



California Regional Water Quality Control Board

Los Angeles Region



Recipient of the 2001 *Environmental Leadership Award* from Keep California Beautiful

Linda S. Adams
Agency Secretary

320 W. 4th Street, Suite 200, Los Angeles, California 90013
Phone (213) 576-6600 FAX (213) 576-6640 - Internet Address: <http://www.waterboards.ca.gov/losangeles>

Arnold Schwarzenegger
Governor

February 26, 2009

Mr. Gregory K. Barton
Chevron EMC
6111 Bollinger Canyon Road
San Ramon, CA 94583

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED
CLAIM NO. 7007 2560 0001 7889 1748

RESPONSE TO REQUEST FOR ALLEGED VIOLATION REVIEW – CHEVRON ENVIRONMENTAL MANAGEMENT COMPANY, FORMER UNOCAL STATION #6990, 20000 BLOOMFIELD AVENUE, CERRITOS, CA (ORDER NO. R4-2002-0125, NPDES PERMIT NO. CAG834001, CI NO. 8365)

Dear Mr. Barton:

Thank you for your letter dated February 6, 2009, responding to the December 2, 2008 Settlement Offer No. R4-2008-0148-M (Settlement Offer), which assessed mandatory minimum penalties (MMPs) for violations of effluent limitations. Acting on behalf of the Permittee, you provided additional information to Regional Board staff contesting the effluent limit violation noted in the Settlement Offer. This letter addresses your comments in this regard.

Regional Board staff has reviewed the alleged July 30, 2006 monthly average total suspended solids (TSS) effluent limit violation and has determined that this violation is fully justified. Although the Permittee reported only one analytical result for TSS during the monitoring period, Monitoring and Reporting Program No. CI-8465, page T-4, Section VI.d. clearly states "If only one sample was obtained for the month or more than a monthly period and the result exceed the monthly average, then the Discharger is in violation of the monthly average limit."

The Regional Board has determined, based on the information provided, that the one (1) effluent limit violation for TSS on July 30, 2006 as noted in the December 2, 2008 Settlement Offer No. R4-2008-0148-M Notice of Violation attached as Exhibit "A" remain.

Since the Permittee requested review of this violation, the Regional Board has established new deadlines. If you intend to participate in the Expedited Payment Program, you must sign and return the previously sent Acceptance of Conditional Resolution and Waiver of Right to Hearing form by **March 30, 2009**. By signing the Acceptance and Waiver, the Permittee agrees to pay the penalty of \$3,000 as indicated on the Exhibit "A" Notice of Violation and waives the right to a hearing. If you do not elect not sign the Acceptance and Waiver, you will be contacted regarding formal enforcement action that will be initiated with regard to the contested violation.

California Environmental Protection Agency



Our mission is to preserve and enhance the quality of California's water resources for the benefit of present and future generations.

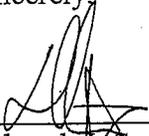
Mr. Gregory K. Barton
Chevron EMC

- 2 -

February 26, 2009

Should you have any questions, please contact Mr. Hugh Marley at (213) 620-6375 or Mr. Russ Colby at (213) 620-6373.

Sincerely,



Deborah Smith
Chief Deputy Executive Officer

cc: Taryn Stokell, Office of Enforcement, State Water Resources Control Board

California Environmental Protection Agency

 Recycled Paper

Our mission is to preserve and enhance the quality of California's water resources for the benefit of present and future generations.

EXHIBIT "A" - NOTICE OF VIOLATION
Effluent Limit Violations

Date	Violation Description	Pollutant Category	Serious/Chronic	Water Code Section 13385	Penalty
07/30/06	3Q06 effluent violation (07/30/06): TSS Monthly Average (71 / 50 mg/L)	CAT1	Serious	(h)(1)	\$3,000
				Total	\$3,000

Settlement Offer No. R4-2008-0148-M
CI No. 8365, NPDES Permit No. CAG834001, CAG994004

**ACCEPTANCE OF CONDITIONAL RESOLUTION
AND WAIVER OF RIGHT TO HEARING; (proposed) ORDER**

Chevron Environmental Management Company
Settlement Offer No. R4-2008-0148-M
NPDES Permit No. CAG834001, CAG994004

By signing below and returning this Acceptance of Conditional Resolution and Waiver of Right to Hearing (Acceptance and Waiver) to the Los Angeles Regional Water Quality Control Board (Regional Board), Chevron Environmental Management Company (Permittee) hereby accepts the "Offer to Participate in Expedited Payment Program" and waives the right to a hearing before the Regional Board to dispute the allegations of violations described in the Notice of Violation (NOV), which is attached hereto as Exhibit "A" and incorporated herein by reference.

