

STATE OF CALIFORNIA
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SANTA ANA REGION

In the matter of:)	Complaint No. R8-2008-0055
)	for
Amazing Steel Company)	Administrative Civil Liability
4564 Mission Boulevard)	
Montclair, CA 91763)	
)	
<u>Attention: Mr. James Mitchell</u>)	

YOU ARE HEREBY GIVEN NOTICE THAT:

1. You are alleged to have violated provisions of law for which the California Regional Water Quality Control Board, Santa Ana Region (hereinafter Board), may impose liability under Sections 13385 and 13399.33 of the California Water Code.
2. A hearing concerning this Complaint will be held before the Board within ninety days of the date of issuance of this Complaint. The hearing in this matter is scheduled for the Board's regular meeting on June 6, 2008 at the City Council Chambers, 25541 Barton Road, Loma Linda, CA 92354. You or your representative will have an opportunity to appear and be heard, and to contest the allegations in this Complaint and the imposition of civil liability by the Board. An agenda for the meeting and the staff report pertaining to this item will be mailed to you not less than 10 days prior to the hearing date.
3. At the hearing, the Board will consider whether to affirm, reject or modify the proposed penalty or whether to refer the matter to the Attorney General for recovery of judicial civil liability.
4. Amazing Steel Company (Amazing Steel), 4564 Mission Blvd., Montclair, is currently regulated under the State's General Permit for Storm Water Discharges Associated with Industrial Activities, Water Quality Order No. 97-03-DWQ, NPDES No. CAS000001 (General Permit). The facility's WDID Number is 8 36I020019. The General Permit requires submittal of an annual report by July 1 of each year.
5. The 2006-2007 annual report, which was due on July 2, 2007 (July 1, 2007 being a Sunday), was not received from Amazing Steel. A Notice of Non-Compliance (NNC) was issued to Amazing Steel by certified mail, on August 7, 2007. The return receipt showed that it was received by the facility on August 8, 2007. When Board staff received no response to the first NNC, a second NNC was issued on September 10, 2007, again by certified mail, and was received by the facility on

September 11, 2007. In both NNCs, Board staff requested submittal of the completed annual report, a statement explaining why the annual report was not submitted by the July 1 deadline, and the measures that would be taken to ensure that future annual reports are submitted on time. Both NNCs identified the mandatory minimum penalty for failure to submit the annual report. In the second NNC, Board staff requested submittal of the completed annual report by October 10, 2007.

6. On October 3, 2007, Board staff left a message for Mr. James Mitchell indicating that the annual report must be submitted to the Board by October 10, or a fine would be assessed for the non-submittal of the 2006-2007 annual report.
7. On November 16, 2007, the annual report was submitted to the Board office. The facility violated the General Permit, the federal Clean Water Act and the California Water Code by failing to submit the annual report by July 2, 2007.
8. Section 13385(a)(2) of the California Water Code provides that any person who violates waste discharge requirements issued pursuant to the federal Clean Water Act shall be civilly liable. Section 13385(c) provides that civil liability may be administratively imposed by a regional board in an amount not to exceed ten thousand dollars (\$10,000) for each day the violation occurs.
9. Based on non-submittal of the 2006-2007 annual report, the facility is alleged to have violated the General Permit for 136 days (from July 3, 2007 to November 15, 2007). The maximum liability for this violation is \$1,360,000.
10. Section 13399.33(c) of the California Water Code requires that the Board impose a mandatory minimum penalty of \$1,000 for any person who fails to submit an annual report in accordance with Section 13399.31 of the Water Code.
11. Section 13385(e) specifies factors that the Board shall consider in establishing the amount of civil liability. These factors are addressed in the following table:

Factor	Comment
A. Nature, Circumstance, Extent, and Gravity of Violation	Amazing Steel did not submit its annual report in a timely manner. The facility is currently regulated under the State's General Permit, which requires them to submit the annual report and all related sampling results by July 1 of each year.
B. Culpability	Amazing Steel failed to submit its annual report as required by the General Permit. Amazing Steel received two certified letters and a phone call reminding them that the annual report was overdue and of the consequences of non-submittal.
C. Economic Benefit or Savings	Staff estimates that Amazing Steel saved approximately \$1,000 during the 2006-2007 reporting year by not collecting and analyzing storm water samples; its savings on delaying the submittal of the annual report itself is negligible.
D. Prior History of Violations	Amazing Steel obtained coverage under the General Permit on January 13, 2006. The facility was late in submitting its 2005-06 annual report and a Notice of Non-Compliance was issued.
E. Other Factors	Board staff spent at least 15 hours of staff time in its efforts to bring this facility into compliance (average rate @\$115.00 per hour, the total cost for staff time is \$1,725).
F. Ability to pay	Amazing Steel has not provided any information to indicate that it is unable to pay the proposed assessment.

14. After consideration of these factors, the Assistant Executive Officer proposes that civil liability be imposed on Amazing Steel in the amount of \$2,725. This amount includes \$1,000 of mandatory penalty under Section 13399.33 and an assessment of \$1,725 under Section 13385 of the Water Code.

WAIVER OF HEARING

You may waive your right to a hearing. If you choose to do so, please sign the attached waiver form and mail it, together with a check payable to the State Water Resources Control Board for \$2,725. The waiver form and the check should be mailed to this office in the enclosed preprinted envelope.

If you have any questions, please contact Kathleen Fong at (951) 774-0014 or Milasol C. Gaslan at (951) 782-4419.

3/28/08
Date

Kurt V. Berchtold
Kurt V. Berchtold
Assistant Executive Officer

In the matter of:)
)
Amazing Steel Company)
4564 Mission Boulevard)
Montclair, CA 91763)
)
Attention: Mr. James Mitchell)

Complaint No. R8-2008-0055
for
Administrative Civil Liability

WAIVER OF HEARING

I agree to waive the right of Amazing Steel Company to a hearing before the Santa Ana Regional Water Quality Control Board with regard to the violations alleged in Complaint No. R8-2008-0055.

I have enclosed a check, payable to the State Water Resources Control Board, in the amount of \$2,725. I understand that I am giving up the right of Amazing Steel Company to be heard and to argue against allegations made by the Assistant Executive Officer in this Complaint, and against the imposition of, and the amount of, the liability proposed.

Date

for Amazing Steel Company