

State of California
Regional Water Quality Control Board
San Diego Region

EXECUTIVE OFFICER SUMMARY REPORT
August 16, 2006

- ITEM: 8
- SUBJECT: Minshew Brothers Steel Construction, Inc., 1278 Vigilante Road, Lakeside: Administrative Assessment of Civil Liability for Failure to Submit the Fiscal Year 2003-04 and 2004-05 annual storm water monitoring reports required by Order No. 99-07-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). The Regional Board will consider comments received during the public comment period and decide on an order accepting payment of the proposed liability and waiver of hearing. (Tentative Order No. R9-2006-0098) (Rebecca Stewart)
- PURPOSE: The Regional Board will consider whether to adopt an Order accepting Minshew Brothers Steel Construction, Inc.'s payment of the proposed liability and waiver of hearing.
- PUBLIC NOTICE: On July 17, 2006 a notice was published in the San Diego Union-Tribune and on the Regional Board website soliciting public input on Minshew Brothers Steel Construction, Inc.'s waiver of the public hearing and payment of the proposed liability. The public comment period ends on August 16, 2006.
- DISCUSSION: The State Water Resource Control Board's statewide general Industrial Storm Water permit requires the submittal of an annual report to document status of compliance and results of water quality monitoring. The annual reports are due by July 1 of each year. Minshew Brothers Steel Construction, Inc. failed to submit the Fiscal Year 2003-04 annual report. On September 8, 2004 the Regional Board issued a Notice of Violation notifying the discharger that the report had not been received and that the violation could subject them to administrative civil liability. Minshew Brothers Steel Construction, Inc. did not respond to the Notice of Violation, and the report was never submitted. They also failed to submit the annual report due for the next

year, Fiscal Year 2004-05. The Regional Board issued additional Notices of Violation on August 5, 2005 and September 19, 2005. The discharger did not contact the Regional Board regarding the Notices of Violation, and the long overdue reports have not been received.

On June 6, 2006 the Executive Officer issued Complaint No. R9-2006-0078 recommending civil liability totaling \$6,000 for failure to submit the two reports. On June 30, 2006, Minshew Brothers Steel Construction, Inc. paid the \$6,000 administrative civil liability and waived its right to a public hearing.

If the Regional Board does not adopt the tentative Order accepting the waiver and payment, a hearing will be rescheduled for a future Regional Board meeting.

No comments concerning this matter have been received to date.

LEGAL CONCERNS: None.

SUPPORTING
DOCUMENTS:

- (1) Location Map
- (2) Tentative Order No. R9-2006-0098
- (3) Signed Waiver of Hearing Form
- (4) Complaint No. R9-2006-0078

COMPLIANCE RECORD: The Fiscal Year 2005-06 annual report was submitted on July 3, 2006. It is currently under review.

The County of San Diego recently conducted a compliance inspection at the facility and determined that it was in compliance with the requirements of the General Permit.

RECOMMENDATION: The adoption of tentative Order No. R9-2006-0098 is recommended.