



California Regional Water Quality Control Board

Central Coast Region



Justin H. Hickox
Secretary for
Environmental
Protection

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Gray Davis
Governor

January 21, 2004

CERTIFIED MAIL: 7003 0500 0003 6424 9030

Mr. Joe Broderick
Sonoma Pacific Company
1180 Fremont Drive
Sonoma, CA 95476

Dear Mr. Broderick:


ADMINISTRATIVE CIVIL LIABILITY COMPLAINT FOR FAILURE TO SUBMIT GENERAL INDUSTRIAL STORM WATER PERMIT ANNUAL REPORT; SONOMA PACIFIC COMPANY, 261 RIANDA CIRCLE, SALINAS, MONTEREY COUNTY, WDID# 3 27I017509

Enclosed is an Administrative Civil Liability Complaint (Complaint No. R3-2004-0025) issued by the Executive Officer of the Regional Water Quality Control Board for failure to submit an Annual Report as required by the General Industrial Storm Water Permit.

Should Sonoma Pacific Company choose to waive their right to a public hearing, an authorized agent must sign the waiver form attached to the Complaint, and return it to the Regional Board by March 19, 2004. Should a hearing be necessary, it will occur on March 19, 2004, in the City of Salinas. At that time the Regional Board will hear public testimony and decide whether to affirm the action of the Executive Officer as described in the Complaint, or refer the matter for judicial civil action.

Should you have questions please contact **Donette Dunaway at (805) 549-3698.**

Sincerely,

RW 
Roger W. Briggs
Executive Officer

Enclosure: Complaint No. R3-2004-0025

cc: Lori Okun, State Water Resources Control Board, Office of Chief Counsel

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California Environmental Protection Agency



Item No. 11 Attachment No. 1
March 19, 2004 Meeting
Sonoma Pacific Company

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL COAST REGION

Complaint No. R3-2004-0025

In the matter of:)	Administrative Civil Liability
)	for
Sonoma Pacific Company)	Violations of the California Water Code
1180 Fremont Drive)	Section 13399.33
Sonoma, CA 95476)	Storm Water Permit Violations
WDID# 3 27I017509)	

YOU ARE HEREBY GIVEN NOTICE THAT:

1. Sonoma Pacific Company (261 Rianda Circle, Salinas), is alleged to have violated provisions of law for which the California Regional Water Quality Control Board, Central Coast Region (hereinafter, Regional Board), may impose civil liability pursuant to Section 13399.33 of the California Water Code (CWC).
2. Unless waived, a hearing on this matter will be held before the Regional Board during a public meeting on March 19, 2004 that begins at 8:30 a.m., in Salinas, California. You and/or your representative(s) will have an opportunity to be heard and to contest the allegations in this Complaint and the imposition of civil liability by the Regional Board. An agenda for the hearing will be mailed to you not less than ten days before the hearing date.
3. At the hearing, the Regional Board will consider whether to affirm or reject the proposed administrative liability, or whether to refer the matter to the Attorney General for recovery of judicial civil liability, or any other action appropriate as a result of the hearing.
4. The State of California has adopted a General Permit for Storm Water Discharges Associated with Industrial Activity, Water Quality Order No. 97-03-DWQ, NPDES No. CAS000001 (General Permit). The General Permit requires facilities to submit a Notice of Intent (NOI) to comply with the General Permit if the facility presents an exposure threat to storm water runoff as prescribed by the General Permit.
5. On September 25, 2002, Sonoma Pacific Company (hereinafter Discharger) filed an NOI to comply with the terms of the General Permit. By filing an NOI, the Discharger agrees to

comply with all terms and conditions of this General Permit, which includes submittal of an annual report to the Regional Board.

6. The General Permit requires the discharger to submit an annual report to the Regional Board by July 1 of each year. On August 5, 2003, the Regional Board issued a Notice of Violation for failure to submit this report as required by California Water Code (CWC) Section 13399.31. On September 9, 2003, the Regional Board issued a second Notice of Violation to the Discharger as required by CWC Section 13399.31. More than 30 days have passed since the second Notice of Violation.
7. The Discharger has failed to submit their annual report. The Discharger is in violation of the General Permit and California Water Code section 13399.31 and is subject to penalties put forth in California Water Code Section 13399.33.
8. Section 13399.33(c) of the California Water Code provides that a person that fails to submit an annual report in accordance with Section 13399.31, shall be civilly liable in an amount that is not less than \$1,000.

Recommended Civil Liability: Based on the mandatory minimum liability requirement of California Water Code section 13399.33(c), the Executive Officer recommends civil liability be imposed in the amount of \$1000.

WAIVER OF A HEARING: The Discharger may waive the right to a hearing. If the Discharger wishes to waive the right to a hearing, please sign the attached waiver and return it, along with a check in the amount of \$1000 (payable to the State Water Resources Control Board, Cleanup and Abatement Account). If you have any questions please contact Ms. Donette Dunaway, at (805) 549-3698, or the Regional Board counsel, Ms. Lori Okun, at (916) 341-5165.


Roger W. Briggs
Executive Officer

Dated: 1/21/04

**PROCEDURAL INFORMATION
FOR
ADMINISTRATIVE CIVIL LIABILITY COMPLAINT
HEARING AND PAYMENT**

HEARING

Unless you waive your right to a hearing, a hearing on this matter will be held before the Regional Board within 90 days of receipt of this administrative civil liability (ACL) complaint. You or your representatives will have the opportunity to be heard and to contest the allegations in the ACL complaint and the imposition of civil liability by the Regional Board. A hearing is tentatively scheduled for:

March 19, 2004 at 8:30 A.M.
City Council Chambers
City of Salinas
200 Lincoln Ave.
Salinas, CA 93901

At the hearing, the Regional Board will consider whether to accept or reject the amount of the proposed administrative civil liability.

WAIVER OF HEARING AND PAYMENT OF CIVIL LIABILITY

You may waive your right to a hearing. If you wish to waive your right to the hearing, you or a duly authorized person must check and sign the attached WAIVER OF HEARING form and pay the civil liability amount specified on the ACL complaint. Make a check or money order payable to "State Water Resources Control Board" and write the ACL complaint number on your check to assure correct crediting of your account. Do not send cash. Send your PAYMENT and WAIVER OF HEARING form to the Regional Board office in San Luis Obispo.

A duly authorized person is defined as a principal executive officer of at least the level of vice president in a corporation, a general partner or the proprietor in a partnership or sole proprietorship, a principal executive officer or ranking elected official in a public agency, or a duly authorized representative.

If full PAYMENT and a signed WAIVER OF HEARING form are received before the hearing, the hearing will not be held, and the violation will be settled. If full PAYMENT and a signed WAIVER OF HEARING form are not received, the matter will be placed on the Regional Board's agenda for a hearing as stated above.

WAIVER OF HEARING

[] By checking this box, I agree to waive my right for a hearing before the Regional Board with regard to the violations alleged in Administrative Civil Liability Complaint No. R3-2004-0025. Also, I agree to remit payment for the civil liability proposed. I understand that I am giving up my right to be heard, and to argue against the allegations made by the Executive Officer in this ACL complaint, and against the imposition of the amount of civil liability proposed.

Signature: _____

Name: _____

Position: _____

Company: _____

Date: _____