

State of California  
Regional Water Quality Control Board  
San Diego Region

EXECUTIVE OFFICER SUMMARY REPORT  
August 16, 2006

ITEM: 19

SUBJECT: **PUBLIC HEARING:** Next Generation Gelcoat, Inc., 9349 Bond Avenue, El Cajon: Administrative Assessment of Civil Liability for Failure to Submit the Fiscal Year 2004-05 annual storm water monitoring report required by Order No. 99-07-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). The Regional Board will consider comments received during the public comment period. (Tentative Order No. R9-2006-0100) (Rebecca Stewart)

PURPOSE: The Regional Board will consider whether to adopt an order assessing civil liability against Next Generation Gelcoat, Inc. for failure to submit the Fiscal Year 2004-05 annual storm water monitoring report.

PUBLIC NOTICE: On July 17, 2006 a notice was published in the San Diego Union-Tribune and on the Regional Board website soliciting public input on the allegation of violation contained in Complaint No. R9-2006-0081.

DISCUSSION: Next Generation Gelcoat, Inc. submitted a Notice of Intent for coverage under State Board Order No. 97-03-DWQ on June 21, 2004. Order No. 97-03-DWQ requires the submittal of an annual report to document status of compliance and results of water quality monitoring. The annual reports are due by July 1 of each year. The first annual storm water monitoring report required by Next Generation Gelcoat, Inc. was due on July 1, 2005. When the report was not received the Regional Board issued a Notice of Violation, sent by certified mail, on August 5, 2005 and faxed an additional copy to the facility on November 10, 2005. The Notice of Violation notified Next Generation Gelcoat, Inc. that the report had not been received and that the violation could subject them to administrative civil liability. Tracking information provided by the United States

Postal Service documents that the Notice of Violation had been delivered. Next Generation Gelcoat, Inc. did not respond to the Notices of Violation.

On June 6, 2006 the Executive Officer issued Complaint No. R9-2006-0081 recommending civil liability totaling \$2,500 for failure to submit the report.

Next Generation Gelcoat, Inc. has not responded to the Complaint. However, the return receipt for the certified mail documents that the Complaint had been received at the mailing address. On July 12, 2006 Regional Board staff telephoned the business and learned that the telephone number had been changed to a location in Riverside County. Numerous messages have been left on the answering machine at the new number. The answering machine greeting confirms that the business relocated to Riverside County; however, no return phone calls have been received.

The County of San Diego's storm water division performed a compliance inspection at the facility approximately four months ago. The County's inspection indicates that the facility was in compliance with the requirements of the General Permit. A follow-up inspection on July 31, 2006, at the request of the Regional Board, revealed that the facility had been evicted by the property owner on July 10, 2006 (well after the Complaint was issued and accepted by the company).

No Notice of Termination has been received from the discharger and the Fiscal Year 2005-06 annual storm water monitoring report has not been received. Further, the company has not filed a Notice of Intent (NOI) to enroll in the Industrial storm water permit at the new location in Riverside County.

No comments concerning this matter have been received to date.

LEGAL CONCERNS: None.

SUPPORTING  
DOCUMENTS:

- (1) Location Map
- (2) Tentative Order No. R9-2006-0100
- (3) August 5, 2005 Notice of Violation
- (4) Complaint No. R9-2006-0081

**COMPLIANCE  
RECORD:**

The facility is no longer doing business at this location. Inspections by the County of San Diego indicate that the facility was in compliance with the General Permit at the time the company vacated the facility after the Complaint was issued. The Fiscal Year 2005-06 annual storm water monitoring report, due July 1, 2006, was not submitted.

**RECOMMENDATION:**

The adoption of tentative Order No. R9-2006-0100 is recommended.