

**STATE OF CALIFORNIA
REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION**

**STAFF SUMMARY REPORT (Cecilio Felix)
MEETING DATE: September 10, 2008**

ITEM: 7

SUBJECT: **Alum Rock School District, 2930 Gay Ave., San Jose – Adoption of Administrative Civil Liability Order for Late Submittal of Annual Report Required Under the Statewide NPDES General Permit for Discharges of Storm Water Associated with Industrial Activities**

CHRONOLOGY: This item was considered and continued from the August Board hearing.

DISCUSSION: The revised Tentative Order (Appendix A) would impose an administrative civil liability (ACL) of \$9,175 on Alum Rock School District (the discharger) for delinquent submittal of the annual report required by its NPDES permit to discharge industrial stormwater from its bus maintenance facility. The revision, made per the Board's direction during its August hearing, allows the District to allocate one half of the ACL amount toward a Supplemental Environmental Project (SEP), and to pay the remaining amount.

The discharger operates a bus maintenance facility which is a facility associated with industrial activity required by federal law to have a NPDES permit for discharge of stormwater. Accordingly, the facility is covered by the state Industrial Stormwater General Permit. The discharger submitted its 2006/07 annual report on February 13, 2008, 227 days beyond the July 1, 2007, specified by the Permit. Because of the delinquent submittal of the annual report, which is the primary means of ensuring that the facility is in compliance with permit requirements, the Assistant Executive Officer issued an ACL Complaint to the discharger in the amount of \$9,175 (Appendix B).

At the August Board meeting, the Board considered the original Tentative Order imposing the ACL. During that meeting, Board members expressed their desire that half of the ACL be directed toward an SEP such as an educational program benefitting both the environment and the students of the District. The Board continued the item to its September meeting.

The SEP the discharger has proposed is an environmental education project for six hundred 5th grade students. Students will be bused in 10 separate field trips to the Morley Park Outdoor Classroom, a 5-acre park located in the Guadalupe Watershed adjacent to Los Gatos Creek and the McGlincey percolation ponds in Campbell. The Classroom is operated by the Santa Clara Valley Water District. Water District staff will teach the students about water quality, watersheds,

groundwater, urban runoff, wetlands, weather, and conservation. The SEP is described in the School District's August 25, 2008, letter to Board staff (Appendix C). In anticipation that the proposed SEP and ACL will be acceptable, the discharger has already submitted a check for \$4,600, one half of the ACL amount. The revised Tentative Order suspends the balance of the ACL contingent upon full and timely implementation of the proposed SEP.

RECOMMEN-
DATION:

Prosecution staff recommends adoption of the revised Tentative Order. The Executive Officer, who has had no involvement with the prosecution of this case, will advise the Board at the hearing.

ATTACHMENTS

Appendix A - Revised Tentative Order
Appendix B - Administrative Civil Liability Complaint
Appendix C - Alum Rock School District's August 25, 2008, letter proposing the SEP

File No. 2158.11 (CSF)

APPENDIX A

Tentative Order

APPENDIX B

Administrative Civil Liability Complaint

APPENDIX C

Alum Rock School District's August 25, 2008, Letter
Proposing the Supplemental Environmental Project