

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

In the matter of:

Minshew Brothers Steel Construction, Inc.  
Lakeside, California 92065

**Complaint No. R9-2009-0058  
for  
Administrative Civil Liability**

WDID No. 9 37I016517

July 2, 2009

**YOU ARE HEREBY GIVEN NOTICE THAT:**

1. Minshew Brothers Steel Construction Inc., located at 1278 Vigilante Road, Lakeside, California, is alleged to have violated provisions of law for which the California Regional Water Quality Control Board, San Diego Region (Regional Board) must impose civil liability pursuant to Section 13399.33 of the California Water Code (CWC).
2. On May 14, 2001, Minshew Brothers Steel Construction 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. Minshew Brothers Steel Construction Inc. violated Monitoring and Reporting Requirement Section B.14 of Order No. 97-03-DWQ by failing to submit the Fiscal Year (FY) 2006-07 and 2007-08 annual monitoring reports.
5. In accordance with CWC section 13399.31, the Regional Board issued Notices of Violations on August 20, 2007 and September 28, 2007 for failure to submit the FY 2006-07 annual report and on September 8, 2008 and October 14, 2008 for failure to submit the FY 2007-08 annual report. To date, neither report has been received by the Regional Board.

**MAXIMUM LIABILITY**


5. CWC section 13385(a)(2) 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 2006-07 and 2007-08 annual reports, Minshew Brothers Steel Construction Inc., is alleged to have violated the Order No. 97-03-DWQ for 729 days (from July 2, 2007 to June 30, 2009). The total maximum liability for this violation is \$7,290,000.
  7. CWC section 13399.33(c) **requires** that the Regional Board impose a mandatory minimum penalty of not less than \$1,000 **and** recover Regional Board staff costs associated with this enforcement action for any person who fails to submit an annual report in accordance with CWC section 13399.31.
  8. CWC section 13399.33(a)(2) specifies factors that the Regional Board shall consider in establishing the amount of discretionary liability above the mandatory minimum. 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 resulting from the violation, and other matters that justice may require.
  9. The Regional Board's consideration of the factors listed in paragraph 8 above is contained in the attached, *Technical Analysis, Proposed Administrative Civil Liability Contained in Complaint No. R9-2009-0058 Minshew Brothers Steel Construction, Inc.*

#### PROPOSED LIABILITY

9. After consideration of the factors listed in paragraphs 7 and 8, above, it is recommended that the Regional Board impose civil liability against Minshew Brothers Steel Construction Inc., in the amount of sixty two thousand seven hundred dollars (\$62,700), which includes staff costs of \$3,500 to date, for failure to submit the FY 2006-07 and 2007-08 annual reports.

Dated this 2nd day of July, 2009.



MICHAEL P. McCANN  
Assistant Executive Officer

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

**TECHNICAL ANALYSIS**

**Proposed Administrative Civil Liability  
Contained in Complaint No. R9-2009-0058  
Minshew Brothers Steel Construction, Inc.**

**Noncompliance With**

**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**

**July 2, 2009**

**By**

**Rebecca Stewart  
Sanitary Engineering Associate  
Compliance Assurance Unit**

## 1. INTRODUCTION

This technical analysis provides a preliminary analysis of factual and analytical evidence supporting administrative assessment of civil liability in the amount of \$62,700 against Minshew Brothers Steel Construction, Inc. for violation of 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. ALLEGATIONS

The following allegations against Minshew Brothers Steel Construction, Inc. are the basis for assessing administrative civil liability and also appear in Complaint No. R9-2009-0058.

### 2.1. Failure to submit the Fiscal Year 2006-07 and 2007-08 Annual Monitoring Reports

Minshew Brothers Steel Construction, Inc. failed to submit the fiscal year 2006-07 and 2007-08 annual monitoring reports in violation of Section B.14 of Order No. 97-03-DWQ.

## 3. BACKGROUND

On May 14, 2001, Minshew Brothers Steel Construction, Inc. submitted a Notice of Intent to comply with the requirements of Order No. 97-03-DWQ. Section B.14 of Order No. 97-03-DWQ requires the submittal of annual monitoring reports to the Regional Board by July 1 of each year.

