

California Regional Water Quality Control Board
North Coast Region

Administrative Civil Liability Order No. R1-2006-0014

Mandatory Minimum Penalty

For

Violation of General Storm Water Permit
Order No. 97-03-DWQ

In The Matter
Of
American Aircraft Painting
600 Heidelberger Way
Healdsburg
WDID No. 1 49I001518

Sonoma County

This Order to assess mandatory minimum penalties pursuant to the California Water Code (CWC) Section 13399.33(c) is issued to American Aircraft Painting (hereinafter referred to as the Discharger) for violation of the General Storm Water Permit Order No. 97-03-DWQ and National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000001 for late submittal of the annual report for the 2003-04 reporting period.

The California Regional Water Quality Control Board, North Coast Region (hereinafter Regional Water Board), finds that:

1. Larry Remington (hereinafter the Discharger) operates 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 regulations for storm water discharges on November 16, 1990. Subsequently, the State Water Resources Control Board adopted 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). Order No. 91-013-DWQ was revised and updated by Order No. 97-03-DWQ on September 17, 1992.
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 2003-04 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 for failure to submit the 2003-04 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 2003-04 Annual Report for the Facility until November 11, 2004, violating the General Permit for 133 days. The mandatory minimum penalty under CWC Section 13399.33(c) 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 as penalty for submittal of a late annual report. After reconsideration of factors associated with this violation, such as the small size of this business, the small economic benefit realized by the Discharger for this late report, and deterrent amount of the penalty, the Executive Officer revised the Complaint for the mandatory minimum amount of \$1,000 in ACL Complaint No. R1-2005-0094 issued on October 7, 2005.
10. A duly noticed public hearing on this matter was held before the Regional Water Board during a public meeting on March 8, 2006, in the Regional Water Board Hearing Room, 5550 Skylane Boulevard, Suite A, Santa Rosa, California. The Discharger had an opportunity to be heard regarding the allegations in this Order and the imposition of mandatory penalties by the Regional Water Board. The documents for the agenda item were mailed to the Discharger prior to the hearing.
11. At the hearing, the Regional Water Board considered whether to affirm, reject or modify the proposed mandatory penalties set forth herein, or whether to refer the matter to the Attorney General for recovery of judicial civil liability, or any other action appropriate as a result of the hearing.
12. The issuance of this Order is an enforcement action to protect the environment, and is therefore exempt from the provisions of the California Environmental Quality Act (Public Resources Code section 21000 et seq.) pursuant to Title 14, California Code of Regulations sections 15308 and 15321(a)(2).

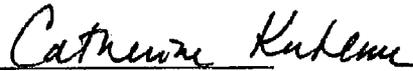
13. Any person affected by this action of the Regional Water Board may petition the State Water Resources Control Board to review the action in accordance with section 13320 of the CWC and Title 23, California Code of Regulations, section 2050. The petition must be received by the State Water Resources Control Board within 30 days of the date of this Order. Copies of the law and regulations applicable to filing petitions will be provided upon request.

THEREFORE, IT IS HEREBY ORDERED that Administrative Civil Liability Complaint No. R1-2005-0094 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 Discharge Permit Fund. Payment shall be made, beginning no later than April 1, 2006 and concluding no later than September 8, 2006, with minimum monthly payments of \$200. Payments shall be submitted to the Regional Water Board's office at 5550 Skylane Boulevard, Suite A, Santa Rosa CA, 95403, and shall contain a reference to this Order.

Notwithstanding the issuance of this Order, the Regional Water Board shall retain the authority to assess additional penalties for violations of the Discharger's General Permit.

Certification

I, Catherine E. Kuhlman, 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, North Coast Region, on March 8, 2006.



Catherine E. Kuhlman
Executive Officer