

California Regional Water Quality Control Board
North Coast Region

Order No. R1-2005-0094

For

Administrative Civil Liability

In the Matter of

American Aircraft Painting
600 Heidelberger Way
Healdsburg
WDID No. 1 49I001518

For

Failure to File an Annual Storm Water Report
for Fiscal Year 2003-2004 in a Timely Manner

Sonoma County

The Executive Officer of the California Regional Water Quality Control Board, North Coast Region (hereinafter Regional Water Board), hereby gives notice that:

1. Larry Remington (hereinafter the Discharger) operated the American Aircraft Painting site, an aircraft painting facility located at 600 Heidelberger Way in Healdsburg, California (hereinafter Facility).
2. The U.S. Environmental Protection Agency issued regulation for storm water discharges on November 16, 1990. Subsequently, the State Water Resources Control Board adopted Water Quality Order No. 91-013-DWQ, National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000001, Waste Discharge Requirements for Discharges of Storm Water Associated with Industrial Activities Excluding Construction Activities (hereinafter General Permit). On September 17, 1992, the State Water Board amended the General Permit, and on August 17, 1997, the State Water Board issued Order No. 97-03-DWQ, which revised and replaced the General Permit.
3. Provision E(1) of the General Permit requires that all facility operators seeking coverage under the General Permit file a Notice of Intent (NOI) for each of the facilities they operate. The Discharger filed a NOI for the American Aircraft Painting site on March 27, 1992, and was assigned WDID No. 1 49I001518 for the Facility.
4. Provision E(3) and Section B(14) of the General Permit require that all facility operators submit an Annual Report by July 1st of each year to the Executive Officer of the Regional Water Board responsible for the area in which the facility is located.

5. The Discharger failed to submit its 2003-2004 Annual Report for the Facility by July 1, 2004.
6. California Water Code (CWC) Section 13399.31(b) requires a Regional Water Board to provide Notice of Noncompliance to a discharger who has failed to submit an Annual Report. Should a discharger who is so notified fail to submit an Annual Report within 30 days of notification, Section 13399.31(c) requires that the Regional Water Board's Executive Officer send a second notice to that discharger.
7. On August 3, 2004, the Executive Officer issued the first Notice of Noncompliance to the Discharger related to the failure to submit the 2003-2004 Annual Report. The Discharger did not respond to this Notice. On September 3, 2004, the Executive Office issued the second Notice of Noncompliance letter to the Discharger.
8. The Discharger did not submit the 2003-2004 Annual Report for the facility until November 11, 2004, violating the General Permit for 133 days. The total mandatory minimum penalty under CWC Section 13399.33 is \$1,000
9. On May 13, 2005, the Executive Officer issued Administrative Civil Liability Complaint (Complaint) No. R1-2005-0048 in the amount of \$9,000 to address the violation of the General Storm Water Permit. After reconsideration of factors associated with this violation, such as the small size of this business, the economic benefit realized by the Discharger for this late report, and deterrent amount of the penalty, the Executive Officer is revising the Complaint for the **mandatory minimum amount of \$1,000**.
10. The adoption of an Order for Administrative Civil Liability does not have the potential to result in a physical change in the environment and is, therefore, not a "project" subject to the provisions of the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000 et seq.). It is also exempt from CEQA in accordance with Title 14, California Code of Regulations, Section 15321(a)(2).
11. A hearing shall be conducted on this Complaint by the Regional Water Board on December 7, 2005, unless the Discharger waives the right to a hearing by signing and returning the waiver form attached to this Complaint within 30 days of the date of this Complaint. By doing so, the Discharger agrees to pay the penalty of \$1,000 in full within 30 days of the date of this Complaint (or in compliance with a payment schedule issued in writing by the Executive Officer).
12. If a hearing is held, the Regional Water Board may impose an administrative civil liability in the amount proposed or for a different amount, decline to seek civil liability, or refer the matter to the Attorney General to have a Superior Court consider enforcement.
13. Regulations of the United States Environmental Protection Agency require public notification of any proposed settlement of the civil liability occasioned by violation of the Clean Water Act, including NPDES permit violations. Accordingly, interested persons will

be given 30 days to comment on any proposed settlement of this Complaint. The settlement will become effective on the next day after the public comment period for this Complaint is closed, provided that there are no significant public comments on this Complaint during the public comment period. If there are significant public comments, the Executive Officer may withdraw the Complaint and reissue it as appropriate.

THEREFORE, IT IS HEREBY ORDERED that Administrative Civil Liability Complaint No. R1-2005-0048 is rescinded and the Discharger shall pay an Administrative Civil Liability in the amount of \$1,000 due and payable to the State Water Resources Control Board, Waste Discharger Permit Fund, within 30 days of the adoption of this Order.

Catherine E. Kuhlman
Executive Officer

October 7, 2005