California Regional Water Quality Control Board
Santa Ana Region

IN THE MATTER OF:	)	
	)	
James and Susan Ferguson	)	
dba Camino West Coast Services	)	COMPLAINT NO. R8-2003-0054
1631 W. Redlands Blvd.	)	for
Redlands, CA 92373	)	Administrative Civil Liability

YOU ARE HEREBY GIVEN NOTICE THAT:

1. James and Susan Ferguson, dba Camino West Coast Services, are alleged to have violated provisions of law for which the California Regional Water Quality Control Board, Santa Ana Region (Board), may impose civil liability pursuant to California Water Code Section 13385.

2. A hearing concerning this complaint will be held before the Board within 90 days of the date of issuance of this complaint, unless you waive your right to a hearing. Waiver procedures are specified on page 5 of this complaint. If the hearing on this matter is not waived, the hearing will be held during the Board's regular meeting on August 22, 2003, at the Orange County Water District, 10500 Ellis Avenue, Fountain Valley, California. The meeting will begin at 9:00 a.m. 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 and announcement for the meeting will be mailed to you not less than 10 days prior to the hearing date.

3. If the August 22, 2003 hearing is held, the Board will consider whether to affirm, reject, or modify the proposed administrative civil liability or whether to refer this matter to the Attorney General for recovery of judicial civil liability.

4. You are alleged to have violated Section 13376 of the California Water Code. Section 13376 states:

   "Any person discharging pollutants or proposing to discharge pollutants to the navigable waters of the United States within the jurisdiction of this state...shall file a report of the discharge in compliance with procedures set forth in Section 13260," and, "The discharge of pollutants by any person except as authorized by waste discharge requirements...is prohibited."

5. This complaint is based on the following facts:

   a. James and Susan Ferguson own and operate Camino West Coast Services (CWCS) located at 1631 W. Redlands Blvd., Redlands, California. CWCS is an automobile repair facility. Discharges to the septic system are currently regulated by Waste Discharge Requirements, Order No. 83-19, adopted March 11, 1983.

   b. Surface runoff from the facility is channeled to Redlands Boulevard via a gutter and storm drain inlet located at the northeast corner of the parking area, and is tributary to Reach 5 of the Santa Ana River,.

   c. During a routine compliance inspection on December 11, 1998, Board staff witnessed a CWCS employee washing a coolant spill to the gutter and storm drain inlet. Staff advised CWCS to discontinue this practice.

   d. During a routine compliance inspection on November 13, 2001, a CWCS employee and the store manager, Andrew Barrow, admitted that water containing detergent and an unknown amount of automotive wastes was routinely discharged to Redlands Boulevard during bay cleaning activities once or twice per week. Board staff advised CWCS to discontinue any practices that resulted in unlawful discharges to the storm drain system and to remove a black, oily residue from the storm drain inlet.

   e. In response to an enforcement letter dated December 11, 2001, Susan Ferguson noted that CWCS is "aware that having this cleaning solution go into the storm drains is an environmental hazard and (is) certainly in violation of California and Federal laws."

   f. On January 8, 2003, Board staff witnessed a CWCS employee dumping mop water containing detergent and an unknown amount of automotive wastes to the storm drain system. The store manager, Gerald Armstrong, informed Board staff that dumping the washwater to the storm system is the standard method of disposal for all mop water. Board staff advised CWCS to discontinue the practice immediately.

6. The discharges witnessed on December 11, 1998 and January 8, 2003 were in violation of Section 13376 of the California Water Code, as no report of this discharge had been filed pursuant to Section 13360, nor had the discharges been authorized by waste discharge requirements.

7. Pursuant to California Water Code Section 13385, those who violate Section 13376 are liable civilly. As provided by California Water Code Section 13385(c), the Board can administratively assess a civil liability in an amount not to exceed the sum of both of the following:

   a. Ten thousand dollars ($10,000) for each day in which the violation occurs; and,

   b. Where there is a discharge, any portion of which is not susceptible to clean up or is not cleaned up, and the volume discharged but not cleaned up exceeds 1,000 gallons, an additional liability not to exceed ten dollars ($10) times the number of gallons by which the volume discharged but not cleaned up exceeds 1,000 gallons.

8. The discharges witnessed on December 11, 1998 and January 8, 2003 were each less than 1,000 gallons. Therefore, in accordance with Water Code Section 13385(c), the maximum liability for the violations cited is $20,000.

