

**STATE OF CALIFORNIA
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION**

**EXECUTIVE OFFICER SUMMARY REPORT
MEETING DATE: MAY 12, 2010**

ITEM: 20

SUBJECT: **European Auto Wrecking, Newark, Alameda County** – Hearing to Consider Administrative Civil Liability for Late Submittal of the Annual Monitoring Report Required Under the Statewide NPDES General Permit for Discharges of Storm Water Associated with Industrial Activities

CHRONOLOGY: February 2010 — Prosecution staff issued ACL Complaint

DISCUSSION: If adopted by the Regional Water Board, the Tentative Order (Attachment 1) would impose administrative civil liability in the amount of \$2,850 against European Auto Wrecking (Discharger) for the failure to submit its 2008/2009 Annual Report by July 1, 2009. The Discharger submitted its 2008/2009 Annual Report on August 13, 2009, 42 days late. The Discharger is an auto dismantling facility covered under the Industrial Stormwater Permit.

On February 16, 2010, the Assistant Executive Officer issued Administrative Civil Liability Complaint No. R2-2010-0007 (Attachment 3) in the amount of \$2,850 for the Discharger's failure to timely submit its 2008/2009 Annual Report as required by the Industrial Stormwater Permit. The Discharger submitted a waiver form and limited information regarding its ability to pay prior to April 12, 2010. The Prosecution Team's response to the Discharger's comments was submitted to the Advisory Team and the Discharger on April 2, 2010. The Discharger did not submit any other written evidence in response to the Complaint as required under the "Submission of Evidence and Policy Statements" section set forth in the Hearing Procedure for this matter. The Prosecution Team's understanding is that the Discharger will appear at the Hearing.

At the Hearing, the Regional Water Board will have the opportunity to affirm, reject, or modify the proposed civil liability, or refer the matter to the California Attorney General. Note that, as part of the separation of staff functions for this matter, the Executive Officer heads the Board's Advisory Team and Assistant Executive Officers Tom Mumley and Dyan Whyte head the Board's Prosecution Team.

RECOMMENDATION: I will have a recommendation at the close of the Hearing.

Item 20, Attachment 1: Tentative Order for Administrative Civil Liability
Item 20, Attachment 2: Notice of Non Compliance
Item 20, Attachment 3: Administrative Civil Liability Complaint
Item 20, Attachment 4: Discharger Comment
Item 20, Attachment 5: Prosecution Team Response and Rebuttal (April 2 and April 22, 2010)
Item 20, Attachment 6: Discharger's 2008-2009 Annual Report (This item is not included in hard copy, but is available on the web under Item 20 for the May 12, 2010, Board meeting agenda: http://www.waterboards.ca.gov/sanfranciscobay/board_info/agenda.shtml)

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