Linda S. Adams
Secretary for
Environmental Protection

California Regional Water Quality Control Board
San Diego Region

9174 Sky Park Court, Suite 100, San Diego, California 92123-4340
(858) 467-2952 • Fax (858) 571-6972
http://www.waterboards.ca.gov/sandiego

Arnold Schwarzenegger
Governor

May 23, 2008

In reply refer to:
TSMC:50-4142.05:spease

Certified Mail – Return Receipt Requested
7007 3020 0001 0040 7300

Mrs. Judy Ramsay
M and J Ramsay Corporation
45720 Palmetto Way
Temecula, CA 92592

Dear Mr. Ramsay,

RE: Investigative Order No. R9-2008-066 for Chevron, 27560 Jefferson Street, Temecula, CA

Enclosed is Investigative Order No. R9-2008-066, concerning the leaking underground storage tank discharge located at **27560 Jefferson Street, Temecula,** Riverside County, California. This Order was issued by the California Regional Water Quality Control Board, San Diego Region (Regional Board) pursuant to California Water Code 13267 and directs you to submit technical reports to the Regional Board to document that adequate site investigation and monitoring has been or will be taken at the site to protect waters of the State.

Please note that beginning January 1, 2005, Dischargers are required to electronically submit all technical reports and monitoring reports generated to comply with requirements of the California Code of Regulations, CCR Title 23, Chapter 16, Article 11; and regulated by the Regional Board's Underground Storage Tanks Program. Order R9-2007-0094 requires you to comply with the applicable electronic reporting into the web-based Geotracker database, in compliance with requirements found in CCR Title 23, section 3890 *et seq.* You may wish to review these regulations on-line at www.calregs.com.

You should be aware that the San Diego Regional Board 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 State Water Resources Control Board staff Mr. Hamid Foolad at (916) 341-5791, or the "Geotracker Help Desk" at (866) 480-1028 and via their web site: Geotracker@waterboards.ca.gov.

For your convenience, a link to the Geotracker and Electronic Reporting web page can be found on the State Water Board's web site at:
http://www.waterboards.ca.gov/ust/cleanup/electronic_reporting/

Any person failing or refusing to furnish information required under the authority of California Water Code (CWC) section 13267 or falsifying information submitted to the Regional Board pursuant to such a directive is guilty of a misdemeanor and may be subject to civil liability. Under CWC section 13268, a civil liability may be imposed administratively by the Regional Board in an amount of up to $1,000 per day of violation (i.e., for each day of delay in submitting all information requested, or for each day that false information remains uncorrected).

If you wish to dispute the factual basis of, or the legal conclusions set forth in this order, you must submit all evidence and argument supporting rescission or modification of the order to the Regional Board within 14 days of the date of the order (May 13 , 2008). Within 14 days the Regional Board will respond to your submission in writing, or advise you when a written response upholding, modifying, or rescinding the investigative order will be issued. You would have 30 days from the date of such response to file a petition for administrative review under Water Code section 13320 with the State Water Resources Control Board.

If you have any questions, or require additional assistance, please contact Ms. Sue Pease of my staff at (858) 637-5596.

Respectfully,

John H. Robertus
Executive Officer
San Diego Regional Water Quality Control Board

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cc: Robert Manning, RM Environmental, Inc., P.O. Box 575, Calimesa, CA 92320

RF

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION

INVESTIGATIVE ORDER NO. R9-2008-0066

M & J RAMSEY CORPORATION
CHEVRON GAS STATION
27560 JEFFERSON AVE.
TEMECULA, CA 92590

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

1. **Unauthorized Discharge of Waste:** On December 16, 1998 an unauthorized discharge of petroleum hydrocarbon waste to soil was discovered at the Chevron Station (hereinafter referred to as the Site) located at 27560 Jefferson Ave, Temecula, California. The waste was discovered during the property's underground storage tank removal and verified by the initial soil samples collected at the site, which detected Total Petroleum Hydrocarbons (TPH) at concentrations up to 2,400 mg/kg. .

