order No. R3-2007-0089

CC: Ms. Yvonne West (via email)
Staff Counsel
State Water Board
Office of Enforcement

Ms. Frances McChesney (via email)
Central Coast Water Board Counsel
State Water Board
Office of Chief Counsel

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL COAST REGION
895 Aerovista Place, Suite 101
San Luis Obispo, CA 93401**

**ADMINISTRATIVE CIVIL LIABILITY
ORDER NO. R3-2007-0089
Waste Discharger Identification No. 3 44 I 013 408**

Issued To

**Paul Trucking Company and Destiny Transportation, Inc. (dba Paul Trucking Company)
144 West Lake Avenue, Watsonville, 95076
Santa Cruz County**

The California Regional Water Quality Control Board, Central Coast Region (Central Coast Water Board), finds that:

1. Paul Trucking Company and Destiny Transportation, Inc. (dba Paul Trucking Company) (Discharger) conducts industrial activities (vehicle maintenance facility) subject to National Pollutant Discharge Elimination System (NPDES) Permit No. CAS000001, State Water Board Order No. 97-03-DWQ, *Waste Discharge Requirements for Discharges of Storm Water Associated with Industrial Activities Excluding Construction Activities* (General Permit).
2. On September 10, 1997, the Discharger filed a Notice of Intent to comply with the terms of the General Permit.
3. The General Permit requires dischargers to submit an annual report no later than July 1st of each year (Provision E.3, and Monitoring Program and Reporting Requirement B.14).
4. The Discharger violated the General Permit by failing to submit the 2006-2007 annual report by July 1, 2007. The report covers the period from July 1, 2006, through June 30, 2007.
5. Pursuant to California Water Code (Water Code) Section 13399.31, Central Coast Water Board staff sent two Notice of Non-Compliance letters (dated July 12, 2007, and August 14, 2007) by certified mail to the Discharger for failing to submit the annual report.
6. Water Code Section 13399.31(d) provides that if a discharger fails to submit an annual report within 60 days of the first Notice of Non-Compliance, then the Water Board shall impose penalties described in Section 13399.33(c).
7. Central Coast Water Board staff mailed the first Notice of Non-Compliance on July 12, 2007. The Discharger failed to submit an annual report within 60 days, or by September 12, 2007.
8. Water Code Section 13399.33(c) requires the Central Coast Water Board to impose administrative civil liability for no less than \$1,000 upon any person that fails to submit an annual report in accordance with Section 13399.31.
9. In addition to violating the General Permit annual reporting requirements for the 2006-2007 reporting period, the Discharger also violated the same requirement for seven of the nine

previous reporting years. Staff issued thirteen Notice of Non-Compliance letters (see Complaint No. R3-2007-0089, #15, attached to the Staff Report) before the Discharger submitted the late reports.

10. On March 19, 2004, the Central Coast Water Board adopted Administrative Civil Liability Order No. R3-2004-0027, finding the Discharger in violation of the General Permit annual reporting requirements and the Water Code for the Discharger's failure to submit the 2002-2003 annual report by its due date, and imposing liability for the mandatory minimum amount of \$1,000.
11. On November 21, 2005, the Central Coast Water Board Executive Officer issued Administrative Civil Liability Complaint No. R3-2006-0009, alleging that the Discharger was in violation of the General Permit annual reporting requirements and the Water Code for the Discharger's failure to submit the 2004-2005 annual report by its due date, and recommending liability for \$5,000 (an increased amount from the previously assessed mandatory minimum amount of \$1,000). The Discharger waived its right to a hearing, and paid the recommended liability.
12. In concurrence with the *State Water Resources Control Board Water Quality Enforcement Policy*, water boards should quickly escalate enforcement actions to increasingly more serious actions until compliance is achieved.
13. The Discharger's history of violating General Permit annual reporting requirements, and the Central Coast Water Board's repeated enforcement actions, indicate that escalating the seriousness of this enforcement action is appropriate. Liability for more than the mandatory minimum penalty amount of \$1,000 is warranted, as is liability for more than \$5,000. The Water Board has already assessed liability for these amounts in previous enforcement actions, and the Discharger continues to violate annual reporting requirements.
14. Pursuant to California Water Code Section 13385, any person who violates a waste discharge requirements permit shall be civilly liable for up to ten thousand dollars (\$10,000) for each day in which the violation occurs.
15. The Discharger is in violation of California Water Code Section 13385(a)(2) for failure to submit an annual report as required by a waste discharge requirements permit (the General Permit), and is subject to the penalties prescribed in California Water Code Section 13385(c).
16. Pursuant to California Water Code Section 13385(e), in determining the amount of any liability under Section 13385, the Central Coast Water Board must consider a variety of factors. As discussed in Administrative Civil Liability Complaint No. R3-2007-0089, #23 (attached to the Staff Report for this item), the factors further justify assessing liability greater than the mandatory minimum liability of \$1,000 required by Water Code Section 13399, and greater than the previously assessed amount of \$5,000.
17. This enforcement action is taken for the protection of the environment and as such is exempt from the provisions of the California Environmental Quality Act (Public Resources Code Section 21000, *et seq.*) in accordance with sections 15307 and 15308, Title 14, California Code of Regulations.
18. A hearing on this matter was held before the Central Coast Water Board on December 7, 2007, at the Central Coast Water Board, 895 Aerovista Place, in San Luis Obispo. The

Discharger, or the Discharger's representative(s), had the opportunity to be heard and to contest the allegations in Complaint No. R3-2007-0089, which recommended the imposition of civil liability by the Central Coast Water Board.

19. At the hearing, the Central Coast Water Board considered whether to affirm, increase, decrease, or reject the proposed administrative civil liability, or whether to refer the matter to the Attorney General for recovery of judicial civil liability.

IT IS HEREBY ORDERED, pursuant to Sections 13399 and 13385 of the California Water Code, the Discharger is assessed a total civil liability of \$20,000, to be paid as follows:

1. The sum of Twenty Thousand Dollars (\$20,000) to be delivered to the Central Coast Regional Water Quality Control Board, 895 Aerovista Place, Suite 101, San Luis Obispo, CA 93401, **no later than January 7, 2008**. The Discharger shall make the cashier's check or money order payable to the *State Water Resources Control Board Waste Discharge Permit Fund*, with "Order No. R3-2007-0089" shown on the memo line.

I, **Roger W. Briggs, Executive Officer**, do hereby certify that the foregoing is a full, true, and correct copy of an order adopted by the Central Coast Regional Water Quality Control Board on December 7, 2007.



Roger W. Briggs
Executive Officer

12-18-07

Date