

From: <Jaymweil@aol.com>
To: <jbashaw@waterboards.ca.gov>
CC: <rbriggs@waterboards.ca.gov>, <Dschwartzbart@waterboards.ca.gov>, <scott...>
Date: 10/13/2010 3:22 PM
Subject: Petition of RWQCB order re: 2830 De La Vina Santa Barbara

October 13th, 2010

State Water Resources Control Board
Office of Chief Counsel
Jeannette Bashaw, Legal analyst
PO Box 100
Sacramento, CA 95812-0100

Dear Ms. Bashaw:

Thank you for your time and assistance in helping me understand the petition process for this action. Please consider the following a petition of the California Regional Water Quality Boards (CRWB) report and order to comply with recommendations dated September 16th, 2010.

1. Petitioner Information:

- Name- Jay M. Weil, on behalf of Barbara Wilkins, property owner
- Address- 4660 NE Belknap Ct., suite 101E, Hillsboro, OR 97124
- Phone- (503) 924-5772
- E-mail- _jaymweil@aol.com_ (mailto:jaymweil@aol.com)

2. CRWB Action:

We are challenging, and/or would like to preserve our right to challenge items

contained in the attached letter.

. The letter is from the California Regional Water Quality Control Board, dated September 16th, 2010. It is in response to a site assessment

report containing initial site soil and ground water data, as well as recommendations

for additional assessment. More specifically, we challenge the "Report Deficiencies"

as detailed in numbers one through four. We feel these items exceed Water Board

requirements, and are very complete and reliable. The information was obtained by

a certified Geologist, Steve Campbell, and the samples were tested by a certified lab.

We also challenge and/or would like to preserve our right to

challenge items one

through thirteen in the letter under the heading, "Requirements".

These

requirements are very technical in nature, as well as very expensive. It is impossible

for the petitioner to contemplate the accurateness and necessity of these requirements

without hiring a specialist with expertise in this area. We plan in the near future to

hire Campbell Geo, Steve Campbell, if the primary responsible party, Scott

Chortkoff/Regal Cleaners defaults on his lease and/or declares bankruptcy, and does

not hire a geologist to address these issues.

Roger Briggs, Executive Officer of the Regional Board, has stated in his letter that

"The evidence supporting these requirements is included in the report and other

documents in the Water Board file on this case." Because of our dead line for

petitioning this letter/order, it is not realistic to be able to access and review the entire file supporting this order.

3. Date of CRWB Action:
September 16th, 2010

4. Reason(s) action was improper:

We strongly feel that the Regional Boards action is inappropriate for several reasons including, but not limited to:

The order should be addressed to The County of Santa Barbara Fire Department,

Advanced Clean-Up Technologies, as well as Regal Cleaners/Scott Chortkoff.

The 20 Gallon solvent spill back in November of 2005 was immediately reported

to the Fire Department, and Advanced Clean-Up Technology Inc. was hired to

respond to the clean-up under the fire departments supervision.

Soil excavation

and removal was done the following day, as well as removal of fluids. The December

9th, 2005 document from ACTI makes it clear that substantial remediation

occurred within 24 hours of the spill. Also, a soil sample collected from the

remedial investigation exhibited .150 ppm PCE, well below the 70 ppm ESL for leaching to groundwater cited in a draft CAO by the Water Board. A copy of this ACTI report was submitted to RWQCB on February 11, 2009, but it is unclear why the ACTI report did not get transferred from the County to RWQCB.

The Regional Board's list of deficiencies is incorrect, thus creating possible unnecessary and costly requirements

The Regional Board is ignoring the past mistakes made by the County Fire Dept, and unfairly requiring the current owner to possibly shoulder the entire burden of this order, even though the owner was not in any way involved with the spill and clean-up.

The time-lines and deadlines are very inappropriate given the complexity of the issues, and the possibly crippling affect this is having on the property owner both mentally, hysically, and financially.

5. How petitioner is agrieved:

Petitioner is an elderly woman who lives in Portland Oregon and is an absentee

Landlord who has the property managed by a local Santa Barbara company. The unfairness of holding her possibly 110% liable for an order of this magnitude is aggregious.

It will cripple her financially, and prohibit her move in to an assisted living situation which she will need very soon. The spill caused by Regal Cleaners, the apparantly botched clean-up and recording by the Fire Dept. and/or ACTI, and the over-reaching and insesity of the Regional Board in addressing these prior issues, is wrong.

6. State Water Board Action Request:

Petitioner requests that the Board does not actively review the petition at this time, and that it be held in abeyance by the Board.

7. Statement of legal issues/points:

None at this time

8. Petition copies:

A copy of this petition has been sent via e-mail to the parties listed above, and a hard

copy to Barbara Wilkins, property owner at 2445 NW Westover Rd. #404 Portland, OR 97210 Parties include: Roger Briggs, Executive Director CRWQCB,

David Schwartzbart CRWQCB, Steve Campbell, Principal Campbell GEO, Scott

Chortkoff, owner of Regal Dry Cleaners

9. Issues raised to CRWB

Issues, suggestions, and objections have been raised by our Geologist, Steve

Campbell as he has worked closely with CRWB, David Schwartzbart through this

voluntary process thus far. Unforeseen objections may arise as further review of this order occurs.

Thank you for the timely filing of this petition in accordance with Section 13320 of the California Water Code, and Title 23, section 2050 of the California Code of Regulations.

Please provide a receipt via return e-mail for our records.

Best Regards

Jay M. Weil

Jay M. Weil, President
Commercial Realty Group, Inc.
4660 NE Belknap Ct., suite E
Hillsboro, OR 97124

Cell (503) 229-4383
PH: (503) 924-5772
FX: (503) 924-5772