2. **Parties Responsible for the Discharge**: James Ramsey of M & J Ramsey Corporation (hereinafter the Discharger) is responsible for the unauthorized discharge of petroleum hydrocarbon waste because he owned and operated the underground storage tank (UST) system on or before December 16, 1998.

3. **California Code of Regulations Chapter 16 Requirements.** California Code of Regulations (CCR) Title 23, Division 3, Chapter 16, Article 11 applies to owners and operators of an underground storage tank whenever there is any reportable unauthorized release. Applicable requirements of Chapter 16 including the following:

   a. Section 2652 (d) requires submission of reports to the local agency or Regional Water Quality Control Board every three months until investigation and cleanup are complete.

   b. Section 2654 requires that in the event of an undocumented release, an initial site characterization is performed, providing data including the nature and estimated quantity of the release; water quality, use and approximate locations of wells potentially affected by the release.

   c. Section 2722 (c) requires the responsible party to submit a workplan for proposed activities under the Preliminary Site Assessment Phase, if directed by the regulatory agency.

   d. Section 2723 specifies that the Preliminary Site Assessment Phase includes the initial site characterization specified in section 2654 and reporting must be conducted according to section 2562.

4. **Groundwater Investigation**: Chevron currently performs quarterly groundwater monitoring and sampling. The results of the most recent sampling event are contained in the technical report entitled, *Second Quarter 2008 Groundwater Monitoring and Sampling Report*, which was prepared by RM Environmental, Inc. The following table displays the maximum groundwater concentrations of methyl-tertiary butyl ether (MTBE) and tertiary butyl alcohol (TBA) presented in the report, which were detected in the groundwater from groundwater monitoring wells:

Constituent	***Maximum Groundwater Concentration (µg/L)***[1]
MTBE	1,100
TBA	38,000

A discharge of waste from the underground storage tank (UST) system is the likely source of the elevated concentrations of the constituents in the above table because petroleum hydrocarbon waste was discovered in soil at the site in 1998, as described in Finding 1.

5. **Cleanup Levels:** The *Water Quality Control Plan, San Diego Basin (9)* (Basin Plan) was adopted by this Regional Board on September 8, 1994; and subsequently approved by the State Board. Subsequent revisions to the Basin Plan have also been adopted by the Regional Board and approved by the State Board. The Basin Plan includes criteria for determining appropriate soil and groundwater cleanup levels for protection of both human health and the environment.

6. **Necessity of Reporting.** A Soil and Groundwater Investigation is required to comply with 23 CCR Chapter 16 section 2724. Based upon the data presented in the *Second Quarter 2008 Groundwater Monitoring and Sampling Report,* further action is necessary to address impacts of the illicit discharge to waters of the State. The Discharger has not provided documentation of a complete Soil and Groundwater Investigation or a Site Conceptual Model. Consequently, the information in the record for this case is insufficient to determine the nature and quantity of the release or determine if the release poses a threat to human health or the environment. The workplan for the Soil and Groundwater Investigation is required pursuant to sections 2724 and 2725, to allow regulatory review of the proposed activities. Quarterly reporting is required pursuant to section 2652 (d).

7. Title 23, Division 3, Chapter 16 section 2725 specifies that using information obtained during the investigation, the responsible party shall propose a Corrective

[1] *Second Quarter 2008 Groundwater Monitoring and Sampling Report, April 22, 2008*, prepared by RM Environmental, Inc.

Action Plan, and also specifies that the responsible party shall submit the Corrective Action Plan to the regulatory agency for review and concurrence.

8. Title 23, Division 3, Chapter 16 section 2727 specifies regarding the Verification Monitoring Phase of Corrective Action that the responsible party shall submit monitoring data and an evaluation of the results of such monitoring in writing on a schedule and for duration agreed to by the regulatory agency.

