STATE OF CALIFORNIA
REGIONAL WATER QUALITY CONTROL BOARD
SANTA ANA REGION

IN THE MATTER OF:	)	**Complaint No. R8-2004-0025**
	)	**for**
Thrifty Oil Company	)	**Mandatory Penalties**
13116 Imperial Highway	)	
Santa Fe Springs, CA 90670	)	
Attention: Chris Panaitescu	)	

YOU ARE HEREBY GIVEN NOTICE THAT:

1. Thrifty Oil Company (Thrifty) 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 April 30, 2004. Thrifty 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 not 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) Thrifty currently maintains a groundwater remediation system that treats and discharges groundwater to remediate the effects of an underground storage tank release at former Station #372, located at 14472 Brookhurst Street, in the city of Garden Grove. On January 23, 2002, the Board adopted Waste Discharge Requirements, Order No. 2002-0007 (NPDES No. CAG918001), General Groundwater Cleanup Permit (Permit). The Permit regulates discharges of extracted and treated groundwater resulting from the cleanup of petroleum hydrocarbons and/or solvents within the Santa Ana Region by establishing effluent limits for a number of constituents, including tertiary butyl alcohol (TBA).

   b) On April 10, 2002, Thrifty was authorized to discharge treated groundwater resulting from its groundwater treatment system and was required to monitor the discharge in accordance with Monitoring and Reporting Program No. 2002-0007-048.

c) Thrifty submitted a self-monitoring report, which shows daily and monthly effluent limit violations for TBA. These violations are summarized on Attachment "A", included as Page 3 of this complaint.

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. As shown in Attachment "A", Thrifty violated the maximum daily limit for TBA on April 26, 2003, with a discharge result of 152 µg/L. This violation resulted in an exceedence of the monthly average effluent limit for TBA. Both of these exceedences are considered serious violations and are subject to mandatory minimum penalties.

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

8. 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 $50,100 ($10,000 for one day of violation and $40,100 (based on 5,010-1,000=4,010 gallons @ $10 per gallon)

9. After consideration of the facts, the Executive Officer proposes that mandatory minimum penalties in the amount of $6,000 be imposed on Thrifty Oil Company, by the Board, for the violations cited above.

10. You may waive your right to a hearing. If you wish to waive this right, please sign the attached waiver form and return it, along with a check or money order for $6,000, made 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-Bull at (909) 782-4903, or the Board's legal counsel, Jorge Leon, at (916) 341-5180.

4-1-04
Date

Gerard J. Thibeault
Executive Officer

ATTACHMENT "A"

TABLE 1.
EFFLUENT LIMIT VIOLATIONS FOR TERTIARY BUTYL ALCOHOL

VIOLATION	VIOLATION TYPE	DISCHARGE FLOW Gallons Per Day	EFFLUENT LIMIT* (µg/l)	DISCHARGE (µg/l)
4/26/02	Daily Maximum	5,010	18.6	152
April 2002	Monthly Average	NA	12.0	152**

* The receiving water is the Westminster Channel, which is not designated for municipal use.
** No other sample values were reported for purposes of calculating the monthly average for TBA.
NA – Not applicable

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Santa Fe Springs, CA 90670	)	
	)	
Attention: Chris Panaitescu	)	

WAIVER OF HEARING

I agree to waive the right of Thrifty Oil Company to a hearing before the Santa Ana Regional Water Quality Control Board with regard to the violations alleged in Complaint No. R8-2003-0025. 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 the right of Thrifty Oil Company 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 Thrifty Oil Company

State Water Resources Control Board

Terry Tamminen
Secretary for Environmental Protection

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 http://www.swrcb.ca.gov

Arnold Schwarzenegger
Governor

To:
THRIFTY OIL COMPANY
13116 E. IMPERIAL HIGHWAY
SANTA FE SPRINGS, CA 90670
ATTN: CHRIS PANAITESCU

Invoice No: 45181
Invoice Date: 04/01/2004
Enforcement Action ID: 75080
Enforcement Order No: R8-2004-0025

INVOICE

Milestone ID	Description	Amount	Due Date
47773	LIABILITY AMOUNT	$6,000.00	04/22/2004
	TOTAL AMOUNT DUE	**$6,000.00**	

California Environmental Protection Agency

Recycled Paper

Retain above portion for your records
Please return bottom portion with your payment

THRIFTY OIL COMPANY
13116 E. IMPERIAL HIGHWAY
SANTA FE SPRINGS, CA 90670
ATTN: CHRIS PANAITESCU

Milestone ID	Description	Amount	Due Date
47773	LIABDUE	$6,000.00	04/22/2004
	TOTAL AMOUNT DUE	**$6,000.00**	

Make your check payable to:
State Water Resources Control Board

Mail payment to:
SWRCB ACCOUNTING
ATTN: ENFORCEMENT
P. O. Box 100
SACRAMENTO, CA 95812-0100

Amount Enclosed: $_____

PLEASE PRINT THE FOLLOWING INVOICE NUMBER ON YOUR CHECK: **45181**

Invoice Date: 04/01/2004
Enforcement Action ID: 75080
Enforcement Order No.: R8-2004-0025

California Regional Water Quality Control Board
Santa Ana Region

.ry Tamminen
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

Arnold Schwarzenegger
Governor

April 1, 2004

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Chris Panaitescu
General Manager – Environmental Affairs
Thrifty Oil Company
13116 Imperial Highway
Santa Fe Springs, CA 90670-0138

MANDATORY PENALTIES COMPLAINT NO. R8-2004-0025

Dear Mr. Panaitescu:

We are enclosing a certified copy of Complaint No. R8-2004-0025, proposing mandatory penalties of $6,000. This complaint is issued pursuant to California Water Code Section 13385 (h), for multiple violations of effluent limitations established in Waste Discharge Requirements, Order No. R8-2002-0007 (NPDES No. CAG918001). An invoice for this amount is also enclosed.

If necessary, consideration of this matter will be scheduled for the Board's meeting on April 30, 2004. The staff report regarding this complaint and a meeting agenda will be mailed to you not 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 may 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 or money order 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 April 12, 2004. At that time, you may submit information that might not have been previously available to staff regarding these violations. 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-Bull 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. R8-2004-0025, Waiver Form, Invoice and envelope

Cc w/enc. (R8-2004-0025):
Regional Board
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

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Please cc:

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)