California Regional Water Quality Control Board
Santa Ana Region

Alan C. Lloyd, Ph.D.
Agency Secretary

3737 Main Street, Suite 500, Riverside, California 92501-3348
Phone (951) 782-4130 - FAX (951) 781-6288
http://www.waterboards.ca.gov/santaana

Arnold Schwarzenegger
Governor

March 2, 2005

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Chris Chappell
Newark Paperboard Products
4502 E. Airport Dr.
Ontario, CA 91761

MANDATORY MINIMUM PENALTY COMPLAINT NO. R8-2005-0025 – WDID NO. 833I002473

Dear Mr. Chappell:

We are enclosing a certified copy of Mandatory Minimum Penalty Complaint No. R8-2005-0025, proposing a administrative civil liability of $1,000 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 15, 2005. 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 $1,000. The check or money order should be made payable to the State Water Resources Control Board.

If you have any questions regarding this complaint, you may contact Mr. Michael Roth at (951) 320-2027 or Ms. Milasol Gaslan at (951) 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. R8-2005-0025, Waiver Form, Invoice, and envelope

cc:w/Encl.

Mr. Bruce Fujimoto, State Water Resources Control Board, Division of Water Quality
Mr. Jorge Leon, State Water Resources Control Board, Office of Chief Counsel
Ms. Kathi Moore, U.S. Environmental Protection Agency, Region 9 (WTR-7)
Mr. Alex Gann, Riverside County Exec. Office, Riverside, CA 92501

STATE OF CALIFORNIA
REGIONAL WATER QUALITY CONTROL BOARD
SANTA ANA REGION

In the matter of:	)	**Complaint No. R8-2005-0025**
	)	**for**
Newark Paperboard Products	)	**Mandatory Minimum Penalty**
10215 San Sevaine Way	)	
Mira Loma, CA 91752	)	
	)	
Attention: Mr. Chris Chappell	)	

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 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 April 15, 2005, at the City Council Chambers of Loma Linda, 25541 Barton Road, Loma Linda, California. 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 before 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. Newark Paperboard Products (hereinafter Newark Paperboard), formerly located at 10215 San Sevaine Way, Mira Loma, California, was 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). The facility's WDID Number is 8 33I002473. The General Permit requires submittal of an annual report by July 1 of each year.

5. A Notice of Non-Compliance (NNC) was issued to Newark Paperboard to notify

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 also identified the mandatory minimum penalty for failure to submit the annual report.

6. The annual report was received in this office on December 17, 2004. 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, 2004.

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 2003-2004 Annual Report, the facility is alleged to have violated the General Permit for 167 days (from July 1, 2004 to December 17, 2004, excluding both days). The total maximum liability for this violation is $1,670,000.

9. Section 13399.33(c) of the California Water Code requires that the Regional Board 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 the mandatory minimum penalty of $1,000 be imposed on the facility for the violations 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 $1,000. 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 call Mr. Michael Roth at 951-320-2027 or Ms. Milasol Gaslan at 951-782-4419. For legal questions, contact the Regional Board's legal counsel, Mr. Jorge Leon at (916) 341-5180.

3/2/05
Date

Gerard J. Thibeault
Executive Officer