

California Regional Water Quality Control Board
San Diego Region

San Diego Region

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## CERTIFIED MAIL – RETURN RECIEPT REQUESTED 7007 1490 0003 8753 5513

August 14, 2008

In reply refer to: SSDCGWU:CKomeylyan

Donald and Marlene Swall Cunocar Financial Services 425 25<sup>th</sup> Street San Diego, CA 92102

Dear Mr. and Ms. Swall:

SUBJECT: NOTICE OF VIOLATION NO. R9-2008-0103: FAILURE TO COMPLY

WITH DIRECTIVES OF INVESTIGATIVE ORDER R9-2008-0008:

**CUNOCAR FINANCIAL SERVICES,** 

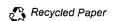
425 25TH STREET, SAN DIEGO, CALIFORNIA

(T0607300836)

The California Regional Water Quality Control Board, San Diego Region (Regional Board) has issued the enclosed **Notice of Violation (NOV) No. R9-2008-0103** for the subject site alleging that Cunocar Financial Services violated several directives of Investigative Order No. R9-2008-0008. Cunocar Accounting Services has failed to comply with directives A.2 and A.3 as prescribed in Water Quality Investigative Order No. R9-2008-0008 to Cunocar Accounting Service regarding the property located at 425 25<sup>th</sup> Street, San Diego, California.

These violations subject Cunocar Financial Services to enforcement action by the Regional Board, including but not limited to: imposition of administrative civil liability under water code section 13268 in amounts of up to \$1,000 per day or referral to the State Attorney General for injunctive relief, and referral to the District Attorney for criminal prosecution.

California Environmental Protection Agency



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Questions or written correspondence pertaining to the Notice of Violation should be directed to Ms. Sherrie Komeylyan at (858) 467-2734, via e-mail at CKomeylyan@waterboards.ca.gov, or to the address above.

Respectfully,

Michael P. McCANN

Facility (T0607300836)

Assistant Executive Officer

MPM:jpa:ck

cc by email:

C:\tempip drive backup\South Unit\All Sites\9UT2068 Cunocar Accounting Service\Notice of Violation Submittal Letter.doc

Attachments: Notice of Violation No. R9-2008-0008

Mr. Sean Boykin, The Reynolds Group, Boykin@reynolds-group.com

IN THE MATTER OF	)
Donald and Mariene Swall	) NOTICE OF VIOLATION
Cunocar Accounting Service	) R9-2008-0103
425 25 <sup>TH</sup> Street	)
San Diego, CA 92102	) AUGUST 14, 2008

Investigative Order No. R9-2008-0008, Cunocar Accounting Service

Subject Site: Cunocar Accounting Service, 425 25<sup>TH</sup> Street, San Diego, CA

## YOU ARE HEREBY NOTIFIED THAT:

You are in violation of California Regional Water Quality Control Board, San Diego Region (Regional Board) Water Quality Investigative Order (Order) No. R9-2008-0008, Cunocar Accounting Service, 425 25<sup>TH</sup> Street, San Diego, California. Such violations subject Cunocar Financial Services to enforcement action by the Regional Board, including but not limited to: imposition of administrative civil liability under California Water Code section 13268 in amounts of up to \$1,000 per day or referral to the State Attorney General for injunctive relief, and referral to the District Attorney for criminal prosecution.

Order No. R9-2008-0008 required information pursuant to the requirements of the California Code of Regulations (CCR) Title 23, Division 3, Chapter 16, Article 11, Sections 2652 (d), 2654, 2722 (c), and 2723. Specifically the Order required Cunocar Accounting Service to implement a Preliminary Site Assessment work plan and submit a Preliminary Site Assessment Report. The Order also required information on the potential impacts of the wastes on all existing and future sensitive receptors and the extent of potential impacts from the unauthorized discharge of waste to human health or the environment.

## **SUMMARY OF VIOLATIONS**

- - Directive A.2. Workplan for Preliminary Site Assessment Investigation Implementation: Cunocar Accounting Service shall commence with implementation of the workplan for Preliminary Site Assessment Investigation no later than 30 days after submission of the workplan, unless otherwise directed in writing by the Regional Board.

**Finding:** The workplan for Preliminary Site Assessment Investigation was submitted to the Regional Board on April 1, 2008. The Regional Board reviewed and commented on the workplan on April 3, 2008. Responses to comments on the workplan were submitted to the Regional Board on April 8,

2008. The Regional Board informed the discharger, on April 10, 2008, that the responses to comments addressed the previous comments. Field work activities associated with implementing the workplan for Preliminary Site Assessment Investigation should have been initiated by May 10, 2008. Field work, however, associated with this task was scheduled to commence on August 7, 2008.

2. FAILURE TO IMPLEMENT DIRECTIVE A.3 OF INVESTIGATIVE ORDER NO. R9-2008-0008

■ Directive A.3. - Preliminary Site Assessment Report: The Preliminary site Investigation Report is due no later than July 30, 2008. The report shall describe the activities conducted under the Workplan for Preliminary Site Assessment Investigation.

Finding: On February 15, 2008 the Regional Board issued Investigative Order No. R9-2008-0008 which required the submittal of the Preliminary Site Investigation Report by July 30, 2008. On July 25, 2008, the Regional Board received a request for a 30-day extension of the deadline to submit the Preliminary Site Investigation Report. The Regional Board determined that no legitimate basis was submitted with the request to extend the deadline for submittal of the Preliminary Site Assessment report by 30-days to August 30, 2008.

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Assistant Executive Officer

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SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY				
■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.  ■ Print your name and address on the reverse so that we can return the card to you.  ■ Attach this card to the back of the mailpiece, or on the front if space permits.  1. Article Addressed to:  Donalo and Maylene Small Cuno car Financial Services	A. Signature  X □ Agent □ Addressee  B. Received by (Printed Name) □ C. Date of Delivery  D. Is delivery address different from item 1? □ Yes If YES, enter delivery address below: □ No				
San Diego, (A 92102	3. Service Type  Certified Mail				
2. Article Number (Transfer from service label) 7007 149	0 0003 8753 5513				
PS Form 3811, February 2004 Domestic Reti	urn Receipt 102595-02-M-1540				

