

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION

WATER QUALITY INVESTIGATION AND
CLEANUP AND ABATEMENT ORDER NO. R9-2009-0012
FOR GEORGE KELLY

FORMER CARSON CLEANERS
1240 SOUTH ESCONDIDO BOULEVARD
ESCONDIDO, CALIFORNIA

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

- 1. Legal and Regulatory Authority.** This Order is based on (1) sections 13267 and 13304 of the California Water Code; (2) applicable state and federal regulations; (3) all applicable provisions of statewide Water Quality Control Plans adopted by the State Water Resources Control Board (State Board) and the Basin Plan adopted by the Regional Board including beneficial uses, water quality objectives, and implementation plans; (4) State Board policies and regulations, including State Board Resolution No. 68-16 (*Statement of Policy with Respect to Maintaining High Quality of Waters in California*), Resolution No. 88-63 (*Sources of Drinking Water*), and Resolution No. 92-49 (*Policies and Procedures for Investigation and Cleanup and Abatement of Discharges under Water Code Section 13304*); California Code of Regulations (CCR) Title 23, Chapter 16, Article 11; CCR Title 23, section 3890 *et. seq.*, and (5) relevant standards, criteria, and advisories adopted by other state and federal agencies.
- 2. Wastes.** Elevated levels of tetrachloroethylene (PCE), a common dry cleaning solvent, and its degradation product trichloroethylene (TCE) exist in soil and groundwater beneath and in the vicinity of the property located at 1240 South Escondido Boulevard, Escondido, California (Site). These volatile organic compounds (VOCs) are not naturally occurring and are considered wastes, as defined in Water Code section 13050, subdivision (d).
- 3. Pollution.** "Pollution" is defined in the Water Code to mean "an alteration of the quality of the waters of the state by waste to a degree which unreasonably affects...the waters for beneficial uses." (Water Code section 13050, subdivision (l)(1)(A).)
- 4. Condition of Pollution or Nuisance.** Section 13304(a) of the Water Code provides that: "Any person who has discharged or discharges waste into waters of the state in violation of any waste discharge requirement or other order or prohibition issued by a regional board or the state board, or who has caused or permitted, causes or permits, or threatens to cause or permit 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 clean up the waste or abate the effects of the waste, or, in the case of threatened pollution or nuisance, take other necessary remedial action, including but not limited to, overseeing cleanup and abatement efforts. Upon failure of any person to comply with the cleanup or abatement order, the Attorney General, at the request of the regional board, shall petition the superior court for that county for the issuance of an injunction requiring the person to comply with the order. In the suit, the court shall have jurisdiction to grant a prohibitory or mandatory injunction, either preliminary or permanent, as the facts may warrant.”

5. **Unauthorized Discharge of Waste.** VOCs were discovered in 1987 during a subsurface investigation for possible petroleum compounds released from a nearby gas station. That investigation resulted in the determination that the primary source of PCE and TCE contaminating the groundwater is the contaminated soil beneath the Cleaners. There are no other known potential sources of PCE at or around the Site other than the Cleaners. In 1990, a groundwater recovery system using carbon absorption was installed at the Site; approximately 80,200 gallons were extracted and discharged to the sewer system as of July 1, 2007. February 12, 1997 was the last round of groundwater monitoring conducted at the Site. PCE and TCE dissolved phase concentrations from this monitoring event are summarized as follows:

Constituent	Maximum Groundwater Concentration Detected Onsite ($\mu\text{g/L}$) ¹
PCE	40,000
TCE	33

Levels of PCE and TCE in the groundwater exceed WQOs, degrade the quality of groundwater resources, impair the designated beneficial uses of the waters as identified in the Basin Plan, and create a condition of pollution in groundwater.

6. **Beneficial Uses of Groundwater.** The *Water Quality Control Plan for the San Diego Basin* (Basin Plan) designates beneficial uses of the waters of the State. The Site is located in the Escondido Hydrologic Subarea (HSA 904.62) of the Escondido Hydrologic Area of the Carlsbad Hydrologic Unit. Designated beneficial uses of groundwater are municipal and domestic supply, agricultural supply, and industrial service supply (Basin Plan, Table 2-5).
7. **Water Quality Objectives.** The Basin Plan also establishes water quality objectives (WQOs) needed to support beneficial uses and establishes implementation policies to achieve WQOs. The WQOs for PCE and TCE (5 $\mu\text{g/L}$ and 5 $\mu\text{g/L}$, respectively) are derived from primary maximum contaminant levels

¹ *Groundwater Monitoring Report for 1240 South Escondido Boulevard Escondido, California*; June 3, 1997, Applied Consultants, Inc.