Since enrolling in the industrial stormwater program, Minshew Brothers Steel Construction, Inc. has only submitted the fiscal year 2001-02, 2002-03, and 2005-06 annual reports. In August 2006, the Regional Board adopted Administrative Civil Liability Order No. R9-2006-0098 imposing a \$6,000 penalty against Minshew Brothers Steel Construction, Inc. for failing to submit the fiscal year 2003-04 and 2004-05 annual monitoring reports (**Appendix A**).

Subsequently, the Regional Board issued Notices of Violation on August 20, 2007 (**Appendix B**) and September 28, 2007 (**Appendix C**) for failure submit the fiscal year 2006-07 annual report and on September 8, 2008 (**Appendix D**) and October 17, 2008 (**Appendix E**) for failure to submit the fiscal year 2007-08 annual report.

#### **4. DETERMINATION OF ADMINISTRATIVE CIVIL LIABILITY**

California Water Code (CWC) section 13399.33(c) requires that the Regional Board impose a mandatory minimum penalty of not less than \$1,000 and recover Regional Board staff costs associated with the enforcement action for any person who fails to submit an annual report required by a general storm water NPDES permit.

Pursuant to CWC section 13385, the maximum civil liability that the Regional Board may assess for violations of the monitoring and reporting requirements in an NPDES permit is \$10,000 per day of violation.

CWC section 13399.33(a)(2) specifies factors that the Regional Board shall consider in establishing the amount of discretionary liability beyond the required mandatory minimum penalty. 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 resulting from the violation, and other matters that justice may require.

##### **4.1. Failure to Submit the Fiscal Year 2006-07 and 2007-08 Annual Monitoring Reports**

###### **4.1.1. Nature, Circumstance, Extent and Gravity of the Violation**

Minshew Brothers Steel Construction Inc. failed to submit the fiscal year 2006-07 and 2007-08 annual monitoring reports required by Section B.14 of Order No. 97-03-DWQ. Minshew Brothers Steel Construction Inc. was enrolled under the Order and conducting business during this time. As described in the Order, the objectives of the monitoring program are to:

- (1) Ensure that stormwater discharges are in compliance with the Discharge Prohibitions, Effluent Limitations, and Receiving Water Limitations specified in the General Permit;
- (2) Ensure practices at the facility to reduce or prevent pollutants in stormwater discharges and authorized non-stormwater discharges are evaluated and revised to meet changing conditions;
- (3) Aid in the implementation and revision of the Storm Water Pollution Prevention Plan required by the General Permit; and

- (4) Measure the effectiveness of best management practices to prevent or reduce pollutants in storm water discharges and authorized non-storm water discharges.

Order No. 97-03-DWQ requires dischargers to conduct visual observations of stormwater and non-stormwater discharges and sample and analyze stormwater from two storm events annually.

Minshew Brothers Steel Construction, Inc.'s failure to submit the required monitoring reports circumvents the regulations, deprives the Regional Board of knowledge of the facilities efforts to control stormwater 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 stormwater discharges.

Failure to submit required monitoring reports is a minor factor with regard to direct harm to beneficial uses but is a major deviation from required standards.

#### **4.1.2. Ability to Pay**

At this time the Regional Board has no information that Minshew Brothers Steel Construction, Inc. is unable to pay the proposed administrative civil liability. The discharger has the burden to prove a financial hardship.

#### **4.1.3. Prior History of Violations**

Minshew Brothers Steel Construction, Inc. has repeatedly violated Section B.14 of Order No. 97-03-DWQ since filing a Notice of Intent in May 2001. Of the eight annual reporting periods since enrolling in May 2001, the discharger has failed to submit four annual reports. The discharger has been issued eight Notices of Violation by the Regional Board for failure to submit annual monitoring reports since filing a Notice of Intent. In addition, the discharger was assessed and paid a \$6,000 penalty for failing to submit the fiscal year 2003-04 and 2004-05 annual reports.

