

STATE OF CALIFORNIA
REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

STAFF SUMMARY REPORT (Rico Duazo)
MEETING DATE: March 8, 2006

ITEM: 9

SUBJECT: CHRISTOPHER ROCKENBAUGH dba RO SAL AUTO WRECKING AND TOW, 4030 FOLSOM COURT, CONCORD, CONTRA COSTA COUNTY - Hearing to Consider Imposition of Administrative Civil Liability or Referral to the Attorney General for failure to submit a 2004/2005 annual report as required by the State Water Resources Control Board's permit for Storm Water Discharges Associated with Industrial Activities, Water Quality Order No. 97-03-DWQ, NPDES No. CAS000001 (General Permit)

CHRONOLOGY: The Board has not previously considered this item.

DISCUSSION: The Discharger submitted a Notice of Intent (NOI) to obtain coverage under the General Permit in 2000. Under the General Permit, the Discharger must submit an annual report documenting its sampling and analyses, observations, and an annual comprehensive site compliance evaluation by July 1 of each year. Annual reports are a key means of determining the quality of stormwater runoff from the Discharger's site and ensuring that the Discharger is implementing appropriate control measures at its site.

The Discharger did not submit its 2004/2005 annual report by July 1, 2005, as required. Since then, Board staff has issued two Notice of Noncompliance letters, left several phone messages, and made a site visit requesting the 2004/2005 annual report. As a result, the Executive Officer issued an administrative civil liability complaint in January 2006 (Appendix A2) in the amount of \$13,900. As of January 31, 2006, the Discharger had failed to submit its 2004/2005 annual report and had been in violation of the General Permit for a total of 214 days.

The Discharger has since responded by submitting its annual report and explaining why it was not submitted on time. The Discharger acknowledges that a fine is appropriate but intends to appear at the hearing to request a reduced fine.

The Board has several enforcement options. It can decline to impose administrative civil liability, impose administrative civil liability in an amount it deems appropriate, or refer the matter to the Attorney General. The Tentative Order (Appendix A2) would impose administrative civil liability of \$13,900.

RECOMMEN-
DATION: Adoption of the Tentative Order

File No. 2158.11

APPENDICES: A1 - ACL Complaint
A2 - Tentative Order
B - Correspondence & Staff Response
C - Location Map