(MCL) established by the California Department of Public Health for the protection of public drinking water supplies.

8. **Persons Responsible for the Discharge.** The current landowner, Mr. George Kelly (Discharger), is subject to this Order because he has caused or permitted and threatens to cause or permit, waste to be discharged into waters of the State where it has created and threatens to create a condition of pollution or nuisance. Although the Discharger did not own the property at the time of the release of PCE into the environment, the Discharger is and has been aware of the presence of PCE and its degradation products in the soil and groundwater at the Site, and he has knowledge, control, and an ability to prevent the further migration of waste from the Site.
9. **Site Lease and Use History.** In 1981, Dr. and Mrs. Milton Ullman purchased the Site from the Biondo Family Partnership. The Cleaners (also known as the Carson Cleaners Dry Cleaning Facility, Carson Cleaners Site; and former Carson Cleaners) was operated under various ownerships for approximately 15 to 20 years until 1987 when the lease was terminated and the building was converted for various commercial retail uses and services. The Ullmans negotiated a cash settlement with the Biondo Family Partnership that was insufficient to pay for the work needed to achieve cleanup goals. The Ullmans were unable to pay the remaining costs or attain additional funds from the Biondo Family Partnership and sold the property to the Discharger in April 2002.
10. **Lead Agency.** The Department of Toxic Substances Control (DTSC) notified the Regional Board of a determination of imminent and substantial endangerment at the Site on May 16, 1994. The DTSC investigated air and groundwater quality in the fall of 1994 and found threats to water quality remained. By letter dated April 12, 1995, the DTSC transferred the regulatory lead to the Regional Board. The Regional Board issued letters dated July 3, 2002 and June 16, 2003 to the Discharger stating legal requirements and requesting that the Discharger perform additional activities to assess the most recent conditions at the Site. The Discharger did not comply with the Regional Board's request to 1) conduct a baseline round of groundwater monitoring and 2) initiate water sampling by July 30, 2003.
11. **Technical or Monitoring Program Reports.** Section 13267(b) of the Water Code provides in part that: "(1) In conducting an investigation specified in [section 13267] subdivision (a), the regional board may require that any person who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge waste within its region...shall furnish, under penalty of perjury, technical or monitoring program reports which the regional board requires. The burden, including costs, of these reports shall bear a reasonable relationship to the need for the report and the benefits to be obtained from the reports. In requiring those reports, the regional board shall provide the person with a written

explanation with regard to the need for the reports, and shall identify the evidence that supports requiring that person to provide the reports."

12. **Need and Benefit.** Technical reports are needed to provide information to the Regional Board regarding condition of pollution attributed to the former Carson Cleaners. The benefits to be obtained from a technical report include enabling the Regional Board to determine if the condition of pollution poses a threat to users of groundwater in the vicinity of the site and providing technical information that will be used to determine what additional corrective actions are necessary to bring the site into compliance with applicable water quality objectives, and/or if further enforcement action(s) is warranted. Based on the nature and possible consequences of the discharges (as described in Findings No. 1, 4, and 5 above) the burden of providing the required report bears a reasonable relationship to the need for the report and the benefits to be obtained from the report.
13. **Costs.** Section 13304(c)(1) of the Water Code provides, in part, that: "[T]he person or persons who discharged the waste, discharges the waste, or threatened to cause or permit the discharge of the waste within the meaning of [section 13304] subdivision (a), are liable to that government agency to the extent of the reasonable costs actually incurred in cleaning up the waste, abating the effects of the waste, supervising cleanup or abatement activities, or taking other remedial actions... ."
14. **Failure to Comply.** If the Discharger fails to comply with this Order, the Executive Officer may request the Attorney General to petition the superior court for the issuance of an injunction.
15. **Order Violation.** If the Discharger violates this Order, the Discharger may be liable civilly in a monetary amount provided by the Water Code.
16. **State Board Resolutions.** The State Board adopted Resolution No. 92-49, the *Policies and Procedures for Investigation and Cleanup and Abatement of Discharges under Water Code section 13304*. This Resolution sets forth the policies and procedures to be used during an investigation or cleanup of a polluted site and requires that cleanup levels be consistent with State Board Resolution No. 68-16, the *Statement of Policy with Respect to Maintaining High Quality of Waters in California*. Resolution No. 92-49 and the Basin Plan establish the cleanup levels to be achieved. Resolution No. 92-49 requires the waste to be cleaned up to background, or if that is not reasonable, to an alternative level that is the most stringent level that is economically and technologically feasible in accordance with Title 23, CCR section 2550.4. Any alternative cleanup level greater than background must (1) be consistent with the maximum benefit for the people of the state; (2) not unreasonably affect present and anticipated beneficial use of such water; and (3) not result in water quality less than that prescribed in the Basin Plan and applicable Water Quality Control Plans and Policies of the State Board.

