

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION**

TENTATIVE

ORDER NO. R9-2009-0162

**ADMINISTRATIVE ASSESSMENT OF CIVIL LIABILITY
AGAINST**

**E & E TRANSPORTATION, INC.
RAMONA, CALIFORNIA**

**FOR
VIOLATION OF STATE BOARD ORDER NO. 97-03-DWQ**

The California Regional Water Quality Control Board, San Diego Region (hereinafter Regional Board), having considered in a public meeting on October 14, 2009, all comments received on the issuance of liability against E & E Transportation, Inc. regarding the violation alleged in Complaint No. R9-2009-0065, dated July 16, 2009 (Complaint), having provided public notice thereof and not less than thirty (30) days for public comment, and on the recommendation for administrative assessment of Civil Liability in the amount of \$1,600 finds as follows:

1. E & E Transportation, Inc. filed a Notice of Intent on November 3, 2006 for coverage under State Board Order No. 97-03-DWQ, *National Pollutant Discharge Elimination System General Permit No. CAS000001, Waste Discharge Requirements for Discharges of Storm Water Associated with Industrial Activities Excluding Construction Activities (General Permit)*.
2. Order No. 97-03-DWQ requires the submittal of an annual storm water monitoring report by July 1 of each year. E & E Transportation, Inc. failed to submit the Fiscal Year 2007-08 annual report.
3. Pursuant to California Water Code (CWC) Section 13399.31(d), the Regional Board issued Notices of Violation to E & E Transportation, Inc. on September 8, 2008 and October 17, 2008 for failure to submit the Fiscal Year 2007-08 annual storm water monitoring report. T
4. Pursuant to CWC Sections 13399.31(d) and 13399.33, the Regional Board shall impose civil liability administratively in an amount that is not less than one thousand dollars (\$1,000) and recover the costs incurred by the Regional Board as a result of the noncompliance, if the discharger fails to submit the required annual report after the Regional Board issues a discharger two

notices of noncompliance indicating the penalties associated with the failure to submit the required annual report.

5. On July 16, 2009, the Assistant Executive Officer issued Administrative Civil Liability Complaint No. R9-2009-0065 to E & E Transportation, Inc. recommending the imposition of \$1,600 in liability for failure to submit the Fiscal Year 2007-08 annual storm water monitoring report. This amount includes \$600 in costs incurred by the Regional Board for the investigation and preparation of enforcement documents relating to this enforcement action.
6. On September 24, 2009, E & E Transportation, Inc. waived its right to a public hearing before the Regional Board and paid the recommended \$1,600 civil liability to the State Water Resources Control Board's Waste Discharge Permit Fund.
7. Issuance of this Order is an enforcement action taken by a regulatory agency and is exempt from the provisions of the California Environmental Quality Act (CEQA) (Public Resources Code section 21000 et seq.) pursuant to section 45321(a)(2), Chapter 3, Title 14 of the California Code of Regulations. This action is also exempt from the provisions of CEQA in accordance with section 15061(b)(3) of Chapter 3, Title 14 of the California Code of Regulations because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

IT IS HEREBY ORDERED, that pursuant to Section 13399.33 of the California Water Code, that:

1. Civil liability is imposed on E & E Transportation, Inc. in the amount of \$1,600.
2. Fulfillment of E & E Transportation, Inc.'s obligations under this Order constitutes full and final satisfaction of any and all liability for each allegation in Complaint No. R9-2009-0065.

I, John H. Robertus, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of an Order imposing civil liability assessed by the California Regional Water Quality Control Board, San Diego Region, on October 14, 2009.

TENTATIVE

JOHN H. ROBERTUS
Executive Officer

Tentative
ACL Order No. R9-2009-0162
E & E Transportation, Inc.

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CIWQS Entries
Regulatory Measure ID 363864
Place ID 642570
Party ID 348422
Violation ID 783246