



# California Regional Water Quality Control Board

## San Diego Region



Linda S. Adams  
Secretary for  
Environmental Protection

Over 50 Years Serving San Diego, Orange, and Riverside Counties  
Recipient of the 2004 Environmental Award for Outstanding Achievement from USEPA

Arnold Schwarzenegger  
Governor

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<http://www.waterboards.ca.gov/sandiego>

November 5, 2009

**In reply refer to:**

CIWQS Place No. 633302: WGhoram  
WDID No: 9 000001799

Mr. Charles E. Golden, VP  
Construction & Property Administration  
CVS Realty Company  
One CVS Drive  
Woonsocket, RI 02895

**SUBJECT: REVIEW OF SELF MONITORING REPORTS; ORDER NO. R9- 2008-0002; NPDES NO. CAG919002**

**FACILITY: (CURRENTLY) CVS (PREVIOUSLY LONGS) DRUG STORE  
PERMANENT FOUNDATION DEWATERING PROJECT LOCATED AT  
5455 LA JOLLA BOULEVARD, LA JOLLA, CALIFORNIA**

Dear Mr. Golden:

The Regional Board reviewed the following reports:

MONITORING REPORTS REVIEWED FOR ORDER NO R9-2008-0002			
FREQUENCY	PERIOD	REPORT DATE	DATE RECEIVED
Monthly	September 2009	October 5, 2009	October 28, 2009
Quarterly	July-September 2009	October 19, 2009	October 28, 2009

Based upon our review of the information contained in the monitoring reports, we have the following comments:

In the July-September 2009 quarterly monitoring report, the red abalone and kelp portions of the chronic toxicity test exceeded the limit of 1.0 TUc with values of 2.0 TUc and 1.59 TUc respectively. You report indicates that you are taking corrective action on these exceedances by researching the source of elevated toxicity.

The California Water Code includes provisions for a variety of enforcement actions for violations of the terms and conditions of Order No. R9-2008-0002, the California Water Code, and the Clean Water Act. Violations of Order No. R9-2008-0002 may subject

you to further enforcement including Cleanup and Abatement Orders, Cease and Desist Orders, Administrative Assessment of Liability, and/or termination of your enrollment under Order No. R9-2008-0002. Liability could be administratively imposed to a maximum of \$10,000 for each day of violation plus \$10 per gallon of waste discharged. After an initial violation of the terms and conditions of the Order is discovered, prevention of further violations is necessary to prevent further enforcement actions.

Pursuant to the California Water Code (CWC) Sections 13385 (h) and (i), violations of effluent limitations contained in NPDES permits are subject to Mandatory Minimum Penalties (MMP) of three thousand dollars (\$3,000) for each serious violation or for the 4<sup>th</sup> and each subsequent non-serious violation in a six month period. Also, monitoring reports that are more than 30 days late are considered serious violations subject to MMPs of three thousand dollars (\$3,000) for each 30 day period in which the report is late, pursuant to CWC Section 13385.1(a)(1).

Please review the monitoring and reporting schedule of Order No. R9-2008-0002 and ensure that monitoring reports are received at the Regional Board office by the due dates indicated in the Order.

In the subject line of any response, please include the requested "In reply refer to:" information located in the heading of this letter. For questions pertaining to the subject matter, please contact Ms. Whitney Ghoram by e-mail at [WGhoram@waterboards.ca.gov](mailto:WGhoram@waterboards.ca.gov), or by phone at (858) 467-2967.

Respectfully,



for

BRIAN D. KELLEY, P.E.  
Senior Water Resource Control Engineer  
Core Regulatory Unit

Cc: Mr. Glenn Montague, Project Manager, H.M. Pitt Labs, Inc., 2434 Southport Way, Ste L,  
National City, CA 91950

Mr. Kris McFadden, Deputy Director, City of San Diego Storm Water Pollution Prevention  
Division, 9370 Chesapeake Drive, Ste. 100, MS 1900, San Diego, CA 92123

Mr. Robert Thomas, 933 Eastside Road, El Cajon, CA 92020

Order No: R9-2008-0002  
NPDES No: CAG919002  
File No: 14-1799.01  
WDID No: 9 000001799  
CIWQS: Place 633302  
Regulatory Measure 302868  
Party 316711

BDK:wjg

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