Minshew Brothers Steel Construction, Inc.'s history of repeated violations supports a substantial amount of discretionary liability beyond the mandatory minimum.

#### **4.1.4. Degree of Culpability**

Minshew Brothers Steel Construction, Inc. has exhibited a high degree of culpability with regards to failing to submit annual monitoring reports. The discharger knowingly failed to submit the 2006-07 and 2007-08 annual monitoring reports after receiving Notices of Violation for these violations as well as being previously assessed an administrative civil liability for the same violation in previous years.

Minshew Brothers Steel Construction, Inc's intentional and negligent behavior supports a substantial amount of discretionary liability beyond the mandatory minimum.

#### **4.1.5. Economic Benefit or Savings Resulting From the Violation**

Regional Board staff estimates that the resources necessary to provide the Regional Board with the information required in the annual monitoring reports is near the mandatory minimum penalty of \$1,000. Based on this assessment, the liability proposed in this enforcement action will adequately recover any economic benefit enjoyed by the Discharger.

#### **4.1.6. Other Matters as Justice May Require**

The Regional Board incurred specific expenses relating to the investigation of the violations alleged in this report as well as the preparation of enforcement documents associated with this enforcement action. Expenditures are ongoing. At this point, final staff costs are expected to range between \$5,000 and \$35,000. As a result, the proposed liability is expected to fully recover staff costs, as required by CWC section 13399.33(d). To date, the Regional Board's total expenditures are approximately \$3,500.

### **4.2. Maximum Civil Liability**

Pursuant to CWC section 13385, the maximum civil liability that the Regional Board may assess for violations of the monitoring and reporting requirements in an NPDES permit is \$10,000 per day of violation.

The fiscal year 2006-07 annual report is three hundred sixty five (365) days late, using an end date as the date the next report is due. The fiscal year 2008-09 annual report is also three hundred sixty four (364) days late. As a result, the maximum civil liability that can be imposed

by the Regional Board is seven million two hundred ninety thousand dollars (\$7,290,000).

#### **4.3. Proposed Civil Liability**

The proposed amount of civil liability attributed to each violation was determined by taking into consideration the factors discussed in section 4.1, the maximum civil liability that the Regional Board may assess as discussed in section 4.2 and the liability calculation process proposed in the revisions proposed for the State Board's Enforcement Policy.

Minshew Brothers Steel Construction, Inc. violated Section B.14 of Order No. 97-03-DWQ for 729 days by failing to submit two annual monitoring reports. In 2006 the Regional Board assessed a \$6,000 ACL for failing to submit two annual reports. Based on the negligence, recidivism, and recalcitrance demonstrated by Minshew Brothers Steel Construction, Inc., a substantial increase in the amount previously assessed is warranted.

Using the liability calculation process in the revisions proposed for the State Board's Enforcement Policy, based on the minimum adjustment factor for history of violation and degree of culpability, which should be substantially higher in this instance, the recommended penalty would be \$62,700 (**Appendix F**).

Based on the factors considered in CWC section 13399.33(a)(2), a substantial discretionary penalty above the mandatory minimum in CWC section 13399.33(c) is warranted. The total proposed civil liability in this matter is sixty-two thousand seven hundred dollars (\$62,700).



## **Appendix A**

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
SAN DIEGO REGION

ORDER NO. R9-2006-0098

ADMINISTRATIVE ASSESSMENT OF CIVIL LIABILITY  
AGAINST  
MINSHEW BROTHERS STEEL CONSTRUCTION, INC.  
12578 VIGILANTE ROAD, LAKESIDE  
FOR  
VIOLATION OF  
STATE BOARD ORDER NO. 97-03-DWQ

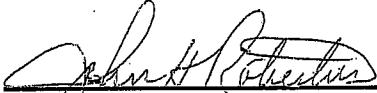
The California Regional Water Quality Control Board, San Diego Region (hereinafter Regional Board), on June 30, 2006, having received a signed waiver of public hearing form and a payment of \$6,000 and having reviewed the allegations contained in Complaint No. R9-2006-0078, dated June 6, 2006, and on the recommendation for administrative assessment of civil liability pursuant to California Water Code section 13385 in the amount of \$6,000, finds as follows:

