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

Ms. Shirley Mikami
United Warehouse & Distribution Corporation
2417 E. Carson St.
Carson, CA 90810

CERTIFIED MAIL
RETURN RECIPT REQUESTED

ADMINISTRATIVE CIVIL LIABILITY COMPLAINT NO. R8-2005-0026, UNITED WAREHOUSE & DISTRIBUTION CORPORATION, MIRA LOMA, CALIFORNIA, WDID NO. 8 33S015053

Dear Ms. Mikami:

We are enclosing a certified copy of Administrative Civil Liability Complaint No. R8-2005-0026, proposing a civil liability of $3,000 for failure to submit the annual report pursuant to the State's General Permit for Storm Water Discharges Associated with Industrial Activity (Order No. 97-03-DWQ, NPDES Permit No. CAS000001, General Permit). This is for your facility located at 3285 De Forest Street in Mira Loma, Riverside County (WDID No. 8 33S015053). An invoice and a preprinted envelope are 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 ten 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 return it with a check for $3,000 ($2,000, if annual report is submitted to this office by March 18, 2005) and the bottom portion of the invoice in the enclosed preprinted envelope. The check should be payable to the State Water Resources Control Board.

If you do not wish to waive your right to a hearing, you may wish to schedule a pre-hearing meeting with the Board staff. Should you wish to schedule a meeting, please

4. Any prior history of violations;
5. Economic benefit or savings; and,
6. Such other matters as justice may require.

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, Mr. Jorge Leon, at (916) 341-5180.

Sincerely,

Gerard J. Thibeault
Executive Officer

Enclosures: Complaint No. R8-2005-0026, Waiver Form, Invoice, Preprinted Envelope

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

MSR/ X:\DATA\WORD\IndstrlSW\015053, United Warehouse\United ACL Cover Letter

STATE OF CALIFORNIA
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SANTA ANA REGION

In the matter of:	)	**Complaint No. R8-2005-0026**
	)	**for**
United Warehouse & Distribution	)	**Administrative Civil Liability**
Corporation	)	
2417 E. Carson St.	)	
Carson, CA 90810	)	
	)	
Attn: Ms. Shirley Mikami	)	

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), may impose liability under Sections 13385 and 13399.33 of the California Water Code.

2. A hearing in this matter has been scheduled for the Board's regular meeting on April 15, 2005 at 25541 Barton Road, Loma Linda. 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 civil liability 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 April 15, 2005 hearing, the Board will consider whether to affirm, reject or modify the proposed administrative civil liability or whether to refer the matter to the Attorney General for recovery of judicial civil liability.

4. United Warehouse & Distribution Corporation (hereinafter United Warehouse), located at 3285 De Forest Street, Mira Loma, is currently 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 36I015053. The General Permit requires

measures that you will take to ensure that future annual reports are submitted on time. The September 02, 2004 Notice of Noncompliance also informed you of the mandatory fines for failure to submit the annual report.

6. 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.

7. The facility is alleged to have violated the General Permit for 244 days (from July 2, 2004) as of the date of this complaint, and is still in violation. The total maximum liability for this violation is $2,440,000.

8. Section 13399.33(c) of the California Water Code provides that the Regional Board shall impose a 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.

9. Section 13385(e) specifies factors that the Board shall consider in establishing the amount of civil liability. These factors include: nature, circumstances, extent, and gravity of the violation, and, with respect to the discharger, the ability to pay, any prior history of violations, the degree of culpability, economic benefit or savings, if any, resulting from the violation, and other matters that justice may require. At a minimum, liability shall be assessed at a level that recovers the economic benefits, if any, derived from the acts that constitute the violation.

10. After consideration of the above factors, the Executive Officer proposes that civil liability be imposed on United Warehouse in the amount of $3000 (of this amount $1,000 will be suspended if the annual report is received by this office by March 18, 2005) for the violations cited above. An invoice for this amount is enclosed.

WAIVER OF HEARING

You may waive your right to a hearing. If you wish to waive your right to a hearing, please sign the attached waiver form and return it in the enclosed preprinted envelope, together with the bottom portion of the invoice and a check or money order payable to the State Water Resources Control Board for $3000 ($2,000, if the annual report is submitted to this office by March 18, 2005).

If you have any questions, please contact Milasol Gaslan at (951) 782-4419, or contact the Regional Board's legal counsel, Jorge Leon, at (916) 341-5180.

3/2/05
Date

Gerard J. Thibeault
Executive Officer