CALIFORNIA
Water Boards

EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIQUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

California Regional Water Quality Control Board, San Diego Region

November 20, 2012

Certified Mail – Return Receipt Requested
Article Number: 7009 2820 0001 6909 1543

Cal Johnson
American Recycling
4070 Home Ave
San Diego, CA 92105

In reply refer to:
Application ID 414999: **wghoram**

SECOND NOTICE OF NONCOMPLIANCE FOR FAILURE TO SUBMIT THE 2011-2012 ANNUAL MONITORING AND FAILURE TO SUBMIT A REQUIRED TECHNICAL REPORT PURTAINING TO STORM WATER DISCHARGES FROM AMERICAN RECYCLING, 4070 HOME AVE, SAN DIEGO, CA 92105

Mr. Cal Johnson:

NOTICE OF NONCOMPLIANCE

You are in violation of the statewide General Industrial Storm Water Permit Order No. 97-03-DWQ (Order) for failure to submit the 2011-2012 Annual Report. The Annual Report was due to the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) by July 1, 2012 as required by Section B.14 of the Order.

You are also in violation of California Water Code (CWC) section 13267 for failing to submit your Storm Water Pollution Prevention Plan (SWPPP), Monitoring Program and 2011-2012 Annual Report by **November 16th, 2012**.

This is your second and final notice that, pursuant to CWC section 13399.31.33, you are subject to a **minimum** mandatory penalty of $1,000 plus staff costs if you fail to submit the Annual Report within **30 days of the date of this Notice.**

In addition, pursuant to CWC section 13268, you are now subject to discretionary penalties up to $1,000 per day for each of the technical reports that were not submitted by **November 16th, 2012**. The technical reports are required pursuant to CWC section 13267. The San Diego Water Board staff needs this information to address any discharges by your facility and to assess the environmental impacts of any past discharges into waters of the State. Based on the nature and possible consequences of the discharge(s), we have determined that the burden, including the cost, of submitting this information bears a reasonable relationship to the need for the information and the benefits to be obtained.

RETURN TO COMPLIANCE

In order to confirm you have returned to compliance, please provide a written letter to the San Diego Water Board when you have returned to compliance and fully complied with the investigative order.

Prompt submission of the documents noted above is required in order to avoid monetary penalties. Please include a hard copy of your annual report with the letter stating you have returned to compliance. In the subject line of any response, please include the reference number indicated under "In Reply Refer To" on the first page of this letter.

The required technical reports and any written correspondence pertaining to this matter shall be directed to the following address:

California Regional Water Quality Control Board, San Diego Region
Attention: Industrial Storm Water Unit, App ID **414999**
9174 Sky Park Court, Suite 100
San Diego, CA 92123

Failure to comply with the statewide General Industrial Storm Water Permit Order No. 97-03-DWQ (Order) or investigative order may subject you to civil liability. If you violate any waste discharge requirements or monitoring requirements provided for in the Industrial Storm Water Permit, you may be liable to pay up to $5000 a day or $10 per gallon of discharge not cleaned up over 1,000 gallons. (CWC 13350). In addition, by failing to Submit Technical Reports, you will be liable for an additional $1,000 per day of violation. (CWC section 13268.) The Regional Water Board may refer the matter to the Attorney General or District Attorney for other civil and/or criminal liabilities.

In the subject line of any response, please include the reference number indicated under "In Reply Refer To" on the first page of this letter. For questions or comments, please contact Whitney Ghoram by phone at 858-467-2967, or by email at Wghoram@waterboards ca.gov

Respectfully,

David Barker, P.E.
Supervising Water Resources Control Engineer
Surface Waters Basins Branch

DB eb ac

Enclosure:

Cc [via email]: Andre Sonksen, City of San Diego Storm Water Dept.,
ASonksen@sandiego gov

Tech Staff Info & Use	
WDID	9 37I023148
NPDES No	CAS000001
Inspection ID	2016495
Enforcement ID	410414, 410878

SENDER: COMPLETE THIS SECTION

- ☐ 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.

1 Article Addressed to.

Col Johnson
American Recycling
4070 Home Ave
San Diego CA 92105

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X ☐ Agent ☐ Addressee

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

3 Service Type
☐ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ COD

4 Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number
(Transfer from service label) 7009 2820 0001 6909 1543

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

U.S. Postal Service™
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Sent To: American Recycling
Street Apt No or PO Box No: 4070 Home Ave
City State, ZIP+4: San Diego, CA 92105

PS Form 3800, August 2006 See Reverse for Instructions

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