California Regional Water Quality Control Board
Santa Ana Region

Terry Tamminen
Secretary for Environmental Protection

3737 Main Street, Suite 500, Riverside, California 92501-3348
(909) 782-4130 • Fax (909) 781-6288
http://www.swrcb.ca.gov/rwqcb8

Arnold Schwarzenegger
Governor

December 12, 2003

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Brent Stickler
Southwest School & Office Supply
805 N. Barrington Avenue
Ontario, CA 91764-5118

ADMINISTRATIVE CIVIL LIABILITY COMPLAINT NO. R8-2003-0134

Dear Mr. Stickler:

We are enclosing a certified copy of Complaint No. R8-2003-0134, proposing administrative civil liability of $3,000 for violations of the California Water Code and the State's General Permit for Storm Water Discharges Associated with Industrial Activity, Order No. 97-03-DWQ, NPDES No. CAS000001. Of this amount, $1,000 will be suspended if the annual report is received by this office by January 5, 2004. An invoice for this amount is also enclosed.

If necessary, a public hearing on this matter will be scheduled for the Regional Board meeting on January 22, 2004. The staff report regarding this complaint and the meeting agenda will be mailed to you not less than 10 days prior to the Board meeting.

You have the option to waive your right to a hearing. Should you waive your right to a hearing and pay the proposed assessment, the Regional Board may not hold a public hearing on this matter. If you choose to waive your right to a hearing, please sign the enclosed waiver form and submit the form with a check or money order for $3,000 ($2,000 if the annual report is received by this office by the January 5, 2004 deadline). The check or money order should be made payable to the State Water Resources Control Board. The waiver form, the bottom portion of the invoice and the check or money order should be mailed to Sacramento using the enclosed envelope. All other correspondence regarding this Complaint should be sent to this office at the address on this letterhead.

If you do not wish to waive your right to a hearing, a pre-hearing meeting with Board staff is recommended. Should you wish to schedule a pre-hearing meeting, please call us prior to January 5, 2004. At that time, you may submit information that may not have been previously available to staff regarding this matter.

If you have any questions regarding this complaint, you may contact Mary Bartholomew at (909) 321-4586 or Milasol Gaslan at (909) 782-4419. All legal questions should be referred to our legal counsel, Jorge Leon, at (916) 341-5180.

Sincerely,

Gerard J. Thibeault
Executive Officer

Enclosures: Complaint No. R8-2003-0134, Waiver Form, Invoice, and envelope

cc: State Water Resources Control Board, Division of Water Quality – Bruce Fujimoto
State Water Resources Control Board, Office of Chief Counsel – Jorge Leon
U.S. Environmental Protection Agency, Region 9 (WTR-7) – Kathi Moore
San Bernardino County, Storm Water Program, NPDES Coordinator – Naresh Varma
City of Ontario, NPDES Coordinator – Steve Wilson

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

In the matter of:	)	**Complaint No. R8-2003-0134**
	)	**for**
Southwest School & Office Supply	)	**Administrative Civil Liability**
805 N. Barrington Avenue	)	
Ontario, CA 91764-5118	)	
	)	
Atten: Mr. Brent Stickler	)	

YOU ARE HEREBY GIVEN NOTICE THAT:

1. You are alleged to have violated provisions of law for which the California Regional Water Quality Control Board, Santa Ana Region (hereinafter Board), may impose liability under Sections 13385 and 13899.33 of the California Water Code.

2. A hearing concerning this Complaint will be held before the Board within ninety days of the date of issuance of this Complaint. The hearing in this matter has been scheduled for the Board's regular meeting on January 22, 2004 at the City Council Chambers, 25541 Barton Road, Loma Linda, CA 92354. You or your representative will have an opportunity to appear and be heard, and to contest the allegations in this Complaint and the imposition of civil liability by the Board. An agenda for the meeting will be mailed to you not less than 10 days prior to the hearing date.

3. At the hearing, the Board will consider whether to affirm, reject or modify the proposed administrative civil liability or whether to refer the matter to the Attorney General for recovery of judicial civil liability.

