

STATE OF CALIFORNIA  
REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL COAST REGION

STAFF REPORT FOR REGULAR MEETING OF FEBRUARY 9-10, 2006

Prepared on January 6, 2006

ITEM NUMBER: 25

SUBJECT: Administrative Civil Liability Order No. R3-2006-0009; Paul Trucking Company, 144 West Lake Avenue, Watsonville, California

KEY INFORMATION

Discharger: Paul Trucking Company  
Location: 144 West Lake Avenue, Watsonville, Santa Cruz County  
Discharge Type: Storm Water Associated with Industrial Activity  
Existing Order: National Pollutant Discharge Elimination System Permit (NPDES) 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*, WDID No. 3 44 I 013 408  
This Action: Adopt Administrative Civil Liability

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). Water Board staff sent two Notice of Violation letters stating the requirement to submit 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. Water Code Section 13399.33(c) directs the Central Coast Water Board to impose civil liability for no less than \$1,000 for failure to submit a Storm Water Annual Report.

DISCUSSION

Background

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

Violation Timeline

**July 2004 – June 2005** – The Discharger was an active permit holder during all twelve months of the reporting period (July 2004 to June 2005). The General Permit requires the Discharger to submit an Annual Report to the Central Coast Water Board by July 1<sup>st</sup> of each year.

**August 2005 – September 2005** – On August 10, 2005, and September 14, 2005, Central Coast Water Board staff issued Notice of Violation letters for failure to submit the Annual Report. Both Notice of Violation letters warned of potential penalties pursuant to provisions of the California Water Code.

**November 2005** – Central Coast Water Board staff telephoned the Discharger and faxed a copy of the Annual Report forms to the Discharger on November 7, 2005, with a reminder that unless they submit an Annual Report, staff would issue an administrative civil liabilities complaint.

Staff sent Administrative Civil Liability Complaint No. R3-2006-0009 to the

Discharger by certified mail on November 21, 2005.

#### **Compliance History**

On March 19, 2004, the Central Coast Water Board adopted ACL Order No. R3-2004-0027, assessing a mandatory minimum penalty of \$1,000 in civil liability against the Discharger for failing to submit its Annual Report in a timely manner. In accordance with the State Enforcement Policy, Section I.D, *Progressive Enforcement*, staff's recommendation for civil liability above the minimum amount required is appropriate for the Discharger's repeated violation of reporting requirements.

#### **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 Central Coast Water Board Adopt Order No. R3-2006-0009 to impose **Five Thousand Dollars (\$5,000)** in administrative liability against the Discharger.

#### **ATTACHMENTS**

1. Administrative Civil Liability Complaint No. R3-2006-0009
2. Administrative Civil Liability Order No. R3-2006-0009

S:\Storm Water\Industrial\Santa Cruz Co\013408 Paul Trucking\R3-2006-0009 Staff Report - Paul Trk AR ACL.doc