State of California
Regional Water Quality Control Board
Santa Ana Region

IN THE MATTER OF:	)	
ExxonMobil Refining & Supply Company 2220 Otay Lakes Rd., #502, Postal Box #99 Chula Vista, California 91915-1009	)))	Complaint No. R8-2004-0038 for Mandatory Penalties
Attention: Jenna Lawrence	)	

YOU ARE HEREBY GIVEN NOTICE THAT:

1. ExxonMobil Refining & Supply Company (ExxonMobil) 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).

2. A hearing concerning this Complaint is scheduled for the Board's regular meeting on April 30, 2004. ExxonMobil 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 for the meeting and the staff report related to the Complaint will be mailed to you not less than 10 days prior to the hearing date.

3. If a hearing is held, the Board will consider whether to affirm, reject or modify the proposed mandatory penalties 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. ExxonMobil operates Mobil Service Station No. 18-668 located at 16230 Harbor Boulevard in Fountain Valley. A groundwater extraction system at the site treated and discharged groundwater from the site. 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 includes effluent limits for a number of constituents including tertiary butyl alcohol (TBA). On April 29, 2002, ExxonMobil was authorized to discharge treated water from its groundwater cleanup system at the subject site and was required to monitor the discharge in accordance with Monitoring and Reporting Program No. R8-2002-0007-066. On October 3, 2003, the Board amended this permit with Order No. R8-2003-0085, which

established effluent limits for several additional contaminants that were not previously regulated and revised the daily maximum effluent limits for other chemicals.

b. ExxonMobil submitted monthly and quarterly self-monitoring reports. The January 12, 2004, report indicated that ExxonMobil discharged TBA on various dates at the concentrations shown on Table 1. The concentrations exceeded the effluent maximum daily concentration of 34 ppb. The average effluent quality for the months of November 2002, and October and November 2003 also exceeded the average monthly concentration limit of 12 ppb for TBA. These exceedences are serious violations as defined under Water Code Section 13385(h).

5. Water Code Section 13385(h) requires the Board to assess a mandatory minimum penalty of three thousand dollars ($3,000) for each serious violation.

6. In accordance with Water Code Section 13385(h), the mandatory minimum penalties for the effluent limitation violations cited in Section 4, above, are $21,000.

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).

8. The Executive Officer proposes that the mandatory minimum penalties of $21,000 be imposed on ExxonMobil by the Board for the violations cited above.

9. You may waive your right to a hearing. If you waive your right to a hearing, please sign the attached waiver form and return it to Sacramento in the enclosed envelope together with a check for $21,000 payable to the State Water Resources Control Board and the bottom portion of the invoice.

If you have any questions regarding this complaint, please contact Ken Williams at (909) 782-4496 or Rose Scott at (909) 320-6375, or the Board's legal counsel, Jorge Leon, at (916) 341-5180.

3/17/04

Date

Kev. Bettl

for Gerard J. Thibeault
Executive Officer

TABLE 1. TBA EFFLUENT LIMIT VIOLATION SUMMARY

Date	Concentration	Daily Effluent Limit
11/07/02	260 µg/L	34
11/11/02	300 µg/L	34
10/30/03	140 µg/L	34
11/05/03	180 µg/L	34

Month	Monthly Average *	Monthly Effluent Limit
November 2002	132.5 µg/L	12
October 2003	200 µg/L	12
November 2003	220 µg/L	12

* The Monthly Average is calculated using the median (for cases where at least one result is below the detection limit) or the mean (for cases where all values are reportable above the detection limits) of the four most recent sample results from the D canister.

California Regional Water Quality Control Board
Santa Ana Region

IN THE MATTER OF:	)	
ExxonMobil Refining & Supply Company	)	Complaint No. R8-2004-0038
2220 Otay Lakes Rd., #502, Postal Box #99	)	for
Chula Vista, California 91915-1009	)	Mandatory Penalties
Attention: Jenna Lawrence	)	

WAIVER OF HEARING

I agree to waive the right of ExxonMobil Refining & Supply Company to a hearing before the Santa Ana Regional Water Quality Control Board with regard to the violations alleged in Complaint No. R8-2004-0038. I have enclosed a check for $21,000 made payable to the State Water Resources Control Board. I understand that I am giving up the right of ExxonMobil Refining & Supply Company to be heard and to argue against allegations made by the Executive Officer in Complaint No. R8-2004-0038, and against the imposition of, and amount of, the mandatory penalties.

_____ _____

Date for ExxonMobil Refining & Supply 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:
EXXON MOBIL OIL CORPORATION
3700 W. 190TH STREET, TPT-2
TORRANCE, CA 90509-2929
ATTN: JENNA LAWRENCE

Invoice No: 45102
Invoice Date: 03/17/2004
Enforcement Action ID: 84526
Enforcement Order No: R8-2004-0038

INVOICE

Milestone ID	Description	Amount	Due Date
55879	LIABILITY AMOUNT	$21,000.00	04/20/2004
	TOTAL AMOUNT DUE	**$21,000.00**	

California Environmental Protection Agency

Recycled Paper

Retain above portion for your records

Please return bottom portion with your payment

EXXON MOBIL OIL CORPORATION
3700 W. 190TH STREET, TPT-2
TORRANCE, CA 90509-2929
ATTN: JENNA LAWRENCE

Milestone ID	Description	Amount	Due Date
55879	LIABDUE	$21,000.00	04/20/2004
	TOTAL AMOUNT DUE	**$21,000.00**	

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: **45102**

Invoice Date: 03/17/2004
Enforcement Action ID: 84526
Enforcement Order No.: R8-2004-0038

California Regional Water Quality Control Board
Santa Ana Region

Terry Tamminen
Secretary for
Environmental
Protection

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

Arnold Schwarzenegger
Governor

March 17, 2004

**CERTIFIED MAIL
RETURN RECEIPT
REQUESTED**

Ms. Jenna Lawrence
ExxonMobil Refining & Supply Company
2220 Otay Lakes Rd., #502, Postal Box #99
Chula Vista, California 91915-1009

MANDATORY PENALTIES COMPLAINT NO. R8-2004-0038

Dear Ms. Lawrence:

We are enclosing a certified copy of Complaint No. R8-2004-0038 proposing mandatory penalties of $21,000. The complaint is issued pursuant to California Water Code Section 13385(h), for seven serious violations of the effluent limitations specified in Waste Discharge Requirements, Order No. R8-2002-0007. An invoice for this amount is also enclosed.

A public hearing on this matter is scheduled for the Regional Board 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 $21,000. 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 this office at the address 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 1, 2004. At that time, you may submit information that may 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 Rose Scott at (909) 320-6375. All legal questions should be referred to our legal counsel, Jorge Leon, at (916) 341-5180.

Sincerely,

for Gerard J. Thibeault
Executive Officer

Enclosures: Complaint No. R8-2004-0038, Waiver Form, Invoice, and Envelope

cc: Regional Board
State Water Resources Control Board, Division of Water Quality – 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:

Regional Board

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)