

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

In the matter of:

**Complaint No. R9-2009-0061
for
Administrative Civil Liability**

PROGRESSIVE STEEL FABRICATORS
9188 Harness Street
Spring Valley, CA 91977

WDID No. 9 37I018878
Place ID 203243

July 16, 2009

YOU ARE HEREBY GIVEN NOTICE THAT:

1. Progressive Steel Fabricators , located at 9188 Harness Street, Spring Valley, California, is alleged to have violated provisions of law for which the California Regional Water Quality Control Board, San Diego Region (Regional Board) must impose civil liability pursuant to Section 13399.33 of the California Water Code (CWC).
2. On July 8, 2004, Progressive Steel Fabricators submitted a Notice of Intent for coverage under 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).
 1. Order No. 97-03-DWQ requires the submittal of an annual monitoring report by July 1 of each year. Enrolled facilities are required to sample storm water runoff during two storm events per year.

ALLEGATIONS

2. Progressive Steel Fabricators violated Monitoring and Reporting Requirement Section B.14 of Order No. 97-03-DWQ by failing to submit the Fiscal Year (FY) 2007-08 annual monitoring report.
3. In accordance with CWC section 13399.31, the Regional Board issued Notices of Violation on September 8, 2008 and October 17, 2008 for failure to submit the FY 2007-08 annual report. To date, no report has been received by the Regional Board.

MAXIMUM LIABILITY

5. CWC section 13385(a)(2) provides that any person who violates waste discharge requirements issued pursuant to the Federal Clean Water Act shall be civilly liable. Section 13385(c) provides that civil liability may be

administratively imposed by a regional board in an amount not to exceed ten thousand dollars (\$10,000) for each day of violation.

6. Based on non-submittal of the FY 2007-08 annual report, Progressive Steel Fabricators is alleged to have violated the General Permit for 365 days (from July 2, 2007 to July 1, 2008). The total maximum liability for this violation is \$3,650,000.

MINIMUM LIABILITY

7. CWC section 13399.33(c) **requires** that the Regional Board impose a mandatory minimum penalty of not less than \$1,000 **and** recover Regional Board staff costs associated with this enforcement action for any person who fails to submit an annual report in accordance with CWC section 13399.31.

PROPOSED LIABILITY

8. It is recommended that the Regional Board impose civil liability against Progressive Steel Fabricators in the amount of one thousand six hundred dollars (\$1,600), which includes staff costs of \$600 to date, for failure to submit the FY 2007-08 annual report. If the Discharger elects to contest this matter, the recommended liability may increase to recover additional necessary staff costs.

Dated this 16th day of July 2009.



MICHAEL P. McCANN
Assistant Executive Officer

CIWQS:
Reg Msr: 368457
Place ID: 203243
Party: 10510
Violation ID: 790363