17. **California Environmental Quality Act (CEQA).** The enforcement actions is being taken for the protection of the environment and is exempt from the provisions of the CEQA (Public Resources Code Section 21000, et seq.) in accordance with section 15308, Chapter 3, Title 14 of the CCR. The issuance of this Order is also an enforcement action taken by a regulatory agency and is exempt from the provisions of CEQA pursuant to section 15321 (a)(2), Chapter 3, Title 14 of the CCR. This action is also exempt from the provisions of CEQA in accordance with section 15061 (b)(3) of Chapter 3, Title 14 of the CCR because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

ORDER DIRECTIVES

IT IS HEREBY ORDERED, pursuant to section 13267 and 13304 of the Water Code, that the Discharger must comply with the following directives:

A. CLEANUP AND ABATE DISCHARGES

Duty to Comply. The Discharger shall take all corrective actions² necessary to:

1. Investigate, cleanup, and abate discharges of VOCs at the Site; and
2. Achieve compliance with site-specific cleanup levels as prescribed by the Regional Board.

B. INTERIM REMEDIAL ACTIONS

1. *Take Interim Remedial Actions.* The Discharger shall take interim remedial actions as necessary to abate or correct the actual or potential effects of the unauthorized releases described in this Order. Interim remedial actions can occur concurrently with any phase of the Site investigation or remedial action.
2. *Interim Remedial Actions.* Interim remedial actions include but are not limited to:
 - a. Excavation of contaminated soil;
 - b. Pumping and treatment of groundwater to remove dissolved constituents; and
 - c. Vacuum extraction of VOCs from the vadose zone.

² Corrective Actions include the following phases of cleanup and abatement described in Directives B through F of this Cleanup and Abatement order: (1) Baseline Groundwater Quality Investigation (2) Site Investigation and Characterization phase; (3) Remedial Action Plan phase; and (4) Cleanup and Abatement Completion Verification phase.

3. *Regional Board Notification.* The Discharger shall notify the Regional Board 48 hours before taking any proposed interim remedial actions and comply with any additional requirement that the Regional Board sets.

C. BASELINE GROUNDWATER QUALITY INVESTIGATION

1. *Monitoring.* A baseline round of groundwater monitoring must be conducted to determine the current extent of impacts that require cleanup and abatement.
 - a. The Discharger must provide the Regional Board with 48 hours notice prior to sampling.
 - b. All wells shall be properly purged and sampled using USEPA Method 8260B or most current method. Prior to sampling, water levels must be measured.
 - c. Monitoring of all wells at the Site shall continue on a quarterly basis (i.e. every three months) until further notice.
2. *Reporting.* A report of findings for the baseline groundwater quality investigation as described in Directive C.1. must be prepared and submitted by **April 30, 2009**. At a minimum, the report must include the following:
 - a. A table with the well construction details, measured depth to groundwater, and the elevation of groundwater for each well;
 - b. A site map showing groundwater elevations and the direction of groundwater flow;
 - c. A table with analytical results including concentrations of PCE, its breakdown products, and any other detected VOCs for each well sampled;
 - d. A site map showing the concentrations of each contaminant found in each well along with isoconcentration contours showing the estimated lateral extent of PCE and its breakdown products; and
 - e. Time versus concentration graphs for PCE and its breakdown products in all monitoring wells.
 - f. Two concentration versus distance graphs for PCE and its breakdown products. One graph should be parallel to the plume axis and one graph should be perpendicular to the plume axis.