9. **Regulatory Authority.** California Water Code section 13267 provides that the Regional Board can require any person who has discharged, discharges, proposes to discharge or is suspected of discharging waste to investigate, monitor, and report information. The burden, including the costs of preparing the reports, must bear a reasonable relationship to the need for and the benefits to be obtained from the reports. These findings provide the Discharger with a written explanation with regard to the need for the reports and identify the evidence that supports the requirement to submit the reports. The costs of these reports are estimated in the Underground Storage Tank Cleanup Fund Cost Guidelines and are reasonable costs. Costs for a Soil and Groundwater Investigation Workplan range from $1,400 to $2,755, for a Soil and Groundwater Investigation Report range from $2,275 to $5,620, for a Site Conceptual Model range from $720 to $950, and for a Quarterly Groundwater Monitoring Report range from $1,790 to $2120. The associated costs bear a reasonable relationship to the need for the actions, specifically the protection of water quality and beneficial uses[2].

10. **Qualified Professionals.** Discharger reliance on qualified professionals promotes proper planning, implementation, and long-term cost-effectiveness of investigation, and cleanup and abatement activities. Professionals should be qualified, licensed where applicable, and competent and proficient in the fields pertinent to the required activities. California Business and Professions Code sections 6735, 7835, and 7835.1 require that engineering and geologic evaluations and judgments be performed by or under the direction of registered professionals.

[2] For cost information, refer to Underground Storage Tank Cleanup Fund Cost Guidelines, California State Water Resources Control, October 2001
http://www.waterboards.ca.gov/water_issues/programs/ustcf/technicalformsinfo.shtml

IT IS HEREBY ORDERED, pursuant to section 13267 of the California Water Code, that the Discharger must submit the following technical reports:

A. REPORTS

1. **Soil and Groundwater Investigation Workplan**: The Discharger shall develop and submit to the Regional Board by **July 30, 2008** a workplan designed to collect information to produce the Site Investigation Report described in Directive 2.

   a. Investigation Components

      1. identify all waste constituents from the discharge and the horizontal and vertical extent of the waste constituents;
      2. assess the vertical and horizontal extent of waste constituents to background conditions in both the groundwater and soil (may necessarily include both on and off property areas affected by the discharge of wastes);
      3. characterize the geology and hydrogeology of the site with respect to those factors affecting the transport and environmental persistence of pollutants; and
      4. determine the source(s), and nature of the discharge in the subsurface, and evaluate the impacts of the wastes/waste related constituents upon all existing and future receptors that could be affected by the waste.

   b. Report Completion Schedule Include a schedule for the completion of all activities and submission of a final Soil and Groundwater Investigation Report.

   c. Regional Board Notification Give the Regional Board notification at least one week before the start of fieldwork.

2. **Soil and Groundwater Investigation Report**: Prepare and submit a complete Soil and Groundwater Investigation Report, within **sixty (60 days)** of concluding the field investigation. The report shall contain the following information:

   a. Source Characterization The report shall contain the results of an investigation of all potential sources of waste constituent discharges to soil and groundwater including, but not limited to, historical records of operations, site reconnaissance, and previous sampling studies. The information in the technical report must provide an adequate basis for determining subsequent cleanup and abatement actions. All sources of waste constituent releases shall be located on a site map at a scale of 1 inch = 200 feet or larger, with an appropriate contour interval to depict site topography.

   b. Geologic Characterization The report shall contain an accurate characterization of the subsurface geology, the hydrogeologic characteristics,

and all preferential pathways that may affect groundwater flow and contaminant migration.

c. Groundwater Flow Characterization The report shall describe the rate(s) and direction(s) of local groundwater flow, in both the horizontal and vertical dimension for all water bearing units potentially affected by the waste constituent(s) from the Site.

d. Extent of Waste Constituent Characterization The report must adequately characterize the extent (both laterally and vertically) of each waste constituent in soil and groundwater to the background[3] concentration for that waste constituent, and include any pollution that has migrated off-property.

e. Groundwater Monitoring Wells The report shall describe the location of existing monitoring wells, and the proposed location of additional monitoring wells, needed to characterize the types of waste constituents present, the concentrations of waste constituents, and their lateral and vertical extent in groundwater. Selected methods for purging and sampling monitoring wells must be capable of providing representative samples of groundwater for detecting all of the waste constituents.

