



# California Regional Water Quality Control Board

## San Diego Region

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Linda S. Adams  
Acting Secretary for  
Environmental Protection



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[http:// www.waterboards.ca.gov/sandiego](http://www.waterboards.ca.gov/sandiego)

**CERTIFIED MAIL – RETURN RECEIPT REQUESTED**  
**7008 1140 0002 4285 4220**

June 20, 2011

Mr. Tulio Torrinello and Mrs. Rose Torrinello  
Mission Bay Automotive  
2657 Galecia Way  
Carlsbad, CA 92009

**In reply refer to:**  
**T0607300386:smcclain**

Dear Mr. and Mrs. Torrinello:

**SUBJECT: NOTICE OF VIOLATION R9-2011-0055**

Enclosed is Notice of Violation (NOV) No. R9-2011-0055 for Mission Bay Automotive. The NOV was issued for violations of Investigative Order No. R9-2008-0014, issued by the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board). Investigative Order No. R9-2008-0014 requires quarterly reports submitted to the San Diego Water Board every three months until investigation and cleanup are complete at the Mission Bay Automotive.

Violations listed in the enclosed NOV are related to quarterly reports not submitted to the San Diego Water Board. My staff is available to meet with you to discuss this matter. Please inform me within ten business days of receipt of this letter when groundwater monitoring will start so a quarterly report can be submitted as described in Directive A.3. of Investigative Order No. R9-2008-0014.

These violations subject you to possible further enforcement action by the San Diego Water Board, including administrative enforcement orders requiring you to cease and desist from violations, or to clean up waste and abate existing or threatened conditions of pollution or nuisance; administrative assessment of civil liability in amounts of up to \$1,000 per day per violation;<sup>1</sup> referral to the State Attorney General for injunctive relief; and referral to the District Attorney for criminal prosecution.

In the subject line of any response, please include the requested "In reply refer to:" information located in the heading of this letter. For questions pertaining to the subject matter, please contact Mr. Sean McClain at (858) 627-3988 or by e-mail [smcclain@waterboards.ca.gov](mailto:smcclain@waterboards.ca.gov).

Sincerely,

Julie Chan  
Chief, Cleanup and Land Discharge Branch

<sup>1</sup> Under authority of Water Code section 13268.

Mr. and Mrs. Torrinello

- 2 -

June 20, 2011

JAC:dc:sm

c://Mission Bay Automotive\_NOV.doc

Enclosure: NOV No. R9-2011-0055

cc: Ms. Diana Conkle, State Water Resources Control Board, Underground Storage Tank Cleanup Fund, P.O. Box 944212, Sacramento CA 94244-2120.

Mr. Sawyer Jones, Frey Environmental Inc., 2817 A Lafayette Avenue, Newport Beach, CA 92663.

Mr. Joe Frey, Frey Environmental Inc., 2817 A Lafayette Avenue, Newport Beach, CA 92663.

*California Environmental Protection Agency*

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 Recycled Paper

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD,  
SAN DIEGO REGION**

Mr. Tulio Torrinello and Mrs. Rose Torrinello Mission Bay Automotive 2657 Galecia Way Carlsbad, CA 92009	<b>NOTICE OF VIOLATION No. R9-2011-0055</b>
T0607300386:smcclain	<b>Violations of Order No. R9-2008-0014</b> June 20, 2011

Mr. Tulio Torrinello and Mrs. Rose Torrinello are hereby notified that the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) reserves the right to take any enforcement action authorized by law for the violations described herein.

Mr. Tulio Torrinello and Mrs. Rose Torrinello are in violation of San Diego Water Board Investigative Order No. R9-2008-0014.

**A. Summary of Violation**

Failure to provide quarterly reports per Directive A.3 in Investigative Order No. R9-2008-0014. Directive A.3 requires quarterly reports be submitted to the San Diego Water Board until investigation and cleanup are complete. The last quarterly report received was December 19, 2008. To date quarterly reports for 2009, 2010, and 2011 have not been submitted.

**B. Summary of Potential Enforcement Options**

These violations may subject you to additional enforcement by the San Diego Water Board or State Water Resources Control Board, including a potential civil liability assessment of \$1,000 per day of violation (Water Code section 13268).

In addition, the San Diego Water Board may consider referring the matter to other resource agencies, referring the matter to the State Attorney General for injunctive relief, and referral to the municipal or District Attorney for criminal prosecution.

Questions pertaining to this Notice of Violation should be directed to Mr. Sean McClain at 858-627-3988 or [smcclain@waterboards.ca.gov](mailto:smcclain@waterboards.ca.gov).

  
\_\_\_\_\_  
Julie Chan  
Chief, Cleanup and Land Discharge Branch

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Mr. Tullio Torrinnello  
 2657 Galecia Way  
 Cotati CA, 92009

2. Article Number  
(Transfer from service label)

7008 1140 0002 4285 4220

PS Form 3811, February 2004 6-26

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X

- Agent
- Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1?  Yes  
If YES, enter delivery address below:  No

3. Service Type

- Certified Mail  Express Mail
- Registered  Return Receipt for Merchandise
- Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes

Domestic Return Receipt *S. McClain* 102595-02-M-1540

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Sent To *Mr. Tullio Torrinnello*  
 Street, Apt. No., or PO Box No. *2657 Galecia Way*  
 City, State, ZIP+4 *Cotati, CA 92009*

PS Form 3800, August 2006 See Reverse for Instructions