



EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

California Regional Water Quality Control Board, San Diego Region

April 23, 2013

Certified Mail – Return Receipt Requested
Article Number: 7011 0470 0002 8961 8019

Mr. Pejman Ghannadian, Owner
All Toyo Lex Auto Recycling
805-B Energy Way
Chula Vista, CA 91911

In reply refer to:
WDID 937I018543:WGhoram

Subject: Notice of Violation No. R9-2013-0077, All Toyo Lex Auto Recycling, General NPDES Permit No. CAS000001, Order No. 97-03-DWQ, for Discharges of Storm Water Associated With Industrial Activities

Mr. Ghannadian:

Enclosed is Notice of Violation (NOV) No. R9-2013-0077 issued to All Toyo Lex Auto Recycling for violations of Order No. 97-03-DWQ, a General NPDES Permit for discharges of storm water associated with industrial activities adopted by the State Water Resources Control Board, and enforced by the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board). As described in the NOV, the violations are subject to further enforcement pursuant to the California Water Code. The San Diego Water Board reserves the right to take any enforcement action authorized by law.

Please provide a written response by **May 23, 2013** that confirms the violations have been corrected and identifies a date by which the violations were corrected.

In making the determination of whether and how to proceed with further enforcement action, the San Diego Water Board will consider the severity and effect of the violation, the level of cooperation, the time it takes to correct the identified violations, and the sufficiency of the corrections.

In the subject line of any response, please include the information located in the heading of this letter: "in reply refer to." For questions pertaining to the subject matter, please contact Ms. Whitney Ghoram at (858) 467-2967 or WGhoram@waterboards.ca.gov.

Respectfully,

David T. Barker
Supervising Water Resource Control Engineer'
Surface Water Basins Branch

TOMAS MORALES, CHAIR | DAVID GIBSON, EXECUTIVE OFFICER

9174 Sky Park Court, Suite 100, San Diego, CA 92123 | (858) 467-2952 | www.waterboards.ca.gov/sandiego



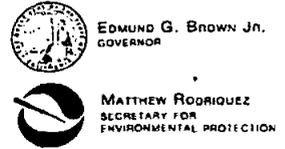
Mr. Pejman Ghannadian
All Toyo Lex Auto Recycling

April 23, 2013

DTB:esb:wjg
Enclosures (2): NOV Order No. R9-2013-0077
Inspection Report w/ photos

cc: Mr. Don Bergeson, City of Chula Vista, 1800 Maxwell Road, Chula Vista, CA 91911

Tech Staff Info & Use	
WDID	937I018543
NPDES No.	CAS000001
Inspection ID	2018328
Violation ID	850985, 850986
Enforcement ID	412078, 412079



California Regional Water Quality Control Board, San Diego Region

Certified Mail – Return Receipt Requested
Article Number: 7011 0470 0002 8961 8019

In reply refer to:
WDID 9371018543:WGhoram

April 23, 2013

NOTICE OF VIOLATION
No. R9-2013-0077

Mr. Pejman Ghannadian, Owner
805-B Energy Way
Chula Vista, CA 91911

All Toyo Lex Auto Recycling
WDID: 9371018543

Violations of Order No. 97-03-DWQ

All Toyo Lex Auto Recycling is hereby notified that the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) reserves the right to take any enforcement action authorized by law for the violations described herein.

All Toyo Lex Auto Recycling is in violation of State Water Resources Control Board (State Water Board) Order No. 97-03-DWQ, *Waste Discharge Requirements for Discharges of Storm Water Associated with Industrial Activities Excluding Construction Activities*.

A. Summary of Violations

1. Failure to Implement Structural and Non Structural Best Management Practices (BMPs)

- a. Violation of Order No. 97-03-DWQ, A. Discharge Prohibitions, 1. Except as allowed in Special Conditions (D.1) of this General Permit, materials other than storm water (non-storm water discharges) that discharge either directly or indirectly to waters of the United States are prohibited. Prohibited non-storm water discharges must be either eliminated or permitted by a separate NPDES permit.
- b. Violation of Order No. 97-03-DWQ, A. Discharge Prohibitions, 2. Storm Water discharges and authorized non-storm water discharges shall not cause or threaten to cause pollution, contamination, or nuisance.

TOMAS MORALES, CHAIR | DAVID GIBSON, EXECUTIVE OFFICER

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2. Failure to Pay Annual Fees

- a. Violation of the California Code of Regulations, Title 23., Division 3., Chapter 9., Waste Discharge Reports and Requirements, Article 1., Fees. Failure to pay annual fees for Fiscal Years 2007, 2008, 2009, 2010, 2011, and 2012.

3. Inspection Observations

On March 18, 2013, the San Diego Water Board conducted a site inspection of All Toyo Lex Auto Recycling, Chula Vista CA, to verify that the facility was still in operation, and to request payment of past due fees. During the March 18, 2013 inspection, a copy of billing information listing past due fees for Fiscal Years 2007 through 2012 was left with the site owner, with verbal instructions to pay the past due fees immediately. To date, the fees have not been paid.

