

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

**TENTATIVE**

**ORDER NO. R9-2009-0160**

**ADMINISTRATIVE ASSESSMENT OF CIVIL LIABILITY  
AGAINST**

**GMG STONE, INC.  
EL CAJON, 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 GMG Stone, Inc. regarding the violation alleged in Complaint No. R9-2009-0062, 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. GMG Stone, Inc. filed a Notice of Intent on September 15, 2005 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. GMG Stone, 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 GMG Stone, Inc. on September 8, 2008 and October 17, 2008 for failure to submit the Fiscal Year 2007-08 annual storm water monitoring report.
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 discharge 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. R9-2009-0062 to GMG Stone, 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 25, 2009, GMG Stone, 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 GMG Stone, Inc. in the amount of \$1,600.
2. Fulfillment of GMG Stone, Inc.'s obligations under this Order constitutes full and final satisfaction of any and all liability for each allegation in Complaint No. R9-2009-0062.

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. R9-2009-0160  
GMG Stone, Inc.

3

CIWQS Entries  
Regulatory Measure ID 368458  
Place ID 627557  
Party ID 293493  
Violation ID 783252