



# California Regional Water Quality Control Board San Diego Region



Alan C. Lloyd, Ph.D.  
Secretary for  
Environmental  
Protection

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**CERTIFIED MAIL – RETURN RECEIPT REQUESTED**  
**7099 3400 00015 9997 1498**

May 26, 2005

Mr. and Mrs. Ernest Moretti  
P.O. Box 2078  
Borrego Springs, CA 92004

In Reply Refer to:  
TSMC:50-3537.05:peass

Dear Mr. and Mrs. Moretti:

**RE: ADDENDUM NO. 8 TO CLEANUP AND ABATEMENT ORDER NO. 99-26**

Enclosed is California Regional Water Quality Control Board, San Diego Region (Regional Board) Addendum No. 8 to Cleanup and Abatement Order (CAO) No. 99-26 requiring you to implement corrective action for the cleanup and abatement of discharges of gasoline petroleum wastes, as a result of unauthorized discharges from the underground storage tank (UST) system, at 30352 Highway 78, Santa Ysabel, California.

Addendum No. 8 to CAO No. 99-26 is issued pursuant to the authority granted to the Regional Board in California Water Code (CWC) sections 13267 and 13304. Addendum No. 8 directs you increase sampling frequency in production well Q1 to quarterly; provide replacement water to all private and public wells affected by the discharge; implement the proposed wellhead treatment system; review the water replacement plan annually and update/amend accordingly. After July 1, 2005, you must continue to submit complete paper copies of all reports, workplans, and amendments to corrective action plans (CAP) to the Regional Board and upload electronic versions of all required reports and data into the Geotracker database. Pursuant to Water Code section 13350, failure to comply with Addendum No. 8 may subject you to further enforcement action by the Regional Board, including administrative assessment of civil liability in amounts of up to \$5,000 per day per violation, initiation of judicial proceedings to assess civil liability up to \$15,000 per day per violation, and/or referral to the State Attorney General for injunctive relief, and referral to the District Attorney for criminal prosecution.

You may contest the issuance of this CAO Addendum by requesting a public hearing on the matter before the Regional Board. In order to schedule a hearing this office must receive a written request no later than 5 PM on **June 27, 2004** (30 days). Be aware that a request for a hearing does not stay deadlines in the CAO.

**California Environmental Protection Agency**

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## **ELECTRONIC REPORTING REQUIREMENTS (2005)**

On January 1, 2005, the State Water Resources Control Board (SWRCB) regulations (sections 3890 et seq. California Code of Regulations, Title 23, Division 3) went into effect requiring Dischargers to begin electronic submittal of information (ESI) for all groundwater cleanup programs regulated by the California Regional Water Quality Control Boards. For several years, parties responsible for cleanup of leaks from underground storage tanks (LUST) have been required to submit groundwater analytical data, the surveyed locations of monitoring wells, and certain other data to the SWRCB's Geotracker database via the internet. Beginning in 2005, the electronic submittal of information was extended to include all technical and monitoring reports filed by Dischargers. Addenda No. 8 to CAO 99-26 requires you to comply with the SWRCB's electronic reporting regulations and continue to provide the Regional Board with paper copies of all technical documents.

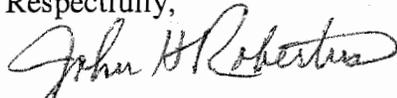
You should be aware that the Regional Board staff is not responsible for the maintenance and administration of the Geotracker database. For information on how to access and use the Geotracker database, please contact the SWRCB staff Mr. Hamid Foolad at (916) 341-5791, or the "Geotracker Help Desk" at (866) 480-1028 and via their website: [Geotracker@waterboards.ca.gov](mailto:Geotracker@waterboards.ca.gov).

For your convenience, a link to the Geotracker and Electronic Reporting web page can be found on our Regional Board web page under "**WATER NEWS**" or on the State Water Board's website at: [http://www.waterboards.ca.gov/ust/cleanup/electronic\\_reporting/](http://www.waterboards.ca.gov/ust/cleanup/electronic_reporting/)

I strongly urge a prompt and complete response to each directive of Addendum No. 8. My staff will be happy to work with you in your efforts toward achieving compliance with the directives. If you have any questions regarding this letter, or Addendum No. 8, please contact Ms. Sue Pease of my staff at (858) 637-5596, or by email at [spease@waterboards.ca.gov](mailto:spease@waterboards.ca.gov).

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.

