STATE OF CALIFORNIA
REGIONAL WATER QUALITY CONTROL BOARD
SANTA ANA REGION

IN THE MATTER OF:	)	**Complaint No. R8-2003-0087**
	)	**for**
Haagen Company, LLC	)	**Mandatory Penalties**
23456 Hawthorne Boulevard	)	
Suite 120	)	
Torrance, CA 90505	)	

Attention: Christopher Fahey

YOU ARE HEREBY GIVEN NOTICE THAT:

1. The Haagen Company, LLC (Haagen), 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) and (i).

2. A hearing concerning this Complaint is scheduled for the Board's regular meeting on August 22, 2003. Haagen 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 announcement and the staff report related to this Complaint will be mailed to you no less than 10 days prior to the hearing date.

3. If the hearing is necessary, the Board will consider whether to affirm, reject or modify the proposed mandatory penalty 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) Haagen currently operates a groundwater treatment system at the site, which treats and discharges groundwater. On October 11, 1996, the Board adopted Waste Discharge Requirements, Order No. 96-18 (NPDES No. CAG918001), General Groundwater Cleanup Permit (Permit). The Permit regulates discharges of extracted and treated groundwater resulting from the cleanup of groundwater polluted by petroleum hydrocarbons and/or solvents within the Santa Ana Region by establishing effluent limits for a number of constituents, including methyl ethyl ketone (MEK).

   b) On February 6, 2001, Haagen was authorized to discharge treated groundwater resulting from their cleanup at the former GEMCO Store No. 572, located at 7252 Edinger Avenue in Huntington Beach and was required

to monitor the discharge in accordance with Monitoring and Reporting Program No. 96-18-179.

c) Haagen has submitted self-monitoring reports, which indicate that it discharged effluent containing MEK at concentrations of 33 micrograms per liter (µg/l) and 13 µg/l on December 12, 2001 and December 26, 2001, respectively. These concentrations exceed the effluent limitation for MEK of 10 ug/l specified in the waste discharge requirements, Order No 96-18. Furthermore, both of these exceedences are serious violations as defined under Water Code Section 13385(h).

5. Water Code Section 13385(h) and (i) requires the Board to assess a mandatory minimum penalty of three thousand dollars ($3,000) for each serious and/or other specific types of violations.

6. In accordance with Water Code Section 13385(h), the mandatory minimum penalty for the two effluent limitation violations cited in Section 4, above, is $6,000.

7. In addition, the Board may also assess administrative civil liability of $10,000 per day for each day of violation and $10 per gallon for each gallon discharged in excess of 1,000 gallons in accordance with Water Code Section 13385(c). The maximum administrative civil liability that may be imposed for these violations is $146,550 ($20,000 for two days of violation and $126,550 based on 13,655-1,000=12,655 gallons @ $10 per gallon).

8. In assessing the penalty, the Board must consider the nature, circumstances, extent, and gravity of the violation, and with respect to the violator, the ability to pay, any prior history of violations, the degree of culpability, economic benefits or savings resulting from the violation, and other matters as justice may require. After consideration of the facts, the Executive Officer proposes that mandatory penalties of $6,000 be imposed on Haagen, by the Board, for the violations cited above.

9. You may waive your right to a hearing. If you wish to waive this right, please sign the attached waiver and return it, along with a check for $6,000 payable to the State Water Resources Control Board and the bottom portion of the invoice, to Sacramento in the enclosed envelope.

If you have any questions regarding this complaint, please contact Ken Williams at (909) 782-4496, or Valerie Jahn at (909) 782-4903, or the Board's staff counsel, Jorge Leon, at (916) 341-5180.

7/22/03
Date

Gerard J. Thibeault
Executive Officer

In the matter of:	)	**Complaint No. R8-2003-0087**
	)	**for**
Haagen Company, LLC	)	**Mandatory Penalties**
23456 Hawthorne Boulevard	)	
Suite 120	)	
Torrance, CA 90505	)	
	)	
Attention: Chris Fahey	)	

WAIVER OF HEARING

I agree to waive the right of Haagen Company, LLC, to a hearing before the Santa Ana Regional Water Quality Control Board with regard to the violations alleged in Complaint No. R8-2003-0087. I have enclosed a check for $6,000, made payable to the State Water Resources Control Board, as settlement. I understand that I am giving up Haagen's right, to be heard and to argue against allegations made by the Executive Officer in this Complaint and against the imposition of, and amount of, the liability proposed.

_____ _____

Date for Haagen Company, LLC

California Regional Water Quality Control Board
Santa Ana Region

Winston H. Hickox
Secretary for Environmental Protection

Internet Address: http://www.swrcb.ca.gov/rwqcb8
3737 Main Street, Suite 500, Riverside, California 92501-3348
Phone (909) 782-4130 - FAX (909) 781-6288

Gray Davis
Governor

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our website at www.swrcb.ca.gov/rwqcb8.

July 22, 2003

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Christopher Fahey
Haagen Company, LLC
23456 Hawthorne Boulevard, Suite 120
Torrance, CA 90505

MANDATORY PENALTY COMPLAINT NO. R8-2003-0087

Dear Mr. Fahey:

We are enclosing a certified copy of Complaint No. R8-2003-0087, proposing a mandatory penalty of $6,000. The complaint is issued pursuant to California Water Code Section 13385(h), for multiple violations of effluent limitations established in Waste Discharge Requirements, Order No. 96-18 (NPDES No. CAG918001). An invoice for this amount is also enclosed.

If necessary, consideration of this matter will be scheduled for the Board's regular meeting on August 22, 2003. The staff report regarding this complaint and a meeting agenda will be mailed to you no less than 10 days prior to the Board meeting.

You have the option to waive your right to a hearing. Should you decide to waive your right and pay the proposed assessment, the Regional Board will not hold a public hearing on this matter. If you choose to waive your right to a hearing, please sign the enclosed waiver form and submit the form with a check or money order for $6,000. The waiver form, the bottom portion of the invoice and the check should be mailed to Sacramento using the enclosed envelope. All other correspondence regarding this complaint should be directed to the regional board office listed on this letterhead.

If you do not wish to waive your right to a hearing, a pre-hearing meeting with Board staff is recommended. Should you wish to schedule a pre-hearing meeting, please contact us prior to August 1, 2003. At that time, you may submit information that might not have been previously available to staff regarding this violation. This information should address the accuracy of the findings in the complaint.

If you have any questions regarding this complaint, you may contact Ken Williams at (909) 782-4496 or Valerie Jahn at (909) 782-4903. All legal questions should be referred to our legal counsel, Jorge Leon, at (916) 341-5180.

Sincerely,

Gerard J. Thibeault
Executive Officer

Enclosures: Complaint No. R8-2003-0087, Waiver Form, Invoice and envelope

cc: Regional Board Members
State Water Resources Control Board, Division of Clean Water – UST Chief
State Water Resources Control Board, Office of the Chief Counsel – Jorge Leon
U.S. Environmental Protection Agency, Region 9 (WTR-7) – Kathi Moore
Mr. Peter Bergeron, SECOR International

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Please cc:

Regional Board Members

UST Chief
State Water Resources Control Board
Division of Clean Water

Jorge Leon
State Water Resources Control Board
Office of the Chief Counsel

Kathi Moore
Environmental Protection Agency
Region 9 (WTR-7)

Peter Bergeron
SECOR International
25864-F Business Center Drive
Redlands, CA 92374