

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

| | | |
|-----------------------------------|---|-----------------------------------|
| IN THE MATTER OF: |) | Complaint No. R8-2003-0091 |
| |) | for |
| Thrifty Oil Company |) | Mandatory Penalties |
| 13116 Imperial Highway |) | |
| Santa Fe Springs, CA 90670 |) | |
| Attn: Chris Panaitescu |) | |

YOU ARE HEREBY GIVEN NOTICE THAT:

1. Thrifty Oil Company (TOC) is alleged to have violated provisions of law for which the California Regional Water Quality Control Board, Santa Ana Region (Board) must impose mandatory penalties pursuant to California Water Code (Water Code) Section 13385(h) and (i).
2. A hearing concerning this Complaint is scheduled for the Board's regular meeting on October 3, 2003. TOC or its representatives will have an opportunity to appear and be heard, and to contest the allegations in this complaint and the imposition of mandatory penalties by the Board. An agenda announcement and the staff report related to this Complaint will be mailed to you not less than 10 days prior to the hearing date.
3. If the hearing is necessary, the Board will consider whether to affirm, reject or modify the proposed mandatory penalty or whether to refer this matter to the Attorney General for recovery of judicial civil liability.
4. This complaint is based on the following facts:
 - a) TOC currently operates a groundwater treatment system at 6311 Westminster Avenue, in the City of Westminster. The system treats and discharges groundwater to remediate the effects of an underground storage tank release at the site. On January 23, 2002, the Board adopted Waste Discharge Requirements, Order No. 2002-0007 (NPDES No. CAG918001), General Groundwater Cleanup Permit (Permit). The Permit regulates discharges of extracted and treated groundwater resulting from the cleanup of petroleum hydrocarbons and/or solvents within the Santa Ana Region by establishing effluent limits for a number of constituents, including tertiary butyl alcohol and total suspended solids.
 - b) On April 10, 2002, TOC was authorized to discharge treated groundwater resulting from its groundwater treatment system and was required to monitor

the discharge in accordance with Monitoring and Reporting Program No. 2002-0007-049.

- c) TOC submitted self-monitoring reports, which show effluent violations for tertiary butyl alcohol (TBA) and total suspended solids (TSS). These violations are summarized on Attachment "A", included as Page 4 of this complaint.
5. Water Code Section 13385(h) and (i) requires the Board to assess a mandatory minimum penalty of three thousand dollars (\$3,000) for each serious and/or other specific types of violations.
6. As shown in Attachment "A", TOC had a total of six violations during the months of April and May 2002. These violations included three exceedences of the daily maximum effluent limit for TBA and one exceedence of the daily maximum effluent limit for TSS. The above-mentioned TBA violations also resulted in exceedences of the monthly average for TBA for both April and May 2002. Each of these violations is considered a serious violation.
7. In accordance with Water Code Section 13385(h), the mandatory minimum penalty for the six serious effluent violations cited in Section 6, above, is \$18,000.
8. In addition, the Board may also assess administrative civil liability of \$10,000 per day for each day of violation and \$10 per gallon for each gallon discharged in excess of 1,000 gallons in accordance with Water Code Section 13385(c). The maximum administrative civil liability that may be imposed for these violations is \$32,060 (\$30,000 for three days of violation and \$2,060 based on $1,206 - 1,000 = 206$ gallons @ \$10 per gallon).
9. After consideration of the facts, the Executive Officer proposes that mandatory minimum penalties of \$18,000 be imposed on Thrifty Oil Company, by the Board, for the violations cited above.
10. You may waive your right to a hearing. If you wish to waive this right, please sign the attached waiver form and return it, along with a check for \$18,000, made payable to the State Water Resources Control Board, and the bottom portion of the invoice, to Sacramento in the enclosed envelope.

If you have any questions regarding this complaint, please contact Ken Williams at (909) 782-4496, or Valerie Jahn at (909) 782-4903, or the Board's legal counsel, Jorge Leon, at (916) 341-5180.

9/2/03
Date

KtV. Bitell
for Gerard J. Thibeault
Executive Officer

ATTACHMENT "A"

**TABLE 1A.
EFFLUENT LIMIT VIOLATIONS FOR TERTIARY BUTYL ALCOHOL**

| VIOLETION DATE | DISCHARGE FLOW Gallons Per Day | EFFLUENT LIMIT* Daily Maximum in µg/l | TBA DISCHARGE (µg/l) |
|----------------|-----------------------------------|------------------------------------------|-------------------------|
| 4/22/02 | 676 | 19.0 | 112 |
| 5/1/02 | 151 | 19.0 | 195 |
| 5/8/02 | 379 | 19.0 | 270 |

**TABLE 1B.
EFFLUENT LIMIT VIOLATIONS FOR TERTIARY BUTYL ALCOHOL**

| VIOLETION MONTH | EFFLUENT LIMIT* Monthly Average in µg/l | TBA DISCHARGE Monthly Average in µg/l** |
|-----------------|--------------------------------------------|--------------------------------------------|
| April 2002 | 12.0 | 112 |
| May 2002 | 12.0 | 232.5 |

**TABLE 2.
EFFLUENT LIMIT VIOLATION FOR TOTAL SUSPENDED SOLIDS**

| VIOLETION DATE | DISCHARGE FLOW Gallons Per Day | EFFLUENT LIMIT* Daily Maximum in µg/l | TSS DISCHARGE (µg/l) |
|----------------|-----------------------------------|------------------------------------------|-------------------------|
| 5/8/02 | 379 | 75.0 | 540 |

* The receiving water is Anaheim Bay, which is exempt from municipal use.