D. SITE INVESTIGATION AND CHARACTERIZATION

1. *Site Investigation and Characterization Workplan.* The Discharger must develop and submit to the Regional Board by **May 29, 2009** a workplan adequate to guide the collection of information to produce the Site Investigation and Characterization Report described in Directive D.3. At a minimum, the workplan must contain the following:
 - a. Initial Site Conceptual Model (SCM). The workplan shall include an initial SCM. A SCM provides a written or pictorial representation of the release scenario and the likely distribution of waste at the Site, offsite, 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 initial 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 cleanup. Contingencies for collection of additional samples shall be proposed in the workplan.
 - b. Source Characterization. The workplan shall propose activities needed to investigate and fully characterize all potential sources of VOCs discharged to soil and groundwater based on historical records of operations, site reconnaissance, and previous monitoring studies. Potential sources that should be investigated include tanks, drains, sumps, areas of stained ground, container storage areas, and other areas where VOCs were handled, stored, or used.
 - c. Hydrogeologic Characterization. The workplan shall propose actions needed to fully characterize the subsurface geology as it affects hydrogeologic conditions at the Site. Both the rate(s) and direction(s) of groundwater flow need to be determined in the horizontal and vertical dimension. All water bearing units potentially affected by the VOCs from the Site shall be investigated.
 - d. Extent of VOC Characterization. The workplan shall propose monitoring wells adequately designed and located to characterize the type of VOCs present and the horizontal and vertical extent of each VOC in soil and groundwater.

- e. Groundwater Sampling. The workplan shall propose methods for purging and sampling monitoring wells must be capable of providing representative samples of groundwater for detecting the VOCs of interest.
 - f. Chemical Analysis. The workplan shall propose a suite of chemical analyses adequate to identify the full range of site-specific VOCs.
 - g. Soil and Water Samples. The workplan shall propose a sufficient number of samples to identify the nature of VOC sources, to define the distribution of VOCs in the subsurface, and to provide data for risk assessment, remedy selection, and remedial design. In addition, samples shall be collected to evaluate physical properties of soils and aquifer materials.
 - h. Human Health Risk Assessment. The workplan shall propose actions to complete a human health risk assessment adequate to address the risks from each chemical and from all applicable exposure pathways.
 - i. Report Completion Schedule. The workplan shall include a schedule for completion of all activities and submission of a final Site Investigation and Characterization Report described in Directive D.3.
 - j. Presumptive Remedies. Presumptive remedies³ shall be considered during the development of the workplan so that data needed for selection and design of remedial alternatives may be collected during site characterization.
2. *Workplan Implementation.* The Discharger shall implement the workplan within **60 days** after submission of a complete and adequate workplan, 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 workplan; and
 - b. Comply with any conditions set by the Regional Board, including mitigation of adverse consequences from cleanup activities.

³ Presumptive remedies are preferred technologies based on the U.S. Environmental Protection Agency's (USEPA) scientific and engineering evaluation of performance data on remedial technology implementation in the Superfund Program. The five types of sites for which there is USEPA presumptive remedy guidance are: Volatile Organic Compounds (VOCs) in Soils, Municipal Landfills, Metals in Soils, Wood Treaters, and Contaminated Groundwater. The objective of USEPA's presumptive remedies initiative is to use the experience gained by USEPA in the Superfund Program to streamline site investigation and speedup selection of cleanup actions. Additional information on presumptive remedies can be obtained from USEPA's website at <http://www.epa.gov/superfund/cleanup/index.htm>.

