



California Regional Water Quality Control Board

Santa Ana Region



Linda S. Adams
Secretary for
Environmental Protection

3737 Main Street, Suite 500, Riverside, California 92501-3348
Phone (951) 782-4130 • FAX (951) 781-6288 • TDD (951) 782-3221
www.waterboards.ca.gov/santaana

Arnold Schwarzenegger
Governor

June 10, 2008

Mr. James Cassou, Owner
All Benz and Beemer Auto Parts
1436 North Manzanita Street
Orange, CA 92867

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

MANDATORY PENALTY COMPLAINT NO. R8-2008-0052

Dear Mr. Cassou:

This is to confirm the action taken by the Regional Board on June 6, 2008, regarding the above referenced complaint. The Board adopted Order No. R8-2008-0052, affirming the assessment of \$5,000 as specified in Complaint No. R8-2008-0027. A certified copy of Order No. R8-2008-0052 is enclosed. This amount is due and payable by July 6, 2008. Please make the check payable to the State Water Resources Control Board and use the enclosed pre-printed envelope.

You have the right to appeal the Regional Board's decision to the State Water Resource Control Board within 30 days of the Regional Board's action. If you wish to appeal the Regional Board's decision, please contact David Rice, the Regional Board's Legal Counsel, at (916) 341-5182. Additional information can be obtained at:
http://www.waterboards.ca.gov/public_notices/petitions/water_quality/index.shtml.

If you have any questions or need assistance, please contact Mark Smythe at (951)782-4998.

Sincerely,

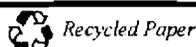
Gerard J. Thibeault
Executive Officer

Enclosures: Mandatory Complaint No. R8-2008-0052, Pre-printed envelope

cc w/ enclosure:

State Water Resources Control Board, Division of Water Quality – Bruce Fujimoto
State Water Resources Control Board, Office of Chief Counsel – David Rice
U.S. Environmental Protection Agency, Region 9 (WTR-7) – Kathi Moore
Orange County RDMD – Richard Boon
City of Orange, NPDES Coordinator – Gene Estrada

California Environmental Protection Agency



**STATE OF CALIFORNIA
REGIONAL WATER QUALITY CONTROL BOARD
SANTA ANA REGION**

In the matter of:)
)
James Cassou)
All Benz and Beemer Auto Parts)
1436 North Manzanita Street)
Orange, CA 92867-3604)
_____)

Order No. R8-2008-0052
for
Mandatory Penalty

The California Regional Water Quality Control Board, Santa Ana Region (hereinafter Board), held a hearing on June 6, 2008 to receive testimony and take evidence on the allegations contained in Complaint No. R8-2008-0027, dated March 17, 2008, and on the recommendation for the imposition of mandatory penalties pursuant to Water Code Sections 13399.30(c)(2) and 13399.33(a) in the amount of \$5,000. The Board finds as follows:

1. On April 17, 1997, the State Water Resources Control Board (SWRCB) adopted Waste Discharge Requirements, Order No. 97-03-DWQ (NPDES No. CAS000001), General Permit for Storm Water Discharges Associated with Industrial Activities (General Permit). The General Permit requires All Benz and Beemer Auto Parts (All Benz and Beemer) to gain permit coverage prior to the start of operations. Board staff sent two certified Notices of Noncompliance (NNCs) to All Benz and Beemer, the first one on October 26, 2007 and the second one on December 3, 2007. These NNCs notified All Benz and Beemer that the facility is required to gain coverage under the General Permit and that there is a mandatory penalty for not obtaining coverage under the General Permit by filing a Notice of Intent (NOI). The second NNC required All Benz and Beemer to submit the NOI by December 24, 2007. Prior to December 24, 2007, All Benz and Beemer was informed by phone to submit a NOI. On April 3, 2008, State Board received an NOI from All Benz and Beemer and the facility was issued WDID No. 8 30I021516.
2. All Benz and Beemer failed to submit a NOI within 60 days from the date of the original NNC.
3. Water Code Section 13399.30 requires the Board to impose penalties described in subdivision (a) of Section 13399.33 if a discharger fails to submit the required NOI to the Board within sixty (60) days from the date on the original NNC.
4. Water Code Section 13399.33(a) requires the Board to assess a mandatory minimum penalty of five thousand dollars (\$5,000) for failure to obtain coverage under the General Permit.

5. On March 17, 2008, the Assistant Executive Officer issued Mandatory Penalty Complaint No. R8-2008-0027 to All Benz and Beemer proposing that the Board impose a penalty of \$5,000 on All Benz and Beemer for the violations cited above.
6. Issuance of this Order is exempt from the provisions of the California Environmental Quality Act (Public Resources Code Section 2100 et seq.) in accordance with Section 15321, Chapter 3, Title 14, California Code of Regulations.

IT IS HEREBY ORDERED that, pursuant to California Water Code Section 13399.33(a), a mandatory penalty shall be imposed on All Benz and Beemer, in the amount of \$5,000, as proposed in Complaint No. R8-2008-0027 for the violations cited, payable as set forth below.

1. All Benz and Beemer shall pay \$5,000 to the State Water Resources Control Board by July 7, 2008.

The Executive Officer is authorized to refer this matter to the Attorney General for enforcement.

Pursuant to Water Code Section 13320, you may petition the State Water Resources Control Board for review of this Order. If you choose to do so, you must submit the petition to the State Board within 30 days of the Regional Board's adoption of this Order.

I, Gerard J. Thibeault, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an order adopted by the California Regional Water Quality Control Board, Santa Ana Region, on June 6, 2008.



Gerard J. Thibeault
Executive Officer