



California Regional Water Quality Control Board

San Diego Region



Linda S. Adams
Acting Secretary for
Environmental Protection

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[http:// www.waterboards.ca.gov/sandiego](http://www.waterboards.ca.gov/sandiego)

January 19, 2011

CERTIFIED-RETURN RECEIPT REQUESTED
7009 1410 0002 2347 5869

Mr. Jesus Sandoval
San Diego Truck Body and Equipment
8373 Broadway
Lemon Grove, California 91945

In reply refer to:
256121:rstewart

Dear Mr. Sandoval:

**ADOPTION OF ORDER NO. R9-2011-0014 ADMINISTRATIVE CIVIL LIABILITY
AGAINST SAN DIEGO TRUCK BODY AND EQUIPMENT FOR VIOLATIONS OF
STATE WATER BOARD ORDER NO. 97-03-DWQ**

Enclosed find Order No. R9-2011-0014 for Administrative Civil Liability against San Diego Truck Body and Equipment adopted on January 12, 2011, by the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board).

As required by Order No. R9-2011-0014, your payment of \$4,916 is payable to the State Water Resources Control Board and should be submitted to the San Diego Water Board at the address on this letterhead within thirty days of the date of adoption. Failure to pay the full amount of liability assessed by the San Diego Water Board will result in the matter either being referred to the Attorney General's office or the State Water Board for collection.

In the subject line of any response, please include the requested "In reply refer to:" information located in the heading of this letter. For questions pertaining to the subject matter, please contact Rebecca Stewart at (858) 467-2966 or by e-mail at rstewart@waterboards.ca.gov

Respectfully,

DAVID W. GIBSON
Executive Officer

DWG:jch;rls

Enclosure: ACL Order No. R9-2011-0014

SMARTS	
Violation ID.	840411
Enforcement ID	402597
WDID	9 371021218

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

ORDER NO. R9-2011-0014

**ADMINISTRATIVE ASSESSMENT OF CIVIL LIABILITY
AGAINST**

**SAN DIEGO TRUCK BODY AND EQUIPMENT, INC.
SPRING VALLEY, CALIFORNIA**

FOR

**VIOLATION OF STATE BOARD ORDER NO. 97-03-DWQ
AND WATER CODE SECTION 13260**

The California Regional Water Quality Control Board, San Diego Region (hereinafter San Diego Water Board), having held a public hearing on January 12, 2011, to hear evidence and comments on the allegations contained in Complaint No. R9-2010-0129, dated October 7, 2010 (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 \$4,916, finds as follows:

1. San Diego Truck Body and Equipment, Inc. submitted a Notice of Intent on October 18, 2007 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. The integrity and effectiveness of the Industrial NPDES regulatory program relies upon discharger compliance accomplished by self-evaluation and self-reporting. Self-evaluation is accomplished by implementing the programs and provisions of Order No. 97-03-DWQ. Self-reporting is accomplished by the submission of an annual report as outlined in Order No. 97-03-DWQ Section B-14. The annual report includes a summary and evaluation of visual observations and sampling results, laboratory reports and an Annual Comprehensive Site Compliance Evaluation Report. Therefore, timely submittal of the required annual report is critically important for the evaluation of a facility's compliance with water quality standards.

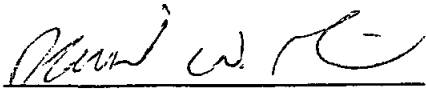
Annual Fee

10. The FY 2008-2009 fee of \$1,008 was invoiced by the State Water Board to San Diego Truck Body and Equipment, Inc. on October 31, 2008 indicating that payment was due by November 30, 2008. The State Water Board then notified San Diego Truck Body and Equipment Inc. of the fee delinquency with a Demand for Payment letter on December 12, 2008 and a Notice of Violation on January 27, 2009.
11. Pursuant to Water Code section 13261(b)(1), the maximum administrative civil liability which could be imposed by the San Diego Water Board for the failure to pay a required fee is one thousand dollars (\$1,000) for each day in which the violation occurs. As of the date the Complaint was issued, San Diego Truck Body and Equipment Inc. had violated Water Code section 13260 for 675 days (November 30, 2008 to October 6, 2010). The maximum administrative civil liability for failing to pay the annual fee is six hundred seventy five thousand dollars (\$675,000).

