



California Regional Water Quality Control Board San Diego Region



Winston H. Hickox
Secretary for
Environmental
Protection

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Gray Davis
Governor

November 21, 2002

CERTIFIED-RETURN RECEIPT REQUESTED
7099 3400 0015 9997 0217

Michael Finelli
Kemper Insurance Company
1 Kemper Drive
Long Grove, IL 60049-0001

File No.: 10-3008008.02

Dear Mr. Finelli:

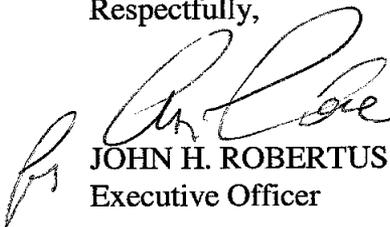
ADOPTION OF ORDER NO. R9-2002-0286, "ADMINISTRATIVE ASSESSMENT OF CIVIL LIABILITY AGAINST KEMPER INSURANCE COMPANY FOR FAILURE TO PAY ANNUAL FEES"

Enclosed is a copy of Administrative Civil Liability Order No. R9-2002-0286 adopted by the California Regional Water Quality Control Board, San Diego Region (Regional Board) on November 13, 2002, for the amount of \$2,609.

The Regional Board has received your payment of \$2,609 dated September 9, 2002, in accordance with the amount proposed in Complaint No. R9-2002-0193. The Regional Board considers this matter closed and the assessment of liability in Order No. R9-2002-0286 paid.

If you have any questions, please contact Mr. Vicente Rodriguez of my staff at (858) 627-3940.

Respectfully,



JOHN H. ROBERTUS
Executive Officer

Enclosure: Administrative Civil Liability Order No. R9-2002-0286

JHR:mpm:mja:vrr

California Environmental Protection Agency

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our Web-site at <http://www.swrcb.ca.gov>.

Recycled Paper



Mr. Finelli

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November 21, 2002

cc w/enclosure: Mr. John Richards, Esq., SWRCB
P.O. Box 100, Sacramento, CA 95812

WDID: 9 33S307474

Kemper Insurance Company RB adopted R9-2002-0286 Trans.Ltr.doc

California Environmental Protection Agency

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

ORDER NO. R9-2002-0286

**ADMINISTRATIVE ASSESSMENT OF CIVIL LIABILITY
AGAINST
KEMPER INSURANCE COMPANY
FOR FAILURE TO PAY ANNUAL FEES**

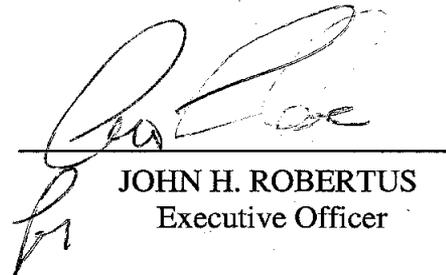
The California Regional Water Quality Control Board, San Diego Region (hereinafter Regional Board), finds the following:

1. Kemper Insurance Company violated Section 13260(d) of the California Water Code which requires that each person for whom waste discharge requirements have been prescribed pursuant to Water Code Section 13263 shall pay an annual fee according to a fee schedule established by the State Water Resources Control Board (State Board). Kemper Insurance Company, hereinafter discharger, is regulated under WQ Order No. 98-07, Construction Storm Water Permit. The discharger's total unpaid annual storm water fees in this matter were in the amount of \$500 for the construction site located at the southeast corner of Winchester Rd. and Ynez Rd., Temecula, Riverside County.
2. On August 2, 2002, the Executive Officer, in *Complaint No. R9-2002-0193 for Administrative Civil Liability (ACL)*, proposed imposition of civil liability in the amount of \$2,609 for the violations alleged in Complaint No. R9-2002-0193.
3. The discharger, upon receipt of Complaint No. R9-2002-193, paid the proposed ACL amount of \$2,609 for failure to pay the annual storm water fees and waived the right to request a hearing before the Regional Board. The discharger has also paid the outstanding annual storm water fees of \$500.
4. On November 13, 2002, the Regional Board held a hearing to solicit public participation in this matter, and considered the comments of interested persons regarding adoption of this Order.
5. Consideration of the factors prescribed in California Water Code Section 13327 based upon information available to the Regional Board prior to the hearing and described in greater detail in Complaint No. R9-2002-0193 supports assessment of civil liability pursuant to Water Code section 13263 in the amount of \$2,609.
6. The adoption of this Order is an appropriate resolution of the violations alleged in Complaint No. R9-2002-0193 because of the following reasons:

- a. The assessment of \$2,609 is a sufficient amount of liability to deter this discharger and other dischargers from not paying annual fees in the future.
 - b. The assessment of \$2,609 is consistent with the State Board enforcement assessment matrix for violations characterized as Moderate compliance significance and Minor environmental significance.
7. The Regional Board incurred costs totaling \$1,280, which includes preparation of enforcement documents, and public hearings.
 8. This enforcement action is exempt from the provisions of the California Environmental Quality Act (Public Resources Code, Division 13, Chapter 3, Section 21000 et seq.) in accordance with Section 15308, Chapter 3, Title 14 of the California Code of Regulations.

IT IS HEREBY ORDERED, that pursuant to Section 13261(b) of the California Water Code, that civil liability be imposed on the discharger, Kemper Insurance Company in the amount \$2,609.

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 November 13, 2002.



JOHN H. ROBERTUS
Executive Officer