CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

ORDER NO. R2-2009-0065

ORDER SETTING ADMINISTRATIVE CIVIL LIABILITY FOR:

CONGLOBAL INDUSTRIES, INC.
1523 Buena Vista Avenue
Alameda, CA 94450

This Order is issued in reference to an adjudicative proceeding initiated by the issuance of Administrative Civil Liability Complaint No. R2-2009-0022, dated April 8, 2009 ("Complaint"). The parties to this proceeding are the California Regional Water Quality Control Board, San Francisco Bay Region's ("Regional Water Board's") Prosecution Team, and ConGlobal Industries, Inc. ("Discharger").

The Regional Water Board has been presented with a proposed settlement of the claims alleged in the Complaint (Attachment 1). The proposed settlement represents a mutually agreed-upon resolution of the Prosecution Team's claims through the payment of an administrative civil liability in the amount of $7,250 to the State Water Resources Control Board Cleanup and Abatement Account under Complaint No. R2-2009-0022.

The Discharger and the Regional Water Board's Prosecution Team recommend that the Regional Water Board Executive Officer, pursuant to his delegated authority to issue administrative civil liability orders under Resolution No. R2-2008-0055, issue this Order to effectuate the proposed settlement. Having provided public notice of the proposed settlement and an opportunity for public comment, the Executive Officer finds that:

1. Complaint No. R2-2009-0022 proposes an administrative civil liability of $8,900 for alleged violations of the State Water Resources Control Board's Statewide NPDES General Permit for Discharges of Storm Water Associated With Industrial Activity, Water Quality Order No. 97-03-DWQ, NPDES No. CAS000001 ("General Permit").

2. On May 9, 2007, the Discharger submitted a Notice of Intent to obtain coverage under the General Permit. The Discharger's Waste Discharge Identification No. is 2 01 I 020904.

   The General Permit states, in part:

   "Section B. Monitoring Program and Reporting Requirements

14. All facility operators shall submit an Annual Report by July 1 of each year to the Executive Officer of the Regional Water Board responsible for the area in which the facility is located and to the local agency (if requested)."

The Discharger violated Section B of the General Permit by failing to submit its 2006/2007 annual report by July 1, 2007.

3. In accepting the proposed settlement, the Executive Officer has considered, where applicable, each of the factors prescribed in Water Code Section 13385(e). The Executive Officer's consideration of these factors is based upon information and comments provided by the Discharger and the public. In addition to these factors, the administrative civil liability recovers the costs incurred by the staff of the Regional Water Board in evaluating and preparing the Complaint and related documents.

4. The proposed settlement supports the assessment of administrative civil liability in the amount of $7,250. This Order and assessment of administrative civil liability provides for the full and final resolution of the alleged violation set forth in the Complaint.

5. This Order is an action to enforce the laws and regulations administered by the Regional Water Board. Issuance of this Order is exempt from the provisions of the California Environmental Quality Act (Public Resources Code, sections 21000 et seq.), in accordance with Section 15321(a)(2), Title 14, of the California Code of Regulations.

IT IS HEREBY ORDERED that:

1. The Settlement Agreement is approved;

2. The Discharger shall pay the sums agreed to under the Settlement Agreement in accordance with its terms;

3. Fulfillment of the Discharger's obligations under the Settlement Agreement constitutes full and final satisfaction of any and all liability for each claim in the Complaint in accordance with the terms of the Settlement Agreement.

Digitally signed by Bruce Wolfe
Date: 2009.09.15 16:46:00 -07'00'

Date: September 15, 2009

Bruce H. Wolfe
Executive Officer