

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL COAST REGION  
895 Aerovista Place, Suite 101  
San Luis Obispo, CA 93401**

**ADMINISTRATIVE CIVIL LIABILITY  
ORDER NO. R3-2007-0088  
Waste Discharger Identification No. 3 27 | 003 624**

**Issued To**

**Monterey Peninsula Unified School District  
540 Canon Del Rey Boulevard, Monterey, 93940  
Monterey County**

**Item No. 10 Attachment No. 1  
December 7, 2007 Meeting  
Monterey Peninsula USD**

The California Regional Water Quality Control Board, Central Coast Region (Central Coast Water Board), finds that:

1. Monterey Peninsula Unified School District (Discharger) conducts industrial activities (operates vehicle maintenance facility) subject to National Pollutant Discharge Elimination System (NPDES) Permit No. CAS000001, State Water Board Order No. 97-03-DWQ, *Waste Discharge Requirements for Discharges of Storm Water Associated with Industrial Activities Excluding Construction Activities* (General Permit).
2. On April 6, 1992, the Discharger filed a Notice of Intent to comply with the terms of the General Permit.
3. The General Permit requires dischargers to submit an annual report no later than July 1<sup>st</sup> of each year (Provision E.3, and Monitoring Program and Reporting Requirement B.14).
4. The Discharger violated the General Permit by failing to submit the 2006-2007 annual report by July 1, 2007. The report covers the period from July 1, 2006, through June 30, 2007.
5. Pursuant to California Water Code (Water Code) Section 13399.31, Central Coast Water Board staff sent two Notice of Non-Compliance letters (dated July 12, 2007, and August 14, 2007) by certified mail to the Discharger for failing to submit the annual report.
6. Water Code Section 13399.31(d) provides that if a discharger fails to submit an annual report within 60 days of the first Notice of Non-Compliance, then the Water Board shall impose penalties described in Section 13399.33(c).
7. Central Coast Water Board staff mailed the first Notice of Non-Compliance on July 12, 2007. The Discharger failed to submit an annual report within 60 days, or by September 12, 2007.
8. Water Code Section 13399.33(c) requires the Central Coast Water Board to impose administrative civil liability for no less than \$1,000 upon any person that fails to submit an annual report in accordance with Section 13399.31.
9. In addition to violating the General Permit annual reporting requirements for the 2006-2007 reporting period, the Discharger also violated the same requirement for ten of the twelve previous reporting years. Staff issued sixteen Notice of Non-Compliance letters (see

Complaint No. R3-2007-0088, #13, attached to the Staff Report) before the Discharger submitted the late reports.

10. In concurrence with the *State Water Resources Control Board Water Quality Enforcement Policy*, water boards should quickly escalate enforcement actions to increasingly more serious actions until compliance is achieved.
11. The Discharger's history of violating General Permit annual reporting requirements, and the Central Coast Water Board's repeated enforcement actions, indicate that escalating the seriousness of this enforcement action is appropriate. Liability for more than the mandatory minimum penalty amount is warranted.
12. Pursuant to California Water Code Section 13385, any person who violates a waste discharge requirements permit shall be civilly liable for up to ten thousand dollars (\$10,000) for each day in which the violation occurs.
13. The Discharger is in violation of California Water Code Section 13385(a)(2) for failure to submit an annual report as required by a waste discharge requirements permit (the General Permit), and is subject to the penalties prescribed in California Water Code Section 13385(c).
14. Pursuant to California Water Code Section 13385(e), in determining the amount of any liability under Section 13385, the Central Coast Water Board must consider a variety of factors. As discussed in Administrative Civil Liability Complaint No. R3-2007-0088, #17 (attached to the Staff Report for this item), these factors further justify assessing liability greater than the mandatory minimum liability of \$1,000 required by Water Code Section 13399.
15. This enforcement action is taken for the protection of the environment and as such is exempt from the provisions of the California Environmental Quality Act (Public Resources Code Section 21000, *et seq.*) in accordance with sections 15307 and 15308, Title 14, California Code of Regulations.
16. A hearing on this matter was held before the Central Coast Water Board on December 7, 2007, at the Central Coast Water Board, 895 Aerovista Place, Suite 101, in San Luis Obispo. The Discharger, or the Discharger's representative(s), had the opportunity to be heard and to contest the allegations in Complaint No. R3-2007-0088, which recommended the imposition of civil liability by the Central Coast Water Board.
17. At the hearing, the Central Coast Water Board considered whether to affirm, increase, decrease, or reject the proposed administrative civil liability, or whether to refer the matter to the Attorney General for recovery of judicial civil liability.

