

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION

ORDER NO. R9-2006-0099

ADMINISTRATIVE ASSESSMENT OF CIVIL LIABILITY
AGAINST
EXCELLENT COATINGS, INC.
1285 DISTRIBUTION WAY, VISTA
FOR
VIOLATION OF
STATE BOARD ORDER NO. 97-03-DWQ

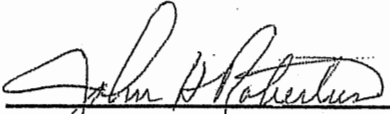
The California Regional Water Quality Control Board, San Diego Region (Regional Board), having held a public hearing on October 11, 2006, to hear evidence and comments on the allegations contained in Complaint No. R9-2006-0077, dated June 6, 2006, and deliberating on the evidence presented at the public hearing and in the record, after determining the allegations contained in the Complaint to be true, and on the recommendation for administrative assessment of Civil Liability in the amount of \$1,000 finds as follows:

1. Excellent Coatings, Inc. filed a Notice of Intent on October 26, 2004 for coverage under State Board Order No. 97-03-DWQ, *National Pollutant Discharge Elimination System General Permit No. CAS000001, Waste Discharge Requirements for Discharges of Storm Water Associated with Industrial Activities Excluding Construction Activities (General Permit)*.
2. Order No. 97-03-DWQ requires the submittal of an annual storm water monitoring report by July 1 of each year. Excellent Coatings Inc. failed to submit the Fiscal Year 2004-05 annual report.
3. Consideration of the factors prescribed in California Water Code section 13385(e), specifically ability to pay, supports the assessment of civil liability in an amount lower than recommended in the Complaint.
4. California Water Code section 13399.33(c) requires a mandatory minimum penalty of \$1,000 for failure to submit annual stormwater monitoring reports.
5. The Regional Board incurred costs of \$2,600 to prosecute the enforcement action, including: investigation, preparation of enforcement documents, communications with the Discharger, and preparation of materials for public review and hearing.

6. Issuance of this Order is exempt from the provisions of the California Environmental Quality Act (Public Resources Code section 21000 et seq.) in accordance with Section 15521, Chapter 3, Title 14, California Code of Regulations.

IT IS HEREBY ORDERED that pursuant to section 13385 of the California Water Code, civil liability is imposed on Excellent Coatings Inc. in the amount of one thousand dollars (\$1,000).

I, John H. Robertus, Executive Officer, do hereby certify the foregoing is a full, true and correct copy of an Order imposing civil liability assessed by the California Regional Water Quality Control Board, San Diego Region, on October 11, 2006



JOHN H. ROBERTUS
Executive Officer