

California Regional Water Quality Control Board, San Diego Region

December 7, 2012

Adrian De La Cerda
Copart
7847 Airway Road
San Diego, CA 92154

Certified Mail – Return Receipt Requested

Article Number: 7011 0470 0002 8961 7517

Article Number: 7011 0470 0002 8961 7524

In reply refer to:

Application ID 431493: wghoram

John J. Allen
Allen Matkins Leck Gamble Mallory & Natsis LLP
515 South Figueroa, 9th Floor
Los Angeles, CA 90071-3309

SECOND NOTICE OF NONCOMPLIANCE FOR FAILURE TO COMPLY WITH THE REQUIREMENT TO ENROLL UNDER THE INDUSTRIAL STORM WATER GENERAL PERMIT

Mr. De La Cerda, Mr. Allen:

NOTICE OF NONCOMPLIANCE

Pursuant to California Water Code (CWC) Section 13399.30, you continue to be in violation of the statewide General Industrial Storm Water Permit Order No. 97-03-DWQ (Order) for failure to enroll as directed by the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) in the first notice of violation sent to you October 5, 2012.

By letter dated October 24, 2012, Mr. John Allen, on behalf of Copart, responded to the October 5, 2012 San Diego Water Board letter, contesting the requirement for Copart to enroll in the permit on the basis that the applicable SIC Code for your facility is not 5015. The San Diego Water Board has reviewed and considered the information contained in your October 24, 2012 letter and continues to assert that your facility requires industrial storm water general permit coverage. In your letter, you ask for San Diego Water Board records that indicate that coverage is mandatory. The reference intended by "our records" is Attachment 1 of the Industrial Storm water General Permit¹ which indicates which industries are required to enroll. And, although you assert that your facility is not operating as SIC code 5015, Copart has a facility with similar operations already enrolled in the Industrial Storm Water General Permit in the San Francisco Bay region. This facility has a Mandatory SIC Code 4226 (special warehousing

¹ http://www.waterboards.ca.gov/water_issues/programs/stormwater/docs/indusgmt.pdf

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and storage not elsewhere classified). The Copart facility at 7847 Airway Road in San Diego conducts similar business and thus also requires permit coverage.

Copart's activities have discharged and threaten to discharge pollutants to waters of the U.S. and State. Any discharge of pollutants from Copart's facility to waters of the U.S./Waters of the State is a violation of CWC Section 13385(a), and subjects Copart to monetary penalties of up to \$10,000 per day for each violation of unauthorized discharge.

This is your second and final notice that, pursuant to CWC section 13399.30, you are subject to a **minimum** mandatory penalty of not less than \$5,000 per year of noncompliance (pursuant to CWC Section 13399.30 and 13399.33) if you fail to submit a Notice of Intent to enroll within **60 days from the date that the first notice was sent to you.**

REQUIREMENTS FOR COMPLIANCE

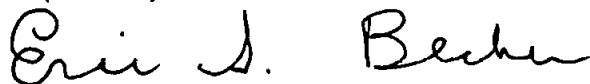
Prompt submission of a Notice of Intent (NOI), fee, and site map is required in order to avoid monetary penalties. The NOI, fee, and site map should be mailed to the State Water Resources Control Board in Sacramento at the address noted on the enclosed Checklist for submitting an NOI. We recommend that you send a copy to the San Diego Water Board.

All other 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 **431493**
9174 Sky Park Court, Suite 100
San Diego, CA 92123

If you wish to meet with us to discuss this issue, please do so prior to 30 days of this notice, so as to avoid mandatory and discretionary penalties. 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 Ms. Whitney Ghoram by phone at 858-467-2967, or by email at WGhoram@waterboards.ca.gov, or Staff Counsel Laura Drabandt at 916-341-5180 or LDrabandt@waterboards.ca.gov.

Respectfully,



ERIC S. BECKER, P.E.
Senior Water Resources Control Engineer
Southern Watershed Unit

DB.eb.wjg

Enclosure: NOI and Checklist

Adrian De La Cerda
John J. Allen
Copart

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cc: without enclosures

Mr. Vincent Barnese, Storm Water Inspector II, Enforcement & Inspection Section, Storm Water Department, 9370 Chesapeake Drive, Suite 100, MS1900, San Diego, CA 92123

Ms. Anne Ekker, Hazardous Substances Scientist, Cal/EPA-DTSC, Enforcement- San Diego, 9174 Sky Park Court, Suite 150, San Diego, CA 92123

Mr. Danny Martinez, Supervising Environmental Health Specialist, County of San Diego, Dept. of Environmental Health, Hazardous Materials Division, PO Box 129261, San Diego, CA 92112-9261

Mr. Rick Hulker, Regional Manager, Copart, 12167 Arrow Route, Rancho Cucamonga, CA 91739

Mr. Paul Styer, Senior V.P. General Counsel, Copart, 14185 Dallas Parkway, Suite 300, Dallas, Texas, 75254

Mr. Donald Sturgeon, Storm Water Manager, Whitson CM Contracting & Management, Inc., 11021 Via Frontera, Suite E, San Diego, CA 92127

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

Tech Staff Info & Use	
Application ID	431493
Violation ID	849993
Enforcement ID	411016

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT
 OF THE RETURN ADDRESS FOLD AT DOTTED LINE
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Sent to
John J. ALLEN / ALLEN MATKINS Leck GAMBLE
 Street, Apt. No.,
 or PO Box No. **515 S. Figueroa, 9th FL.**
 City, State, ZIP+4
Los Angeles, CA 90071-3309

PS Form 3800, August 2003 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> <input type="checkbox"/> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. <input type="checkbox"/> Print your name and address on the reverse so that we can return the card to you. <input type="checkbox"/> Attach this card to the back of the mailpiece, or on the front if space permits. <p>1. Article Addressed to:</p> <p>John J. ALLEN ALLEN MATKINS Leck GAMBLE MATKINS & NATSIS LLP 515 SOUTH FIGUEROA 9th Floor Los Angeles, CA 90071-3309</p> <p>2. Article Number (Transfer from service label) 7011 0470 0002 8961 7524</p>	<p>A. Signature <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>X</p> <p>B. Received by (Printed Name) C. Date of Delivery</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p> <p>3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>