



# California Regional Water Quality Control Board

## San Diego Region



Linda S. Adams  
Secretary for  
Environmental Protection

Over 50 Years Serving San Diego, Orange, and Riverside Counties  
Recipient of the 2004 Environmental Award for Outstanding Achievement from USEPA

Arnold Schwarzenegger  
Governor

9174 Sky Park Court, Suite 100, San Diego, California 92123-4353  
(858) 467-2952 • Fax (858) 571-6972  
[http:// www.waterboards.ca.gov/sandiego](http://www.waterboards.ca.gov/sandiego)

January 23, 2009

In reply refer to:  
CIWQS Place ID: 214695  
CIWQS Regulatory Measure ID: 359742

MCS Civic Center Plaza, LLC  
Attn: Mr. Matthew C. Strauss  
990 Highland Avenue, Suite 200  
Solana Beach, CA 92075

**Certified Mail – Return Receipt Requested**  
**Registration Number 7008 0150 0003 7457 8148**

Ralph Stone and Company, Inc.  
Attn: Messrs. Klein, Kahle, and  
Rowlands  
10954 Santa Monica Boulevard  
Los Angeles, CA 90025

**Certified Mail – Return Receipt Requested**  
**Registration Number 7008 0150 0003 7457 8155**

CMH Environmental Group, Inc.  
Attn: Mr. Carl Hulick  
2501 Chapman Ave., Suite 100  
Fullerton, CA 92831

**Certified Mail – Return Receipt Requested**  
**Registration Number 7008 0150 0003 7457 8162**

Dear Messrs. Strauss, Klein, Kahle, Rowlands, and Hulick:

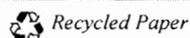
**SUBJECT: NOTICE OF VIOLATION NO. R9-2009-0016 FOR FAILURE TO COMPLY WITH ORDER NO. R9-2008-0110, MR. TERRY ONE-HOUR CLEANERS SITE, 431 NORTH ESCONDIDO BOULEVARD, ESCONDIDO, CA (SITE, CIWQS REGULATORY MEASURE ID: 359742)**

Enclosed is a copy of Notice of Violation No. R9-2009-0016 (NOV) alleging that MCS Civic Center Plaza, LLC; Ralph Stone and Company, Inc.; and CMH Environmental Group, Inc. are in violation of Investigative Order No. R9-2008-0110 (Investigative Order). This NOV has been issued because these parties failed to submit a technical report that complied with all the requirements of the Investigative Order. The Investigative Order is available on the following Regional Board web page at:

[http://www.waterboards.ca.gov/sandiego/board\\_decisions/adopted\\_orders/2008/2008\\_0110.pdf](http://www.waterboards.ca.gov/sandiego/board_decisions/adopted_orders/2008/2008_0110.pdf)

The NOV is based on the limited information submitted to date, and it is possible that additional violations may be identified in the future.

*California Environmental Protection Agency*



Messrs. Strauss, Klein, Kahle, Rowlands, and - 2 -  
Hulick  
Mr. Terry One-Hour Cleaners Site, Escondido, California  
NOV No. R9-2009-0016

January 23, 2009

The Site is in violation of waste discharge requirements (Order No. R9-2003-0111) and an Investigative Order (Order No. R9-2008-0110). These violations meet the "priority violation" criteria outlined in the Water Quality Enforcement Policy of the State Water Resources Control Board, are a serious matter, and subject the parties to potential liability of up to \$25,000 per day per violation. Therefore, you are urged to bring the Site into compliance in a timely manner.

The issuance of this Transmittal Letter and/or the NOV does not in anyway extend any deadline designated for the Site. Additionally, the Regional Board has extended the retention period for all records pertaining to the Order No. R9-2003-0111 and all activities conducted at the Site until this matter is resolved to our satisfaction.

