

# ENFORCEMENT HEARING

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

EXECUTIVE OFFICER SUMMARY REPORT  
MEETING DATE: August 14, 2013

**ITEM:** 7

**SUBJECT:** **E-D Coat, Inc., 715 4th Street, Oakland, Alameda County** - Imposition of Administrative Civil Liability

**CHRONOLOGY:** July 2010 – On behalf of the Board, I imposed an administrative civil liability of \$1,750

**DISCUSSION:** If adopted, the Tentative Order (Appendix A) would impose an administrative civil liability of \$7,460 against E-D Coat for failing to submit an annual report on its industrial stormwater discharges. This liability amount is proposed by the Board's Prosecution Team based on the alleged violation and penalty methodology described in its May 17, 2013, Administrative Civil Liability Complaint (Complaint; Appendix B).

E-D Coat operates a metal plating facility. The Prosecution Team alleges that after several attempts to bring E-D Coat into compliance, E-D Coat failed to submit an annual report for the 2011/2012 reporting period. The Prosecution Team alleges annual reports are an important component of the industrial stormwater control program, because they require facility operators to describe the quality of their stormwater runoff and the effectiveness of measures taken to prevent stormwater pollution. At the time the Prosecution Team issued the Complaint, the annual report was 321 days past due, and the Prosecution Team incurred \$6,260 in costs to investigate and prepare the complaint.

The Prosecution Team presents in Appendix C its evidence of E-D Coat's failure to submit the annual report and its efforts at compliance assistance. E-D Coat did not submit any evidence for consideration at this hearing.

At the hearing, the Board will have the opportunity to affirm, reject, or modify the civil liability proposed in the Complaint, or refer the matter to the Attorney General for judicial enforcement. To assist the Board with its administrative civil liability decision, my 2011 summary of the Enforcement Policy Penalty Methodology is attached (Appendix D).

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

**SMARTS WDID No:** 2 01I009846

**APPENDICES:**

- A. Tentative Order for Administrative Civil Liability
- B. Administrative Civil Liability Complaint No. R2-2013-1017
- C. Prosecution Team Evidentiary Submittal
- D. Executive Officer Summary to Board, Enforcement Policy Penalty Methodology, December 14, 2011