9. Water Code Section 13385(e) specifies factors that the Board shall consider in establishing the amount of civil liability.

Factor	Comment
A. Nature, Circumstances, Extent and Gravity of Violation	CWCS discharged pollutants to waters of the US without a permit to do so. CWCS disregarded Regional Board staff warnings to cease such actions.
B. Culpability	By their own admission, CWCS was aware that discharges of non-storm water to the storm water collection system is a violation of state and federal laws. CWCS continued to discharge wash water to the storm drain system tributary to waters of the U.S.
C. Economic Benefit or Savings	The cost savings from the improper disposal of the wash water is estimated to be $25,000.

D. Prior History of Violations	CWCS has a history of non-compliance with waste discharge requirements contained in Order No 83-19. Discharge Specification A.1 of Order No. 83-19 establishes average concentration limits for filterable residue (TDS) and chloride. These limits are 525 mg/L, 75 mg/L and 0.5 mg/L, respectively. Despite several early attempts to improve compliance, poor housekeeping practices still cause persistent TDS violations and intermittent chloride violations. Except for the September 1995 monitoring period (the septic tank was pumped prior to sampling), CWCS has never met the limit for TDS. Typical TDS values in the septic tank range from 580 mg/L to 1240 mg/L. The supply TDS for this area is approximately 220 mg/L. Ten (10) of the nineteen (19) monitoring reports received since 1987 indicate chloride violations. Typical chloride values in the septic tank range from 52 mg/L to 110 mg/L. The supply chloride for this area is approximately 19 mg/L. CWCS also has a history of non-compliance with Discharge Specification A.4. of Order No. 83-19. Discharge Specification A.4 states that "the discharge shall not contain any substances in concentrations toxic to human, animal, plant or aquatic life." Annual monitoring of minerals, heavy metals and EPA priority pollutants frequently indicate that automotive fluids and other toxic chemicals are being disposed of to the septic system in excess of EPA and California Department of Health Services maximum concentration levels. Chemicals found in the septic tank in excess of the maximum levels include gasoline additives, degreasers, cleansers and solvents. CWCS has a history of non-compliance with Monitoring and Reporting Program No. 83-19, which requires quarterly sampling and reporting of the quality of the water discharged from the subsurface disposal system. Board files indicate that, despite more than a dozen threatened enforcement actions, CWCS has failed to supply complete monitoring reports for forty-six (46) of the sixty-five (65) monitoring periods since 1987. Fourteen (14) of the nineteen (19) reports supplied were in response to enforcement letters dated May 23, 1997 and December 11, 2001. Board staff requested monitoring reports during inspections on January 7, 1987, November 30, 1988, July 25, 1989, September 1, 1993, June 29, 1995, May 3, 2001 and November 13, 2001. Staff issued letters requesting monitoring reports on December 12, 1988, September 1, 1993, September 5, 1997, October 23, 1997 and December 11, 2001. The Executive Officer issued a Notice of Violation on May 23, 1997 for failure to complete an updated Report of Waste Discharge and for failure to provide monitoring reports in compliance with Monitoring and Reporting Program No. 83-19. Board staff met with the operator on August 26, 1997 to discuss historical non-compliance and non-reporting issues. During this meeting, Board staff discussed that monitoring reports must include a cover letter, specific statements concerning maintenance and operations, a statement of compliance/non-compliance, laboratory analyses, and appropriate signatures. A follow up letter dated September 5, 1997 was mailed to the discharger. A similar letter was mailed on December 11, 2001. The Board has not received monitoring reports for December 2001 through the present.

E. Staff Costs	Regional Board staff spent approximately 10 hours investigating these incidents (@$70.00 per hour, the total cost for staff time is $700).
F. Ability to pay	The discharger has not provided any information to indicate that it is unable to pay the proposed amount.

10. After consideration of these factors, I propose that civil liability be imposed on James and Susan Ferguson, dba Camino West Coast Services in the amount of $15,000 for the violations cited above. Further, $11,000 of this assessment will be suspended if all wastewater discharges to the ground from this facility are eliminated by connecting to the local sewer system by January 1, 2004.

