



California Regional Water Quality Control Board San Diego Region



Matthew Rodriguez
Secretary for
Environmental Protection

Over 50 Years Serving San Diego, Orange, and Riverside Counties
Recipient of the 2004 Environmental Award for Outstanding Achievement from USEPA

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Edmund G. Brown, Jr.
Governor

August 15, 2011

In reply refer to:
CIWQS Place No. 728606: WGhoram
WDID No: 9 000001799

Mr. Charles E. Golden
Vice President, Construction & Property Admin
CVS Realty Company
One CVS Drive
Woonsocket, RI 02895

**SUBJECT: REVIEW OF SELF MONITORING REPORTS; ORDER NO. R9-2008-0002;
NPDES NO. CAG919002**

**FACILITY: CVS (PREVIOUSLY LONGS) DRUG STORE PERMANENT FOUNDATION
DEWATERING PROJECT LOCATED AT 5455 LA JOLLA BOULEVARD,
LA JOLLA, CALIFORNIA**

Dear Mr. Golden:

The California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) has reviewed the following reports:

MONITORING REPORTS REVIEWED FOR ORDER NO R9-2008-0002			
FREQUENCY	PERIOD	REPORT DATE	DATE RECEIVED
Quarterly	January – March 2011	April 25, 2011	April 26, 2011
Monthly	April 2011	April 26, 2011	April 26, 2011
Monthly	May 2011	May 19, 2011	May 20, 2011
Monthly	June 2011	June 22, 2011	June 23, 2011
Quarterly	April – June 2011	July 19, 2011	July 21, 2011
Semiannually	January – June 2011	July 19, 2011	July 21, 2011
Monthly	July 2011	August 10, 2011	August 11, 2011

Based upon our review of the information contained in the monitoring report, the San Diego Water Board has the following comments:

In April 2011, the Red Abalone growth portion of the chronic toxicity test exceeded the effluent limitation (limit) of 1.0 TUc with a value of 2.0 TUc.

In April 2011, the Pacific Topsmelt growth portion of the acute toxicity test exceeded the effluent limitation (limit) of 0.3 TUa with a value of 0.77 TUa.

In July 2011, the Red Abalone growth portion of the chronic toxicity test exceeded the effluent limitation (limit) of 1.0 TUc with a value of 2.0 TUc.

In July 2011, the Pacific Topsmelt growth portion of the acute toxicity test exceeded the effluent limitation (limit) of 0.3 TUa with a value of 0.69 TUa.

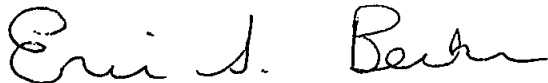
These exceedances are a violations of Order No. R9-2008-0002.

The California Water Code (CWC) includes provisions for a variety of enforcement actions for violations of the terms and conditions of Order No. R9-2008-0002, the CWC, and the Clean Water Act. Violations of Order No. R9-2008-0002 may subject CVS Realty Company to further enforcement including Cleanup and Abatement Orders, Cease and Desist Orders, Administrative Assessment of Liability, and/or termination of enrollment under Order No. R9-2008-0002. Liability could be administratively imposed to a maximum of \$10,000 per violation plus \$10 per gallon of waste discharged. After an initial violation of the terms and conditions of the Order is discovered, prevention of further violations is necessary to prevent further enforcement actions.

Please review the monitoring and reporting schedule of Order No. R9-2008-0002 and ensure that monitoring reports are received at the San Diego Water Board office by the due dates indicated in the Order.

In the subject line of any response, please include the requested "In reply refer to:" information located in the heading of this letter. For questions pertaining to the subject matter, please contact Ms. Whitney Ghoram by e-mail at WGhoram@waterboards.ca.gov, or by phone at (858) 467-2967.

Respectfully,



ERIC S. BECKER, P.E
Senior Water Resource Control Engineer
Southern Watershed Unit

Cc: Mr. Michael Slaby, Pure Effect Incorporated, 601 W. Valencia Drive, Fullerton, CA 92832
Mr. Kris McFadden, Deputy Director, City of San Diego Storm Water Pollution Prevention Division, 9370 Chesapeake Drive, Ste. 100, MS 1900, San Diego, CA 92123
Ms. Kelli Miller, H.M. Pitt Labs, Inc., 2434 Southport Way, Suite L, National City, CA 91950

California Environmental Protection Agency

Mr. Robert Thomas, Longs Drugs Stores, 141 North Civic Drive, Walnut Creek, CA 94596

Mr. Steven Martin, Birdrock Holdings LLC, 4431 Monaco Street, San Diego, 92107

Order No: R9-2008-0002
NPDES No: CAG919002
File No: 14-1799.01
WDID No: 9 000001799
CIWQS: Place 728606
Regulatory Measure 354449
Party 316711

ESB:wjg

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