

# California Regional Water Quality Control Board

San Diego Region



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October 14, 2009

Certified Mail – Return Receipt Requested Article Number: 7009 1410 0002 2347 5876

Mr. Javier Franco E & E Transportation, Inc. P.O. Box 2328 Ramona, CA 92065

In reply refer to: 642570:rstewart

Dear Mr. Franco:

## Subject: ADOPTION OF ADMINISTRATIVE CIVIL LIABILITY ORDER NO. R9-2009-0162, E & E TRANSPORTATION, INC.

On October 14, 2009, the California Regional Water Quality Control Board, San Diego Region (Regional Board) adopted Administrative Civil Liability Order No. R9-2009-0162 accepting E & E Transportation, Inc.'s waiver of a public hearing and payment of \$1,600 in civil liability. A copy of the Order is enclosed for your records. No further action regarding this matter is required on your part.

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 our 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.

For questions pertaining to the subject matter, please contact Rebecca Stewart at (858) 467-2966 rstewart@waterboards.ca.gov.

Respectfully,

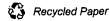
JOHN H. ROBERTUS Executive Officer

JHR:jh:rls

Enclosure: ACL Order No. R9-2009-0162

cc: Ken Greenberg, Water Division, WTR-7, U.S. Environmental Protection Agency, Region 9, 75 Hawthorne Street, San Francisco, CA 94105 (with enclosure)

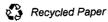
California Environmental Protection Agency



Order No.	R9-2009-0162
File No.	10-0020528
CIWQS Place ID	642570
WDID	9 371020528
Reg. Measure No.	363864
Party ID	348422
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Page 2 of 2

California Environmental Protection Agency



# CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD SAN DIEGO REGION

## ORDER NO. R9-2009-0162

#### ADMINISTRATIVE ASSESSMENT OF CIVIL LIABILITY

#### AGAINST

## E & E TRANSPORTATION, INC. RAMONA, CALIFORNIA

### FOR

## VIOLATION OF STATE BOARD ORDER NO. 97-03-DWQ

The California Regional Water Quality Control Board, San Diego Region (hereinafter Regional Board), having considered in a public meeting on October 14, 2009, all comments received on the issuance of liability against E & E Transportation, Inc. regarding the violation alleged in Complaint No. R9-2009-0065, dated July 16, 2009 (Complaint), having provided public notice thereof and not less than thirty (30) days for public comment, and on the recommendation for administrative assessment of Civil Liability in the amount of \$1,600 finds as follows:

- E & E Transportation, Inc. filed a Notice of Intent on November 3, 2006 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).
- Order No. 97-03-DWQ requires the submittal of an annual storm water monitoring report by July 1 of each year. E & E Transportation, Inc. failed to submit the Fiscal Year 2007-08 annual report.
- Pursuant to California Water Code (CWC) Section 13399.31(d), the Regional Board issued Notices of Violation to E & E Transportation, Inc. on September 8, 2008 and October 17, 2008 for failure to submit the Fiscal Year 2007-08 annual storm water monitoring report.
- 4. Pursuant to CWC Sections 13399.31(d) and 13399.33, the Regional Board shall impose civil liability administratively in an amount that is not less than one thousand dollars (\$1,000) and recover the costs incurred by the Regional Board as a result of the noncompliance, if the discharger fails to submit the

required annual report after the Regional Board issues a discharger two notices of noncompliance indicating the penalties associated with the failure to submit the required annual report.

- 5. On July 16, 2009, the Assistant Executive Officer issued Administrative Civil Liability Complaint No. R9-2009-0065 to E & E Transportation, Inc. recommending the imposition of \$1,600 in liability for failure to submit the Fiscal Year 2007-08 annual storm water monitoring report. This amount includes \$600 in costs incurred by the Regional Board for the investigation and preparation of enforcement documents relating to this enforcement action.
- 6. On September 24, 2009, E & E Transportation, Inc. waived its right to a public hearing before the Regional Board and paid the recommended \$1,600 civil liability to the State Water Resources Control Board's Waste Discharge Permit Fund.
- 7. Issuance of this Order is an enforcement action taken by a regulatory agency and is exempt from the provisions of the California Environmental Quality Act (CEQA) (Public Resources Code section 21000 et seq.) pursuant to section 45321(a)(2), Chapter 3, Title 14 of the California Code of Regulations. This action is also exempt from the provisions of CEQA in accordance with section 15061(b)(3) of Chapter 3, Title 14 of the California Code of Regulations because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

**IT IS HEREBY ORDERED**, that pursuant to Section 13399.33 of the California Water Code, that:

- 1. Civil liability is imposed on E & E Transportation, Inc. in the amount of \$1,600.
- Fulfillment of E & E Transportation, Inc.'s obligations under this Order constitutes full and final satisfaction of any and all liability for each allegation in Complaint No. R9-2009-0065.

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 14, 2009.

JOHN H. ROBERTU Executive Officer

# ACL Order No. R9-2009-0162 E & E Transportation, Inc.

CIWQS Entries Regulatory Measure ID 363864 Place ID 642570 Party ID 348422 Violation ID 783246

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SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul> <li>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse</li> </ul>	A. Signature
<ul> <li>so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	B. Received by (Printed Name)       C. Date of Delivery         D. Is delivery address different from item 1?       Yes
1. Article Addressed to: Mr. Javier Franco Ede Transportation, Inc. P.O. BOX 2328	If YES, enter delivery address below:
P. O. DOX 21,225 Ramona, CA 92065	3. Service Type         Certified Mall       Express Mail         Registered       Return Receipt for Merchandise         Insured Mail       C.O.D.
2 Article Number	4. Restricted Delivery? (Extra Fee)
2. Article Number 7009 1410 (Transfer from service label)	0002 2347 5876
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Sent To Sent To Sent To Street, Apt. No.; or PO Box No. City, State, ZiP+4 PS Form 3800, Au	Franco/E+ETransportationIre P.O. Box 2328 Ramona CA 92065

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