3. *Site Investigation and Characterization Report.* The Discharger must prepare and submit a complete and adequate Site Investigation and Characterization Report (Report) describing the results of Site Investigation and Characterization activities. The report must contain:
 - a. Final Site Conceptual Model. The Report shall contain the final SCM identifying 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.
 - b. Source Characterization. The Report shall fully characterize all potential sources of VOC discharged to soil and groundwater. All sources of VOC 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.
 - c. Hydrogeologic Characterization. The Report shall fully characterize the subsurface geology as it affects hydrogeologic conditions at the Site. Both the rate(s) and direction(s) of groundwater flow, in both the horizontal and vertical dimension, must be described for all water bearing units potentially affected by the VOCs from the Site. Any preferential pathways that could affect contaminant migration must be considered; preferential pathways could include utility easements and storm water conveyance systems.
 - d. Extent of VOC Characterization. The Report shall characterize the lateral and vertical extent of each VOC in soil and groundwater to the background⁴ value for that VOC.
 - e. Groundwater Monitoring. The Report shall describe the location of monitoring wells used to characterize the types of VOCs present, the concentrations of VOCs present, and the lateral and vertical extent of VOCs in groundwater.
 - f. Field Methodologies. The Report shall describe the field methodologies used for drilling, soil sampling, ground and surface water sampling, well and piezometer 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, waste, or groundwater.
 - h. Soil and Water Samples. The location and result of each sample (for PCE and TCE) shall be identified and shown on a site map and Site cross-

⁴ "Background" means the concentrations or measures of constituents or indicator parameters in water or soil that have not been affected by VOCs from the Site.

section map. All sample data shall be presented in tabular form to include the sample location, depth, medium, method, result, analysis, and rationale for the method used.

- i. Human Health Risk Assessment. The Report shall include a human health risk assessment for inhabitants of the building located at the Site; residents of the Boulevard Motel, north of the Site; and inhabitants of the buildings west of the Site, on Escondido Boulevard. The risks from each chemical and from all applicable exposure pathways shall be summed to obtain the overall screening level risk posed by chemicals detected from the Site. The human health risk assessment shall follow the Department of Toxics Substances Control (DTSC), 2004, Guidance for the Evaluation and Mitigation of Subsurface Vapor Intrusion to Indoor Air.
- j. Remedial Investigation and Feasibility Study (RI/FS). The Report shall include a feasibility study to evaluate alternatives, including the cost and effectiveness of each alternative, for the cleanup or remediation of the VOCs in order to attain a range of applicable soil and groundwater cleanup levels between background water quality conditions and alternative cleanup levels derived by applying the conditions set forth in CCR Title 23, Chapter 15, Article 5, section 2550.4. Alternate cleanup levels shall not unreasonably affect present and anticipated beneficial uses of waters and not result in water quality less than that prescribed in the Water Quality Control Plans and Policies adopted by the State and Regional Board.⁵ The RI/FS shall provide an assessment of the actual and potential effects of the VOCs discharged at the Site on both beneficial uses and ground and surface water quality including, but not limited to, the following considerations:
 - a. The physical and chemical characteristics of the VOCs discharged at the Site, including their toxicity, persistence, and potential for migration in water, soil, and air;
 - b. The hydrogeologic characteristics of the Site and the surrounding area where the VOCs have migrated or may migrate;

⁵ 23 CCR 2550.4 (c) provides that the Regional Board may establish a cleanup level for a constituent of concern that is greater than the background value of that constituent only if the Regional Board finds that it is technologically or economically infeasible to achieve the background value for that constituent and that the constituent will not pose a substantial present or potential hazard to human health or the environment as long as the cleanup level greater than background is not exceeded. In making this finding, the Regional Board will consider the factors specified in section 2550.4(d), the Remedial Investigation and Feasibility Study submitted pursuant to Directive D.2.j of this Order, monitoring data submitted by the discharger to support the proposed cleanup level greater than background, public testimony on the proposal, and any additional data or information.

- c. The rate and direction of groundwater flow in both the horizontal and vertical dimension, for all water bearing units potentially or actually affected by the VOCs from the Site;
- d. The potential for health risks caused by human exposure to the VOCs; and
- e. The persistence and permanence of the potential adverse effects.