1. Minshew Brothers Steel Construction, Inc. filed a Notice of Intent on May 11, 2001 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. Minshew Brothers Steel Construction, Inc. failed to submit the Fiscal Year 2003-04 and 2004-05 annual reports.
3. Consideration of the factors prescribed in California Water Code section 13385(e) based upon information available to the Regional Board supports the assessment of civil liability in the amount of six thousand dollars (\$6,000).
4. The Regional Board incurred costs of \$2,000 to prosecute the enforcement action including: investigation, preparation of enforcement documents, communication with the Discharger, and preparation of materials for public review and hearing.

5. 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 Minshew Brothers Steel Construction, Inc. in the amount of six thousand dollars (\$6,000).

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 August 16, 2006.

  
\_\_\_\_\_  
JOHN H. ROBERTUS  
Executive Officer

## Appendix B



Linda S. Adams  
Secretary for  
Environmental Protection

# California Regional Water Quality Control Board

## San Diego Region

Over 50 Years Serving San Diego, Orange, and Riverside Counties  
Recipient of the 2004 Environmental Award for Outstanding Achievement from USEPA



Arnold Schwarzenegger  
Governor

9174 Sky Park Court, Suite 100, San Diego, California 92123-4353  
(858) 467-2952 • Fax (858) 571-6972  
<http://www.waterboards.ca.gov/sandiego>

August 20, 2007

Minshew Bros Steel Construction Inc  
PO Box 1000  
Lakeside CA 92040

CERTIFIED MAIL  
7003 1680 0000 7398 0752  
In reply refer to:  
CWU: 10-0016517:dperrin

**Subject:** Notice of Violation: R9-2007-0145  
Failure to Submit 2006-2007 Annual Storm Water Report

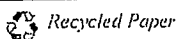
**Facility:** Minshew Bros Steel Construction Inc  
12578 Vigilante Rd  
Lakeside CA 92040  
WDID 9 371016517

### YOU ARE HEREBY NOTIFIED THAT:

You are in violation of the statewide General Industrial Storm Water Permit Order No. 97-03-DWQ (Order) for failure to submit the 2006-2007 Annual Report. The Annual Report was due to the San Diego Regional Water Quality Control Board (Regional Board) by July 1, 2007 as required by Section B.14 of the Order.

Pursuant to California Water Code (CWC) Sections 13399.33 and 13385, failure to submit the Annual Report subjects you to possible enforcement action by the Regional Board. Civil liability could range from a minimum of \$1,000.00 and up to \$10,000 a day for each day of violation, or up to \$25,000 a day if the liability is assessed by a court. You may also be subject to criminal prosecution under Section 13387 of the CWC. The number of days of violation would be counted from July 1, 2007, up to the date the 2006-2007 Annual Report is received. To minimize the potential liability assessed, I urge you to submit the Annual Report immediately.

*California Environmental Protection Agency*



August 20, 2007

If you have any questions pertaining to the submission of the Annual Report, and or the issuance of this NOV, please contact Don Perrin at (858) 467-2969, or by email at [dperrin@waterboards.ca.gov](mailto:dperrin@waterboards.ca.gov). If you feel you have received this NOV in error, please contact our office immediately.

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.

Respectfully,

*Brian D. Kelley*  
Brian D. Kelley  
Senior Engineer

Violation ID	612312
Place ID	240886
Enforcement ID	330212
File No.	10-0016517.02

CIWQS

## Appendix C



# California Regional Water Quality Control Board San Diego Region



21

Linda S. Adams  
Secretary for  
Environmental Protection

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[http:// www.waterboards.ca.gov/sandiego](http://www.waterboards.ca.gov/sandiego)

September 28, 2007

Minshew Bros Steel Construction Inc  
PO Box 1000  
Lakeside CA 92040

CERTIFIED MAIL  
7006 2760 0000 1615 6540  
In reply refer to:  
CWU: 10-0016517:dperrin

**Subject: Second and Final Notice of Violation: R9-2007-0145  
Failure to Submit 2006-2007 Annual Storm Water Report**

**Facility:** Minshew Bros Steel Construction Inc  
12578 Vigilante Rd  
Lakeside CA 92040  
WDID 9 371016517

### YOU ARE HEREBY NOTIFIED THAT:

You are in violation of the statewide General Industrial Storm Water Permit Order No. 97-03-DWQ (Order) for failure to submit the 2006-2007 Annual Report. The Annual Report was due to the San Diego Regional Water Quality Control Board (Regional Board) by July 1, 2007 as required by Section B.14 of the Order.