The Permittee agrees that the NOV shall serve as a complaint pursuant to Article 2.5 of the California Water Code and that no separate complaint is required for the Regional Board to assert jurisdiction over the alleged violations through its Executive Officer. The Permittee agrees to pay the penalties required by California Water Code section 13385, in the sum of \$3,000 (Expedited Payment Amount), which shall be deemed payment in full of any civil liability pursuant to Water Code sections 13385 and 13385.1 that otherwise might be assessed for the violations described in the NOV. The Permittee understands that this Acceptance and Waiver waives the Permittee's right to contest the allegations in the NOV and the amount of civil liability for such violations.

The Permittee understands that this Acceptance and Waiver does not address or resolve liability for any violation that is not specifically identified in the NOV.

Upon execution by the Permittee, the completed Acceptance and Waiver shall be returned to:

Russ Colby, Enforcement Unit
Expedited Payment Program
Regional Water Quality Control Board, Los Angeles Region
320 West 4th Street, Suite 200
Los Angeles, California 90013

The Permittee understands that federal regulations set forth at title 40, Code of Federal Regulations, section 123.27(d)(2)(iii) require the Regional Board to publish notice of and provide at least 30 days for public comment on any proposed resolution of an enforcement action addressing NPDES permit violations. Accordingly, this Acceptance and Waiver, prior to execution by the Regional Board Executive Officer, will be published as required by law for public comment.

If no comments are received within the notice period that cause the Regional Board Executive Officer to question the Expedited Payment Amount, the Regional Board Executive Officer will execute the Acceptance and Waiver.

Settlement Offer No. R4-2008-0148-M

CI No. 8365, NPDES Permit No. CAG834001, CAG994004

The Permittee understands that if significant comments are received in opposition to the Expedited Payment Amount, the offer on behalf of the Regional Board to resolve the violations set forth in the NOV may be withdrawn. In that circumstance, the Permittee will be advised of the withdrawal and an administrative civil liability complaint may be issued and the matter may be set for a hearing before the Regional Board. For such a liability hearing, the Permittee understands that this Acceptance and Waiver executed by the Permittee will be treated as a settlement communication and will not be used as evidence in that hearing.

The Permittee further understands that once the Acceptance and Waiver is executed by the Regional Board Executive Officer, the full payment required by the deadline set forth below is a condition of this Acceptance and Waiver. In accordance with California Water Code section 13385(n)(1), funds collected for violations of effluent limitations and reporting requirements pursuant to section 13385 shall be deposited in the State Water Pollution Cleanup and Abatement Account. Furthermore, in accordance with California Water Code section 13385.1(b)(1), funds collected pursuant to section 13385.1 for failure to timely file a report shall be deposited in the Waste Discharge Permit Fund. Accordingly, the \$3,000 liability shall be paid by a cashier's or certified check for \$3,000 made out to the "State Water Pollution Cleanup and Abatement Account". The payment must be submitted to the Regional Board no later than ten (10) calendar days after the date the Permittee receives written notice that the Regional Board Executive Officer has executed this Acceptance and Waiver.

I hereby affirm that I am duly authorized to act on behalf of and to bind the Permittee in the making and giving of this Acceptance and Waiver.

Chevron Environmental Management Company

By: AT Littleworth
(Signed Name)

3/17/09
(Date)

A. Todd Littleworth
(Printed or typed name)

Assistant Secretary
(Title)

IT IS SO ORDERED PURSUANT TO WATER CODE SECTION 13385

Date: _____

By: _____
Tracy J. Egoscue
Executive Officer

EXHIBIT "A" - NOTICE OF VIOLATION

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