STATE OF CALIFORNIA
REGIONAL WATER QUALITY CONTROL BOARD
SANTA ANA REGION

In the matter of:	)	**Order No. R8-2005-0062**
	)	**for**
Downtown Auto Wrecking	)	**Administrative Civil Liability**
519 E. Mill Street	)	
San Bernardino, CA 92408	)	
	)	
Atten: Mr. Steve Reich	)	

The California Regional Water Quality Control Board, Santa Ana Region (hereinafter Board), held a hearing on April 15, 2005 to receive testimony and take evidence on the allegations contained in Complaint No. R8-2005-0028, dated March 1, 2005, and on the recommendation for the imposition penalties pursuant to Water Code Sections 13385 and 13399.33(c) in the amount of $5,000. The Board finds as follows:

1. On April 17, 1997, the State Water Resources Control Board (SWRCB) adopted Waste Discharge Requirements, Order No. 97-03-DWQ, (NPDES No. CAS000001), General Permit for Storm Water Discharges Associated with Industrial Activities (Permit). Downtown Auto Wrecking is authorized to discharge storm water under the Permit, WDID 8 36S004480. The Permit requires Downtown Auto Wrecking to submit an annual report by July 1 of each year. Downtown Auto Wrecking did not submit the annual report by July 1, 2004. Subsequently, Board staff sent two certified Notices of Noncompliance (NNCs) to Downtown Auto Wrecking, the first one on July 26, 2004 and the second one on September 2, 2004. These NNCs reminded Downtown Auto Wrecking that the annual report had not been received and that there is a mandatory penalty for non-submittal of the annual report. The second NNC required Downtown Auto Wrecking to submit the annual report by September 17, 2004.

2. Downtown Auto Wrecking failed to submit the annual report to the Regional Board office within 60 days from the date of the original Notice of Noncompliance.

3. Water Code Section 13399.33(c) requires the Board to assess a mandatory minimum penalty of one thousand dollars ($1,000) for non-submittal of the annual report under these circumstances.

4. Water Code Section 13385(a)(2) 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 exceed ten thousand dollars ($10,000) for each day the violation occurs.

On March 2, 2005, the Executive Officer issued ACL Complaint No. R8-2005-0028 to Downtown Auto Wrecking proposing that the Board impose a penalty of $5,000 on Downtown Auto Wrecking for the violations cited above, including $1,000 for the mandatory minimum penalty.

5. Issuance of this Order is exempt from the provisions of the California Environmental Quality Act (Public Resources Code Section 2100 et seq.) in accordance with Section 15321, Chapter 3, Title 14, California Code of Regulations.

IT IS HEREBY ORDERED that, pursuant to California Water Code Sections 13385(c) and 13399.33(c), a penalty shall be imposed on Downtown Auto Wrecking, in the amount of $5,000, as proposed in Complaint No. R8-2003-0028 for the violations cited, payable as set forth below.

1. Downtown Auto Wrecking shall pay $5,000 to the State Water Resources Control Board by May 16, 2005.

The Executive Officer is authorized to refer this matter to the Attorney General for enforcement.

Pursuant to Water Code Section 13320, you may petition the State Water Resources Control Board for a review of this Order. If you choose to do so, you must submit the petition to the State Board within 30 days of the Regional Board's adoption of this Order.

I, Gerard J. Thibeault, 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, Santa Ana Region, on April 15, 2005.

for Gerard J. Thibeault
Executive Officer