

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION**

IN THE MATTER OF:)	
)	
)	
TERRA VAC)	
BODY BEAUTIFUL CAR WASH)	
REMEDICATION, 2945 PACIFIC HIGHWAY)	COMPLAINT NO. R9-2007-0019
SAN DIEGO, CALIFORNIA)	FOR
)	ADMINISTRATIVE CIVIL LIABILITY
)	WITH
VIOLATIONS OF EFFLUENT LIMITATIONS)	MANDATORY MINIMUM PENALTIES
IN ORDER NO. 2000-90, NPDES NO.)	
CAG919001 GENERAL WASTE DISCHARGE))	JANUARY 25, 2007
REQUIREMENTS FOR TEMPORARY)	
GROUNDWATER EXTRACTION AND)	
SIMILAR WASTE DISCHARGES TO SAN)	
DIEGO BAY AND STORM DRAINS OR)	
OTHER CONVEYANCE SYSTEMS)	
TRIBUTARY THERETO)	
)	
<u>WDID NO. 9 000001280</u>)	

TERRA VAC IS HEREBY GIVEN NOTICE THAT:

1. Terra Vac is alleged to have violated provisions of law for which the California Regional Water Quality Control Board, San Diego Region (Regional Board) may impose civil liability pursuant to the Porter-Cologne Water Quality Control Act, §13385 of the California Water Code (CWC). The violations alleged herein include violations of effluent limitations in waste discharge requirements for discharges of pollutants from point sources to navigable waters for which the Regional Board must impose mandatory minimum penalties (MMP).
2. Terra Vac discharged treated wastewater to San Diego Bay subject to waste discharge requirements, including numeric effluent limitations, contained in *Order No. 2000-90, NPDES No. CAG919001, General Waste Discharge Requirements for Temporary Groundwater Extraction and Similar Waste Discharges to San Diego Bay and Storm Drains or Other Conveyance Systems Tributary Thereto.*
3. CWC section 13385 (h) and (i) include provisions for MMP for serious and chronic violations of waste discharge requirements for surface water discharges. Each serious violation (defined as a violation of an effluent limitation for Group I pollutants by 40 percent or more, or for Group II pollutants by 20 percent or more) is subject to a three thousand dollar (\$3,000) MMP. Furthermore, the

occurrence of one or more chronic violations (defined as any effluent limitation violation in a six-month period) requires the assessment of a three thousand dollar (\$3,000) MMP for the fourth violation and each subsequent violation during the six-month period.

ALLEGATIONS

4. Between October 2005 and November 2006 the discharge to San Diego Bay exceeded effluent limitations for total suspended solids, tributyltin and nickel on twelve occasions as noted in *Table 1. Summary of Effluent Violations* (attached).
5. Pursuant to subdivisions (h) and (i) of Section 13385 of the CWC, the Regional Board must impose an MMP of twenty seven thousand dollars (\$27,000) for the alleged violations of effluent limitations as determined by the following:
 - a. On January 25, 2006, the concentration of total suspended solids (a Group I pollutant) in monitoring reports submitted by the discharger was 54.0 mg/L which exceeded the instantaneous maximum effluent limitation and was the fourth violation of an effluent limitation in the six-month period. The concentration of total suspended solids of 54.0 mg/L also exceeded the 30-day average effluent limitation by 40% or more.
 - b. In the 30-day period that included the January 25 and February 22, 2006 sampling events, the 30-day average concentration of total suspended solids in monitoring reports submitted by the discharger was 44.5 mg/L which exceeded the 30-day average effluent limitation and was the sixth violation of an effluent limitation in the six-month period.
 - c. During the 180-day period ending on June 29, 2006, the concentration of nickel (a Group I pollutant) in monitoring reports submitted by the discharger was 15.2 ug/L which exceeded the 6-month median effluent limitation (8.2 ug/L) by 40% or more.
 - d. On August 24, 2006, the concentration of tributyltin (a Group II pollutant) in monitoring reports submitted by the discharger was 0.2 ug/L which exceeded the 30-day average effluent limitation (0.005 ug/L) by 20% or more.
 - e. During the 180-day period ending on August 24, 2006, the concentration of nickel in monitoring reports submitted by the discharger was 18.2 ug/L which exceeded the 6-month median effluent limitation (8.2 ug/L) by 40% or more.
 - f. During the 180-day period ending on October 26, 2006, the concentration of nickel in monitoring reports submitted by the discharger was 26.7 ug/L which exceeded the 6-month median effluent limitation (8.2 ug/L) by 40% or more.

- g. During the 180-day period ending on November 16, 2006, the concentration of nickel in monitoring reports submitted by the discharger was 22.4 ug/L which exceeded the 6-month median effluent limitation (8.2 ug/L) by 40% or more.

PROPOSED CIVIL LIABILITY

6. Pursuant to sections 13385(h) and (i) of the CWC, the Regional Board must impose mandatory minimum penalties in the amount of twenty seven thousand dollars (\$27,000) on Terra Vac. Discretionary civil liability above the mandatory minimum for the violations alleged in this Complaint is not recommended.

Dated this 25th day of January 2007



JOHN H. ROBERTUS
Executive Officer

Table 1. Summary of Effluent Violations

Terra Vac, Body Beautiful Car
Car Wash Remediation Project
2945 Pacific Hwy, San Diego

Complaint No. R9-2007-0019

Violation Date	Constituent	Effluent Limitation	Unit	Permitted Limit	Reported/ Calculated Value	Serious Violation	Mandatory Minimum Penalty
10/25/2005	Total Suspended Solids	Instantaneous Maximum	mg/L	50.0	64.0	No	0*
10/25/2005	Total Suspended Solids	30-day average	mg/L	30.0	64.0	Yes	\$0*
11/22/2005	Total Suspended Solids	30-day average	mg/L	30.0	38.0	No	0*
1/25/2006	Total Suspended Solids	Instantaneous Maximum	mg/L	50.0	54.0	No	\$3,000
1/25/2006	Total Suspended Solids	30-day average	mg/L	30.0	54.0	Yes	\$3,000
2/22/2006	Total Suspended Solids	30-day average	mg/L	30.0	35.0	No	\$3,000
6/29/2006	Nickel	6-month median	ug/L	8.2	18.1	Yes	\$3,000
8/24/2006	Tributyltin	30-day average	ug/L	0.005	0.2	Yes	\$3,000
6/29/2006	Nickel	6-month median	ug/L	8.2	15.2	Yes	\$3,000
8/24/2006	Nickel	6-month median	ug/L	8.2	18.1	Yes	\$3,000
10/26/2006	Nickel	6-month median	ug/L	8.2	26.7	Yes	\$3,000
11/16/2006	Nickel	6-month median	ug/L	8.2	22.4	Yes	\$3,000
TOTAL PENALTY							\$27,000

*General Permittee's not subject to MMP until after January 1, 2006