

**STATE OF CALIFORNIA
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION**

ORDER NO. R2-2010-0079

ORDER SETTING ADMINISTRATIVE CIVIL LIABILITY FOR:

KENDYL COAST CORPORATION
12341 SAN MATEO ROAD
HALF MOON BAY, SAN MATEO COUNTY

The California Regional Water Quality Control Board, San Francisco Bay Region (“Regional Water Board”), having held a public hearing on May 12, 2010, to hear evidence and comments on the allegations contained in Administrative Civil Liability Complaint No. R2-2010-0043 (“Complaint”) issued to Kendyl Coast Corporation (“Permittee” or “Discharger”), and deliberated on the evidence presented at the public hearing and in the record, after determining the allegations contained in the Complaint to be true, having provided public notice thereof and not less than thirty (30) days for public comment and on the recommendation for administrative assessment of Civil Liability in the amount of \$1,475 finds as follows:

1. Kendyl Coast Corporation operates a facility located at 12341 San Mateo Road, Half Moon Bay, and discharges storm water associated with industrial activities.
2. Pursuant to federal regulations, the State Water Resources Control Board adopted Water Quality Order No. 97-03-DWQ, NPDES General Permit No. CAS000001, Waste Discharge Requirements for Discharges of Storm Water Associated with Industrial Activities (“General Permit”), to regulate storm water discharges and authorized non-storm water discharges associated with industrial activities set forth in the federal regulations. To obtain coverage under the General Permit, facility operators must submit a notice of intent (“NOI”) and comply with the terms and conditions of the General Permit. On May 2, 2002, the Discharger submitted a Notice of Intent to obtain coverage under the General Permit. The Discharger’s Waste Discharge Identification No. is 2 41I017222.
3. Section B—Monitoring Program and Reporting Requirements, Paragraph Number 14 of the General Permit requires all facility operators to submit an annual report documenting their sampling and analyses, observations, and an annual comprehensive site compliance evaluation, to the Executive Officer of the Regional Water Board responsible for the area in which the facility is located by July 1 of each year.
4. The Discharger violated Section B of the General Permit by failing to submit its 2008/2009 annual report by July 1, 2009.
5. On August 3, 2009, the Assistant Executive Officer issued a Notice of Noncompliance letter to the Discharger by certified mail, return receipt requested. This letter informed

the Discharger that it was in violation of the General Permit and that the Executive Officer would recommend enforcement action, including, but not limited to, imposition of administrative civil liability up to \$10,000 per day. The Regional Water Board received the return receipt for this notice, which indicates the Discharger received the notice on August 17, 2009.

6. Regional Water Board staff did not receive any comment from the Discharger on the August 3, 2009, Notice of Non-compliance.
7. Pursuant to CWC Section 13385(a)(3), any person who violates any requirements established pursuant to CWC Section 13383 (reporting requirements established by the State Water Board), shall be civilly liable. CWC Section 13385(c)(1) states that civil liability may be imposed administratively by the Regional Water Board in an amount not to exceed ten thousand dollars (\$10,000) for each day in which the violation occurs.
8. The Discharger was in violation of the General Permit for a total of 89 days (July 2, 2009, through September 29, 2009).
9. On February 16, 2010, the Assistant Executive Officer issued Complaint No. R2-2010-0043 that alleged that the Discharger violated the requirements of the General Permit by failing to submit a 2008/2009 annual report by July 1, 2009. The Complaint proposed an administrative civil liability of \$4,025 for the alleged violation, which also recovers the costs incurred by the staff of the Regional Water Board for this matter as a “matter that justice may require.”
10. In imposing the proposed administrative civil liability, the Regional Water Board has considered each of the factors prescribed in CWC Section 13385(e) based upon information in the record including evidence regarding the Discharger’s inability to pay the proposed amount, the testimonies at the public hearing and information described in greater detail in Complaint No. R2-2010-0043 attached hereto and incorporated by this reference. In addition, the Regional Water Board considered that there was no apparent environmental harm resulting from the violation.
11. This Order is an action to enforce the laws and regulations administered by the Regional Water Board. Issuance of this Order is exempt from the provisions of the California Environmental Quality Act (Public Resources Code Section 21000, et seq.), in accordance with section 15321(a)(2), Chapter 3, Title 14, of the California Code of Regulations.

IT IS HEREBY ORDERED, pursuant to CWC Sections 13385 and 13323, that civil liability be imposed upon Kendyl Coast Corporation in the amount of \$1,475 for the failure to submit a

2008/2009 annual report for its facility covered by the General Permit by July 1, 2009, in violation of CWC section 13383.

1. Kendyl Coast Corporation shall submit a check to the Regional Water Board in the amount of \$1,475 made payable to the "San Francisco Bay Regional Water Quality Control Board" within thirty (30) days following adoption of this Order by the Regional Water Board.
2. Fulfillment of the obligation of Kendyl Coast Corporation under this Order constitutes full and final satisfaction of any and all liability for each allegation in Complaint No. R2-2010-0043.
3. Compliance with this Order is not a substitute for compliance with all applicable laws. Future violations of the type alleged in Complaint No. R2-2010-0043 may subject the Discharger to further enforcement, including additional administrative civil liability.
4. The Executive Officer of the Regional Water Board is authorized to refer this matter directly to the Attorney General for collection and/or other enforcement if the Discharger fails to comply with payment of the liability as detailed in paragraph 1.

I, Bruce H. Wolfe, Executive Officer, do hereby certify that the foregoing is a full, complete, and correct copy of an Order adopted by the Regional Water Board on May 12, 2010.

Bruce H. Wolfe
Executive Officer

Attachment 1: Complaint No. R2-2010-0043