STATE OF CALIFORNIA
REGIONAL WATER QUALITY CONTROL BOARD
SANTA ANA REGION

In the matter of:	)	**Order No. R8-2004-0019**
	)	**for**
USA Gasoline Corporation	)	**Mandatory Minimum Penalties**
30101 Agoura Court, Suite 200	)	
Agoura Hills, CA 91301	)	
	)	
Attn: Chuck Miller	)	

The California Regional Water Quality Control Board, Santa Ana Region (hereinafter Board), held a hearing on January 22, 2004 to receive testimony and take evidence on the allegations contained in Complaint No. R8-2003-0093, dated September 2, 2003, and on the recommendation for the imposition of mandatory penalties pursuant to Water Code Section 13385 in the amount of $24,000. The Board finds as follows:

1. On January 23, 2002, the Board adopted Waste Discharge Requirements, Order No. R8-2002-0007 (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. The Permit contains effluent limits for a number of constituents, including tertiary butyl alcohol (TBA) and dichlorobromomethane. On July 16, 2002, the Executive Officer enrolled USA Gasoline Corporation (USA) under General Permit NPDES No. CAG918001, authorizing it to discharge treated groundwater from USA Station #239, located at 41339 Big Bear Boulevard in the City of Big Bear Lake. The discharge from USA's system went into a storm drain, then to Big Bear Lake, a water of the United States. USA was required to monitor the discharge in accordance with Monitoring and Reporting Program No. 2002-0007-91.

2. USA submitted self-monitoring reports, which indicate that it had a total of eight violations between July 2002 and January 2003. Six of these violations were serious and the other two were chronic. All eight violations are subject to mandatory minimum penalties.

3. Water Code Sections 13385(h) and (i) require the Board to assess a mandatory minimum penalty of three thousand dollars ($3,000) for each serious and/or chronic violation.

4. In accordance with Water Code Section 13385(h), the total mandatory minimum penalty for the eight effluent limitation violations cited in Section 2, above, is $24,000.

5. On September 2, 2003, the Executive Officer issued Complaint No. R8-2003-0093 to USA proposing that the Board impose the mandatory minimum penalty of $24,000 on USA for the violations cited above.

6. Issuance of this Order is exempt from the provisions of the California Environmental Quality Act (Public Resources Code Section 2100 et seq.) in accordance with Section 15321, Chapter 3, Title 14, California Code of Regulations.

IT IS HEREBY ORDERED that, pursuant to California Water Code Section 13385, mandatory penalties be imposed on USA Gasoline Corporation in the amount of $24,000, as proposed in Complaint No. R8-2003-0093 for the violations cited, payable as set forth below.

1. USA shall pay the entire $24,000 to the State Water Resources Control Board by February 24, 2004.

2. The Executive Officer is authorized to refer this matter to the Attorney General for enforcement.

Pursuant to Water Code Section 13320, you may petition the State Water Resources Control Board for review of this Order. If you choose to do so, you must submit the petition to the State Board within 30 days of the Regional Board's adoption of this Order.

I, Gerard J. Thibeault, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an order adopted by the California Regional Water Quality Control Board, Santa Ana Region, on January 22, 2004.

Gerard J. Thibeault
Executive Officer

California Regional Water Quality Control Board
Santa Ana Region
Staff Report
January 22, 2004

ITEM: 18

SUBJECT: Mandatory Penalty Complaint No. R8-2003-0093 for USA Gasoline Corporation, Station #239, Big Bear Lake – Order No. R8-2004-0019

BACKGROUND

On September 2, 2003, the Executive Officer issued Mandatory Penalty Complaint (MPC) No. R8-2003-0093 to USA Gasoline Corporation (USA) for alleged violations of the General Groundwater Cleanup Permit, Order No. R8-2002-0007, (General Permit). In the MPC (attached), the Executive Officer proposed an assessment of $24,000 for the alleged violations.

INTRODUCTION

The matter before the California Regional Water Quality Control Board, Santa Ana Region (Board), is to consider adoption of Order No. R8-2004-0019, which affirms MPC No. R8-2003-0093. MPC No. R8-2003-0093 was issued by the Executive Officer to USA for violations of the General Permit for which the Board must impose mandatory penalties pursuant to California Water Code (Water Code) Section 13385(h) and (i).

DISCUSSION

USA currently operates a gasoline service station at 41339 Big Bear Boulevard in the City of Big Bear Lake. Groundwater beneath the site is contaminated from underground storage tank related leaks and a groundwater treatment system treats and discharges groundwater from the site.

On July 16, 2002, USA was authorized to discharge treated water from its groundwater cleanup system under the General Permit in accordance with Monitoring and Reporting Program No. 2002-0007-91. The General Permit regulates the discharge of treated groundwater from petroleum-contaminated sites and contains effluent limits for a number of constituents, including daily maximum limits for tertiary butyl alcohol (TBA) and dichlorobromomethane. TBA and dichlorobromomethane are Group II pollutants as specified in Appendix A to Section 123.45 of Title 40 CFR.

USA submitted self-monitoring reports, which indicated effluent limit violations for TBA and dichlorobromomethane. These reports indicate that USA had a total of eight violations between July 2002 and January 2003. Six of these violations were considered serious, while the other two were chronic.

In accordance with Water Code Section 13385(h) and (i), all eight of these violations are subject to mandatory minimum penalties of $3,000 each. Complaint No. R8-2003-0093 includes an assessment of $24,000 for these eight violations.

STATEWIDE ENFORCEMENT POLICY

On February 19, 2002, the State Water Resources Control Board adopted a Revised Water Quality Enforcement Policy to ensure that enforcement actions throughout the State are fair, firm and consistent. The above-described mandatory penalty complaint is in accordance with the State Enforcement Policy.

RECOMMENDATION

Board staff recommends that the Board affirm MPC No. R8-2003-0093 by adopting Order No. R8-2004-0019.

O:POLLINV/VJJ/NPDES/USA MPC STAFF REPORT.012204.DOC

California Regional Water Quality Control Board

Santa Ana Region

Terry Tamminen
Secretary for Environmental Protection

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Arnold Schwarzenegger
Governor

January 27, 2004

Attention: Chuck Miller
USA Gasoline Corporation
30101 Agoura Court, Suite 200
Agoura Hills, CA 91301

TRANSMITTAL OF ADOPTED ORDER NO. R8-2004-0019

Dear Mr. Miller:

At the regular Board Meeting held on January 22, 2004, the Regional Board adopted Order No. R8-2004-0019 affirming MPC No. R8-2003-0093. A certified copy is enclosed for your records.

Sincerely,

Catherine Ehrenfeld

CATHERINE EHRENFELD
Staff Services Analyst

Enclosure: Adopted Order No. R8-2004-0019

c. State Water Resources Control Board, Division of Water Quality, James Maughan;
State Water Resources Control Board, UST Chief, Division of Clean Water
United States Environmental Protection Agency, WTR 7, Kathi Moore
Waterstone Environmental, Inc., William Henry

/cae