California Regional Water Quality Control Board
Santa Ana Region

Terry Tamminen
Secretary for Environmental Protection

Internet Address: http://www.swrcb.ca.gov/rwqcb8
3737 Main Street, Suite 500, Riverside, California 92501-3348
Phone (951) 782-4130 - FAX (951) 781-6288

Arnold Schwarzenegger
Governor

November 16, 2004

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Darrell Fah
Environmental Business Manager
Atlantic Richfield Company
4 Centerpointe Drive
La Palma, CA 90623

MANDATORY PENALTY COMPLAINT NO. R8-2004-0103

Dear Mr. Fah:

We are enclosing a certified copy of Complaint No. R8-2004-0103, proposing a mandatory penalty of $3,000. This complaint is issued pursuant to California Water Code Section 13385(h), for a violation 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 December 20, 2004. 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 $3,000. The waiver form, the bottom portion of the invoice and the check or money order should be mailed to Sacramento using the enclosed envelope. All other correspondence regarding this complaint, including the opportunity to participate in a Supplemental Environmental Project, should be directed to this office at the address 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 December 1, 2004. 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.

Please note that this Complaint replaces Complaint No. R8-2004-0078 that was issued on October 4, 2004 and subsequently withdrawn based on additional information provided to us by you and your consultant.

If you have any questions regarding this complaint, you may contact Ken Williams at (951) 782-4496 or Valerie Jahn-Bull at (951) 782-4903. All legal questions should be referred to our legal counsel, Jorge Leon, at (916) 341-5180.

Sincerely,

Gerard J. Thibeault
Executive Officer

Enclosures: Complaint No. R8-2004-0103, Waiver Form, Invoice and envelope

Cc w/enc. (R8-2004-0103):
Regional Board
State Water Resources Control Board, Division of Water Quality – 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
Bryan Van Wagner, Delta Environmental Consultants
Andy Bugman, Delta Environmental Consultants
Dean Richesin, Delta Environmental Consultants

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STATE OF CALIFORNIA
REGIONAL WATER QUALITY CONTROL BOARD
SANTA ANA REGION

IN THE MATTER OF:	)	**Complaint No. R8-2004-0103**
	)	**for**
Atlantic Richfield Company	)	**Mandatory Penalty**
4 Centerpointe Drive	)	
La Palma, CA 90623	)	
Attention: Darrell Fah	)	

YOU ARE HEREBY GIVEN NOTICE THAT:

1. Atlantic Richfield Company (ARCO) 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).

2. A hearing concerning this Complaint is scheduled for the Board's regular meeting on December 20, 2004. ARCO or its representatives will have an opportunity to appear and be heard, and to contest the allegations in this complaint and the imposition of a mandatory penalty 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) ARCO currently operates a service station at 5981 Warner Avenue, in the City of Huntington Beach. A remediation system treats and discharges groundwater to mitigate the effects of an underground storage tank release at the site.

   b) On January 23, 2002, the Board adopted Waste Discharge Requirements, Order No. 2002-0007 (NPDES No. CAG918001), General Groundwater Cleanup Permit (Permit), which 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 (TBA).

   c) On July 16, 2002, ARCO was authorized to discharge treated groundwater resulting from its groundwater treatment system under Order R8-2002-0007

and was required to monitor the discharge in accordance with Monitoring and Reporting Program No. 2002-0007-089.

d) On October 22, 2003, the Board adopted Order No. 2003-0085, which amended maximum daily effluent limit concentrations for a number of compounds, including TBA, and established effluent limits for other chemical constituents, including perchlorate and 1,4-dioxane. The discharger was notified of these revisions.

e) ARCO has submitted a self-monitoring report, which indicates that it discharged effluent containing tertiary butyl alcohol (TBA) at concentrations of 56 micrograms per liter (µg/l) on March 3, 2004. This concentration exceeds the daily effluent limitation for TBA of 34 ug/l specified in the waste discharge requirements, Order No. R8-2003-0085. This exceedence is a serious violation as defined under Water Code Section 13385(h) and is subject to a mandatory minimum penalty.

5. Water Code Section 13385(h) requires the Board to assess a mandatory minimum penalty of three thousand dollars ($3,000) for each serious violation.

6. In accordance with Water Code Section 13385(h), the mandatory minimum penalty for the violation cited in Section 4, above, is $3,000.

7. 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 $24,260 ($10,000 for one day of violation and $14,260 based on 2,426-1,000=1,426 gallons @ $10 per gallon).

8. The Executive Officer proposes that mandatory minimum penalty of $3,000 be imposed on ARCO, by the Board, for the violations cited above.

9. 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 $3,000 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 (951) 782-4496, or Valerie Jahn-Bull at (951) 782-4903, or the Board's legal counsel, Jorge Leon, at (916) 341-5180.

11-16-04
Date

Gerard J. Thibeault
Executive Officer

In the matter of:	)	**Complaint No. R8-2004-0103**
	)	**for**
Atlantic Richfield Company	)	**Mandatory Penalty**
4 Centerpointe Drive	)	
La Palma, CA 90623	)	
Attention: Darrell Fah	)	

WAIVER OF HEARING

I agree to waive the right of Atlantic Richfield Company to a hearing before the Santa Ana Regional Water Quality Control Board with regard to the violation alleged in Complaint No. R8-2004-0103. I have enclosed a check for $3,000, made payable to the State Water Resources Control Board, as settlement. I understand that I am giving up the right of Atlantic Richfield 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 Atlantic Richfield Company

State Water Resources Control Board

Terry Tamminen
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

Arnold Schwarzenegger
Governor

To:
ARCO PRODUCTS CO.
4 CENTERPOINTE DRIVE
LA PALMA, CA 90623-1066
ATTN: DARRELL FAH

Invoice No: 54902
Invoice Date: 11/09/2004
Enforcement Action ID: 95089
Enforcement Order No: R8-2004-0103

INVOICE

Milestone ID	Description	Amount	Due Date
62778	LIABILITY AMOUNT	$3,000.00	01/17/2005
	TOTAL AMOUNT DUE	**$3,000.00**	

California Environmental Protection Agency

Recycled Paper

Retain above portion for your records

Please return bottom portion with your payment

Milestone ID	Description	Amount	Due Date
62778	LIABDUE	$3,000.00	01/17/2005
	TOTAL AMOUNT DUE	**$3,000.00**	

ARCO PRODUCTS CO.
4 CENTERPOINTE DRIVE
LA PALMA, CA 90623-1066
ATTN: DARRELL FAH

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: **54902**

Invoice Date: 11/09/2004
Enforcement Action ID: 95089
Enforcement Order No.: R8-2004-0103