Respectfully,



JOHN H. ROBERTUS  
Executive Officer

Enclosure: Addendum No. 8 to CAO 99-26  
JHR:jro:sjp

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Mr. and Mrs. Moretti  
Addendum No. 8 to CAO No. 99-26

- 3 -

May 26, 2005

cc: (with enclosure)

Mr. Kenneth Vernon, R.G., Donan Environmental Services, Inc. P.O. Box 1839,  
Vista, CA 92085-1839

Mr. Anderson Donan, Donan Environmental Services, Inc. P.O. Box 1839,  
Vista, CA 92085-1839

Ms. Diana Conkle, Engineering Geologist, Underground Storage Tank Cleanup Fund, P.O. Box  
944212, Sacramento, CA 94244-2120

Mr. Robert Trommer, Senior Engineering Geologist, Underground Storage Tank Cleanup Fund,  
P.O. Box 944212, Sacramento, CA 94244-2120

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

**ADDENDUM NO. 8 TO  
CLEANUP AND ABATEMENT ORDER NO. 99-26**

**FORMER SANTA YSABEL CHEVRON SERVICE STATION  
30350 HIGHWAY 78, SANTA YSABEL  
SAN DIEGO COUNTY**

The California Regional Water Quality Control Board, San Diego Region (hereinafter, Regional Board) finds that:

33. Low levels of TPH and MTBE were reported in domestic water production wells Q1, Q3, B3, and B4 during the 4<sup>th</sup> quarter 2004 groundwater monitoring event.

Well Designation	Total Petroleum Hydrocarbons	MTBE
Q1	< 50 µg/L	3 µg/L
Q3	< 50 µg/L	2.4 µg/L
B3	390 µg/L	< 1 µg/L
B4	110 µg/L	< 1 µg/L

34. California Water Code (CWC) section 13304 includes the following provisions:
- a. 13304(h) As part of any cleanup and abatement order that requires the provision of replacement water, a regional board or the state board shall request a water replacement plan from the discharger in cases where replacement water is to be provided for more than 30 days. The water replacement plan is subject to the approval of the regional board or the state board prior to its implementation.
  - b. 13304(i) A "water replacement plan" means a plan pursuant to which the discharger will provide replacement water in accordance with a cleanup and abatement order.
35. In their Fourth Quarter 2004 Groundwater Assessment Report (dated January 28, 2005), Mr. Ernest and Mrs. Joyce Moretti (hereinafter the "*Dischargers*") proposed to provide wellhead treatment for the impacted domestic water supply wells by installing, maintaining and monitoring the effectiveness of the in-line carbon filters. The Regional Board has determined that the wellhead treatment proposal serves as a "water replacement plan" (under the meaning of CWC section 13304(h)). Future modifications to this "water replacement plan" may be necessary to protect existing municipal and/or domestic beneficial uses of groundwater from the condition of pollution or nuisance created by the unauthorized release (discharges) of petroleum pollutants from the site.

**IT IS HEREBY ORDERED**, that pursuant to sections 13267 and 13304 of the California Water Code, the discharger shall provide technical reports and cleanup and abate the effects of the unauthorized discharge of petroleum hydrocarbon wastes at the Former Santa Ysabel Chevron Station site by complying with the following:

82. The sampling and reporting frequency for domestic water production well Q1 is revised from annual to quarterly beginning with second quarter of 2005.
83. The Discharger shall investigate the actual uses of the affected water supply wells and provide a written letter on their findings and supporting documentation. The Discharger shall provide a copy of the letter to each owner of the affected wells identified in Finding No. 33 of this Order. The Discharger shall submit a copy of the required letter report to the Regional Board by **July 29, 2005**.

### **REPLACEMENT WATER SERVICE**

84. The Discharger shall provide or pay for, uninterrupted replacement water service, which may include wellhead treatment, to each affected public water supplier or private well owner obtaining water supplies from wells Q1, Q3, B3, and B4. The Discharger may request relief from this requirement by submitting a report to the Regional Board by **November 4, 2005** showing cause why it should not be required to provide uninterrupted replacement water service. The Discharger shall include documentation that one copy of the report was provided to each affected public water supplier or private well owner.
85. Replacement water provided pursuant to Directive 84 shall meet all applicable federal, state, and local drinking water standards, and shall have comparable quality to that pumped by the public water system or private well owner prior to the discharge of waste.
86. By **November 30, 2005**, the Discharger shall submit a Water Replacement Plan to the Regional Board for providing uninterrupted replacement water service pursuant to Directive 84. The Water Replacement Plan shall contain the following elements:
  - A. *Affected Public Water Supplier or Private Well Owner*: The Report shall identify the names and mailing addresses of each affected public water supplier or private well owner;
  - B. *Replacement Water Quality*: The Report shall demonstrate that the replacement water to be provided or paid for will meet all applicable federal, state, and local drinking water standards, and shall have comparable quality to that pumped by the public water system or private well owner prior to the discharge of waste.
  - C. *Replacement Water Service Schedule* - The Report shall describe the schedule for providing uninterrupted replacement water service to each affected public water supplier or private well owner.