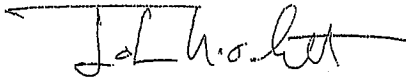
Pursuant to California Water Code (CWC) Sections 13399.33 and 13385, failure to submit the Annual Report subjects you to possible enforcement action by the Regional Board. Civil liability could range from a minimum of \$1,000.00 and up to \$10,000 a day for each day of violation, or up to \$25,000 a day if the liability is assessed by a court. You may also be subject to criminal prosecution under Section 13387 of the CWC. The number of days of violation would be counted from July 1, 2007, up to the date the 2006-2007 Annual Report is received. To minimize the potential liability assessed, I urge you to submit the Annual Report immediately.



If you have any questions pertaining to the submission of the Annual Report, and or the issuance of this NOV, please contact Don Perrin at (858) 467-2969, or by email at [dperrin@waterboards.ca.gov](mailto:dperrin@waterboards.ca.gov). If you feel you have received this NOV in error, please contact our office immediately.

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.

Respectfully,



John Odermatt  
Senior Engineering Geologist

Violation ID	612312
Place ID	240886
Enforcement ID	330212
File No.	10-0016517.02

## Appendix D



Linda S. Adams  
Secretary for  
Environmental Protection

# California Regional Water Quality Control Board

## San Diego Region

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(858) 467-2952 • Fax (858) 571-6972  
<http://www.waterboards.ca.gov/sandiego>



Arnold Schwarzenegger  
Governor

September 8, 2008

In reply refer to:

CIWQS Place ID: 240886

Order Regulatory Measure ID: 218784

Unit Initials: JEbsen

Minshew Bros Steel Const Inc  
12578 Vigilante Rd  
Lakeside, CA 92040

**Subject: Notice of Violation: NPDES No. CAS000001; Order No. 97-03-DWQ:  
Discharger Name: WDID 9 37I016517; Failure to Submit 2007-2008  
Industrial Storm Water Annual Report**

**Facility: Minshew Bros Steel Const Inc  
12578 Vigilante Rd  
Lakeside, CA 92040**

### YOU ARE HEREBY NOTIFIED THAT:

You are in violation of the statewide General Industrial Storm Water Permit Order No. 97-03-DWQ (Order) for failure to submit the 2007-2008 Annual Report. The Annual Report was due to the California Regional Water Quality Control Board, San Diego Region (Regional Board) by July 1, 2008 as required by Section B. 14 of the Order.

Pursuant to California Water Code (CWC) Sections 13399.33 and 13385, your noncompliance for failure to submit the Annual Report subjects you to possible enforcement action by the Regional Board. Civil liability could range from a minimum of \$1,000 and up to \$10,000 a day for each day of violation, or up to \$25,000 a day if the liability is assessed by a court. You may also be subject to criminal prosecution under Section 13387 of the CWC. The number of days of violation would be counted from July 1, 2008, up to the date the 2007-2008 Annual Report is received. To minimize the potential liability assessed, please submit the Annual Report immediately.

Minshew Bros Steel Const Inc  
Notice of Violation

- 2 -

September 8, 2008

If you have any questions pertaining to the submission of the Annual Report, and or the issuance of this NOV, please contact Jody Ebsen at (858) 636-3146, or by email at JEbsen@waterboards.ca.gov. If you feel you have received this NOV in error, please contact our office immediately.