4. Southwest School & Office Supply, located at 805 Barrington Avenue in Ontario, is currently regulated under the State's General Permit for Storm Water Discharges Associated with Industrial Activities, Water Quality Order No. 97-03-DWQ, NPDES No. CAS000001 (General Permit). Your facility's WDID Number is 8 36I017231. The General Permit requires you to submit an annual report by July 1 of each year.

5. Prior to the July 1, 2003 deadline, a notice from the State Water Resources Control Board (SWRCB) was mailed to Southwest School & Office Supply, indicating that a copy of the blank 2002-2003 Annual Report form could be accessed via the internet, and that a hard copy would only be mailed if requested. Because the annual report was not received by Board staff by the July 1, 2003 deadline, a Notice of Non-Compliance (NNC) was issued to Southwest School &

Office Supply, by certified mail, on August 1, 2003. The return receipt showed it was received on August 1, 2003. When Board staff received no response to the first NNC, a second NNC was issued on September 17, 2003, again by certified mail, and was received on September 18, 2003. In both NNCs, Board staff requested submittal of the completed annual report, a statement explaining why the annual report was not submitted by the July 1 deadline, and the measures that would be taken to ensure that future annual reports are submitted on time. Both NNCs identified the mandatory minimum penalty for failure to submit the annual report. In the second NNC, Board staff requested submittal of the completed annual report by October 18, 2003.

6. On October 20, 2002, Board staff called Mr. Brent Stickler and reminded him about the annual report and about the mandatory penalties for non-submittal of the annual report. On December 4, 2004, Board staff called Southwest School & Office Supply and spoke to Lisa Barber regarding the submittal of the annual report. Board staff reiterated the penalty conditions and advised her to submit the annual report. To date, the Board has not received the annual report. This facility violated the General Permit, the Federal Clean Water Act and the California Water Code by failing to submit the annual report by July 1, 2003.

7. Section 13385(a)(2) of the California Water Code 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 the violation occurs.

8. Based on non-submittal of the 2002-2003 Annual Report, the facility is alleged to have violated the General Permit for 166 days (from July 2, 2003 to December 12, 2003). The maximum liability for this violation is $1,660,000.

9. Section 13399.33(c) of the California Water Code provides that the Regional Board shall impose a mandatory, minimum penalty of $1,000 for any person who fails to submit an annual report in accordance with Section 13399.31 of the Water Code.

10. Section 13385(e) specifies factors that the Board shall consider in establishing the amount of civil liability. After consideration of those factors, the Executive Officer proposes that civil liability be imposed on Southwest School & Office Supply in the amount of $3,000 (of this amount, $1,000 will be suspended if the annual report is received by this office by January 5, 2004) for the violation cited above.

WAIVER OF HEARING

You may waive your right to a hearing. If you choose to do so, please sign the attached waiver form and mail it, together with a check or money order payable to the State Water Resources Control Board, for the amount of the penalty proposed under Paragraph 10. The bottom portion of the invoice, the waiver form, and the check or money order should be mailed to Sacramento in the enclosed envelope.

If you have any questions, please contact Milasol Gaslan at (909) 782-4419, or contact the Regional Board's staff counsel, Jorge Leon, at (916) 341-5180.

12-12-03
Date

Gerard J. Thibeault
Executive Officer

In the matter of:	)	**Complaint No. R8-2003-0134**
	)	**for**
Southwest School & Office Supply	)	**Administrative Civil Liability**
805 N. Barrington Avenue	)	
Ontario, CA 91764-5118	)	
	)	
Atten: Mr. Brent Stickler	)	

WAIVER OF HEARING

I agree to waive the right of Southwest School & Office Supply to a hearing before the Santa Ana Regional Water Quality Control Board with regard to the violations alleged in Complaint No. R8-2003-0134.

I have enclosed a check or money order, made payable to the State Water Resources Control Board, in the amount of $3,000 ($2,000 if the annual report is received by this office by the January 5, 2004 deadline). I understand that I am giving up the right of Southwest School & Office Supply to be heard and to argue against allegations made by the Executive Officer in this Complaint, and against the imposition of, and the amount of, the liability proposed.

_____ _____

Date for Southwest School & Office Supply