California Regional Water Quality Control Board

San Diego Region

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



9174 Sky Park Court, Suite 100, San Diego, California 92123-4353 (858) 467-2952 • Fax (858) 571-6972 http:// www.waterboards.ca.gov/sandiego

CERTIFIED MAIL – RETURN RECEIPT REQUESTED 7008 1140 0002 4285 4220

June 20, 2011

Linda S. Adams

Acting Secretary for Environmental Protection

> Mr. Tulio Torrinello and Mrs. Rose Torrinello Mission Bay Automotive 2657 Galecia Way Carlsbad, CA 92009

In reply refer to: T0607300386:smcclain

Dear Mr. and Mrs. Torrinello:

SUBJECT: NOTICE OF VIOLATION R9-2011-0055

Enclosed is Notice of Violation (NOV) No. R9-2011-0055 for Mission Bay Automotive. The NOV was issued for violations of Investigative Order No. R9-2008-0014, issued by the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board). Investigative Order No. R9-2008-0014 requires quarterly reports submitted to the San Diego Water Board every three months until investigation and cleanup are complete at the Mission Bay Automotive.

Violations listed in the enclosed NOV are related to quarterly reports not submitted to the San Diego Water Board. My staff is available to meet with you to discuss this matter. Please inform me within ten business days of receipt of this letter when groundwater monitoring will start so a quarterly report can be submitted as described in Directive A.3. of Investigative Order No. R9-2008-0014.

These violations subject you to possible further enforcement action by the San Diego Water Board, including administrative enforcement orders requiring you to cease and desist from violations, or to clean up waste and abate existing or threatened conditions of pollution or nuisance; administrative assessment of civil liability in amounts of up to \$1,000 per day per violation; referral to the State Attorney General for injunctive relief; and referral to the District Attorney for criminal prosecution.

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 Mr. Sean McClain at (858) 627-3988 or by e-mail smcclain@waterboards.ca.gov.

Sincerely,

Julie Chan

Chief, Cleanup and Land Discharge Branch



¹ Under authority of Water Code section 13268.

JAC:clc:sm

c://Mission Bay Automotive_NOV.doc

Enclosure: NOV No. R9-2011-0055

cc: Ms. Diana Conkle, State Water Resources Control Board, Underground Storage Tank Cleanup Fund, P.O. Box 944212, Sacramento CA 94244-2120.

Mr. Sawyer Jones, Frey Environmental Inc., 2817 A Lafayette Avenue, Newport Beach, CA 92663.

Mr. Joe Frey, Frey Environmental Inc., 2817 A Lafayette Avenue, Newport Beach, CA 92663.

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD, SAN DIEGO REGION

Mr. Tulio Torrinello and Mrs. Rose Torrinello	NOTICE OF VIOLATION
Mission Bay Automotive	No. R9-2011-0055
2657 Galecia Way	
Carlsbad, CA 92009	Violations of Order No. R9-2008-0014
T0607300386:smcclain	June 20, 2011

Mr. Tulio Torrinello and Mrs. Rose Torrinello are hereby notified that the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) reserves the right to take any enforcement action authorized by law for the violations described herein.

Mr. Tulio Torrinello and Mrs. Rose Torrinello are in violation of San Diego Water Board Investigative Order No. R9-2008-0014.

A. Summary of Violation

Failure to provide quarterly reports per Directive A.3 in Investigative Order No. R9-2008-0014. Directive A.3 requires quarterly reports be submitted to the San Diego Water Board until investigation and cleanup are complete. The last quarterly report received was December 19, 2008. To date quarterly reports for 2009, 2010, and 2011 have not been submitted.

B. Summary of Potential Enforcement Options

These violations may subject you to additional enforcement by the San Diego Water Board or State Water Resources Control Board, including a potential civil liability assessment of \$1,000 per day of violation (Water Code section 13268).

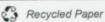
In addition, the San Diego Water Board may consider referring the matter to other resource agencies, referring the matter to the State Attorney General for injunctive relief, and referral to the municipal or District Attorney for criminal prosecution.

Questions pertaining to this Notice of Violation should be directed to Mr. Sean McClain at 858-627-3988 or smcclain@waterboards.ca.gov.

Julie Chan

Sie Chan

Chief, Cleanup and Land Discharge Branch



	THE RESERVE THE PERSON NAMED IN COLUMN TWO IS NOT THE OWNER.		
SENDER: COMPLETE THIS SECT	TION	COMPLETE THIS SECTION ON DI	ELIVERY
Complete items 1, 2, and 3. Also		A. Signature	
item 4 if Restricted Delivery is desired. Frint your name and address on the reverse		X	☐ Agent ☐ Addresse
so that we can return the card to Attach this card to the back of the	you.	B. Received by (Printed Name)	C. Date of Deliver
or on the front if space permits.		D. Is delivery address different from i	item 1? 🗆 Yes
Article Addressed to:		If YES, enter delivery address below: No	
Mr. Tulio Torrine	110	}	
2657 GALECIA U	vay		
Carshad CA, 9		3. Service Type Certified Mail Express I Registered Return Re Insured Mail C.O.D.	Mail ecelpt for Merchandis
		4. Restricted Delivery? (Extra Fee)	☐ Yes
2. Article Number (Transfer from service label,	008 1140	0002 4285 4220	
		FIED MAIL RECEIF	γΤ
	For delivery Gradina Period (Endorsement Re Restricted Delive (Endorsement Re Central Restricted Delive (Endorsement Re Central Restricted Delive (Endorsement Restricted Delive (Endorse	Mail Only; No Insurance Covera Information visit our website at www FFICIAL Postage \$ ied Fee equired) & Fees \$5.59 Tulias Tomincia 2-657 Galecia	ge Provided) v.usps.coms USE Postmark Here
	For delivery For delivery Certifi Return Reco (Endorsement Re Restricted Deliv (Endorsement Re Total Postage Sent To Street, Apt. No.: or PO Bax No.	Information visit our website at www. FFICIAL Postage \$ led Fee equired) & Fees \$5.59 Tulias Tornincla 2-657 Galecia Calsbad, CA 921	ge Provided) v.usps.coma USE Postmark Here