

STATE OF CALIFORNIA
REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL COAST REGION

STAFF REPORT FOR REGULAR MEETING OF FEBRUARY 9-10, 2006

Prepared on January 6, 2006

ITEM NUMBER: 27

SUBJECT: Administrative Civil Liability Order No. R3-2006-0011; Alisal Union School District, 1205 East Market Street, Salinas, Monterey County

KEY INFORMATION

Discharger: Alisal Union School District
Location: 1205 East Market Street, Salinas, Monterey County
Discharge Type: Storm Water Associated with Industrial Activity
Existing Order: National Pollutant Discharge Elimination System Permit (NPDES) No. CAS000001, State Water Board Order No. 97-03-DWQ, *Waste Discharge Requirements for Discharges of Storm Water Associated with Industrial Activities Excluding Construction Activities*, WDID No. 3 43 I 019 389
This Action: Adopt Administrative Civil Liability

SUMMARY

Alisal Union School District (hereinafter Discharger) is required to submit an Annual Report each year in accordance with the General Storm Water Permit for Industrial Activity (General Permit). Water Board staff two Notice of Violation letters stating the requirement to submit the Annual Report and the possible enforcement actions for failure to do so. The Discharger failed to provide the Annual Report in a timely manner. Water Code Section 13399.33(c) directs the Central Coast Water Board to impose civil liability for no less than \$1,000 for failure to submit a Storm Water Annual Report.

DISCUSSION

Background

On March 6, 2003, the Discharger filed a Notice of Intent to comply with the terms of the General Permit. By filing a Notice of Intent, the Discharger is required to comply with all terms and conditions of the General Permit, which includes submission of an Annual Report to the Central Coast Water Board.

Violation Timeline

July 2004 – June 2005 – The Discharger was an active permit holder during all twelve months of the reporting period (July 2004 to June 2005). The General Permit requires the Discharger to submit an Annual Report to the Central Coast Water Board by July 1st of each year.

August 2005 – September 2005 – On August 10, 2005, and September 14, 2005, Central Coast Water Board staff issued Notice of Violation letters for failure to submit the Annual Report. Both Notice of Violation letters warned of potential penalties pursuant to provisions of the California Water Code.

October 2005 – Staff telephoned the Discharger on October 27, 2005, and notified them that they must submit the Annual Report by October 31, 2005.

Staff telephoned the Discharger on October 31, 2005, and requested that they submit a letter documenting their request for an

extension due to responsible personnel being on leave. The Discharger faxed a letter on October 31, 2005, stating they would submit the Annual Report by the following week (November 7th through the 11th). The Discharger did not submit its Annual Report by that time.

November 2005 – Staff sent Administrative Civil Liability Complaint No. R3-2006-0011 to the Discharger by certified mail on November 21, 2005.

The Discharger submitted its annual report on November 22, 2005, but not within 60 days of the first Notice of Violation dated August 10, 2005, as required in California Water Code Section 13399.31.

Conclusion

The Discharger is in violation of the General Permit, for failure to submit their Annual Report according to California Water Code Section 13399.31. Section 13399.33(c) of the California Water Code provides that a person

that fails to submit an Annual Report in accordance with Section 13399.31 shall be civilly liable in an amount that is not less than \$1,000.

RECOMMENDATION

Staff recommends the Central Coast Water Board Adopt Order No. R3-2006-0011 to impose **One Thousand Dollars (\$1,000)** in administrative liability against the Discharger.

ATTACHMENTS

1. Administrative Civil Liability Complaint No. R3-2006-0011
2. Administrative Civil Liability Order No. R3-2006-0011

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