** For samples without reported values (e.g. ND), half of the reporting limit is used.

In the matter of:)
)
Thrifty Oil Company)
13116 Imperial Highway)
Santa Fe Springs, CA 90670)
)
Attention: Chris Panaitescu)

Complaint No. R8-2003-0091
for
Mandatory Penalties

WAIVER OF HEARING

I agree to waive the right of Thrifty Oil Company, to a hearing before the Santa Ana Regional Water Quality Control Board with regard to the violations alleged in Complaint No. R8-2003-0091. I have enclosed a check for \$18,000, made payable to the State Water Resources Control Board, as settlement. I understand that I am giving up the right of Thrifty Oil Company, to be heard and to argue against allegations made by the Executive Officer in this Complaint and against the imposition of, and amount of, the liability proposed.

Date

for Thrifty Oil Company



State Water Resources Control Board



Winston H. Hickox
Secretary for
Environmental
Protection

*The energy challenge facing California is real.
Every Californian needs to take immediate action to reduce energy consumption.
For a list of simple ways you can reduce demand and cut your energy costs, see our website at <http://www.swrcb.ca.gov>*

Gray Davis
Governor

To:
THRIFTY OIL COMPANY
13116 Imperial Highway
SANTA FE SPRINGS, CA 90670
ATTN: CHRIS PANAITESCU

Invoice No: 36107
Invoice Date: 08/27/2003
Enforcement Action ID: 75079
Enforcement Order No: R8-2003-0091

INVOICE

| Milestone ID | Description | Amount | Due Date |
|-------------------------|------------------|--------------------|------------|
| 49441 | LIABILITY AMOUNT | \$18,000.00 | 10/03/2003 |
| TOTAL AMOUNT DUE | | \$18,000.00 | |

California Environmental Protection Agency



✂ Retain above portion for your records
Please return bottom portion with your payment

THRIFTY OIL COMPANY
13116 Imperial Highway
SANTA FE SPRINGS, CA 90670
ATTN: CHRIS PANAITESCU

| Milestone ID | Description | Amount | Due Date |
|-------------------------|-------------|--------------------|------------|
| 49441 | LIABDUE | \$18,000.00 | 10/03/2003 |
| TOTAL AMOUNT DUE | | \$18,000.00 | |

Make your check payable to:
State Water Resources Control Board

Mail payment to:
SWRCB ACCOUNTING
ATTN: ENFORCEMENT
P. O. Box 100
SACRAMENTO, CA 95812-0100

Amount Enclosed: \$ _____

PLEASE PRINT THE FOLLOWING INVOICE NUMBER ON YOUR CHECK: **36107**

Invoice Date: 08/27/2003
Enforcement Action ID: 75079
Enforcement Order No.: R8-2003-0091



California Regional Water Quality Control Board

Santa Ana Region



Winston H. Hickox
Secretary for
Environmental
Protection

Internet Address: <http://www.swrcb.ca.gov/rwqcb8>
3737 Main Street, Suite 500, Riverside, California 92501-3348
Phone (909) 782-4130 - FAX (909) 781-6288

Gray Davis
Governor

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our website at www.swrcb.ca.gov/rwqcb8.

September 2, 2003

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Chris Panaitescu
Thrifty Oil Company
13116 Imperial Highway
Santa Fe Springs, CA 90670

MANDATORY PENALTIES COMPLAINT NO. R8-2003-0091

Dear Mr. Panaitescu:

We are enclosing a certified copy of Complaint No. R8-2003-0091, proposing a mandatory penalty of \$18,000. This complaint is issued pursuant to California Water Code Section 13385 (h), for multiple violations of effluent limitations established in Waste Discharge Requirements, Order No. R8-2002-0007 (NPDES No. CAG918001). An invoice for this amount is also enclosed.

If necessary, consideration of this matter will be scheduled for the Board's meeting on October 3, 2003. The staff report regarding this complaint and a meeting agenda will be mailed to you not less than 10 days prior to the Board meeting.

You have the option to waive your right to a hearing. Should you decide to waive your right and pay the proposed assessment, the Regional Board may not hold a public hearing on this matter. If you choose to waive your right to a hearing, please sign the enclosed waiver form and submit the form with a check or money order for \$18,000. The check or money order should be made payable to the State Water Resources Control Board. The waiver form, the bottom portion of the invoice and the check should be mailed to Sacramento using the enclosed envelope. All other correspondence regarding this complaint should be directed to the regional board office listed on this letterhead.

If you do not wish to waive your right to a hearing, a pre-hearing meeting with Board staff is recommended. Should you wish to schedule a pre-hearing meeting, please contact us prior to September 12, 2003. At that time, you may submit information that might not have been previously available to staff regarding this violation. This information should address the accuracy of the findings in the complaint.

California Environmental Protection Agency



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Mr. Chris Panaitescu
MPC R8-2003-0091

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September 2, 2003

If you have any questions regarding this complaint, you may contact Ken Williams at (909) 782-4496 or Valerie Jahn at (909) 782-4903. All legal questions should be referred to our legal counsel, Jorge Leon, at (916) 341-5180.

Sincerely,



for Gerard J. Thibeault
Executive Officer

Enclosures: Complaint No. R8-2003-0091, Waiver Form, Invoice and envelope

Cc w/enc. (R8-2003-0091):

Regional Board

State Water Resources Control Board, Division of Clean Water – UST Chief

State Water Resources Control Board, Office of the Chief Counsel – Jorge Leon

U.S. Environmental Protection Agency, Region 9 (WTR-7) – Kathi Moore

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California Environmental Protection Agency



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Mr. Chris Panaitescu
MPC R8-2003-0091

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September 2, 2003

Please cc:

UST Chief
State Water Resources Control Board
Division of Clean Water

Jorge Leon
State Water Resources Control Board
Office of the Chief Counsel

Kathi Moore
Environmental Protection Agency
Region 9 (WTR-7)

California Environmental Protection Agency



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