



Linda S. Adams
Secretary for
Environmental
Protection

California Regional Water Quality Control Board

Central Coast Region



Arnold Schwarzenegger
Governor

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CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD

CENTRAL COAST REGION

In the matter of:

Gerry's Foreign Auto Wreckers

600 Errington Drive

Watsonville, CA 95077

WDID# 3 44S 016 798

Complaint No. R3-2007-0035

Administrative Civil Liability

For

Violations of California Water Code

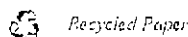
Section 13399.31

Industrial Storm Water General Permit
Violations

GERRY'S FOREIGN AUTO WRECKERS IS HEREBY GIVEN NOTICE THAT:

1. Gerry's Foreign Auto Wreckers, located at 600 Errington Drive, Watsonville, in Santa Cruz County (hereinafter Discharger), is alleged to have violated provisions of law for which the California Regional Water Quality Control Board, Central Coast Region (hereinafter, Central Coast Water Board), may impose civil liability pursuant to Section 13399.33 of the California Water Code.
2. Unless the Discharger waives the right to a hearing and pays the civil liability as described in this complaint, a hearing on this matter will be held before the Central Coast Water Board during a public meeting on July 6, 2007, in Watsonville, California. The Discharger and/or its 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 Central Coast Water Board. The Central Coast Water Board will mail the Discharger an agenda for the hearing not less than ten days before the hearing date.
3. At the hearing, the Central Coast Water Board will consider whether to affirm, decrease, or increase the proposed civil liability, or whether to refer the matter to the Attorney General for recovery of judicial civil liability, or to take any other action appropriate as a result of the hearing.
4. The State of California has adopted the *General Permit for Storm Water Discharges Associated with Industrial Activity, Water Quality Order No. 97-03-DWQ, NPDES No. CA000001* (General Permit). The General Permit requires industrial facilities to submit a Notice of Intent to comply with the General Permit if the facility presents a threat of waste discharge to waters of the state because of contact between a facility's industrial process and storm water runoff, or through non-stormwater discharges, as prescribed by the General Permit.

California Environmental Protection Agency



Item No. 12 Attachment No. 2
December 7, 2007 Meeting
Gerry's Foreign Auto Wrecking

5. On October 4, 2001, the Discharger filed a Notice of Intent to comply with the terms of the General Permit. By filing a Notice of Intent, the Discharger agreed to comply with all terms and conditions of the General Permit, which requires the submittal of an annual report to the Central Coast Water Board by July 1st of each year.
6. On May 25, 2006, the Central Coast Water Board mailed a reminder notice to the Discharger stating that the 2005-2006 annual report was due no later than July 1, 2006.
7. The Discharger failed to submit its annual report on or before the July 1, 2006 due date, for the reporting period covering July 1, 2005, through June 30, 2006.
8. As required by California Water Code Section 13399.31, on August 1, 2006, the Central Coast Water Board issued a Notice of Violation for the Discharger's failure to submit the annual report. As further required by Section 13399.31, on September 6, 2006, the Central Coast Water Board issued a second Notice of Violation to the Discharger. On September 22, 2006, the Central Coast Water Board issued a third Notice of Violation to the Discharger. The Central Coast Water Board mailed the September 22nd Notice of Violation by certified mail, and received a return receipt confirming delivery to the Discharger. More than 60 days have passed since the Central Coast Water Board sent the first Notice of Violation.
9. Pursuant to California Water Code Sections 13399.31 and 13399.33, if a discharger fails to submit an annual report within 60 days of the first Notice of Violation [13399.31(d)], the Central Coast Water Board must impose administrative civil liability of no less than \$1,000 [13399.33(c)].
10. The Discharger is in violation of the General Permit and California Water Code Section 13399.31 for failure to submit an annual report within 60 days of the first Notice of Violation, and is subject to penalties put forth in California Water Code Section 13399.33.
11. In accordance with Section 13399.33(c) of the California Water Code, the Discharger is civilly liable for no less than \$1,000.
12. To compel compliance from repeat violators, Section 1.D of the *State Water Resources Control Board Water Quality Enforcement Policy* states that water boards should quickly escalate enforcement actions to increasingly more formal and serious actions until compliance is achieved.
13. Central Coast Water Board records indicate that the Discharger has a history of violating the General Permit annual reporting requirements. The Central Coast Water Board Executive Officer issued past Notices of Violation to the Discharger for failing to submit a timely annual report as shown in the table below. This table does not include the three Notices of Violation sent for the 2005-2006 reporting period. The Discharger's history of repetitive annual reporting violations warrants civil liability in an amount greater than the \$1,000 minimum prescribed by California Water Code Section 13399.33(c).

