



California Regional Water Quality Control Board  
San Diego Region

Supporting Document No. 4

Linda S. Adams  
Secretary for  
Environmental Protection

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<http://www.waterboards.ca.gov/sandiego>

Governor

June 6, 2006

CERTIFIED MAIL

7006 0810 0000 6389 0282

In reply refer to: *ny*  
CA:10-0018874.02:Rstewart

Ms. Luisa Casillas  
Next Generation Gelcoat Inc.  
9349 Bond Avenue  
El Cajon, California 92021

Dear Ms. Casillas:

**SUBJECT: ADMINISTRATIVE CIVIL LIABILITY COMPLAINT NO. R9-2006-0081  
AGAINST NEXT GENERATION GELCOAT INC. FOR VIOLATION OF  
STATE BOARD ORDER NO. 99-07-DWQ**

Enclosed is a copy of Administrative Civil Liability Complaint No. R9-2006-0081 against Next Generation Gelcoat Inc. The Complaint, in the amount of \$2,500, is for failure to submit the Fiscal Year (FY) 2004-05 annual storm water monitoring report. The report is required by Order No. 97-03-DWQ, National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000001, Waste Discharge Requirements for Discharges of Storm Water Associated in Industrial Activities Excluding Construction Activities (General Permit).

Next Generation Gelcoat Inc. may waive its right to a hearing before the Regional Board. Waiver of the hearing constitutes admission of the validity of the allegation of violations in the Complaint and acceptance of the assessment of civil liability in the amount of \$2,500 as set forth in the Complaint. Be aware that if Next Generation Gelcoat Inc. intends to waive its right to a hearing before the Regional Board, you or an authorized agent are required to:

Submit a cashier's check made payable to the State Water Resources Control Board for the full amount of civil liability of \$2,500 with the signed waiver form.

If Next Generation Gelcoat Inc. does not elect to waive its right to a public hearing, a public hearing on this matter will be scheduled before the Regional Board at its meeting on August 9, 2006 at the Regional Board Meeting Room, 9174 Sky Park Court, San Diego, California. An agenda, with procedures for the hearing will be mailed to you not less than 10 days before the hearing date. At the hearing the Regional Board will determine the validity of the allegations and, if the allegations are found to be true, will

California Environmental Protection Agency

Ms. Luisa Casillas  
Next Generation Gelcoat Inc.  
Complaint No. R9-2006-0081

- 2 -

June 6, 2006

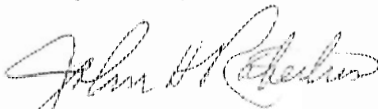
consider whether to assess civil liability in the amount proposed by the Complaint, or in some other amount.

If Next Generation Gelcoat Inc. intends to present any written evidence at the hearing in response to Complaint No. R9-2006-0081, it must be received by 5:00 p.m. Friday, July 21, 2006, in order to be considered by the Regional Board at the public hearing. Please submit twenty (20) copies of any response, including evidentiary exhibits. Copies of material submitted will be forwarded to the Regional Board Members prior to the hearing.

The heading portion of this letter includes a Regional Board code number noted after "In reply refer to:" In order to assist us in the processing of your correspondence please include this code number in the heading or subject line portion of all correspondence and reports to the Regional Board pertaining to this matter.

If you have any questions regarding this matter please contact Rebecca Stewart at (858) 467-2966 or [Rstewart@waterboards.ca.gov](mailto:Rstewart@waterboards.ca.gov).

Respectfully,



JOHN H. ROBERTUS  
Executive Officer

JHR:mpm:mja:rls

Enclosures: (1) Complaint No. R9-2006-0081  
(2) Waiver of Public Hearing Form

cc: John Richards, Office of Chief Counsel, State Water Resources Control Board (via e-mail)

Greg Gearheart, Division of Water Quality, State Water Resources Control Board (via e-mail)

Chiara Clemente, RWQCB, Southern Watershed Protection Unit (via e-mail)

Kathi Moore, U.S. Environmental Protection Agency, Criminal Investigations Division, 75 Hawthorne Street, WTR-7, San Francisco, CA 94105-3901 (with enclosures)

