STATE OF CALIFORNIA
REGIONAL WATER QUALITY CONTROL BOARD
SANTA ANA REGION

In the matter of:	)	**Complaint No. R8-2003-0032**
	)	**for**
Leonard Gomez, Owner	)	**Mandatory Penalty**
Lenny's Auto & Truck Wrecking	)	
1045 East 6th Street	)	
Santa Ana, CA 92701	)	

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), must impose liability under Section 13399.33 of the California Water Code.

2. A hearing concerning this Complaint is scheduled for the Board's regular meeting on April 4, 2003, at the Cucamonga County Water District, 10440 Ashford Street, Ranch Cucamonga. 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 mandatory penalties 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 Mandatory Penalty Complaint or whether to refer the matter to the Attorney General for recovery of judicial civil liability.

4. Most facilities that discharge storm water associated with industrial activities are required to get coverage under the State's General Permit for Storm Water Discharges Associated Industrial Activities, Water Quality Order No. 97-03-DWQ, NPDES No. CAS000001 (General Permit). The facilities that are required to get permit are listed by industrial category and by Standard Industrial Classification (SIC) codes in 40 CFR Section 122.26(b)(14) and in Attachment 1 of the General Permit.

5. Lenny's Auto & Truck Wrecking (hereinafter Lenny's Auto) primarily dismantles motor vehicles for the purpose of selling parts, and these activities are described by SIC code 5015. The facility is located at 1045 East 6th Street, Santa Ana, is owned by Mr. Leonard Gomez and has been in business for several months. Coverage under the general permit is mandatory for automobile dismantling operations and coverage must be obtained prior to start of operations. Mr. Gomez has been operating at this site without filing a Notice of Intent (NOI) to obtain coverage under the State's General Permit.

6. On November 1, 2002, Board staff (staff) inspected Lenny's Auto to assess the nature of industrial operations and to determine whether storm water discharges associated with industrial activity occur at the site. During that inspection, staff informed Mr. Gomez that permit coverage is required for this type of business and that he should file a NOI with the State Water Resources Control Board (State Board). A Notice of Noncompliance was issued on November 6, 2002, via certified mail to Mr. Gomez, requiring Lenny's Auto to

submit a NOI for coverage under the General Permit, and detailing conditions observed at the site that were in violation of the General Permit requirements.

7. Mr. Gomez also own Parts Unlimited Auto & Truck Dismantler (hereinafter Parts Unlimited), located at 692 N. Cypress Street in the City of Orange. Parts Unlimited is covered under the General Permit, WDID number 830S015438. As such, he is aware of the requirements to obtain coverage under the General Permit. However, for the Parts Unlimited site, he is in violation of the General Permit as he has failed to pay the invoices for coverage under the General Permit.

8. Lenny's Auto received, but did not respond to, the November 6, 2002, Notice of Noncompliance.

9. A second Notice of Noncompliance was issued on December 16, 2002, via certified mail to the attention of Mr. Gomez, requiring Lenny's Auto to immediately file a Notice of Intent to obtain coverage under the General Permit by January 8, 2003. In addition, the second Notice of Noncompliance instructed Mr. Gomez to immediately address the findings outlined in the original Notice of Noncompliance and to submit a letter specifically addressing each problem, along with a copy of the SWPPP for this facility, to the Regional Board office by January 26, 2003. To date, Lenny's Auto has not submitted a Notice of Intent or a Notice of Nonapplicability that specifies any basis that coverage under an NPDES permit is not required, nor has Lenny's Auto responded to either of the two Notices of Noncompliance.

10. Pursuant to Section 13399.30(c)(2) of the California Water Code, if a discharger fails to submit the required Notice of Intent to the Regional Board within 60 days from the date on which the original Notice of Noncompliance was sent, the Board shall impose the penalties described in subdivision (a) of Section 13399.33 of the California Water Code.

11. Pursuant to Section 13399.33(a) of the California Water Code, the Regional Board shall impose a mandatory penalty administratively in an amount that is not less than five thousand dollars ($5,000) per year of noncompliance or fraction thereof, unless the Board makes express findings based on specific factors listed in Section 13399.33(a)(2). These factors include the nature, circumstances, extent, and gravity of the violation, and, with respect to the violator the ability to pay, any prior history of violations, the degree of culpability, economic benefits, or savings resulting from the violation, and other matters as justice may require.

12. After consideration of the factors specified in Section 13399.33(a)(2), the Executive Officer proposes that a mandatory penalty be imposed on Mr. Leonard Gomez by the Board in the amount of $5,000.

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 mandatory penalty proposed under Paragraph 11. These documents should be mailed to Sacramento in the enclosed envelope.

If you have any questions, please contact Mark Smythe at (909) 782-4998, or Michael Adackapara, at (909) 782-3238. For legal questions, contact the Regional Board's staff counsel, Jorge Leon at (916) 341-5180.

2/28/03
Date

for Gerard J. Thibeault
Executive Officer

In the matter of:	)	**Complaint No. R8-2003-0032**
	)	**for**
Mr. Leonard Gomez, Owner	)	
Lenny's Auto & Truck Wrecking	)	**Mandatory Penalty**
1045 East 6th Street	)	
Santa Ana, CA 92701	)	
	)	

WAIVER OF HEARING

I agree to waive my right to a hearing before the Santa Ana Regional Water Quality Control Board with regard to the violations alleged in Complaint No. R8-2003-0032 regarding Lenny's Auto & Truck Wrecking.

I have enclosed a check or money order, made payable to the State Water Resources Control Board, in the amount of $5,000. I understand that I am giving up my right 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 Leonard Gomez, Owner (Lenny's Auto & Truck Wrecking)

California Regional Water Quality Control Board
Santa Ana Region

Winston H. Hickox
Secretary for Environmental Protection

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

Gray Davis
Governor

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our website at www.swrcb.ca.gov/rwqcb8.

February 28, 2003

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Leonard Gomez, Owner
Lenny's Auto & Truck Wrecking
1045 East 6th Street
Santa Ana, CA 92701

MANDATORY PENALTY COMPLAINT NO. R8-2003-0032

Dear Mr. Gomez:

We are enclosing a certified copy of Complaint No. R8-2003-0032, proposing a mandatory penalty of $5,000 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. 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 April 4, 2003. 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 $5,000. 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 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 can be arranged. Should you wish to schedule a pre-hearing meeting, please call us prior to March 15, 2003. 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 Mark Smythe at (909) 782-4998, or Michael Adackapara at (909) 782-3238. All legal questions should be referred to our legal counsel, Jorge Leon, at (916) 341-5180.

Sincerely,

for Gerard J. Thibeault
Executive Officer

Enclosures: Complaint No. R8-2002-0032, Waiver Form, Invoice and envelope

Cc w/ enclosures:
Regional Board
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) – Paul Michel
Orange County Public Facilities & Resources Dept. – Chris Crompton
City of Santa Ana, NPDES Coordinator – Harry Chin
Orange County Coast Keeper – Garry Brown
Lawyers for Clean Water – Daniel Cooper
Lawyers for Clean Water – Kimberly Lewand