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ENVIRONMENTAL PROTECTION

## California Regional Water Quality Control Board, San Diego Region

October 5, 2012

Certified Mail – Return Receipt Request  
7011 0470 0002 8961 5230

Mr. Adrian De La Cerda, Asst General Manager  
Copart  
7847 Airway Road  
San Diego, CA 92154

In reply refer to:  
Application ID 431493

Mr. De La Cerda

### **Subject: Requirement to Enroll Under Industrial Storm Water General Permit, Copart, 7847 Airway Road, San Diego**

Pursuant to California Water Code (CWC) Section 13399.30, you are hereby notified that Copart, San Diego is required to enroll under Order No. 97-03-DWQ, National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000001, *Waste Discharge Requirements (WDRs) For Discharges of Storm Water Associated with Industrial Activities Excluding Construction Activities* Order No. 97-03-DWQ (Industrial Storm Water General Permit) was issued by the State Water Resources Control Board on April 17, 1997 and is enforced locally by the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board). Our records indicate that coverage under the Industrial Storm Water General Permit for your facility located at 7847 Airway Road in San Diego is mandatory: Motor Vehicle Parts, Used (SIC 5015). On August 16, 2012, a City of San Diego Storm Water Code Compliance Inspector and County of San Diego Dept. of Environmental Health – Hazardous Materials Division conducted a joint inspection of your facility, verified storage of damaged cars, trucks and other motor vehicles that are leaking fluids into the soil and on to paved areas, and documented that vehicle washing is performed on site, confirming that coverage is required.

The inspectors noted multiple violations, and the City of San Diego Code Compliance Inspector issued Administrative Citation #SWC-12-00357 in the amount of \$1,000.00 for the violations, which includes poor housekeeping, hazardous waste exposure, and lack of structural Best Management Practices (BMPs). The inspector's provided the San Diego Water Board with numerous photographs which document the damaged vehicles, leaking fluids, exposure and potential for discharge during storm events.

San Diego Water Board staff has reviewed Whitson CM's September 11, 2012 response to the Administrative Citation, as well as Copart's September 19, 2012 letter with attached Notice of Non Applicability (NONA) form dated September 19, 2012. The NONA is hereby rejected based on the following:

1. Copart is conducting industrial activities that are subject to the Statewide General Industrial Storm Water Permit (storage of damaged/leaking vehicles and vehicle parts exposed onsite, SIC Code 5015)

GRANT DESTACHE, CHAIR | DAVID GIBSON, EXECUTIVE OFFICER

9174 Sky Park Court, Suite 100, San Diego, CA 92123 | (858) 467-2952 | [www.waterboards.ca.gov/sandiego](http://www.waterboards.ca.gov/sandiego)



- 2 Copart's activities are resulting in discharge of fluids from damaged vehicles onto the ground (exposed soil and paved areas) which has the potential to discharge to surface waters during storm events
- 3 Copart's activities, which include the storage of damaged vehicles that are leaking fluid are exposed to storm water and subsequent discharge off site and to surface waters
4. Copart does not fall into the category of SIC Code 5012 because Copart stores damaged vehicles. The definition of SIC Code 5012 is as follows

5012 Automobiles and Other Motor Vehicles

Establishments primarily engaged in the wholesale distribution of new and used passenger automobiles, trucks, trailers, and other motor vehicles, including motorcycles, motor homes, and snowmobiles. Automotive distributors primarily engaged in selling at retail to individual consumers for personal use, and also selling a limited amount of new and used passenger automobiles and trucks at wholesale, are classified in Retail Trade, Industry 5511.

SIC Code 5012 does not cover damaged or wrecked vehicles. If Copart wants to be exempt from the General Industrial Storm Water Permit, it will be necessary for Copart to permanently eliminate the storage of all damaged and wrecked vehicles, and install structural BMPs to eliminate exposure of all rinsing/washing, and any other industrial activities

The Industrial Storm Water General Permit is an NPDES permit that regulates discharges associated with 10 broad categories of industrial activities. This permit requires the implementation of management measures that will achieve the performance standard of best available technology economically achievable (BAT) and best conventional pollutant control technology (BCT). The Industrial Storm Water General Permit also requires the development of a Storm Water Pollution Prevention Plan (SWPPP) and a water quality monitoring plan. Through the SWPPP, sources of pollutants are to be identified and the means to manage the sources to reduce storm water pollution are described. The permit requires that an annual report be submitted each July 1.

For more information regarding the Industrial Storm Water General Permit, please see our website: [http://www.waterboards.ca.gov/water\\_issues/programs/stormwater/industrial.shtml](http://www.waterboards.ca.gov/water_issues/programs/stormwater/industrial.shtml)

To apply for coverage under the permit, you must submit a Notice of Intent (NOI), which is included in the packet. Within thirty days, please submit a completed NOI, a site map of the facility, and the application fee of \$1359 made payable to "State Water Resources Control Board." All materials must be sent to the following address:

State Water Resources Control Board  
Division of Water Quality  
Attn. Storm Water Section  
P.O. Box 1977  
Sacramento, CA 95812-1977

**Failure to seek coverage could result in a mandatory minimum penalty of not less than \$5000 per year of noncompliance pursuant to CWC sections 13399.30 and 13399.33.**

In the subject line of any response, please include the requested "In reply refer to:" information located in the heading of this letter. For questions pertaining to the subject matter, please contact Ms Whitney Ghoram at (858) 467-2967 or [wghoram@waterboards.ca.gov](mailto:wghoram@waterboards.ca.gov)

Respectfully,



ERIC S. BECKER, P E.  
Senior Water Resource Control Engineer  
Southern Watershed Unit

ESB wjg

Mr Vincent Barnese, Storm Water Inspector II, Enforcement & Inspection Section, Storm Water Department, 9370 Chesapeake Drive, Suite 100, MS1900, San Diego, CA 92123

Ms. Anne Ekker, Hazardous Substances Scientist, Cal/EPA-DTSC, Enforcement- San Diego, 9174 Sky Park Court, Suite 150, San Diego, CA 92123

Mr Danny Martinez, Supervising Environmental Health Specialist, County of San Diego, Dept. of Environmental Health, Hazardous Matenals Division, PO Box 129261, San Diego, CA 92112-9261

Mr Rick Hulker, Regional Manager, Copart, 12167 Arrow Route, Rancho Cucamonga, CA 91739

Mr Paul Styer, Senior V P General Counsel, Copart, 14185 Dallas Parkway, Suite 300, Dallas, Texas, 75254

Mr Donald Sturgeon, Strom Water Manager, Whitson CM Contracting & Management, Inc , 11021 Via Frontera, Suite E, San Diego, CA 92127

SMARTS Entries

Tech Staff Info & Use

Application ID	431493
NPDES No	CAS000001
WDID	937IN602219
Inspection ID	NA-City/County Inspected

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> <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 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>	A. Signature <b>X</b> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee	
1 Article Addressed to <b>Adrian De la Cerda</b> <b>COPART</b> <b>7847 Airway Rd</b> <b>SD CA 92154</b>	B Received by (Printed Name)	C Date of Delivery
2 Article Number (Transfer from service label)	D Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below <input type="checkbox"/> No	
PS Form 3811, February 2004	3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.	
Domestic Return Receipt	4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	
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Sent To  
**ADRIAN De la CERDA - COPART**  
 Street, Apt. No.,  
 or PO Box No. **7847 Airway Rd**  
 City, State, ZIP+4  
**SD CA 92154**

PS Form 3800, August 2005  
 See Reverse for Instructions