

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
COLORADO RIVER BASIN REGION**

ORDER NO. 85-97

CONSIDERING ADMINISTRATIVE CIVIL LIABILITY FINES
AGAINST BRUCE A. DEMENNO, OWNER
ROCKET GASOLINE STATION
Lucerne Valley - San Bernardino

The California Regional Water Quality Control Board, Colorado River Basin Region, finds that:

1. On August 28, 1985 the Regional Board Executive Officer issued by certified mail Administrative Civil Liability Complaint, Order No. 85-93 to Bruce A. DeMenno, Owner of the Rocket Gasoline Station, located at 30815 Highway 18, Lucerne Valley, CA (County Assessors Parcel Number 0451051570000), which alleges that Mr. DeMenno has violated California Regional Water quality Control Board, Colorado River Basin Region Cleanup Order No. 84-71 which was issued by the Executive Officer on April 9, 1984; and
2. Order No. 85-93 contains the time, date, and location of a public hearing to consider the allegations of this Order and informs Mr. DeMenno of his right to waive such a hearing by paying administrative civil liability in the amount of \$12,000.00 prior to the hearing; and
3. Mr. DeMenno chose to exercise his right to a public hearing which was lawfully noticed to interested persons and agencies and held at the date, time and location specified in Order No. 85-93; and
4. At the hearing, Mr. DeMenno, his representatives, Regional Board staff and other interested persons were given an opportunity to present testimony concerning the allegations of Order No. 85-93; and
5. The Board finds that the allegations of Order No. 85-93 are true and correct, and that a condition of pollution and nuisance for which Bruce A. DeMenno is the responsible party exists at his Rocket Gasoline Station and that he has failed to cleanup said pollution and nuisance in a timely manner as required by Cleanup Order No. 84-71; and
6. Failure to comply with a Cleanup Order or failure to cleanup or abate a pollution or nuisance makes the responsible party subject to administrative civil liability pursuant to Sections 13323 and 13350 of the Water Code.
7. In determining the amount of civil liability, the Regional Board has taken into consideration the nature, circumstance, extent, and gravity of the violation or violations, whether the discharge is susceptible to cleanup or abatement, and, with respect to the violator, the ability to pay, the effect on ability to continue in business, any voluntary cleanup efforts undertaken, any prior history of violations, the degree of culpability, economic savings, if any,

*Cancelled
9/20/89*

resulting from the violation, and such other matters as justice may require pursuant to Section 13327 of the Water Code; and

8. This action is exempt from the California Environmental Quality Act pursuant to Sections 15308 and 15321, Chapter 3, Title 14 of the California Administrative Code.

IT IS RESOLVED,

1. That further failure to comply with Cleanup Order No. 84-71 and any revisions or amendments thereof will render Bruce A. DeMenno subject to administrative civil liability in an amount up to \$5,000.00 per day of violation pursuant to Section 13350 of the Water Code; and
2. That the Executive Officer is directed to amend or revise Cleanup Order No. 84-71 to include a new compliance schedule (to be submitted by Mr. DeMenno by October 28, 1985), and as approved by the Executive Officer, and other requirements deemed necessary for protection of the waters of the State.
3. Mr. DeMenno shall submit quarterly status reports on cleanup operations commencing on January 1, 1986 for the final quarter of 1985, and continuing quarterly thereafter.
4. Prior to further operation of the gasoline station, Mr. DeMenno shall notify the Executive Officer in writing and abide with necessary testing of facilities.

The undersigned Executive Officer of the California Regional Water Quality Control Board, Colorado River Basin Region, does hereby certify that the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Colorado River Basin Region, on October 2, 1985.


Executive Officer