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

In the matter of:	)	**Complaint No. R8-2006-0014**
	)	**for**
Ontario Auto Dismantling	)	**Mandatory Penalty**
4015 State Street	)	
Montclair, CA 91763	)	
	)	
Atten: Mr. Quay Phun	)	

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 21, 2006 at the City Council Chambers, 25541 Barton Road, Loma Linda, CA 92354. 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 prior to the hearing date.

3. At the hearing, the Board will consider whether to affirm, reject or modify the proposed penalty or whether to refer the matter to the Attorney General for recovery of judicial civil liability.

4. Ontario Auto Dismantling, 4015 State Street in Montclair, 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), with WDID Number 8 36I017622. The General Permit requires you to submit an annual report by July 1 of each year.

5. You failed to submit the annual report by the July 1, 2005 deadline. A Notice of Non-Compliance (NNC) was issued to Ontario Auto Dismantling, by certified mail, on August 11, 2005. The return receipt showed it was delivered on August 11, 2005. When Board staff received no response to the first NNC, a second NNC was issued on September 16, 2005, again by certified mail, and was delivered on September 17, 2005. In both NNCs, Board staff requested submittal of the

completed annual 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. In the second NNC, Board staff requested submittal of the completed annual report by October 17, 2005.

6. Board staff left messages by telephone for Mr. Quay Phun on September 15 and 20, 2005, reminding him to submit the annual report. A facility representative returned the call on September 27, 2005 and indicated that the 2004-2005 annual report would be faxed or mailed to the Regional Board office prior to the deadline in the NNC. Despite these NNCs and telephone contacts, Ontario Auto Dismantling failed to submit the annual report in a timely manner. On December 14, 2005, Board staff inspected the site and discussed the non-submittal of the annual report. A copy of the annual report was provided to Board staff during the inspection on December 14, 2005.

7. 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, 2005.

8. 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.

9. Based on non-submittal of the 2004-2005 Annual Report, the facility is alleged to have violated the General Permit for 165 days (from July 2, 2005 to December 13, 2005). The maximum liability for this violation is $1,650,000.

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

11. The Executive Officer proposes that a mandatory minimum penalty of $1,000 be imposed on the facility for the violation 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 payable to the State Water Resources Control Board for $1,000. The waiver form and the check should be mailed to this office in the enclosed preprinted envelope.

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.

2-14-06
Date

Gerard J. Thibeault
Executive Officer

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WAIVER OF HEARING

I agree to waive the right of Ontario Auto Dismantling to a hearing before the Santa Ana Regional Water Quality Control Board with regard to the violations alleged in Complaint No. R8-2006-0014.

I have enclosed a check, made payable to the State Water Resources Control Board, in the amount of $1,000. I understand that I am giving up the right of Ontario Auto Dismantling to be heard and to argue against allegations made by the Executive Officer in this Complaint, and against the imposition of, and the amount of, the liability proposed.

_____ _____

Date for Ontario Auto Dismantling