

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: 26

SUBJECT: Administrative Civil Liability Order No. R3-2006-0010; Gilroy Unified School District, 7810 Arroyo Circle, Gilroy, Santa Clara County

KEY INFORMATION

Discharger: Gilroy Unified School District
Location: 7810 Arroyo Circle, Gilroy, Santa Clara 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 43 I 019 389
This Action: Adopt Administrative Civil Liability

SUMMARY

Gilroy Unified School District (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 Water Board to impose civil liability for no less than \$1,000 for failure to submit a Storm Water Annual Report.

DISCUSSION

Background

On January 28, 2005, 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

January 2005 – June 2005 – The Discharger was an active permit holder during six 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 1st 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.

September 2005 – Staff spoke via telephone to the Discharger on September 13, 2005, answering questions about the Annual Report.

October 2005 – Staff telephoned the Discharger on October 27, 2005, and left a message noting staff had not received the Annual Report, and requesting they submit the Annual Report by fax.

Staff telephoned the Discharger on October 31, 2005. The Discharger stated that the responsible staff person was on vacation, and submitted a letter of the same date requesting an extension until November 11, 2005. The Discharger did not submit its Annual Report by that date.

November 2005 – Staff telephoned the Discharger and faxed a copy of the Annual Report forms to the Discharger on November 7 and November 8, 2005, respectively, 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. R3-2006-0010 to the Discharger by certified mail on December 15, 2005.

December 2005 – The Discharger submitted its Annual Report on December 6, 2005, but not within 60 days of the first Notice of Violation dated August 10, 2005, as required in California Water Code Section 13399.31.

Conclusion

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

RECOMMENDATION

Staff recommends the Central Coast Water Board Adopt Order No. R3-2006-0010 to impose **One Thousand Dollars (\$1,000)** in administrative liability against the Discharger.

ATTACHMENTS

1. Administrative Civil Liability Complaint No. R3-2006-0010
2. Administrative Civil Liability Order No. R3-2006-0010

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