

**STATE OF CALIFORNIA
REGIONAL WATER QUALITY CONTROL BOARD
SANTA ANA REGION**

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| In the matter of: |) | Complaint No. R8-2012-0056 |
| |) | for |
| Coast Composites, Inc. |) | Mandatory Minimum Penalty and Staff Costs |
| 1395 South Lyon Street |) | |
| Santa Ana, CA 92705 |) | |
| |) | |
| Attention: Brendan Buckel |) | |

YOU ARE HEREBY GIVEN NOTICE THAT:

1. You are alleged to have violated provisions of law for which the California Regional Water Quality Control Board, Santa Ana Region (hereinafter Board), must impose liability under Section 13399.33 of the California Water Code.
2. A hearing concerning this Complaint will be held before the Board within ninety days of the date of issuance of this Complaint. The hearing in this matter has been scheduled for the Board's regular meeting on February 1, 2013, at the Loma Linda City Council Chambers, 25541 Barton Road, City of Loma Linda, California. You or your representative will have an opportunity to appear and be heard, and to contest the allegations in this Complaint and the imposition of a mandatory penalty and staff costs by the Board. An agenda for the meeting will be mailed to you not less than 10 days before the hearing date.
3. At the hearing, the Board will consider whether to affirm, reject or modify the proposed Mandatory Minimum Penalty and assessment of staff costs pursuant to Section 13399.33 of the Water Code, to assess discretionary penalties pursuant to Section 13385 of the Water Code, or to refer the matter to the Attorney General for recovery of judicial civil liability.
4. Coast Composites, Inc. (hereinafter Coast Composites), located at 1395 South Lyon Street in Santa Ana, is currently regulated under the State's General Permit for Storm Water Discharges Associated with Industrial Activities, Water Quality Order No. 97-03-DWQ, NPDES No. CAS000001 (General Permit). The facility's WDID Number is 8 30I022442. The General Permit requires submittal of an annual report by July 1 of each year.
5. Coast Composites' 2011-2012 annual report was not received by Board staff by the July 1, 2012 deadline. Therefore a Notice of Non-Compliance (NNC) was issued to Coast Composites, by certified mail, on July 31, 2012. The return receipt showed it was received on August 2, 2012. When Board staff received no response to the first NNC, a second NNC was issued on August 29, 2012. The return receipt showed the second NNC was received on August 31, 2012. In both NNCs, Board staff requested submittal of the completed annual report and reminded Coast Composites of the mandatory minimum penalty for late submittal of the annual report. The second NNC requested that the annual report be submitted by September 28, 2012 along with a statement explaining why the annual report was not submitted by the July 1 deadline, and the measures that would be taken to ensure that future annual reports are submitted on time. Both NNCs are attached to this Complaint as Exhibits 1 and 2.

6. On September 25, 2012, Board left a voice message for Brandon Buckel, Coast Composites' contact, informing him of the mandatory minimum penalty if the annual report was not submitted by September 28, 2012. To date, the annual report has not been received by the Regional Board office. Coast Composites violated the General Permit, the Federal Clean Water Act and the California Water Code by failing to submit the annual report by July 1, 2012.
7. Section 13385(a)(2) of the California Water Code 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 the violation occurs.
8. Based on non-submittal of the 2011-2012 annual report, Coast Composites is alleged to have violated the General Permit for 170 days (from July 2, 2012 to December 19, 2012, the date of issuance of this complaint). The total maximum liability for this violation is \$1,700,000 (170 days at \$10,000/day).
9. Section 13399.33(c) of the California Water Code requires that the Regional Board impose a minimum penalty of \$1,000 for any person who fails to submit an annual report in accordance with Section 13399.31 of the Water Code. Section 13399.33(d) of the California Water Code further requires that the Regional Board recover the costs incurred by the Regional Board with regard to those persons.

PROPOSED MANDATORY MINIMUM PENALTIES AND ASSESSMENT OF COSTS

1. Pursuant to Section 13399.33(c) the Division Chief proposes that the mandatory minimum penalty of \$1,000 be imposed on Coast Composites for the violation cited above. In addition, the Division Chief proposes that staff costs in the amount of \$750 (5 hours at \$150/hour) be recovered from Coast Composites. The total proposed mandatory minimum penalty and staff costs amount is \$1,750.
2. Notwithstanding the issuance of this Complaint, the Regional Board retains the authority to assess additional penalties for violations of the requirements of Coast Composites' waste discharge requirements for which penalties have not yet been assessed or for violations that may subsequently occur.
3. Issuance of this Complaint is an enforcement action and is therefore exempt from the provisions of the California Environmental Quality Act (Pub. Res. Code § 21000 et seq.) pursuant to title 14, California Code of Regulations sections 15308 and 15321 subsection (a) (2).

12-19-12
Date



Michael J. Adackapara, Division Chief