Complaint

12. On October 7, 2010, the Assistant Executive Officer issued Administrative Civil Liability Complaint No. R9-2010-0129 to San Diego Truck Body and Equipment, Inc. recommending the imposition of \$4,916 in liability for the violations described as follows:
 - a. FY 2007-2008 Annual Report Violation: One thousand one hundred fifty dollars (\$1,150) for failure to submit the FY 2007-2008 annual report required by Order No. 97-03-DWQ. This includes the minimum penalty of \$1,000 plus staff costs of \$150.
 - b. FY 2008-2009 Annual Report Violation: One thousand three hundred dollars (\$1,300) for failure to submit the FY 2008-2009 annual report required by Order No. 97-03-DWQ. This includes the minimum penalty of \$1,000 plus staff costs of \$300.
 - c. FY 2008-2009 Annual Fee Violation: Two thousand four hundred sixty six dollars (\$2,466) for failure to pay the FY 2007-2008 annual fee. This includes staff costs to date of \$450.

I, David W. Gibson, 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 January 12, 2011.



DAVID W. GIBSON
Executive Officer

Exhibit 1: Penalty Calculation Methodology Decisions Summary Sheet

SMARTS: Violation ID 840411
Enforcement ID 402597
WDID No. 9 371021218

Discharger: San Deigo Truck Body and Equipment, Inc.

ACL Complaint No. R9-2011-0014

Step 1: Potential Harm Factor = n/a for non-discharge violations

Step 2: Assessments for Discharge Violations = n/a for non-discharge violations

Step 3: Per Day Assesments for Non-Discharge Violations

Violations	Per Day Factor				Statutory Maximum Per Day (sec. 13350)
	Potential for Harm { minor, moderate, major }	Deviation from Requirement { minor, moderate, major }	Total Per Day Factor	Days of Violation	
Failure to pay FY 2008-2009 Annual Fee	minor	major	0.3	675	\$1,000

(Per Day Factor) x (Total Days of Violation) x (Statutory Maximum)= Initial Liability From Steps 1 - 3

$(.3) \times (675) \times (\$1,000) = \$202,500$

Step 4: Adjustments

Violations	Culpability (0.5 - 1.5)	Cleanup and Cooperation (0.75 - 1.5)	History of Violations	Multiple Violations (Same Incident)	Adjusted Days of Violation
Failure to pay FY 2008-2009 Annual Fee	1.5	n/a	n/a	n/a	28

Step 5: Total Base Liability Amount

(Per day Factor x statutory maximum) x (Step 4 Adjustments)

$(.3) \times (\$1,000) \times (1.5) \times (28) = \$12,600$

Step 8: Economic Benefit

\$1,076

Step 6: Ability to Pay/Continue in Business

[Yes, No, Partly, Unknown]

yes

Step 9

Minimum Liability Amount	Maximum Liability Amount
\$1,184	\$675,000

Step 7: Other Factors as Justice May Require

Costs of Investigation and Enforcement	Other Factors
\$450	(-\$10,584)

Step 10: Final Liability Amount for Annual Fee Violation

(total base liability) + (other factors)

$(\$12,600) + (\$450) - (\$10,584) = \$2,466$

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- 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.

A. Signature Agent
 Addressee

X

B. Received by (Printed Name) C. Date of Delivery

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

1. Article Addressed to:
 Mr. Jesus Sandoval
 San Diego Truck Body Equip
 8373 Broadway
 Lemon Grove, CA 91945

3. Service Type

Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

2. Article Number 7009 1410 0002 2347 5869
 (Transfer from service label)

PS Form 3811, February 2004 1-19 Domestic Return Receipt *R. Stewart* 102595-02-M-154

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Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$	

Sent To: *Jesus Sandoval San Diego Truck Body Equip*
 Street, Apt. No., or PO Box No.: *8373 Broadway*
 City, State, ZIP+4: *Lemon Grove, CA 91945*

PS Form 3800, August 2006 See Reverse for Instructions

HONOLULU