E. REMEDIAL ACTION PLAN

1. *Remedial Action Plan (RAP)*. The Discharger shall submit a RAP to the Regional Board within **60 days** following submission of a complete and adequate Site Investigation and Characterization Report, unless otherwise directed in writing by the Regional Board. The RAP shall contain the following information:
 - a. *Implementation Activities*. A detailed description of all activities planned to implement the recommended alternative for the cleanup or remediation of the VOCs described in the final RI/FS and a schedule for their completion; and
 - b. *Monitoring Activities*. A monitoring program to verify the success of the remedial action measures and to determine if the RAP will be effective in obtaining compliance with cleanup levels.
2. *Remedial Action Plan Implementation*. In the interest of minimizing environmental contamination and promoting prompt cleanup, the Discharger must begin implementation of the RAP **60 days** after submittal to the Regional Board, unless otherwise directed in writing by the Regional Board. Before beginning RAP implementation activities, the Discharger shall:
 - a. Notify the Regional Board of its intention to begin cleanup; and
 - b. Comply with any conditions set by the Regional Board, including mitigation of adverse consequences from cleanup activities.
3. *Remedial Action Zone*. The Discharger shall implement remedial action measures that ensure that the VOCs achieve their respective cleanup levels at all monitoring points and throughout the zone affected by the VOCs, including any portions thereof that extend beyond the Site boundary, by removing the VOCs or treating them in place.
4. *Remedial Progress Reports*. The Discharger shall monitor, evaluate, and report the results of implementation of the RAP on a schedule to be established by the Regional Board.

5. *Modify or Suspend Cleanup Activities.* The Discharger shall modify or suspend cleanup activities when directed to do so by the Regional Board.
6. *Verification Monitoring:* Upon the completion of remedial action, post-remedial groundwater monitoring must be implemented. Monitoring of wells will be performed to verify the effectiveness of cleanup efforts and to evaluate whether additional cleanup measures are warranted.

F. PROVISIONS

1. *No Pollution, Contamination, or Nuisance.* The storage, handling, treatment, or disposal of soil containing VOC waste or polluted groundwater must not create conditions of pollution, contamination, or nuisance as defined in Water Code section 13050(m). The Discharger must properly manage, treat, and dispose of wastes and polluted groundwater in accordance with applicable federal, state, and local regulations.
2. *Operation and Maintenance.* The Discharger shall maintain in good working order and operate as efficiently as possible any facility or control system installed to achieve compliance with the requirements of this Order.
3. *Access to Site and Records.* In accordance with Water Code section 13267(c), the Discharger shall allow the Regional Board or its authorized representative:
 - a. Entry upon premises in which any pollution source exists, or may potentially exist, or in which any required records are kept, which are relevant to this Order;
 - b. Access to copy all records required to be kept under the requirements of this Order;
 - c. Inspection of any monitoring or remediation facilities installed in response to this Order; and
 - d. Sampling of any groundwater or soil which is accessible, or may become accessible, as part of any investigation or remedial action program undertaken by the Discharger.
4. *Reporting of Changed Owner or Operator.* The Discharger must notify the Regional Board of any changes in site occupancy or ownership associated with the Site described in this Order.
5. *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.

6. *Contractor/Consultant Qualifications.* All reports, plans, and documents required under this Order shall be prepared under the direction of appropriately qualified professionals. A statement of qualifications and license numbers, if applicable, of the responsible lead professional and all professionals making significant and/or substantive contributions shall be included in the report submitted by the Discharger. 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 the Regional Board.
7. *Lab Qualifications.* All samples must be analyzed by California State-certified laboratories using methods approved by the USEPA for the type of analysis to be performed. All laboratories must maintain quality assurance/quality control (QA/QC) records for Regional Board review. Any report presenting new analytical data is required to include the complete laboratory analytical report(s). The laboratory analytical report(s) must be signed by the laboratory director and contain:
 - a. A complete sample analytical report;
 - b. A complete laboratory quality assurance/quality control (QA/QC) report;
 - c. A discussion of the sample and QA/QC data; and
 - d. A transmittal letter that shall indicate whether or not 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 in accordance with current USEPA procedures."
8. *Periodic Review.* The Regional Board will review this Order periodically and may revise it when necessary. The Discharger may request revisions, and upon review the Assistant Executive Officer, may recommend that the Regional Board revise these requirements.
9. *Report Submittals.* All monitoring, technical reports, and other information submitted to the Regional Board in compliance with this Order is required to be submitted electronically via the Internet or by compact disc (CD) in a text searchable format, to this office on or before the required deadline and submitted electronically via the Internet into the state-wide GeoTracker database. To comply with section 3893, Title 23, CCR; the information submitted 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 searchable (optical character recognition) Electronic 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 one 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;
- 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 reports;
- f. The depth to the screened interval and the length of screened interval for any permanent monitoring well;
- g. Boring logs, in searchable PDF format; and
- h. A complete copy of any report or workplan, in text searchable PDF format, which includes the signed transmittal letter and professional certification.