f. Field Methodologies The report shall describe the field methodologies used for drilling, soil sampling, groundwater sampling, well and peizometer construction, geophysical surveys, and other activities.

g. Chemical Analyses The report shall describe the laboratory analytical methods and protocols used for each environmental medium including soil, soil vapor, and water. The suite of chemical analyses, methods and protocols must be adequate to quantitatively identify and characterize the full range of site-specific waste constituents.

h. Sample Locations and Number The locations, type, and number of samples shall be identified and shown on a site map and cross sections. The number of samples and suite of chemical analyses must be sufficient to identify the nature of waste constituent(s) and their sources, to define the distribution of waste constituents in the subsurface, to provide data for evaluation of fate and transport of pollutants, risk assessment, remedy selection, and remedial design. In addition samples shall be collected to evaluate physical properties of soils and aquifer materials. All sample data shall be presented in tabular format including the sample result, sample medium, location, depth, sampling method, analyses and rationale for the method.

[3] "Background" means the concentrations or measures of constituents or indicator parameters in water or soil that have not been affected by waste constituents from the site.

3. **Site Conceptual Model**: On or before **September 30, 2008**, the Discharger shall submit a site conceptual model (SCM) that provides a written or pictorial representation of the release scenario and the likely distribution of waste at the site, as well as potential pathways and receptors. The SCM must identify and describe the types of wastes present including their distribution in space and time, and how the wastes are changing in space and time. In addition the SCM must identify the potential, current and future receptors in the area; link potential sources to potential receptors through transport of wastes in the air, soil and water; and identify the fate and transport characteristics of the site. It should describe or show the physical characteristics and properties of the subsurface and identify the environmental issues that need to be investigated (and those issues that do not need to be addressed). The SCM must include data interpretations, a discussion of the level of uncertainty of conclusions, outline data gaps remaining in the conceptual model, and describe the additional work needed to fill identified data gaps and make recommendations for the next phase of the cleanup.

4. **Groundwater Monitoring Reports**: The Discharger must submit quarterly groundwater monitoring reports commencing with a quarterly report due on **July 30, 2008** with subsequent reports submitted no later than 30 days following the end of the quarter according to the following schedule:

Monitoring Period	**Due Date for Report**
First Quarter (Jan-Mar)	Due no later than April 30
Second Quarter (Apr-Jun)	Due no later than July 30
Third Quarter (Jul-Sep)	Due no later than October 30
Fourth Quarter (Oct-Dec)	Due no later than January 30

The quarterly groundwater monitoring reports must include:

a. Transmittal Letter with Penalty of Perjury Statement The transmittal letter must discuss any violations during the reporting period and actions taken or planned to correct the problem. The letter must be signed by the Discharger's principal executive officer or their duly authorized representative, and must include a statement by the official, under penalty of perjury, that the report is true and correct to the best of the official's knowledge.

b. Groundwater Elevations Measurements of groundwater elevation from all wells must be presented in tabular format with depth to groundwater (in feet below ground surface), top of casing elevations, depths to the top of well screens, length of well screens and total depth for each well included in the monitoring program. For all wells containing floating "free petroleum product" (A.K.A. light non-aqueous phase liquid or LNAPL) include the measured

thickness of LNAPL in a tabular format. A groundwater elevation map must be prepared for each monitored water-bearing zone with the groundwater flow direction and calculated hydrologic gradients(s) clearly indicated in the figures(s). A complete tabulation of historical groundwater elevations must be included in the fourth quarterly report each year.

c. Groundwater Results Groundwater samples from all wells must be collected and analyzed quarterly using EPA methods 8015 for total petroleum hydrocarbons quantifying gasoline and diesel and EPA method 8260 for volatile organic compounds including benzene, toluene, ethylbenzene, xylenes, MTBE, TBA, and all other fuel oxygenates, with sampling data presented in tabular format. Isoconcentration map(s) must be prepared for constituents of concern (COCs) for each monitored water-bearing zone, as appropriate. Time versus concentration plots and distance versus concentration plots that also show groundwater elevations must be prepared for constituents of concern for appropriate wells.

