California Regional Water Quality Control Board
San Diego Region

Terry Tamminen
Secretary for Environmental Protection

9174 Sky Park Court, Suite 100, San Diego, California 92123-4340
(858) 467-2952 • Fax (858) 571-6972
http://www.swrcb.ca.gov/rwqcb9

Arnold Schwarzenegger
Governor

June 9, 2004

Certified Mail Return Receipt Requested
7004 0750 0001 2691 3348

Mr. Robert DeNinno
Southland Corporation
10220 SW Greenberg Road, Suite 470
Portland, Oregon 97223

In reply refer to: **CA:14-0910.02:melbf**

Dear Mr. DeNinno:

Administrative Assessment of Mandatory Minimum Penalties Against Southland Corporation, 7-Eleven Store No. 22894, ACL MMP Order No. R9-2004-0114

Enclosed is a copy of Order No. R9-2004-0114, *Administrative Assessment Of Civil Liability For Mandatory Minimum Penalties Against Southland Corporation, 7-Eleven Store No. 22894, Violation Of Order No. 96-41, NPDES No. CAG919002 General Waste Discharge Requirements For Groundwater Extraction And Similar Waste Discharges From Construction And Remediation Projects To Surface Waters Within The San Diego Region, Except For San Diego Bay* adopted by the California Regional Water Quality Control Board, San Diego Region (Regional Board) on May 12, 2004 in the amount of $9,000. Pursuant to California Water Code section 13323 (d), payment of civil liability shall be made not later than thirty (30) days from the date of issuance by means of a check made payable to the California State Water Resources Control Board and delivered to the Regional Board. Administrative enforcement for noncompliance with Order No. R9-2004-0114 is severe and includes administrative civil liability of up to $10,000 for each day in which the violation occurs, criminal prosecution or both.

The heading portion of this letter includes a Regional Board code number noted after "In reply refer to:" In order to assist us in the processing of your correspondence please include this code number in the heading or subject line portion of all correspondence and reports to the Regional Board pertaining to this matter.

If you have any questions, please contact Frank Melbourn at (858) 467-2973.

Sincerely,

JOHN H. ROBERTUS
Executive Officer

JHR:mpm:mja:ftm

Enclosure: ACL MMP Order No. R9-2004-0114

Copy with attachment to:

1. Sabine Knedlik, Regional Board
2. Kathi Moore, Chief
   Compliance Office
   U.S. Environmental Protection Agency, M.S. WTR-7
   75 Hawthorne Street
   San Francisco, California 94105
3. John Phillips, Regional Board
4. SECOR International Inc.
   2655 Camino Del Rio North, Suite 302
   San Diego, California, 92108

WDID No. 9 000000910

Enforcement Description	ID No.
MPO	87364

File: 14-0910.02

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CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION

ORDER NO. R9-2004-0114
ADMINISTRATIVE ASSESSMENT OF CIVIL LIABILITY
FOR
MANDATORY MINIMUM PENALTIES
AGAINST
SOUTHLAND CORPORATION
7-ELEVEN STORE NO. 22894
VIOLATION
OF
ORDER NO. 96-41, NPDES NO. CAG919002
GENERAL WASTE DISCHARGE REQUIREMENTS FOR GROUNDWATER EXTRACTION AND SIMILAR WASTE DISCHARGES FROM CONSTRUCTION AND REMEDIATION PROJECTS TO SURFACE WATERS WITHIN THE SAN DIEGO REGION, EXCEPT FOR SAN DIEGO BAY

The California Regional Water Quality Control Board, San Diego Region (hereafter Regional Board), having held a public hearing on May 12, 2004, to hear evidence and comments on the allegations contained in Complaint No. R9-2004-0061, dated February 27, 2004, and on the recommendation for administrative assessment of Civil Liability pursuant to California Water Code section 13385 in the amount of $9,000, finds as follows:

1. Southland Corporation is the owner of 7-Eleven Store No. 22894 located at 1030 North Broadway, Escondido, California. On May 22, 2000, the Regional Board enrolled Southland Corporation under Order No. 96-41 to discharge remediated groundwater to Escondido Creek via the Storm Water Conveyance System (WDID No. 9 000000795).

