

California Regional Water Quality Control Board  
Santa Ana Region

IN THE MATTER OF: ) Complaint No R8-2003-0041  
)  
) for  
ExxonMobil Oil Corporation ) Mandatory Penalties  
3700 West 190th Street TPT-2, )  
Torrance, CA 90509-2929 )  
  
Attention: Jennifer Lawrence )

YOU ARE HEREBY GIVEN NOTICE THAT:

1. ExxonMobil 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 60 days of the date of issuance of this complaint, unless ExxonMobil waives its right to a hearing. Waiver procedures are specified on Page 3 of this complaint. If the hearing in this matter is not waived, the hearing will be held during the Board's regular meeting on May 16, 2003 at the City Council Chamber, 22 Civic Center Plaza, Santa Ana. ExxonMobil 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 and announcement for the meeting and the staff report pertaining to this item will be mailed to you not less than 10 days prior to the hearing date.
3. If the May 16, 2003 hearing is held, the Board will consider whether to affirm, reject or modify the proposed mandatory penalties 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. ExxonMobil operates a service station at 16001 Beach Boulevard in Huntington Beach. Due to past underground storage tank related leaks from the site, a groundwater cleanup system is currently operating at the site. On January 23, 2002, the Board adopted Waste Discharge Requirements, Order No. R8-2002-007 (NPDES No. CAG918001), General Groundwater Cleanup Permit (Permit). The Permit includes effluent limits for a number of constituents including tertiary butyl alcohol (TBA). On April 29, 2002, the Executive Officer authorized ExxonMobil to discharge treated groundwater from its treatment system under the Permit. The authorization also included Monitoring and Reporting Program No. 02-007-063.

- b. In October 2002, ExxonMobil submitted a self-monitoring report that shows that it violated the daily maximum (18.6 µg/l) and the monthly average (12 µg/l) concentration limits for TBA. On September 4, 2002, the TBA concentration in the discharge was 230 µg/l. This concentration exceeds the daily maximum limit by greater than 20 percent and the average of the three samples collected for the month of September also exceeds the monthly average limit by greater than 20 percent. These are therefore considered serious violations of the Permit.
5. Water Code Section 13385 (h) requires the Board to assess a mandatory minimum penalty of three thousand dollars (\$3,000) each for all serious violations.
6. In accordance with Water Code Section 13385(c), the Board may impose administrative civil liability for the violations cited above. The maximum administrative civil liability that may be imposed for these violations is \$20,000.
7. For the two serious violations cited above, the Executive Officer proposes that a mandatory penalty of \$6,000 be imposed on ExxonMobil by the Board.
8. You may waive your right to a hearing. If you waive your right to a hearing, please sign the attached waiver, which is Page 4 of this complaint, and return it together with a check payable to the State Water Resources Control Board. The check, the bottom portion of the invoice and the waiver form should be mailed to Sacramento in the preprinted enclosed envelope.

If you have any questions regarding this complaint, please contact Mike Adackapara at (909) 782-32384, or Ken Williams at (909) 782-4496. All legal questions should be referred to the Board's legal counsel, Jorge Leon, at (916) 341-5180.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Gerard J. Thibeault  
Executive Officer

California Regional Water Quality Control Board  
Santa Ana Region

IN THE MATTER OF:

ExxonMobil Oil Corporation	)	Complaint No. R8-2003-0041
3700 West 190th Street TPT-2	)	For
Torrance, CA 90509-2929	)	Mandatory Penalties
Attn: Jennifer Lawrence	)	

**WAIVER OF HEARING**

I agree to waive the right of ExxonMobil to a hearing before the Santa Ana Regional Water Quality Control Board with regard to the violations alleged in Complaint No. R8-2003-0041. A check or money for \$6,000 is enclosed. I understand that I am giving up the right of ExxonMobil to be heard and to argue against allegations made by the Executive Officer in Complaint No. R8-2003-0041, and against the imposition of, and amount of, the mandatory penalties.

\_\_\_\_\_  
Date

\_\_\_\_\_  
for ExxonMobil