Patti Krebs, Executive Director, Industrial Environmental Association, 701 B Street, Suite 1040, San Diego, CA 92101 (with enclosures)

*California Environmental Protection Agency*

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
SAN DIEGO REGION**

In the matter of:

Complaint No. R9-2006-0081  
for

Next Generation Gelcoat, Inc.  
9349 Bond Avenue  
El Cajon, California 92021

Administrative Civil Liability

June 6, 2006

WDID No. 9 371018874

**YOU ARE HEREBY GIVEN NOTICE THAT:**

1. Next Generation Gelcoat, Inc., located at 9349 Bond Avenue, El Cajon, California, is alleged to have violated provisions of law for which the California Regional Water Quality Control Board, San Diego Region (Regional Board) may impose civil liability pursuant to Section 13399.3 of the California Water Code (CWC).
2. On June 24, 2004, Next Generation Gelcoat, Inc. submitted a Notice of Intent for coverage under 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).
3. Order No. 97-03-DWQ requires the submittal of an annual monitoring report by July 1 of each year. Enrolled facilities are required to sample storm water runoff during two storm events per year.

**ALLEGATIONS**

4. Next Generation Gelcoat, Inc. failed to submit the Fiscal Year (FY) FY 2004-05 annual monitoring report in violation of Monitoring and Reporting Requirement Section B.14 of Order No. 97-03-DWQ.

**MAXIMUM LIABILITY**

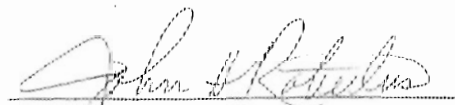
5. Section 13385(a)(2) of the California Water Code provides that any person who violates waste discharge requirements issued pursuant to the Federal Clean Water Act shall be civilly liable. Section 13385(c) provides that civil liability may be administratively imposed by a regional board in an amount not to exceed ten thousand dollars (\$10,000) for each day of violation.
6. Based on non-submittal of the FY 2004-05 annual report, Next Generation Gelcoat, Inc. is alleged to have violated the General Permit for 334 days (from July 2, 2005 to May 31, 2006). The total maximum liability for this violation is \$3,340,000.

7. Section 13399.33(c) of the California Water Code requires that the Regional Board impose a mandatory minimum penalty of \$1,000 for any person who fails to submit an annual report in accordance with Section 13399.31 of the Water Code.
8. Section 13385(e) specifies factors that the Regional Board shall consider in establishing the amount of civil liability. These factors include: nature, circumstance, extent, and gravity of the violation, and, with respect to the discharger, the ability to pay, any prior history of violations, the degree of culpability, economic benefit or savings, if any, resulting from the violation, and other matters that justice may require. At a minimum, liability shall recover any economic benefit derived from the violation.
9. The FY 2004-05 annual report was the first report submittal required by Next Generation Gelcoat, Inc. since enrolling for coverage under the General permit. The Regional Board issued a Notice of Violation (NOV) to Next Generation Gelcoat, Inc. on August 5, 2005. The NOV was subsequently faxed to the facility on November 10, 2005. Failure to provide the annual report circumvents the regulations, deprives the Regional Board of knowledge of the facilities efforts to control storm water runoff, and removes an effective mechanism to determine which best management practices should be employed at an industrial facility to reduce or prevent pollutants in storm water discharges. Next Generation Gelcoat, Inc. has exhibited a high degree of culpability with regards to this violation by ignoring the Regional Board's NOV for the missing report.

#### PROPOSED LIABILITY

10. After consideration of the factors listed in paragraph 8, above, it is recommended that the Regional Board impose civil liability against Next Generation Gelcoat, Inc. in the amount of two thousand five hundred dollars (\$2,500) for failure to submit the FY 2004-05 annual report.

Dated this sixth day of June 2006.



JOHN H. ROBERTUS  
Executive Officer

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Ms. Luisa Casillas  
 Next Generation Gelcoat Inc.  
 9349 Bond Avenue  
 El Cajon, CA 92021

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- Print your name and address on the reverse so that we can return the card to you.
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1. Article Addressed to:

Ms. Luisa Casillas  
 Next Generation Gelcoat Inc.  
 9349 Bond Avenue  
 El Cajon, CA 92021

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 Addressee

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