Questions pertaining to this matter should be directed to Ms. Beatrice Griffey via phone at (858) 467-2728 or via e-mail at [BGriffey@waterboards.ca.gov](mailto:BGriffey@waterboards.ca.gov). If you feel that you have received this NOV in error, or need clarification on any of the violations, please contact our office immediately. Written correspondence should be addressed to:

Ms. Julie Chan  
Chief, Groundwater Basins Branch  
California Regional Water Quality Control Board  
San Diego Region  
9174 Sky Park Court, Suite 100  
San Diego, California 92123-4340  
Attn: Ms. Beatrice Griffey

Sincerely,



Julie Chan  
Chief, Groundwater Basins Branch

JC:cc:bg P:\Facilities\Facilities\Landfills\Sites\R9-2003-0111 Gen WDR\Sites\Mr. Terry One-Hour Cleaners\13267  
Docs\NoV\Trans WC.doc

**CIWQS Violation IDs:** 802816, 802817, 802818, 802819, 802821, 802822, 802825, 802826, 802827, 802829, 802831, 802833, 802836, 802840, 802841, 802852, 802854, 802856, 802859, 802860.

**Enclosure:**

Notice of Violation No. R9-2009-0016 for Failure to Comply with Order No. R9-2008-0110.

*California Environmental Protection Agency*

Messrs. Strauss, Klein, Kahle, Rowlands, and - 3 -  
Hulick

January 23, 2009

Mr. Terry One-Hour Cleaners Site, Escondido, California  
NOV No. R9-2009-0016

**cc:** (with enclosure)

Coast Law Group, LLP, Attn: Mr. Marco Gonzalez, 169 Saxony Road, Suite 204,  
Encinitas, CA 92024

**cc:** (without enclosure)

M.C. Strauss Company, Attn. Mr. Michael L. Rubin, Chief Operating Officer, 990  
Highland Drive, Suite 200, Solana Beach, CA 92075

County of San Diego, Department of Environmental Health, Land and Water Quality  
Division, Attn: Ms. Carol Fenner, P.O. Box 129261, San Diego, California 92112-9261

State Water Resources Control Board, Office of Enforcement, Attn: Ms. Mayumi  
Okamoto, Staff Counsel, 1001 I Street, 16<sup>th</sup> Street, Sacramento, CA 95814

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***California Environmental Protection Agency***



# California Regional Water Quality Control Board San Diego Region



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January 23, 2009

IN THE MATTER OF )  
)  
MCS Civic Center Plaza, LLC )  
Attn: Mr. Matthew C. Strauss )  
990 Highland Avenue, Suite 200 )  
Solana Beach, CA 92075 )  
)  
Ralph Stone and Company, Inc. )  
Attn: Messrs. David Klein; )  
Richard Kale, P.E., R.E.A; and )  
James Rowlands, P.E., G.E. )  
10954 Santa Monica Boulevard )  
Los Angeles, CA 90025 )  
)  
CMH Environmental Group, Inc. )  
Attn: Mr. Carl Hulick )  
2501 Chapman Ave., Suite 100 )  
Fullerton, CA 92831 )

NOTICE OF VIOLATION  
NO. R9-2009-0016

**VIOLATION OF INVESTIGATIVE ORDER NO. R9-2008-0110 TO SUBMIT A  
TECHNICAL REPORT PERTAINING TO THE DISCHARGES OF TWO TREATMENT  
AGENTS INTO THE SUBSURFACE ENVIRONMENT AT THE MR. TERRY ONE-  
HOUR CLEANERS SITE, 431 NORTH ESCONDIDO BOULEVARD, ESCONDIDO,  
CALIFORNIA**

**SITE: MR. TERRY ONE-HOUR CLEANERS SITE, 431 NORTH ESCONDIDO  
BOULEVARD, ESCONDIDO, CALIFORNIA**

**YOU ARE HEREBY NOTIFIED THAT:**

You are in violation of Investigative Order No. R9-2008-0110 (Investigative Order) for failure to submit an adequate technical report pertaining to the discharges of two treatment agents into the subsurface environment at the Mr. Terry One-Hour Cleaners Site, 431 North Escondido Boulevard, Escondido, California. Although the parties submitted a technical report titled "Investigative Report, CIWQS Place ID; 214695, CIWQS Regulatory Measure ID: 172553, Dry Cleaners Located at 431 North Escondido Boulevard, Escondido, CA, Project #11080-001, Permit #101146", the technical report did not comply with all the requirements of the Investigative Order. The Regional Board

has reviewed the RSC Report and has identified the following violations of the Investigative Order. Based on the limited information submitted to date regarding the subject activities, it is possible that additional violations may be identified in the future.

