

**STATE OF CALIFORNIA
REGIONAL WATER QUALITY CONTROL BOARD
SANTA ANA REGION**

IN THE MATTER OF:)	Complaint No. R8-2002-0021
)	for
Haagen Company, LLC)	Mandatory Penalties
23456 Hawthorne Boulevard)	
Suite 120)	
Torrance, CA 90505)	

YOU ARE HEREBY GIVEN NOTICE THAT:

1. The Haagen Company, LLC, 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 will be held before the Board within sixty days of the date of issuance of this Complaint. The hearing will be held during the Board's regular meeting on March 15, 2002, at the City Council Chambers located at 25541 Barton Road, Loma Linda. Haagen Company, LLC, or its representatives will have an opportunity to appear and be heard, and to contest the allegations in this complaint and the imposition of mandatory penalties by the Board. An agenda announcement for the meeting will be mailed to you no less than 10 days prior to the hearing date.
3. At the hearing, 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) On October 11, 1996, the Board adopted Waste Discharge Requirements, Order No. 96-18 (NPDES No. CAG918001). These requirements regulate discharges of extracted and treated groundwater resulting from the cleanup of groundwater polluted by petroleum hydrocarbons and/or solvents within the Santa Ana Region.
 - b) On February 6, 2001, the Executive Officer authorized Haagen Company, LLC, to discharge treated groundwater under Order No. 96-18 at the former GEMCO Store No. 572, located at 7252 Edinger Avenue in Huntington Beach. The treated groundwater was being discharged to the storm drain following treatment.

February 14, 2002


- c) Haagen Company, LLC has submitted monitoring reports, which indicate that it discharged effluent containing methyl ethyl ketone (MEK) concentrations of 22 micrograms per liter ($\mu\text{g/l}$), 44 $\mu\text{g/l}$, and 18 $\mu\text{g/l}$ on June 13, 2001, August 29, 2001, and November 7, 2001, respectively. These concentrations exceed the effluent limitation for MEK of 10 $\mu\text{g/l}$ specified in the waste discharge requirements, Order No 96-18. Furthermore, each of these exceedences is a serious violation as defined under Water Code Section 13385 (h).
5. Water Code Section 13385 (h) requires the Board to assess a mandatory minimum penalty of three thousand dollars (\$3,000) for each violation of effluent limitations under specified conditions.
 6. In accordance with Water Code Section 13385(h), the mandatory minimum penalty for the three effluent limitation violations cited in Section 4, above, is \$9,000.
 7. In accordance with Water Code Section 13385(c), the Board may impose additional administrative civil liability for the violations cited in 4c, above. The maximum administrative civil liability that may be imposed for these violations is \$10,000 for each day that a violation occurred, plus up to \$10 per gallon discharged when the volume discharged but not cleaned up exceeds 1,000 gallons.
 8. After consideration of the facts, the Executive Officer proposes that a mandatory penalty of \$9,000 be imposed on Haagen Company, LLC by the Board for the violations cited above.

WAIVER OF HEARING

You may waive your right to a hearing. If you choose to do so, please sign the attached waiver form and mail it, along with a check or money order payable to the State Water Resources Control Board, for the amount of the proposed mandatory penalty specified in Section 8. These documents should be mailed to Sacramento in the enclosed envelope.

If you have any questions regarding this complaint, please contact Ken Williams at (909) 782-4496, or Michael Adackapara at (909) 782-3238. For legal questions, please contact the Regional Board's staff counsel, Jorge Leon, at (916) 341-5180.

2-14-02
Date


Gerard J. Thibeault
Executive Officer

In the matter of:)	Complaint No. R8-2002-0021
)	for
Haagen Company, LLC)	Mandatory Penalties
23456 Hawthorne Boulevard)	
Suite 120)	
Torrance, CA 90505)	
)	
Attention: Chris Fahey)	

WAIVER OF HEARING

Haagen Company, LLC, agrees to waive its right to a hearing before the Santa Ana Regional Water Quality Control Board with regard to the violations alleged in Complaint No. R8-2002-0021.

I have enclosed a check or money order, made payable to the State Water Resources Control Board, in the amount of \$9,000, as settlement. I understand that I am giving up the right 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 Haagen Company, LLC