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

Matthew Rodriquez
Secretary for
Environmental Protection

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

Edmund G. Brown, Jr.
Governor

November 29, 2011

In reply refer to:
CIWQS Place No. 728606: WGhoram
WDID No: 9 000001799

Mr. Charles E. Golden
Vice President, Construction & Property Admin
CVS Realty Company
One CVS Drive
Woonsocket, RI 02895

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

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

Dear Mr. Golden:

The California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) has reviewed the following reports:

MONITORING REPORTS REVIEWED FOR ORDER NO R9-2008-0002			
FREQUENCY	**PERIOD**	**REPORT DATE**	**DATE RECEIVED**
Quarterly	July – September 2011	October 28, 2011	October 28, 2011
Monthly	September 2011	October 3, 2011	October 4, 2011
	October 2011	November 7, 2011	November 8, 2011

Based upon our review of the information contained in the monitoring reports, the San Diego Water Board has the following comments:

July – September 2011 Quarterly Monitoring Report:

- The Giant Kelp growth portion of the chronic toxicity test exceeded the effluent limitation (limit) of 1.0 TUc with a value of 4.0 TUc.

- The Pacific Topsmelt growth portion of the acute toxicity test exceeded the effluent limitation (limit) of 0.3 TUa with a value of 0.41 TUa.

California Environmental Protection Agency

♻ Recycled Paper

These exceedances are violations of Order No. R9-2008-0002.

The California Water Code (CWC) includes provisions for a variety of enforcement actions for the violations of the terms and conditions of Order No. R9-2008-0002, the CWC and the Clean Water Act. Violations of Order No. R9-2008-0002 may subject CVS Realty Company to further enforcement including Cleanup and Abatement Orders, Cease and Desist Orders, Administrative Assessment of Liability, and/or termination of enrollment under Order No. R9-2008-0002. Liability could be administratively imposed to a maximum of $10,000 per 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.

Please review the monitoring and reporting schedule of Order No. R9-2008-0002 and ensure that monitoring reports are received at the San Diego Water 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, or by phone at (858) 467-2967.

Respectfully,

ERIC S. BECKER, P.E
Senior Water Resource Control Engineer
Southern Watershed Unit

Cc: ✓ Mr. Michael Slaby, Pure Effect Incorporated, 601 W. Valencia Drive, Fullerton, CA 92832

           ✓ 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

           ✓ Ms. Kelli Miller, H.M. Pitt Labs, Inc., 2434 Southport Way, Suite L, National City, CA 91950

           ✓ Mr. Robert Thomas, Longs Drugs Stores, 141 North Civic Drive, Walnut Creek, CA 94596

           ✓ Mr. Steven Martin, Birdrock Holdings LLC, 4431 Monaco Street, San Diego, 92107

Order No: R9-2008-0002
NPDES No: CAG919002
WDID No: 9 000001799
CIWQS: Place 728606
Party 316711

V: 912919, 912917
RM: 382232

ESB:wjg

S:\SurfaceWaterBasinsBranch\Ghoram\CVS LaJolla Dewatering DMR letter-November-21- 2011