

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
COLORADO RIVER BASIN REGION

CLEANUP AND ABATEMENT ORDER NO. 90-069  
AGAINST  
LOUIS AND SARAH HAHNE  
NORMAN AND MILENE COZENS  
Borrego Springs - San Diego County

The Executive Officer of the California Water Quality Control Board, Colorado River Basin Region, finds that:

1. Norman and Milene Cozens (hereinafter referred to as the "current owners"), P.O. Box 682, Julian CA 92036, are the owners of a gasoline station located at 896 Palm Canyon Drive, Borrego Springs, CA.
2. Louis and Sarah Hahne, 3169 Borrego Springs Road, Borrego Springs, CA 92004 ("former owners", who with the current owners herein after are collectively referred to as the dischargers), owned and operated said gasoline station from 1954 to 1976, at which point they sold it to Earl and Katheryn Cartier. In February of 1978, the subject property was quitclaimed by the Cartier's to the current owners.
3. The Regional Board received an Underground Storage Tank Unauthorized Release Report on January 28, 1988 indicating that gasoline had leaked from the underground storage tank at the subject facility, resulting in soil and ground water contamination.
4. This Regional Board has entered into an agreement with the County of San Diego, Department of Health Services (SDDOHS) to give them lead agency status in overseeing the remediation of contaminated sites resulting from the unauthorized release of hazardous substances from underground storage tanks in San Diego County.
5. By letter dated February 9, 1988, the current owners were requested by the SDDOHS to conduct a complete site assessment to address the extent of both soil and ground water contamination at the subject site.
6. On March 23, 1989, the Regional Board received a report from the current owners, dated March 15, 1989, which contains the results of a preliminary subsurface investigation at the subject site. The report includes data from the drilling and sampling of eight soil borings, one of which was completed as a monitoring well. Soil samples collected from the borings contained total petroleum hydrocarbons (TPH) up to 16,000 ppm. Two ground water samples analyzed from the monitoring well indicated concentrations of 32 ppb benzene.
7. On March 24, 1989, the Regional Board received a report from the current owners, dated March 22, 1989, which contained a proposal to remediate soil and ground water contamination at the subject site via a vapor extraction system.
8. On March 26, 1990, the Regional Board received a copy of a deposition submitted by Duckor and Spradling, the law firm which represents the current owners, which indicates that the former owners were in possession of the subject facility when gasoline leaked from its underground storage tanks.

9. Regional Board staff has determined that the gasoline contamination presents a threat to the quality of the ground water.
10. The dischargers have caused or permitted the discharge of waste or wastewater into the waters of the State and created a condition of pollution.
11. Section 13304 of the California Water Code states, in part, that:

"Any person... who has caused or permitted... any waste to be discharged or deposited where it is, or probably will be, discharged into the waters of the State and creates, or threatens to create, a condition of pollution or nuisance, shall upon order of the regional board cleanup such waste or abate the effects thereof, or, in the case of threatened pollution or nuisance, take other necessary remedial action."
12. Contamination of the ground water with gasoline would significantly impair the beneficial uses of the ground water.
13. The Water Quality Control Plan for the Colorado River Basin Region of California designates the beneficial uses of ground and surface waters in this Region.
14. The beneficial uses of ground waters in the Anza-Borrego Hydrologic Unit are:
  - a. Municipal supply (MUN)
  - b. Industrial supply (IND)
  - c. Agricultural supply (AGR)
15. This enforcement action is exempt from the California Environmental Quality Act pursuant to Section 15308 and 15321, Chapter 3, Title 14 of the California Code of Regulations.

IT IS HEREBY ORDERED, that pursuant to Section 13304 of Division 7 of the California Water Code, the dischargers shall comply with the following:

1. Cleanup and abate the effects of the discharge of gasoline.
2. Submit to the SDDOHS and the Regional Board by October 31, 1990, a technical report containing the results of a complete subsurface investigation.
3. Within two weeks of submittal of the technical report, submit a cleanup proposal including the recovery of the free product in and above the ground water, and extraction of the contaminated ground water, to the SDDOHS and the Regional Board.

ORDERED BY:

Phil Greenberg  
Executive Officer

9-11-90

Date