Respectfully,



David Barker, P.E.  
Supervising Water Resources Control Engineer  
Surface Water Basins Branch

DTB:esb:jme

CIWQS:

Violation ID	783258
NOV Regulatory Measure	351762

## Appendix E



Linda S. Adams  
Secretary for  
Environmental Protection

# California Regional Water Quality Control Board

## San Diego Region



Over 50 Years Serving San Diego, Orange, and Riverside Counties  
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Arnold Schwarzenegger  
Governor

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(858) 467-2952 • Fax (858) 571-6972  
<http://www.waterboards.ca.gov/sandiego>

October 17, 2008

In reply refer to:  
**CIWQS Place ID: 240886**  
**Order Regulatory Measure ID: 218784**  
**Unit Initials: JEbsen**

Minshew Bros Steel Const Inc  
12578 Vigilante Rd  
Lakeside, CA 92040

**Subject: 2nd Notice of Violation: NPDES No. CAS000001: Order No. 97-03-DWQ: Minshew Bros Steel Const Inc : WDID 9 371016517 : Failure to Submit 2007-2008 Industrial Storm Water Annual Report**

**Facility: Minshew Bros Steel Const Inc  
12578 Vigilante Rd  
Lakeside, CA 92040**

### YOU ARE HEREBY NOTIFIED THAT:

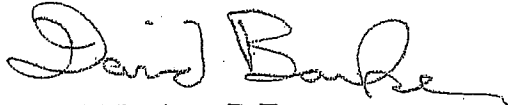
On September 8, 2008, you were notified that you are in violation of the statewide General Industrial Storm Water Permit Order No. 97-03-DWQ (Order) for failure to submit the 2007-2008 Annual Report. The Annual Report was due to the California Regional Water Quality Control Board, San Diego Region (Regional Board) by July 1, 2008 as required by Section B.14 of the Order. To date, we have not received a report or response to this notification.

Pursuant to California Water Code (CWC) Sections 13399.33 and 13385, your continued noncompliance for failure to submit the Annual Report may subject you to escalated enforcement actions by the Regional Board. Civil liability could range from a minimum of \$1,000 and up to \$10,000 a day for each day of violation, or up to \$25,000 a day if the liability is assessed by a court. You may also be subject to criminal prosecution under Section 13387 of the CWC. The number of days of violation would be counted from July 1, 2008, up to the date the 2007-2008 Annual Report is received. To minimize the potential liability assessed, please submit the Annual Report immediately.

*California Environmental Protection Agency*

If you have any questions pertaining to the submission of the Annual Report, and or the issuance of this NOV, please contact Jody Ebsen at (858) 636-3146, or by email at JEbsen@waterboards.ca.gov. If you feel you have received this NOV in error, please contact our office immediately.

Respectfully,



David Barker, P.E.  
Supervising Water Resources Control Engineer  
Surface Water Basins Branch

DTB:esb:jme

CIWQS:

Violation ID	789576
NOV Regulatory Measure	353527

## Appendix F



**Minshew Brothers Steel Construction, Inc.  
Penalty Calculation Worksheet**

**Failure to Submit Fiscal Year 2007-08 Annual Monitoring Report**

Number of days of violation = 365 (July 2, 2007 through July 1, 2008)

Adjusted number of days of violation = 19

Harm Factor = minor

Deviation from standard = major

Initial Penalty Factor = 0.3

Culpability Factor = 0.5

History of Violation = increase of 10%

Initial liability = 19 days x \$10,000 = \$190,000

$\$190,000 \times 0.3 = \$57,000$

$\$66,500 \times 0.5 = \$28,500$

$\$66,500 \times 1.1 = \$31,350$

**Failure to Submit Fiscal Year 2007-08 Annual Monitoring Report**

Number of days of violation = 364 (July 2, 2007 through July 1, 2008)

Adjusted number of days of violation = 19

Harm Factor = minor

Deviation from standard = major

Initial Penalty Factor = 0.3

Culpability Factor = 0.5

History of Violation = increase of 10%

Initial liability = 19 days x \$10,000 = \$190,000

$\$190,000 \times 0.3 = \$57,000$

$\$66,500 \times 0.5 = \$28,500$

$\$66,500 \times 1.1 = \$31,350$

**Total Recommended ACL = \$62,700**