2. On April 9, August 7 and 31, 2001 Southland Corporation violated Order No. 96-41, *NPDES No. CAG919002, General Waste Discharge Requirements For Groundwater Extraction And Similar Waste Discharges From Construction And Remediation Projects To Surface Waters Within The San Diego Region, Except For San Diego Bay.* These violations are due to exceedances of the Total Suspended Solids and Hydrogen Sulfide Discharge Specifications as reported in the April and August 2001 Monthly Monitoring Reports received by the Regional Board on June 4 and September 27, 2001. The Discharge Specifications' section of Order No. 96-41 states that the Instantaneous Maximum for Hydrogen Sulfide is 0.01 mg/L and for Total Suspended Solids is 50 mg/L, while the 30-Day Average for Total Suspended Solids is 30 mg/L.

3. On April 9, 2001, Southland Corporation reported a Hydrogen Sulfide Instantaneous Maximum result of 1.0 mg/L, more than 40% greater than the Discharge Specification. Water Code section 13385 requires imposition of a "mandatory minimum penalty" for this violation.

4. On August 7, 2001, Southland Corporation reported a Total Suspended Solids Instantaneous Maximum result of 240 mg/L, more than 40% greater than the Discharge

Specification. Water Code section 13385 requires imposition of a "mandatory minimum penalty" for this violation.

5. On August 17, 2001, Southland Corporation reported a Total Suspended Solids Instantaneous Maximum result of <5 mg/L. No other Total Suspended Solids results were reported for August 2001. Thus the 30-Day Average for the month of August 2001 was at least 120 mg/L, more than 40% greater than the Discharge Specification. Water Code section 13385 requires imposition of a "mandatory minimum penalty" for this violation.

6. Water Code Section 13385(h)(2) states that a "serious violation" means any waste discharge that violates the effluent limitations contained in the applicable waste discharge requirements for a Group II pollutant, as specified in Appendix A to Section 123.45 of Title 40 of the Code of Federal Regulations, by 20 percent or more, or for a Group I pollutant, as specified in Appendix A to Section 123.45 of Title 40 of the Code of Federal Regulations, by 40 percent or more. Hydrogen Sulfide and Total Suspended Solids are Group I pollutants.

7. Consideration of the factors prescribed in California Water Code Section 13385(e) based upon information available to the Regional Board supports assessment of civil liability pursuant to Water Code section 13385(i) in the amount of $9,000. Furthermore, Water Code Section 13385(h)(1) requires the Regional Board to assess a mandatory penalty of three thousand dollars ($3,000) for each serious violation. Under Water Code section 13385(h) the amount of the mandatory minimum penalty that must be assessed is $9,000 for the three serious violations.

8. The Regional Board incurred costs totaling $3,794, to prosecute this enforcement action; the costs include investigation, preparation of enforcement documents, and communication with the Discharger.

9. Issuance of this Order is exempt from the provisions of the California Environmental Quality Act (Public Resources Code section 21000 et seq.) in accordance with Section 15321, Chapter 3, Title 14, California Code of Regulations.

IT IS HEREBY ORDERED that pursuant to section 13385 of the California Water Code, civil liability is imposed on Southland Corporation in the amount of nine thousand dollars ($9,000).

I, John H. Robertus, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of an Order imposing civil liability assessed by the California Regional Water Quality Control Board, San Diego Region, on May 12, 2004.

JOHN H. ROBERTUS
Executive Officer

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:
SOUTHLAND CORP
10220 SW GREENBURG RD, STE 470
PORTLAND, OR 97223
ATTN: BOB DE NINNO

Invoice No: 45542
Invoice Date: 05/13/2004
Enforcement Action ID: 87320
Enforcement Order No: R9-2004-0113

INVOICE

Milestone ID	Description	Amount	Due Date
57683	LIABILITY AMOUNT	$3,000.00	06/11/2004
	TOTAL AMOUNT DUE	**$3,000.00**	

California Environmental Protection Agency

Recycled Paper

Retain above portion for your records

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Milestone ID	Description	Amount	Due Date
57683	LIABDUE	$3,000.00	06/11/2004
	TOTAL AMOUNT DUE	**$3,000.00**	

SOUTHLAND CORP
10220 SW GREENBURG RD, STE 470
PORTLAND, OR 97223
ATTN: BOB DE NINNO

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: **45542**

Invoice Date: 05/13/2004
Enforcement Action ID: 87320
Enforcement Order No.: R9-2004-0113