Annual Reporting Violation History for Gerry's Foreign Auto Wreckers

Applicable Reporting Period	Notice of Violation Date
July 1, 2001 – June 30, 2002	August 1, 2002 (first notice)

California Environmental Protection Agency

Annual Reporting Violation History for Gerry's Foreign Auto Wreckers

Applicable Reporting Period	Notice of Violation Date
July 1, 2001 – June 30, 2002	September 3, 2002 (second notice)
July 1, 2002 – June 30, 2003	August 5, 2003 (first notice)
July 1, 2002 – June 30, 2003	September 9, 2003 (second notice)
July 1, 2003 – June 30, 2004	September 10, 2004 (first notice)
July 1, 2003 – June 30, 2004	October 13, 2004 (second notice)
July 1, 2004 – June 30, 2005	August 10, 2005

14. Nothing in this complaint relieves the Discharger of any reporting obligation under the General Permit, including the obligation to submit the annual report described above if the Discharger has not already done so. Failure to submit the annual report may subject the Discharger to additional enforcement action, including penalties accrued after the date of this complaint. The Discharger's submittal of the annual report at any time after the 60-day period following the first Notice of Violation does not relieve the Central Coast Water Board's obligation to impose civil liability of at least \$1,000 on the Discharger.

15. If the Discharger waives its right to a hearing and pays the civil liability recommended herein, this complaint only resolves liability that the Discharger incurred through the date of this complaint, for the violations specified herein, and does not relieve the Discharger from liability for any violations after the date of this complaint or any violations not alleged in the complaint (such as deficiencies in the annual report itself).

RECOMMENDED CIVIL LIABILITY: Considering the Discharger's history of violating the General Permit's annual reporting requirements, and the need to compel compliance from repeat violators by escalating enforcement actions, the Assistant Executive Officer recommends imposing civil liability in the amount of \$2,000.

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 \$2,000, to the Central Coast Water Board at the mailing address shown in the above letterhead. Make the check payable to the State Water Resources Control Board, Waste Discharge Permit Fund, and write "ACL Complaint No. R3-2007-0035" on the check's memo line.

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

Michael J. Thomas

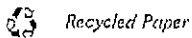
Michael J. Thomas
Assistant Executive Officer

4-19-07

Date

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Complaint - Gerrys Foreign Auto - 05-06 AR- final.doc

California Environmental Protection Agency



PROCEDURAL INFORMATION
FOR
ADMINISTRATIVE CIVIL LIABILITY COMPLAINT
HEARING AND PAYMENT

HEARING

Unless you waive your right to a hearing and pay the recommended liability, a hearing on this matter will be held before the Central Coast Water Board within 90 days after you have been served with 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 Water Board. A meeting is tentatively scheduled for:

July 6, 2007, at 8:30 a.m.
Watsonville City Council Chambers
250 Main Street
Watsonville, CA 95076

At the hearing, the Water Board will consider the proposed administrative civil liability and may either accept or modify (increase or decrease) it consistent with applicable limits imposed by law, or direct other appropriate action. Your hearing is not scheduled for a particular time during the meeting, and may occur at any time during the meeting.

WAIVER OF HEARING AND PAYMENT OF CIVIL LIABILITY

You may waive your right to a hearing. If you want to waive your right to the hearing, you or a duly authorized person must 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, Waste Discharge Permit Fund" 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:

California Regional Water Quality Control Board
Central Coast Region
ATTENTION: Todd Stanley
895 Aerovista Place, Suite 101
San Luis Obispo, CA 93401-7906

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 not received in this office by May 25, 2007, staff will place the matter on the Water Board's agenda for a hearing as stated above.

WAIVER OF HEARING

By signing below, I hereby affirm and acknowledge the following in connection with Administrative Civil Liability Complaint No. R3-2007-0035 (hereafter "Complaint"):

1. I am the Discharger identified in the Complaint or a duly authorized representative of the Discharger;
2. I am informed of the right provided by Water Code Section 13323, Subdivision (b), to a hearing within ninety (90) days of issuance of an Administrative Civil Liability Complaint;
3. I waive the Discharger's right to a hearing before the California Regional Water Quality Control Board, Central Coast Region, with regard to the violations alleged in the Complaint.
4. I agree to the terms of the Complaint including, but not limited to, the requirement to remit payment for the civil liability proposed.
5. I understand that this settlement will not become effective until after a public comment period and the Executive Officer issues final written approval.
6. I understand that the Executive Officer has complete discretion to modify or terminate this settlement before finalizing it in writing.

Date

Signature

Printed Name and Title

Check Number