d. Site Plot Plan Provide a site plot plan which:

1. clearly illustrates the locations of monitoring wells, former/current underground storage tank systems (and product piping) and buildings located on the property and immediately adjacent to the property lines of the site, and

2. identifies the most recent concentrations of total petroleum hydrocarbons and volatile aromatic hydrocarbons (*e.g.* benzene, toluene, ethylbenzene, total xylenes, MTBE, TBA and other fuel oxygenates).

e. Technical Interpretation The report must provide technical interpretations of the groundwater data, and describe any significant increases in pollutant concentrations since the last report, any measures proposed to address the increases, any changes to the site conceptual model, any conclusions and recommendations for future action with each report.

f. Analytical Methods The report must describe analytical methods used, detection limits obtained for each reported constituent, and a summary of QA/QC data.

g. Sample Collection Information The report must indicate sample collection protocol(s), describe how investigation derived wastes are managed at the site, and include documentation of proper disposal of contaminated well purge water and/or soil cuttings removed from the site.

h. Historical Groundwater Data Historical groundwater sampling results must be listed in tabular form and included in the fourth quarterly report each year.

5. **Corrective Action Plan**: Pursuant to the requirements of CCR Title 23, Division 3, Chapter 16, Article 5, section 2655 and Article 11, section 2722(b), the dischargers shall submit a Corrective Action Plan (CAP) to the Regional Board. The CAP must contain all the elements specified in Article 11, section 2725 including:

a. Assessment of Impacts in accordance with Article 11, section 2725 (e),
b. Feasibility Study to evaluate site remediation and mitigation alternatives in accordance with Article 11, section 2725 (f),
c. Cleanup Levels in accordance with the requirements of Article 11, section 2725(g) and which comply with the requirements listed in Article 11, section 2721(b), SWRCB Resolution No. 92-49, and Finding 21 of this Order,
d. Proposed Method (s) and schedule for the monitoring and reporting of progress of remediation at the site. These results should be used by the dischargers to evaluate the effectiveness of the approved corrective action alternative implemented by the dischargers to remediate the soil and groundwater contamination from the unauthorized release at the site. The results and the technical evaluation must be reported to the Regional Board Executive Officer for review and comment.

The feasibility study described in **Directive No.4.a.ii** of this Order shall contain an evaluation of alternatives for cleanup of soil and groundwater. The evaluation shall be consistent with the requirements of CCR Title 23, Division 3, Chapter 16, section 2725(f) and include the following elements:

a. An evaluation of the effectiveness, feasibility, and cost of at least two alternatives to attain the following primary Maximum Contaminant Levels (MCL's) water quality levels:

Constituents	Maximum Contaminant Level (ug/L)
Benzene	1
Toluene	150
Ethylbenzene	300
Total Xylenes	1750
Methyl Tertiary Butyl Ether	13

b. An evaluation of methods to control the spread of the dissolved contaminant plume off the property.
c. A comprehensive description of the cleanup and abatement activities associated with each recommended alternative.

d. A proposed time schedule, including interim milestone dates, for completion of each recommended alternative.

6. **Verification Sampling and Monitoring**

a. Proposed Workplan The discharger shall prepared a proposed workplan for verification sampling and monitoring in compliance with Article 11, section 2727. The workplan must be submitted to the Regional Board for review and approval within **60 days** of full implementation of the CAP. The discharger shall modify the proposed workplan as required by the Regional Board Executive Officer. Upon completion of corrective action, the discharger shall perform soil sampling and groundwater monitoring which is necessary to verify:

1. the effectiveness of the selected remedial alternative(s) identified in the Corrective Action Plan and/or,
2. other interim remedial action(s) implemented at the site.

b. Technical Report. Results from the verification and monitoring must be submitted to the Regional Board Executive Officer within **90 days** of approval of the verification and monitoring workplan by the Regional Board. An alternative deadline may be proposed to the Regional Board Executive Officer in the event that long-term monitoring is required at the site.

