



California Regional Water Quality Control Board San Diego Region



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<http://www.waterboards.ca.gov/sandiego>

October 14, 2009

Certified Mail – Return Receipt Requested
Article Number: 7009 1410 0002 2347 5852

Mr. Wayne Ritter
Progressive Steel Fabricators, Inc.
9188 Harness Street
Spring Valley, CA 91977

In reply refer to:
203243:rstewart

Dear Mr. Ritter:

Subject: ADOPTION OF ADMINISTRATIVE CIVIL LIABILITY ORDER NO. R9-2009-0161, PROGRESSIVE STEEL FABRICATORS, INC.

On October 14, 2009, the California Regional Water Quality Control Board, San Diego Region (Regional Board) adopted Administrative Civil Liability Order No. R9-2009-0161 accepting Progressive Steel Fabricators, Inc.'s waiver of a public hearing and payment of \$1,600 in civil liability. A copy of the Order is enclosed for your records. No further action regarding this matter is required on your part.

The heading portion of this letter includes a Regional Board code number noted after "In reply refer to:" In order to assist us in the processing of our correspondence please include this code number in the heading or subject line portion of all correspondence and reports to the Regional Board pertaining to this matter.

For questions pertaining to the subject matter, please contact Rebecca Stewart at (858) 467-2966 rstewart@waterboards.ca.gov.

Respectfully,


JOHN H. ROBERTUS
Executive Officer

JHR:jh:rls

Enclosure: ACL Order No. R9-2009-0161

cc: Ken Greenberg, Water Division, WTR-7, U.S. Environmental Protection Agency,
Region 9, 75 Hawthorne Street, San Francisco, CA 94105 (with enclosure)

California Environmental Protection Agency

Order No.	R9-2009-0161
File No.	10-0018878
CIWQS Place ID	203243
WDID	9 371018878
Reg. Measure No.	368457
Party ID	10510

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

ORDER NO. R9-2009-0161

ADMINISTRATIVE ASSESSMENT OF CIVIL LIABILITY

AGAINST

**PROGRESSIVE STEEL FABRICATORS, INC.
9188 HARNESS STREET
SPRING VALLEY, 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 Progressive Steel Fabricators, Inc. regarding the violation alleged in Complaint No. R9-2009-0061, 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. Progressive Steel Fabricators, Inc. filed a Notice of Intent on July 8, 2004 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. Progressive Steel Fabricators, 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 Progressive Steel Fabricators, 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 discharger 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. R9-2009-0061 to Progressive Steel Fabricators, 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 14, 2009, Progressive Steel Fabricators, 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 Progressive Steel Fabricators, Inc. in the amount of \$1,600.
2. Fulfillment of Progressive Steel Fabricators, Inc.'s obligations under this Order constitutes full and final satisfaction of any and all liability for each allegation in Complaint No. R9-2009-0061.

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.



JOHN H. ROBERTUS
Executive Officer

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <input type="checkbox"/> Agent <input type="checkbox"/> Addressee X</p> <p>B. Received by (<i>Printed Name</i>) C. Date of Delivery</p>
<p>1. Article Addressed to: Mr. Wayne Ritter Progressive Steel Fabricators 9188 Harness St. Spring Valley, CA 91977</p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p> <p>3. Service Type <input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (<i>Extra Fee</i>) <input type="checkbox"/> Yes</p>
<p>2. Article Number (Transfer from service label)</p>	<p>7009 1410 0002 2347 5852</p>

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

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PS Form 3800, August 2006 See Reverse for Instructions

10-11-06