

State of California
Regional Water Quality Control Board
San Diego Region

ENFORCEMENT SUMMARY REPORT
October 14, 2009

- ITEM: 8
- SUBJECT: Administrative Civil Liability against E & E Transportation, Inc. The Regional Board will consider adoption of a tentative Order that would impose a \$1,600 penalty required by California Water Code Section 13399.33 and recommended in Complaint R9-2009-0065 for failure to submit the FY 2007/08 annual storm water monitoring report of State Board Order No. 97-03-DWQ, NPDES No. CAS00001, *Waste Discharge Requirements for Discharges of Storm Water Associated with Industrial Activities Excluding Construction Activities*. (Tentative Order R9-2009-0162) (Rebecca Stewart)
- PURPOSE: The Regional Board may approve, modify, or reject assessment of the recommended penalty. If the Regional Board rejects the tentative Order, the matter may be rescheduled to a future public hearing at which time the Regional Board will receive evidence and testimony and consider assessment of liability.
- PUBLIC NOTICE: On September 12, 2009 a notice was published in the San Diego Union and on the Regional Board website soliciting public input on E & E Transportation, Inc.'s waiver of the public hearing and payment of the proposed liability.
- DISCUSSION: The State Water Resources Control Board's NPDES statewide general industrial storm water permit (Order No. 97-03-DWQ) requires the submittal of an annual report to document an industrial facility's status of compliance and results of water quality monitoring. The annual reports are due by July 1 of each year. E & E Transportation, Inc. failed to submit the Fiscal Year 2007-08 annual report. On September 8, 2008 and October 17, 2008 the Regional Board issued Notices of Violation notifying the discharger that the

report had not been received and that the violation could subject them to administrative civil liability. E & E Transportation, Inc. did not respond to the Notices of Violation.

On July 16, 2009 the Assistant Executive Officer issued Complaint No. R9-2009-0065 recommending civil liability totaling \$1,600 which is the minimum required by California Water Code (CWC) section 13399.33. The recommended liability includes \$1,000 in civil liability and recovery of \$600 in Regional Board staff costs.

On September 24, 2009, E & E Transportation, Inc. paid the \$1,600 liability and waived its right to a public hearing.

If the Regional Board does not adopt the tentative Order accepting the waiver and payment, a public hearing will be scheduled for a future Regional Board meeting.

No comments concerning this matter have been received to date.

LEGAL CONCERNS: None.

SUPPORTING
DOCUMENTS:

- (1) Location Map
- (2) Tentative Order No. R9-2009-0162
- (3) Signed Waiver of Hearing Form
- (4) Complaint No. R9-2009-0065

RECOMMENDATION: The adoption of tentative Order No. R9-2009-0162 is recommended.