

Supplemental
EXECUTIVE OFFICER SUMMARY REPORT
October 10, 2007

ITEM: 8

SUBJECT: **PUBLIC HEARING:** Terra Vac, Body Beautiful Car Wash Remediation Dewatering: Administrative Assessment of Civil Liability containing Mandatory Minimum Penalties for reported violations of effluent limitations prescribed in Order No. 2000-90, NPDES No. CAG919001, General Waste Discharge Requirements for Temporary Groundwater Extraction and Similar Waste Discharges to San Diego Bay and Storm Drains or Other Conveyance Systems Tributary Thereto. If the discharger elects to waive their right to a hearing, the Regional Board will consider comments received during the public review period and decide on an order accepting payment of the proposed liability and waiver of hearing. (Tentative Order No. R9-2007-0089) (*Rebecca Stewart*)

DISCUSSION: Staff of the State Board's Office Of Research, Planning And Performance reviewed the financial documentation submitted on August 29, 2007 by Terra Vac, which was previously provided to the Regional Board as confidential Supporting Document No. 7. The State Board concluded that it should not be a financial burden for Terra Vac to pay the recommended \$12,000 mandatory minimum penalty for reported effluent limitation violations. The State Board's documentation is included in this supplemental mailing as Supporting Document No. 8.

An errata sheet recommending changes to the tentative ACL Order No. R9-2007-0089 is also included in the supplemental materials. The changes include additional findings that clarify the Regional Board's determination of how liability should be assessed or dismissed in accordance with applicable defenses allowed pursuant to the water code for each of the effluent limitation violations. The Errata is included in this mailing as Supporting Document No. 9.

RECOMMENDATION: The adoption of tentative Administrative Civil Liability Order No. R9-2007-0089, with Errata, imposing a total of \$12,000 in liability is recommended.