

**STATE OF CALIFORNIA
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL COAST REGION**

STAFF REPORT FOR REGULAR MEETING OF MAY 14, 2004

Prepared on April 13, 2004

ITEM NUMBER: 21

SUBJECT: Administrative Civil Liability Order No. R3-2004-0061; Bardex Corporation; 6338 Lindmar Drive, Goleta, Santa Barbara County

KEY INFORMATION

Location: 6338 Lindmar Drive, Goleta, Santa Barbara County
Type of Discharge: Chlorinated Solvents, including Trichloroethylene and Tetrachloroethylene
Existing Order: Monitoring and Reporting Program No. R3-2003-0088

SUMMARY

Bardex Corporation (hereafter Discharger) failed to submit a semi-annual groundwater monitoring report as requested by this Regional Board pursuant to California Water Code Section 13267 in Monitoring and Reporting Program No. R3-2003-0088 dated May 12, 2003, and in a follow-up letter dated December 9, 2004. In accordance with the Regional Board's policy regarding minor administrative civil liability, the Executive Officer issued a complaint for administrative civil liability in the amount of \$1,500. No settlement has been received as of agenda preparation time.

DISCUSSION

Background

The Regional Board has acted as lead agency in this chlorinated solvent-release case since September 2001. Bardex Corporation operates a manufacturing facility, which consists of a machine shop, office building, and a former hazardous waste storage area, at 6338 Lindmar Drive in Goleta. Within the machine shop, a steel-planing machine, underlain by an unpaved subsurface equipment space, operated for approximately twenty years until it was removed in 1995. The planer machine reportedly had a drip pan to contain oil

drippings and is the suspected source of the chlorinated solvent discharge. In January 2002, the Discharger installed and sampled four groundwater-monitoring wells. During the January 17, 2002, groundwater sampling event, the maximum TCE concentration detected in groundwater beneath the property (MW-3) was 1,900 micrograms per liter (ppb). In October 2002, the Discharger excavated approximately 25 tons of soil from beneath the former equipment area. On May 12, 2003, the Executive Officer issued Monitoring and Reporting Program No. R3-2003-0088 requiring Bardex Corporation to submit monitoring reports to the Regional Board on a semi-annual basis, with groundwater samples collected in March and October of each calendar year. A regular monitoring report was due January 30, 2004, for the October 2003 groundwater sampling event.

The Discharger did not perform required groundwater monitoring in October 2003, and subsequently requested an extension for sampling until first quarter 2003, in its November 21 and 25, 2003 letters. As discussed during a December 4, 2003, teleconference with Regional Board staff and re-iterated in the Executive Officer's December 9, 2003 letter (Attachment 1), the Discharger was in violation of Monitoring and Reporting Program No. R3-2003-0088; however, the

Regional Board would not proceed with administrative civil liabilities if groundwater-monitoring activities were performed in December 2003. On March 8, 2003, the Regional Board issued a Notice of Violation for failure to submit the report.

On March 9, 2004, the Discharger sent an email to Regional Board staff stating that the Discharger was under the impression that all wells, including a new well, would be sampled in first quarter 2004.

Since the required monitoring was not conducted in the fourth quarter 2003, the Discharger cannot submit the required monitoring report. Therefore, Discharger is in violation of Section 13267 of the California Water Code.

The Board delegated authority to the Executive Officer to settle minor administrative civil liability complaints if the violator waived its right to a hearing. No settlement has been received as of agenda preparation time. If we receive a waiver and ACL payment before the Regional Board meeting, the Executive Officer will so advise the Board and there will be no hearing.

Violation

The nature of violation is failure to perform fourth quarter 2003 groundwater monitoring at the subject site and to submit the fourth quarter 2003 monitoring report due on January 30, 2004. This is a violation of section 13267 of the California Water Code. The Executive Officer issued a notice of violation on March 8, 2004, and an administrative civil liability complaint on April 7, 2004.

Specific facts regarding the violation are outlined in the attached Complaint No. R3-2002-0013.

Conclusion

The Discharger violated Section 13267 of the California Water Code by failing to submit a quarterly monitoring report as required by Regional Board's request dated May 20, 1999. The estimated cost of the missing report is \$3,500; however, the discharger has no history of previous violations, therefore the recommended civil liability was reduced.

CIVIL LIABILITY

The maximum potential liability the Regional Board may assess in this case is \$67,000, as stated in Complaint No. R3-2004-0061.

ATTACHMENTS

1. December 9, 2003, letter to Discharger
2. Administrative Civil Liability Order No. R3-2004-0061
3. Administrative Civil Liability Complaint No. R3-2004-0061

RECOMMENDATION

Staff recommends assessment of One Thousand and Five Hundred Dollars (\$1,500.00) in administrative liability against Bardex Corporation.