**IT IS HEREBY ORDERED**, pursuant to Sections 13399 and 13385 of the California Water Code, the Discharger is assessed a total civil liability of \$3,000, to be paid as follows:

1. The sum of Three Thousand Dollars (\$3,000) to be delivered to the Central Coast Regional Water Quality Control Board, 895 Aerovista Place, Suite 101, San Luis Obispo, CA 93401, **no later than January 7, 2008**. The Discharger shall make the check payable to the *State Water Resources Control Board Waste Discharge Permit Fund*, with "Order No. R3-2007-0088" shown on the check's memo line.

I, **Roger W. Briggs, Executive Officer**, do hereby certify that the foregoing is a full, true, and correct copy of an order adopted by the Central Coast Regional Water Quality Control Board on December 7, 2007.

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Roger W. Briggs  
Executive Officer

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Date

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Linda S. Adams  
Secretary for  
Environmental  
Protection

# California Regional Water Quality Control Board

## Central Coast Region



Arnold Schwarzenegger  
Governor

Internet Address: <http://www.waterboards.ca.gov/centralcoast>  
895 Aerovista Place, Suite 101, San Luis Obispo, California 93401-7906  
Phone (805) 549-3147 • FAX (805) 543-0397

November 1, 2007

CERTIFIED MAIL 7004 1350 0003 9897 9005  
RETURN RECEIPT REQUESTED

Mr. Carlos Pina  
Monterey Peninsula Unified School District  
540 Canyon Del Rey Blvd, Suite 3  
Monterey, CA 93940

### NOTICE OF HEARING AND ISSUANCE OF ADMINISTRATIVE CIVIL LIABILITY COMPLAINT FOR FAILURE TO SUBMIT INDUSTRIAL STORM WATER GENERAL PERMIT ANNUAL REPORT; MONTEREY PENINSULA UNION SCHOOL DISTRICT, MONTEREY, MONTEREY COUNTY, WDIID# 3 271 003 624

Dear Mr. Pina:

In response to your failure to submit the 2006-2007 annual report as required by the *General Permit for Storm Water Discharges Associated with Industrial Activity, Water Quality Order No. 97-03-DWQ, NPDES No. CA000001* (General Permit), the Assistant Executive Officer of the Central Coast Regional Water Quality Control Board (Central Coast Water Board) hereby issues the enclosed Administrative Civil Liability Complaint No. R3-2007-0088. You are still required to submit the late report, if you have not already done so, and failure to do so could result in further late-reporting penalties. Though you may have already submitted the report, it was not received by the due date and is subject to the penalty described in the Complaint.

If you choose to waive your right to a public hearing, then an authorized agent must sign the attached waiver form, and return it to the Central Coast Water Board no later than December 6, 2007. Alternatively, if you elect to allow a hearing, it will occur on December 7, 2007, at our offices in San Luis Obispo. At that time, the Central Coast Water Board will hear public testimony and decide whether to affirm the action of the Assistant Executive Officer as described in the complaint, or refer the matter for judicial civil action.

Please note that comments and other written submissions that you want to provide to Water Board members for consideration at a hearing are due no later than 5 pm on Thursday, November 29, 2007. Written material received after the due date will not be provided to Water Board members or become part of the record, unless the Board Chair rules that exclusion would create a severe hardship and that no party (including Central Coast Water Board staff) will be prejudiced by the late submission. The Board Chair will make such a ruling at or before the hearing. Late submissions that consist of evidence (as opposed to policy statements or comments) will generally be deemed prejudicial unless all designated parties (see below) have time to consider the evidence before the meeting.

*California Environmental Protection Agency*



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November 1, 2007

If you have questions, please contact Todd Stanley at (805) 542-4769, or Harvey Packard at (805) 542-4639.

Sincerely,



Michael J. Thomas  
Assistant Executive Officer

- Enclosures:
1. Complaint No. R3-2007-0088
  2. Waiver of Hearing Form
  3. Procedural Information for ACL Complaint Hearing and Payment

CC (with Enclosures):

Dan Albert  
Asst. Superintendent, Facilities Management & Planning  
Monterey Peninsula Unified School District  
700 Pacific  
Monterey, CA 93940

Dr. Marilyn K. Shepherd  
Superintendent  
Monterey Peninsula Unified School District  
700 Pacific  
Monterey, CA 93940

Yvonne West  
Staff Counsel  
State Water Resources Control Board  
Office of Enforcement  
P.O. Box 100  
Sacramento, CA 95812

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*California Environmental Protection Agency*



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