c. Management of Wastes. The dischargers shall manage all contaminated groundwater and/or soil generated as a result of any corrective action work at this site in accordance with all applicable local, state and federal regulations and requirements.

d. Amendment of this Order. Based upon review of the Corrective Action Plan and/or verification sampling and monitoring results, the Regional Board Executive Officer may amend this Order to identify the target groundwater and soil cleanup levels to be attained at the site. If this Order is not amended by the Regional Board Executive Officer, then the water quality protection standards identified in Finding 5 of this Order will be adopted as the maximum groundwater contaminant concentration levels allowed for the site.

e. Time Schedule and Implementation. The dischargers shall implement the Corrective Action Plan in accordance with a time schedule proposed by the dischargers and approved by the Regional Board Executive Officer. The dischargers shall modify the proposed Corrective Action Plan as required the Regional Board Executive Officer.

B. PROVISIONS

1. **Contractor/Consultant Qualifications**: All reports, plans and documents required under this Order shall be prepared under the direction of appropriately qualified professionals. The lead professional performing engineering and geologic evaluations and judgments shall sign and affix their professional geologist or civil engineering registration stamp to all technical reports, plans or documents submitted to the Regional Board.

2. **Laboratory Qualifications**: All samples must be analyzed by California State-certified laboratories using approved EPA methods for the type of analysis to be performed. All laboratories must maintain quality assurance/quality control (QA/QC) records for Regional Board review.

3. **Reporting of Changed Owner or Operator**: The Discharger must notify the Regional Board of any changes in site occupancy or ownership associated with the property described in this Order.

4. **Penalty of Perjury Statement**. All reports must be signed by the Discharger's principal executive officer or their duly authorized representative, and must include a statement by the official, under penalty of perjury, that the report is true and correct to the best of the official's knowledge.

5. **Electronic Data Submittals:** All information submitted to the Regional Board in compliance with this Order in paper copy format is also required to be submitted electronically via the Internet into the Geotracker database. To comply with State regulations[4] your update to the Geotracker database must include the following minimum information:

   a. Data generated after the effective date of the regulations by chemical analysis of soil, vapor, or water samples (including surface water, groundwater and influent/effluent water samples from remediation systems), shall be submitted in Electric Data File (EDF) format.

   b. The latitude and longitude of any permanent monitoring well for which data is reported in EDF format, accurate to within 1 meter and referenced to a minimum of two reference points from the California Spatial Reference System (CSRS-H), if available.

   c. The surveyed elevation relative to a geodetic datum of any permanent monitoring well.

[4] California Code of Regulation Title 23, section 3893

d. The elevation of groundwater in any permanent monitoring well relative to the surveyed elevation.

e. A site map or maps showing the location of all sampling points referred to in the report.

f. The depth to the screened interval and the length of screened interval for any permanent monitoring well.

g. Boring logs, in PDF format.

h. A complete copy of the report, in PDF format, which includes the signed transmittal letter and professional certification.

The Geotracker website address is http://www.geotracker.waterboards.ca.gov. Deadlines for electronic submittals coincide with deadlines for paper copy submittals.

Dated this 23rd day of May 2008

BY THE EXECUTIVE OFFICER

David T. Barker

DAVID T. BARKER
Assistant Executive Officer (Acting)

Signed pursuant to the authority delegated by the Executive Officer to the Assistant Executive Officer

NOTIFICATIONS

Persons aggrieved by this action of the Regional Board may file a petition for review with the State Water Resources Control Board pursuant to California Water Code section 13320 within 30 days. Laws and regulations concerning filing of petitions are on the State Water Boards' website and will be provided upon request.

Failure to comply with the requirements of this order may subject you to enforcement action, including but not limited to: imposition of administrative civil liability under California Water Code section 13268 or referral to the attorney general for injunctive relief or civil or criminal liability

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Street, Apt. No.; or PO Box No.: 45720 Palmetto Way
City, State, ZIP+4: Temecula, CA 92592

PS Form 3800, August 2006 — See Reverse for Instructions

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1. Article Addressed to:

Mrs. Judy Ramsay
45720 Palmetto Way
Temecula, CA 92592

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