

California Regional Water Quality Control Board
North Coast Region

Administrative Civil Liability Complaint Order No. R1-2007-0037

In the Matter of
Coast Wood Preserving, Inc.
WDID No. 1 23I004224

For

Failure to File an Annual Storm Water Report
for Fiscal Year 2005-2006

Mendocino County

The Executive Officer of the California Regional Water Quality Control Board, North Coast Region (hereinafter Regional Water Board), hereby gives notice that:

1. Coast Wood Preserving, Inc. (hereinafter Discharger) operates a wood preserving treatment site at 3150 Taylor Drive, Ukiah, California (hereinafter Facility).
2. The U.S. Environmental Protection Agency issued regulations for storm water discharges on November 16, 1990. Subsequently, the State Water Resources Control Board (State Water Board) adopted Water Quality Order No. 91-013-DWQ, National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000001, Waste Discharge Requirements for Discharges of Storm Water Associated with Industrial Activities Excluding Construction Activities (hereinafter General Permit). On September 17, 1992, the State Water Board amended the General Permit, and on August 17, 1997, the State Water Board issued Order No. 97-03-DWQ, which revised and replaced the General Permit.
3. Provision E(1) of the General Permit requires that all facility operators seeking coverage under the General Permit file a Notice of Intent (NOI) for each of the facilities they operate. The Discharger filed a NOI for the Coast Wood Preserving, Inc. site on August 11, 2006, and was assigned WDID No. 1 23I004224 for the Facility.
4. Section B(14) of the General Permit requires that all facility operators submit an Annual Report by July 1st of each year to the Executive Officer of the Regional Water Board responsible for the area in which the facility is located.
5. The Discharger failed to submit its 2005-2006 Annual Report for the Facility by July 1, 2006.
6. California Water Code section 13399.31(b) requires a Regional Water Board to provide Notice of Noncompliance to a discharger who has failed to submit an Annual Report. Should a discharger who is so notified fail to submit an Annual

Report within 30 days of notification, Section 13399.31(c) requires that the Regional Water Board's Executive Officer send a second notice to that discharger. Subsection (d) requires the Regional Board to impose penalties if the Discharger fails to submit the annual report within 60 days from the first notice.

7. On August 7, 2006, the Executive Officer issued the first Notice of Noncompliance to the Discharger citing failure to submit the 2005-2006 Annual Report. The Discharger did not respond to this Notice. On September 14, 2006, the Executive Office issued the second Notice of Noncompliance letter to the Discharger.
8. The Discharger has failed to submit the 2005-2006 Annual Report for the facility as of April 25, 2007. Under Water Code section 13399.31, subdivision (d), if the discharger fails to submit an annual report within 60 days from the date the second notice is sent, the Regional Water Board shall impose the penalties described in Water Code section 13399.33, subdivision (c). The minimum penalty under Water Code section 13399.33, subdivision (c) is \$1,000 in addition to the costs incurred by the Regional Water Board. .
9. The issuance of a Complaint for Administrative Civil Liability does not have the potential to result in a physical change in the environment and, therefore, is not a "project" subject to the provisions of the California Environmental Quality Act (CEQA) (Public Resources Code section 21000 et seq.). It is also exempt from CEQA in accordance with title 14, California Code of Regulations, section 15321, subsection (a)(2).
10. A hearing shall be conducted on this Complaint by the Regional Water Board on July 25, 2007, unless the Discharger waives the right to a hearing by signing and returning the waiver form attached to this Complaint within thirty days of the date of this Complaint. By doing so, the Discharger agrees to pay the assessed penalty in full within thirty days of the date of this Complaint.
11. If a hearing is held, the Regional Water Board may impose an administrative civil liability in the amount proposed or for a different amount, decline to seek civil liability, or refer the matter to the Attorney General to have a Superior Court consider enforcement.
12. Regulations of the United States Environmental Protection Agency require public notification of any proposed settlement of the civil liability occasioned by violation of the Clean Water Act, including NPDES permit violations. Accordingly, interested persons will be given thirty days to comment on any proposed settlement of this Complaint. The settlement will become effective on the next day after the public comment period for this Complaint is closed, provided that there are no significant public comments on this Complaint during the public comment period. If there are significant public comments, the Executive Officer may withdraw the Complaint and reissue it as appropriate.

THEREFORE, IT IS HEREBY ORDERED that the Discharger pay an Administrative Civil Liability in the amount of \$3,000 due and payable to the State Water Resources Control Board, Waste Discharger Permit Fund, within thirty days of the date of this Complaint.

Catherine E. Kuhlman
Executive Officer

May 14, 2007