87. The Discharger shall implement the Water Replacement Plan by **January 30, 2006**, unless otherwise directed in writing by the Regional Board. Before beginning these activities the Discharger shall

- A. Notify the Regional Board of the intent to initiate the proposed actions included in the Water Replacement Plan submitted; and
- B. Comply with any conditions set by the Regional Board; and
- C. Provide a written notice to each affected public water supplier or private well owner, explaining the purpose of the water replacement plan and including the following language:

“Any public water supplier or private well owner may request nonbinding mediation of all replacement water claims. If so requested, the parties receiving replacement water or the persons or entities required to provide replacement water, within 30-days of submittal of a water replacement plan, shall engage in at least one confidential settlement discussion before a mutually acceptable mediator.

Any agreement between parties regarding replacement water claims resulting from participation in the nonbinding mediation process shall be consistent with the requirements of this cleanup and abatement order (Order No. 99-26 and addenda thereto). Neither the Regional Board nor the State Board is required to participate in any nonbinding mediation requested by the parties. The party or parties requesting mediation shall pay for the cost of the mediation.”

The written notice sent to each affected water supplier or private well owner shall clearly identify the Discharger’s contact information or the current point of contact for the Discharger’s environmental consultant (i.e., at a minimum the name, affiliation, mailing address and telephone number). The closing paragraph of the required notice shall also indicate the following information:

“The leaking underground storage tank (UST) case files are available for public review by making a file review appointment with:

**California Regional Water Quality Control Board, San Diego Region**  
**9174 Sky Park Court, Suite 100, San Diego, CA 92124-4340**  
**TEL: 858-467-2952 or FAX: 858-571-6972**  
**ATTN: File Review Records Clerk**

When making a file review request, interested parties should request to review Regional Board case file numbers 50-231 and 50-3537.”

88. The Discharger or any public water supplier or private well owner receiving replacement water pursuant to Directive 84 may request nonbinding mediation of all replacement water claims. Under section 13304(g)(4) of the Water Code, the Regional Board is not required to participate in any requested nonbinding mediation.
- A. If so requested, the public water suppliers receiving the replacement water and the Discharger, within 30 days of the submittal of the Water Replacement Plan, shall engage in at least one confidential settlement discussion before a mutually acceptable mediator.
  - B. Any agreement between parties regarding replacement water claims resulting from participation in the nonbinding mediation process shall be consistent with the requirements of this cleanup and abatement order (Order No. 99-26 and addenda thereto).
89. The party or parties requesting the mediation shall pay for the costs of the mediation.
90. If additional public or domestic water supply wells are determined to contain constituents associated with the release of fuel waste constituents at the Former Santa Ysabel Chevron Service Station (the "site"), then the Discharger shall:
- A. Provide the Regional Board and the affected well owner(s) with an evaluation the newly discovered wells in compliance with Directive No. 83 of this Order. Your written evaluation shall be submitted to the Regional Board and provided to the affected well owners within 60 days of your initial determination of the presence of fuel waste constituents in an affected water supply well.
  - B. The Discharger shall provide or pay for, uninterrupted replacement water service, which may include wellhead treatment, to each public water supplier or private well owner obtaining water supplies from wells affected by the discharge of fuel constituents from the site. The replacement water shall meet all the minimum water quality requirements of Directive No. 85 of this Order.
- The Discharger may request relief from this requirement by submitting a report to the Regional Board, within 60 days of discovering a newly affected water supply well, showing cause why it should not be required to provide uninterrupted replacement water service. The Discharger shall include documentation that one copy of the report was provided to each affected public water supplier or private well owner.
- C. Amend the water replacement plan, required by Directive 86, to include the newly discovered affected public or domestic water supply wells. The amendment to the water replacement plan shall be submitted to the Regional Board with copies also provided to the affected well owners within 60 days of providing your written evaluation required by Directive 90.A of this Order.

D. Notify and implement replacement water services for the newly discovered affected public or domestic water supply wells, as required in Directive No. 87 of this Order.

91. Beginning **July 1, 2005**, all reports submitted by the discharger pursuant to section 13304 and 13267 of the California Water Code must be submitted in an electronic format. This includes all workplans, technical reports, and monitoring reports. The Discharger shall comply with electronic reporting requirements of Title 23, Division 3, Section 3890 *et seq.* including the provision of complete copies of all reports be submitted in PDF format, including the signed transmittal letter and professional certification. In addition to these requirements, the Discharger shall continue to submit complete paper copies of all submittals to the Regional Board. Further information on electronic reporting requirements may be found at the State Water Resources Control Board web site at:  
[http://www.waterboards.ca.gov/ust/cleanup/electronic\\_reporting/](http://www.waterboards.ca.gov/ust/cleanup/electronic_reporting/).

  
JOHN. H. ROBERTUS  
Executive Officer

Date issued: May 26, 2005