

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL COAST REGION
895 Aerovista Place, Suite 101
San Luis Obispo, CA 93401**

**ADMINISTRATIVE CIVIL LIABILITY
ORDER NO. R3-2004-0061**

Issued To

**Bardex Corporation
6338 Lindmar Drive, Goleta
Santa Barbara County**

The California Regional Water Quality Control Board, Central Coast Region, finds that:

1. Bardex Corporation has violated an order of the Regional Water Quality Control Board, Central Coast Region (Regional Board), for which the Regional Board may impose civil liability under Section 13268 of the California Water Code.
2. Bardex Corporation operates a manufacturing facility, which includes a machine shop, at 6338 Lindmar Drive, in Goleta, Santa Barbara County. Chlorinated solvents, such as trichloroethylene (TCE), tetrachloroethylene (PCE), and TCE-byproducts were found in soil and groundwater beneath the site. During the January 17, 2002, groundwater sampling event, the maximum TCE concentration detected in groundwater beneath the property (MW-3) was 1,900 parts per billion (ppb). The maximum PCE concentration detected in groundwater beneath the property (MW-3) was 46 ppb during the June 23, 2003, groundwater-sampling event.
3. Pursuant to California Water Code Section 13267, the Executive Officer issued Monitoring and Reporting Program (MRP) No. R3-2003-0088 to Bardex Corporation on May 12, 2003, to collect water quality and groundwater samples in October and March of each calendar year and submit semi-annual groundwater monitoring reports by January 30th and May 30th, respectively. A regular monitoring report for the October 2003 groundwater-sampling event was due January 30, 2004.
4. Bardex Corporation violated California Water Code Section 13267 by failing to fulfill the requirements stated in Regional Board's May 12, 2003 requirement. Specifically, Bardex Corporation did not perform the fourth quarter 2003 groundwater monitoring as required by Regional Board's May 12 and December 9, 2003 letters and thus failed to submit a monitoring report by January 30, 2004. Because of its failure to perform the required monitoring activities during the specific period, as of January 30, 2004, Bardex Corporation had not, and cannot submit the required fourth quarter 2003 groundwater monitoring report.
5. On March 9, 2004, Bardex Corporation representative, Mr. Bruce Burke, sent electronic mail stating that groundwater monitoring had not been performed in fourth quarter 2003. Thus, Bardex Corporation did not comply with the Regional Board's May 12, 2003 and December 9, 2003 letter requests.
6. The Executive Officer issued a "Notice of Violation" letter to Bardex Corporation on March 8, 2004, because it failed to submit the fourth quarter 2003 groundwater monitoring report and thus violated the

May 14, 2004

Regional Board's requirement pursuant to California Water Code Section 13267.

7. The Executive Officer issued Administrative Civil Liability Complaint No. R3-2004-0061 on April 7, 2004, pursuant to Section 13323 of the California Water Code for failure to submit the required report and for violation of Water Code Section 13267. The complaint proposed imposing administrative civil liability in the amount of \$1,500.
8. A public hearing was held before the Regional Board on May 14, 2004, in San Luis Obispo, California. Bardex Corporation's representatives were given an opportunity to be heard and to contest the allegations in Complaint No. R3-2004-0061 and imposition of civil liability by the Regional Board.

In considering the amount of civil liability imposed pursuant to Section 13268 of the California Water Code, the Regional Board considered the nature, circumstances, extent, and gravity of the violation, whether the discharge is susceptible to cleanup and abatement, the degree of toxicity of the discharge, and with respect to the violator, the ability to pay, the effect on its ability to continue in business, any voluntary cleanup

efforts undertaken, any prior history of violations, the degree of culpability, economic savings, if any, resulting from the violation, and other matters justice may require. The Regional Board also considered all the arguments and evidence presented at the hearing on May 14, 2004, and all other evidence in the Regional Board record.

This enforcement action is taken for the protection of the environment and as such is exempt from the provisions of the California Environmental Quality Act (Public Resources Code Section 21000, et seq.) in accordance with sections 15307 and 15308, Title 14, California Code of Regulations.

IT IS HEREBY ORDERED, pursuant to Sections 13323 and 13268 of the California Water Code that Bardex Corporation is assessed a total civil liability of **\$1,500**, based on consideration of statutory factors in Section 13327 of the California Water Code, to be paid as follows:

1. The sum of One Thousand and Five Hundred Dollars (**\$1,500.00**) to be paid to the Regional Water Quality Control Board by **June 30, 2004**. The check is to be made payable to the State Water Resources Control Board.

I, Roger W. Briggs, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an order adopted by the Regional Water Quality Control Board on May 14, 2004.

Roger W. Briggs
Executive Officer

Date