11. You may waive your right to a hearing. If you waive the right to a hearing, please sign the waiver form that is Page 6 of this complaint, and submit it, with a cashier's check made payable to the State Water Resources Control Board in the amount of civil liability proposed, to:

    Santa Ana Regional Water Quality Control Board
    3737 Main Street, Suite 500
    Riverside, CA 92501-3339

Any questions regarding this complaint should be directed to the undersigned at (909) 782-3284, Gary Stewart, Surveillance and Enforcement Section chief, at (909) 782-4379, or Jorge Leon, the Board's staff counsel, at (916) 341-5180.

6/3/03
Date

Gerard J. Thibeault
Executive Officer

California Regional Water Quality Control Board
Santa Ana Region

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James and Susan Ferguson	)	
dba Camino West Coast Services	)	COMPLAINT NO. R8-2003-0054
1631 W. Redlands Blvd.	)	for
Redlands, CA 92373	)	Administrative Civil Liability

WAIVER OF HEARING

Camino West Coast Services (CWCS) agrees to waive its right to a hearing before the Santa Ana Regional Water Quality Control Board with regard to the violations alleged in Complaint No. R8-2003-0054. CWCS has enclosed a check in the amount indicated below. CWCS understands that it is giving up its right to be heard and to argue against allegations made by the Executive Officer in Complaint No. R8-2003-0054, and against the imposition of, and amount of, the civil liability.

(check one)

☐ Enclosed is a check in the amount of $15,000.

☐ Enclosed is a check in the amount of $4,000. CWCS will eliminate all wastewater discharges to the ground by connecting to the local sewer system by January 1, 2004. CWCS understands that the remainder of the assessed liability ($11,000) will become due and payable on January 1, 2004, unless all such discharges are eliminated by that date by connecting to the sewer system.

_____ _____

Date for Camino West Coast Services

California Regional Water Quality Control Board
Santa Ana Region

Winston H. Hickox
Secretary for Environmental Protection

Internet Address: http://www.swrcb.ca.gov/rwqcb8
3737 Main Street, Suite 500, Riverside, California 92501-3348
Phone (909) 782-4130 - FAX (909) 781-6288

Gray Davis
Governor

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our website at www.swrcb.ca.gov/rwqcb8.

June 3, 2003

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Jim Ferguson
Tire Guys – Camino West Coast Services
1631 W. Redlands Blvd.
Redlands, CA 92373

ADMINISTRATIVE CIVIL LIABILITY COMPLAINT NO. R8-2003-0054 – CAMINO WEST COAST SERVICES

Dear Mr. Ferguson:

The enclosed Administrative Civil Liability Complaint No. R8-2003-0054 alleges that Camino West Coast Services violated California Water Code Sections 13376 and 13529.2, by discharging an unknown volume of wash water to storm drains tributary to the Reach 5 of the Santa Ana River on December 11, 1998 and on January 8, 2003, as part of standard operations at the facility.

A public hearing on this matter is scheduled for the Regional Board's August 22, 2003 meeting, which will be held at the Orange County Water District, 10500 Ellis Avenue, Fountain Valley. If a hearing is held, the staff report concerning the complaint and a meeting agenda will be mailed to you prior to the hearing.

You may waive your right to a public hearing on this matter. If you choose to do so, please sign the enclosed waiver form and submit it to this office prior to July 25, 2003 with a check or money order in the amount indicated on the form. The check or money order should be made payable to the State Water Resources Control Board.

If you do not wish to waive your right to a hearing, we recommend scheduling a prehearing meeting at the Regional Board's office prior to July 25, 2003. At that time, you may wish to submit information that may not have been previously available to staff regarding this incident. This information should address the following items:

1. Nature, circumstances, extent, and gravity of the violations;
2. Ability to pay the proposed assessment;
3. Any prior history of violations;
4. Degree of culpability;

5. Economic benefit or saving, if any, resulting from the violations, and,
6. Such other matters as justice may require.

If you have any questions, or would like to schedule a prehearing meeting, please contact me at (909) 782-3284, Gary Stewart, Chief of the Board's Surveillance and Enforcement Section, at (909) 782-4379, or Jorge Leon, the Board's staff counsel, at (916) 341-5180.

Sincerely,

Gerard J. Thibeault
Executive Officer

Enclosed: Complaint No. R8-2003-0054, including "Waiver of Hearing" form

Cc w/enclosures:
Regional Board
State Water Resources Control Board, Office of the Chief Counsel – Jorge Leon
State Water Resources Control Board- Division of Water Quality
City of Redlands, Gary Phelps
Orange County Coast Keeper
Lawyers for Clean Water