#### **SUMMARY OF INVESTIGATIVE ORDER VIOLATIONS:**

##### **Violation of Requirement A.1.**

Failure to identify primary and secondary constituents related to the discharges.

##### **Violation of Requirement A.2.**

Failure to provide estimates of the maximum concentration of each primary and secondary constituent that was present in the treatment agents, soil, and groundwater at the Site.

##### **Violation of Requirement A.3.**

Failure to identify the total volume of each of the two treatment agents discharged at the Site.

##### **Violation of Requirement A.4.**

Failure to identify and quantitate the volume of environmental media impacted by the discharges.

##### **Violation of Requirement B.1.a.**

Failure to include in the Transmittal Letter a brief discussion of the findings, conclusion(s), and recommendation(s) presented in the RSC Report.

##### **Violation of Requirement B.2.**

Failure to provide a detailed, comprehensive, and thorough discussion of the methods, approach, findings, conclusion(s), and recommendation(s) of the Investigation so that the nature and the effects, or possible effects, of the two discharges can be understood and validated.

##### **Violation of Requirement B.3.**

Failure to submit a table(s) that compares the maximum concentration of each primary constituent; the maximum concentration of each secondary constituent; the lowest established WQO for each primary and secondary constituent that is protective of all the designated BUs of waters of the State; and the lowest established concentration for each primary and secondary constituent that is protective of all applicable receptors.

##### **Violation of Requirement B.4.**

Failure to provide a figure(s) that illustrates the findings of the Investigation, including in part a detailed and comprehensive site plot plan and cross-sections

illustrating the lateral and vertical extent of the groundwater plume and impacted soil, injection points, monitoring well construction details, water table, lithologies, sample locations and results, and groundwater flow direction.

**Violation of Requirement B.5.**

Failure to contain or cite reference documents that are used in the RSC Report to support Investigation findings.

**Violation of Requirement B.7.**

Failure to submit laboratory reports that are signed by the laboratory director.

**Violation of Requirement B.7.a.**

Failure to submit laboratory reports that include complete laboratory analytical reports.

**Violation of Requirement B.7.b.**

Failure to submit laboratory reports that include complete laboratory quality assurance/quality control (QA/QC) reports.

**Violation of Requirement B.7.c.**

Failure to submit laboratory reports that include a discussion of the sample and QA/QC data.

**Violation of Requirement B.7.d.**

Failure to submit laboratory reports that include transmittal letters that indicate all the analytical work was supervised by the director of the laboratory, and contain the following statement, "All analyses were conducted at a laboratory certified for such analyses by the California Department of Health Services and in accordance with current U.S. Environmental Protection Agency (USEPA) procedures."

**Violation of Requirement C.1.**

Failure to provide a copy of the Contingency Plan for the activities.

**Violation of Requirement C.2.**

Failure to provide a copy of calibration and maintenance records for all monitoring instruments, devices, and equipment; and the annual written statements, signed by a registered professional engineer, certifying that all flow measurement devices were calibrated and reliably accurate.

**Violation of Requirement C.3.**

Failure to provide a copy of records of all monitoring information.

January 23, 2009

**Violation of Requirement C.4.**

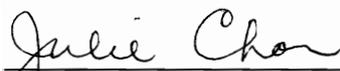
Failure to provide records demonstrating the collection of the required grab sample.

**Violation of Requirement D.2.**

Failure to comply with electronic format reporting requirements by December 17, 2008.

Questions pertaining to the issuance of this Notice of Violation are to be directed to Ms. Beatrice Griffey via phone at (858) 467-2728 or via e-mail at [BGriffey@waterboards.ca.gov](mailto:BGriffey@waterboards.ca.gov). Written correspondence pertaining to this Notice of Violation are to be directed to the following address:

Ms. Julie Chan, Chief, Groundwater Basins Branch  
Attn: Ms. Beatrice Griffey  
California Regional Water Quality Control Board, San Diego Region  
9174 Sky Park Court, Suite 100  
San Diego, California 92123-4340



Julie Chan, P.G.  
Chief, Groundwater Basins Branch

Date: January 23, 2009