

**STATE OF CALIFORNIA
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL COAST REGION**

STAFF REPORT FOR REGULAR MEETING OF MARCH 19, 2004

Prepared on February 26, 2004

ITEM: 12

SUBJECT: ADMINISTRATIVE CIVIL LIABILITY ORDER NO. R3-2004-0027; Paul Trucking Company, P.O. Box, Watsonville, California

KEY INFORMATION

Discharger: Paul Trucking Company
Location: 144 W Lake Ave., Watsonville, Santa Cruz County
Discharge Type: Storm Water
Existing Order: NPDES No. CAS000001, State Board Order No. 97-03-DWQ, WDID No. 3 44I013408

SUMMARY

Paul Trucking Company (hereinafter, Discharger) is required to submit an Annual Report each year in accordance with the General Storm Water Permit for Industrial Activity (General Permit). Two Notice of Violation letters were sent regarding the need for submittal of the Annual Report and the possible enforcement actions for failure to do so. The discharger failed to provide the Annual Report in a timely manner. Section 13399.33(c) directs the Regional Board to impose a mandatory minimum \$1,000 penalty for failure to submit a Storm Water Annual Report.

DISCUSSION

Background

On September 11, 1997, the Discharger filed a Notice of Intent (NOI) to comply with the terms of the General Permit. By filing an NOI, the Discharger is required to comply with all terms and conditions of this General Permit, which includes submission of an Annual Report to the Regional Board.

Violation Timeline

July 2002 – June 2003 – Active permit holder during all 12 months of the reporting period (July 2002 to June 2003). The General Permit requires that an Annual Report be submitted to the Regional Board by July 1 of each year.

August 2003 – September 2003 - On August 5, 2003, and September 9, 2003, Regional Board staff issued Notice of Violation (NOV) letters for failure to submit the Annual Report. Both Notice of Violation letters warned of potential penalties pursuant to provisions of the CWC.

January 2004 - Regional Board staff phoned the discharger and faxed a copy of the annual report forms to the discharger on January 14, 2004 with a reminder that unless their Annual Report was received by January 20, 2004, an administrative civil liabilities complaint would be issued.

Administrative Civil Liability Complaint No. R3-2004-0027 was sent to the Discharger by certified mail on January 21, 2004.

February 2004 – The Discharger submitted their annual report on February 23, 2004.

Conclusion

The Discharger is in violation of the General Permit, for failure to submit their annual report. Section 13399.33(c) of the California Water Code provides that a person that fails to submit an Annual Report in accordance with Section 13399.31, shall be civilly liable, and civil liabilities must be imposed in an amount that is not less than \$1,000.

RECOMMENDATION

Staff recommends The Board Adopt Order No. R3-2004-0027 for assessment of **One Thousand Dollars (\$1,000)** in administrative liability against Discharger

ATTACHMENTS

1. Administrative Civil Liability Complaint No. R3-2004-0027
2. Administrative Civil Liability Order No. R3-2004-0027.

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