

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
SAN DIEGO REGION**

**ORDER NO. R9-2011-0014**

**ADMINISTRATIVE ASSESSMENT OF CIVIL LIABILITY  
AGAINST**

**SAN DIEGO TRUCK BODY AND EQUIPMENT, INC.  
SPRING VALLEY, CALIFORNIA**

**FOR**

**VIOLATION OF STATE BOARD ORDER NO. 97-03-DWQ  
AND WATER CODE SECTION 13260**

The California Regional Water Quality Control Board, San Diego Region (hereinafter San Diego Water Board), having held a public hearing on January 12, 2011, to hear evidence and comments on the allegations contained in Complaint No. R9-2010-0129, dated October 7, 2010 (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 \$4,916, finds as follows:

1. San Diego Truck Body and Equipment, Inc. submitted a Notice of Intent on October 18, 2007 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)*.
2. The integrity and effectiveness of the Industrial NPDES regulatory program relies upon discharger compliance accomplished by self-evaluation and self-reporting. Self-evaluation is accomplished by implementing the programs and provisions of Order No. 97-03-DWQ. Self-reporting is accomplished by the submission of an annual report as outlined in Order No. 97-03-DWQ Section B-14. The annual report includes a summary and evaluation of visual observations and sampling results, laboratory reports and an Annual Comprehensive Site Compliance Evaluation Report. Therefore, timely submittal of the required annual report is critically important for the evaluation of a facility's compliance with water quality standards.

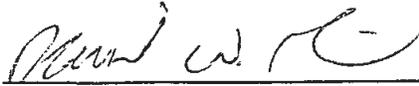
### **Annual Fee**

10. The FY 2008-2009 fee of \$1,008 was invoiced by the State Water Board to San Diego Truck Body and Equipment, Inc. on October 31, 2008 indicating that payment was due by November 30, 2008. The State Water Board then notified San Diego Truck Body and Equipment Inc. of the fee delinquency with a Demand for Payment letter on December 12, 2008 and a Notice of Violation on January 27, 2009.
11. Pursuant to Water Code section 13261(b)(1), the maximum administrative civil liability which could be imposed by the San Diego Water Board for the failure to pay a required fee is one thousand dollars (\$1,000) for each day in which the violation occurs. As of the date the Complaint was issued, San Diego Truck Body and Equipment Inc. had violated Water Code section 13260 for 675 days (November 30, 2008 to October 6, 2010). The maximum administrative civil liability for failing to pay the annual fee is six hundred seventy five thousand dollars (\$675,000).

### **Complaint**

12. On October 7, 2010, the Assistant Executive Officer issued Administrative Civil Liability Complaint No. R9-2010-0129 to San Diego Truck Body and Equipment, Inc. recommending the imposition of \$4,916 in liability for the violations described as follows:
  - a. FY 2007-2008 Annual Report Violation: One thousand one hundred fifty dollars (\$1,150) for failure to submit the FY 2007-2008 annual report required by Order No. 97-03-DWQ. This includes the minimum penalty of \$1,000 plus staff costs of \$150.
  - b. FY 2008-2009 Annual Report Violation: One thousand three hundred dollars (\$1,300) for failure to submit the FY 2008-2009 annual report required by Order No. 97-03-DWQ. This includes the minimum penalty of \$1,000 plus staff costs of \$300.
  - c. FY 2008-2009 Annual Fee Violation: Two thousand four hundred sixty six dollars (\$2,466) for failure to pay the FY 2007-2008 annual fee. This includes staff costs to date of \$450.

I, David W. Gibson, 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 January 12, 2011.



DAVID W. GIBSON  
Executive Officer

Exhibit 1: Penalty Calculation Methodology Decisions Summary Sheet

SMARTS: Violation ID 840411  
Enforcement ID 402597  
WDID No. 9 371021218

Discharger: San Deigo Truck Body and Equipment, Inc.

ACL Complaint No. R9-2011-0014

**Step 1: Potential Harm Factor = n/a for non-discharge violations**

**Step 2: Assessments for Discharge Violations = n/a for non-discharge violations**

**Step 3: Per Day Assesments for Non-Discharge Violations**

Violations	Per Day Factor				Statutory Maximum Per Day (sec. 13350)
	Potential for Harm { minor, moderate, major }	Deviation from Requirement { minor, moderate, major }	Total Per Day Factor	Days of Violation	
Failure to pay FY 2008-2009 Annual Fee	minor	major	0.3	675	\$1,000

**(Per Day Factor) x (Total Days of Violation) x (Statutory Maximum)= Initial Liability From Steps 1 - 3**

$(.3) \times (675) \times (\$1,000) = \$202,500$

**Step 4: Adjustments**

Violations	Culpability { 0.5 - 1.5 }	Cleanup and Cooperation { 0.75 - 1.5 }	History of Violations	Multiple Violations (Same Incident)	Adjusted Days of Violation
Failure to pay FY 2008-2009 Annual Fee	1.5	n/a	n/a	n/a	28

**Step 5: Total Base Liability Amount**  
(Per day Factor x statutory maximum) x (Step 4 Adjustments)  
 $(.3) \times (\$1,000) \times (1.5) \times (28) = \$12,600$

**Step 8: Economic Benefit**  
\$1,076

**Step 6: Ability to Pay/Continue in Business**  
[ Yes, No, Partly, Unknown ]  
yes

**Step 9**

Minimum Liability Amount	Maximum Liability Amount
\$1,184	\$675,000

**Step 7: Other Factors as Justice May Require**

Costs of Investigation and Enforcement	Other Factors
\$450	(-\$10,584)

**Step 10: Final Liability Amount for Annual Fee Violation**  
(total base liability) + (other factors)  
 $(\$12,600) + (\$450) - (\$10,584) = \$2,466$