During the inspection, the site lacked adequate Structural BMP's and Non Structural BMPs, including poor housekeeping. The auto repair shop area is not adequately protected (covered) and has exposure to storm water (photo 1). Car engines are on the ground and leaking fluids (photo 2). Multiple areas of the site have soil and gravel soaked with oil, grease, and petroleum based liquids (photos 3, 4, 5). Car batteries are exposed, stored on top of car (photo 6). The inspector requested immediate cleanup and proper disposal of all contaminated soil, replacement of old absorbant socks (photo 7), and proper storage of leaking engines, and car batteries in a protected secondary containment area. The inspector also requested implementation of BMPs, housekeeping, and employee training necessary to prevent discharges of pollutants to the ground and or to surface waters. All corrective actions were required to be completed by March 22, 2013. To date, the corrective actions have not been completed. Discharges of process waste and pollutants commingled with storm water from All Toyo Lex Auto Recycling are prohibited.

B. Summary of Potential Enforcement Options

These violations may subject you to additional enforcement by the San Diego Water Board or State Water Board, including a potential civil liability assessment of \$10,000 per day of violation (Water Code section 13385) and/or any of the following enforcement actions:

Other Potential Enforcement Options	Applicable Water Code Section
Technical or Investigative Order	Sections 13267 or 13383
Cleanup and Abatement Order	Section 13304
Cease and Desist Order	Sections 13301-13303
Time Schedule Order	Sections 13300, 13308

Mr. Pejman Ghannadian
All Toyo Lex Auto Recycling

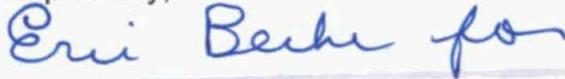
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April 23, 2013
Notice Of Violation Order No. R9-2013-0077

In addition, the San Diego Water Board may consider revising or rescinding applicable waste discharge requirements, if any, referring the matter to other resource agencies, referring the matter to the State Attorney General for injunctive relief, and referral to the municipal or District Attorney for criminal prosecution.

In the subject line of any response, please include the information located in the heading of this letter: "in reply refer to." Questions pertaining to this Notice of Violation should be directed to Ms. Whitney Ghoram at 858-467-2967 or WGhoram@waterboards.ca.gov.

Respectfully,



David T. Barker, P.E.
Supervising Water Resource Control Engineer
Surface Water Basins Branch

DTB:esb:wjg

Enclosures (1): Inspection Report w/photos

cc: Mr. Don Bergeson, City of Chula Vista, 1800 Maxwell Road, Chula Vista, CA 91911

Tech Staff Info & Use	
Order No.	97-03-DWQ
WDID	9371018543
NPDES No.	CAS000001
Inspection ID	2018328
Violation ID	850985, 850986
Enforcement ID	412078, 412079

Storm Water Industrial General Permit Inspection Report

Insp. Date & Time:	March 18, 2013	Inspected By:	Whitney Ghoram
WDID #	9 371018543	SMARTS Inspection #	2018328
Operator Name:	Mr. Pejman Ghannadian, Owner		
Facility Name:	All Toyo Lex Auto Recycling		
Facility Address:	805-B Energy Way, Chula Vista, CA 91911		
Facility Contact:	Pejman Ghannadian		

Inspection Type: Non Compliance Follow up

SWPPP on site? Undetermined	SWPPP Implemented/Updated?	NA
Photos Taken? Yes	Appropriate Monitoring Program?	NA
Weather: sunny, 70 degrees	Evidence of Non-SW Discharge?	No, High Potential

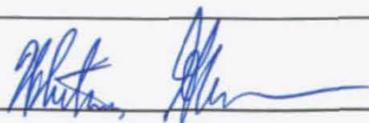
The San Diego Water Board conducted a site inspection of All Toyo Lex Auto Recycling, Chula Vista CA, to verify that the facility was still in operation, and to request payment of past due fees. During the inspection, a copy of billing information listing past due fees for Fiscal Years 2007 through 2012 was left with the site owner, with verbal instructions to pay the past due fees immediately. To date, the fees have not been paid.

During the inspection the site was found in extremely poor condition, lacking adequate Structural BMP's and Non Structural BMPs, including poor housekeeping. The auto repair shop area is not adequately protected (covered) and has exposure to storm water (photo 1). Car engines are on the ground and leaking fluids (photo 2). Multiple areas of the site have soil and gravel soaked with oil, grease, and petroleum based liquids (photos 3, 4, 5). Car batteries are exposed, stored on top of car (photo 6). The inspector requested immediate cleanup and proper disposal of all contaminated soil, replacement of old absorbant socks (photo 7), and proper storage of leaking engines, and car batteries in a protected secondary containment area. The inspector also requested implementation of BMPs, housekeeping, and employee training necessary to prevent discharges of pollutants to the ground and or to surface waters. All corrective actions were required to be completed by March 22, 2013. To date, the corrective actions have not been completed. Discharges of process waste and pollutants commingled with storm water from All Toyo Lex Auto Recycling are prohibited.

Recommendation:

Issue a Notice of Violation to All Toyo Lex Auto Recycling for lack of structural BMP's to prevent run-off of process waste water. Request Additional BMPs. Due to discharger failure to clean up site since the last request, and failure to pay annual fees, I recommend referral to the COG for Enforcement.

Signature



Date

4-10-2013

Date Entered: 03/18/13
 Entered By: W Ghoram
 Senior Review: 

Photo 1



Photo 2



Photo3



Photo 4



Photo 5



Photo 6



Photo 7

