

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL COAST REGION
895 Aerovista Place, Suite 101
San Luis Obispo, CA 93401**

**ADMINISTRATIVE CIVIL LIABILITY
ORDER NO. R3-2007-0032
Waste Discharger Identification No. 3 271 017 971**

Issued To

**Alisal Union School District
1205 East Market Street, Salinas, 93905
Monterey County**

The California Regional Water Quality Control Board, Central Coast Region (Central Coast Water Board), finds that:

1. Alisal Union School District (Discharger) conducts industrial activities (transportation maintenance yard) subject to National Pollutant Discharge Elimination System (NPDES) Permit 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* (General Permit).
2. On March 13, 2003, the Discharger filed a Notice of Intent to comply with the terms of the General Permit.
3. The General Permit (Provision E.3, and Monitoring Program and Reporting Requirement B.14) requires dischargers to submit an annual report no later than July 1st of each year.
4. The Discharger violated the General Permit by failing to submit the 2005-2006 annual report by July 1, 2006. The report covers the period from July 1, 2005, through June 30, 2006.
5. Pursuant to California Water Code (Water Code) Section 13399.31, Central Coast Water Board staff sent two Notice of Violation letters (dated August 1, 2006, and September 6, 2006) to the Discharger for failing to submit the annual report.
6. In addition, on September 22, 2006, Central Coast Water Board staff sent the Discharger a third Notice of Violation by certified mail.
7. Water Code Section 13399.31(d) provides that if a discharger fails to submit an annual report within 60 days of the first Notice of Violation, then the Water Board shall impose penalties described in Section 13399.33(c).
8. Central Coast Water Board staff mailed the first Notice of Violation on August 1, 2006. The Discharger failed to submit an annual report within 60 days, or by October 1, 2006.
9. Water Code Section 13399.33(c) requires the Central Coast Water Board to impose administrative civil liability for no less than \$1,000 upon any person that fails to submit an annual report in accordance with Section 13399.31.

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Alisal Union School District ACL

10. In addition to violating the General Permit annual reporting requirements for the 2005-2006 reporting period, the Discharger also violated the same requirement for each of the three previous years (every year since submitting a Notice of Intent). Staff issued five Notice of Violation letters (see Complaint No. R3-2007-0032, #12, attached to the Staff Report).
11. On February 22, 2006, the Central Coast Water Board adopted Administrative Civil Liability Order No. R3-2006-0011, finding the Discharger in violation of the General Permit annual reporting requirements and the Water Code, and imposing liability for the mandatory minimum amount of \$1,000.
12. In concurrence with the *State Water Resources Control Board Water Quality Enforcement Policy*, water boards should quickly escalate enforcement actions to increasingly more serious actions until compliance is achieved.
13. The Discharger's history of violating General Permit annual reporting requirements, and the Central Coast Water Board's repeated enforcement actions, indicate that escalating the seriousness of this enforcement action is appropriate. Liability for more than the mandatory minimum penalty amount is warranted.
14. This enforcement action is taken for the protection of the environment and as such is exempt from the provisions of the California Environmental Quality Act (Public Resources Code Section 21000, *et seq.*) in accordance with sections 15307 and 15308, Title 14, California Code of Regulations.
15. A hearing on this matter was held before the Central Coast Water Board on July 6, 2007, at the Watsonville City Council Chambers, 250 Main Street, in Watsonville. The Discharger, or the Discharger's representative(s), had the opportunity to be heard and to contest the allegations in Complaint No. R3-2007-0032, which recommended the imposition of civil liability by the Central Coast Water Board.
16. At the hearing, the Central Coast Water Board considered whether to affirm, increase, decrease, or reject the proposed administrative civil liability, or whether to refer the matter to the Attorney General for recovery of judicial civil liability.

IT IS HEREBY ORDERED, pursuant to Section 13399 of the California Water Code, the Discharger is assessed a total civil liability of \$3,000, to be paid as follows:

1. The sum of Three Thousand Dollars (\$3,000) to be delivered to the Central Coast Regional Water Quality Control Board by August 6, 2007. The Discharger shall make the check payable to the *State Water Resources Control Board Waste Discharge Permit Fund*, with "Order No. R3-2007-0032" shown on the check's memo line.

I, Roger W. Briggs, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an order adopted by the Central Coast Regional Water Quality Control Board on July 6, 2007.

Roger W. Briggs
Executive Officer

Date