The GeoTracker website address is <http://www.geotracker.waterboards.ca.gov>.
The Global ID for this site is **SL0607335843**.

G. NOTIFICATIONS

1. *Cost Recovery.* This Site will be registered in the Site Cleanup Program (SCP) cost recovery program administered by the State Board. The Discharger will reimburse the State for all reasonable costs actually incurred by the Regional Board to investigate unauthorized discharges of waste and to oversee cleanup of such waste, abatement of the effects thereof, or other remedial action, required by this Order, according to billing statements prepared from time to time by the State Board.
2. *Enforcement Discretion.* The Regional Board reserves its right to take any enforcement action authorized by law for violations of the terms and conditions of this Order. This Order in no way limits the authority of this Regional Board to

January 27, 2009

institute additional enforcement actions or to require additional investigation and cleanup consistent with the Water Code.

3. *Compliance.* 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 in an amount not to exceed \$5000 for each day in which the violation occurs under Water Code sections 13268 or 13350 or referral to the Attorney General for injunctive relief or civil or criminal liability.
4. *Requesting Evidentiary Hearing by the Regional Board.* Any person affected by this action of the Regional Board may request an evidentiary hearing before the Regional Board. The Regional Board's Executive Officer may elect to hold an informal hearing or a "paper hearing" in lieu of scheduling a hearing before the Regional Board itself. If you decide to request an evidentiary hearing, send your request to the Regional Board Executive Officer, Attn: Supervisor Central San Diego County Groundwater Unit, at the address provided on the Order transmittal letter. Please consider the following carefully:
 - a. The Regional Board must receive your request within 30 days of the date of this Order.
 - b. Your request must include all comments, technical analysis, documents, reports, and other evidence that you wish to submit for the evidentiary hearing; however, please note that the administrative record will include all materials the Regional Board has previously received regarding this Site. You are not required to submit documents that are already in the record.
 - c. The Executive Officer or Regional Board may deny your request for a hearing after reviewing the evidence.
 - d. If you do not request an evidentiary hearing, the State Board may prevent you from submitting new evidence in support of a State Board petition.
 - e. Your request for an evidentiary hearing, if you submit one, does not stay the effective date of the Order, whether or not a hearing is scheduled.
 - f. A request for a hearing does not extend the 30-day period to file a petition with the State Board (see below); however, we suggest that you ask the State Board to hold the petition in abeyance while your request for a hearing is pending. (Refer to CCR Title 23 section 2050.5(d)) Additional information regarding the State Board petition process is provided below.
5. *Requesting Administrative Review by the State Board.* Any person affected by this action of the Regional Board may petition the State Board to review the action in accordance with section 13320 of the Water Code and CCR Title 23 section 2050. The petition must be received by the State Board (Office of Chief

Counsel, P.O. Box 100, Sacramento, California 95812-0100) within 30 days of the date of this Order. Copies of the law and regulations applicable to filing petitions will be provided upon request.

for Julie Chan

MICHAEL P. McCANN
Assistant Executive Officer

1/27/2009
Date

Summary of Required Submittals and Their Due Dates

Directive	Activity	Due Date
C.2	Baseline Groundwater Quality Investigation Report	April 30, 2009
D.1	Site Investigation and Characterization Work Plan	May 29, 2009
D.2	Site Investigation and Characterization Work Plan - Implementation	Within 60 days of submittal of D.1
D.3	Site Investigation and Characterization Report	TBD based on D.1
E.1	Remedial Action Plan	Within 60 days of submittal of D.3
E.2	Remedial Action Plan - Implementation	Within 60 days of submittal of E.1

