



# California Regional Water Quality Control Board

## San Diego Region



Winston H. Hickox  
Secretary for  
Environmental  
Protection

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November 26, 2001

CERTIFIED – RETURN RECEIPT REQUESTED  
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Mr. Kanwar B. Narain and Mrs. Ragini Narain  
Narain Oil Incorporated  
P.O. Box 1918  
Rancho Santa Fe, CA 92067

In Reply Refer To:  
UST:50-2937:jme

Dear Mr. and Mrs. Kanwar B. and Ragini Narain:

**RE: ISSUANCE OF CLEANUP AND ABATEMENT ORDER NO. 2001-226  
FOR THE DISCHARGE OF PETROLEUM HYDROCARBONS TO  
SOILS AND GROUNDWATER AT THE FORMER DELTA DISCOUNT  
GAS STATION, 28111 FRONT STREET, TEMECULA, CALIFORNIA**

Enclosed is copy of Cleanup and Abatement Order (CAO) No. 2001-226 for the cleanup of an unauthorized release of petroleum hydrocarbons at the former Delta Discount Gas station. This CAO is issued by the California Regional Water Quality Control Board (Regional Board) to Mr. Kanwar B. Narain and Mrs. Ragini Narain, Narain Oil Incorporated, Ajkeraka Incorporated (hereinafter Narain) under authority of California Water Code (CWC) section 13304.

The enclosed CAO directs Narain to cleanup the soil and groundwater contamination in compliance with all relevant state regulations, policies and procedures of the State Water Resources Control Board. The CAO directs Narain to provide to the Regional Board quarterly groundwater monitoring reports, written site conceptual model, site investigation reports, and a corrective action plan.

Please take note of the deadlines set in the CAO. Violation of a CAO directive may result in an administrative civil liability (ACL) not to exceed five thousand dollars (\$5,000) for each day of violation.

You are still in violation of a CWC section 13267 directive to do offsite delineation of groundwater pollution. A potential ACL penalty not to exceed one thousand dollars (\$1,000) per day of violation is currently accruing from September 15, 2001. The potential penalty will continue to accrue until you have satisfied the CWC section 13267 directive.

***California Environmental Protection Agency***

*The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our Web-site at <http://www.swrcb.ca.gov>.*

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I strongly urge a prompt and complete response to each directive of CAO No. 2001-226. My staff will be happy to work with you in your efforts toward achieving compliance with the directives of the enclosed CAO. If you have any questions please contact Jody Ebsen of my staff at (858) 636-3146.

Respectfully,



JOHN H. ROBERTUS  
Executive Officer  
San Diego Regional Water Quality Control Board

cc: Caldwell Family Trust, c/o Mr. Steve Tiritilli, Tiritilli Realty, 29379 Rancho California Road, Suite 108, Temecula, CA 92591

Mr. John H. Reaves, Esq., Caldwell Family Trust, 701 B Street, Suite 1050, San Diego, CA 92101

Mr. Robert Russell, Procopio Cory Hargreaves & Savitch, 530 "B" Street, Suite 2100 San Diego, CA 92101-4469

Mr. Phil Rosenberg Geocon Consultants, Inc., 6970 Flanders Drive, San Diego, CA 92121-2974

Ms. Sandy Bunchek, Riverside Department of Environmental Health, P.O. Box 7600, Riverside, CA 92503

Mr. Fin Mueller, Summit Energy Corporation, 5777 W. Century Blvd., Suite 1187 Los Angeles, Ca 90045

JHR:jac:jme

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
SAN DIEGO REGION

CLEANUP AND ABATEMENT ORDER NO. 2001-226

FORMER DELTA DISCOUNT GAS STATION  
28111 FRONT STREET  
TEMECULA, CA

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

1. **Unauthorized Discharge of Waste:** In 1994, an unauthorized discharge of petroleum hydrocarbon waste to soil and groundwater occurred at the former Delta Discount gas station, located at 28111 Front Street in Temecula, Riverside County, California. The waste was discharged from the station's underground storage tank system and resulted in a condition of pollution in the underlying groundwater aquifer.

The property where the waste was discharged is also described as: Lot 9 of Tract 3751 in the County of Riverside, State of California, as per map recorded in Book 59, Pages 38, 39, and 40 of Maps, in the office of the County Recorder of said County.

2. **Parties Responsible for the Discharge:** Kanwar and Ragini Narain, Narain Oil Inc., and Ajkeraka Oil Inc (hereinafter discharger) are the parties responsible for the discharge. The discharger owned and operated the former Delta Discount Gas Station at 28111 Front Street in Temecula from 1990-1997. On January 30, 1990, Kanwar and Ragini Narain entered into a lease of the above-mentioned property. On February 15, 1994, Kanwar and Ragini Narain entered into an amended lease as officers of Narain Oil Inc. On December 8, 1995, Kanwar and Ragini Narain entered into an amended lease as officers of Ajkeraka Inc.

As the owner and operator of the underground storage tank system, the discharger caused the initial discharge of petroleum hydrocarbon waste to soil and groundwater at the station in 1994. Since then, the discharger has permitted the discharge to continue by allowing the waste to migrate offsite into uncontaminated portions of the aquifer. The continued discharge has occurred because of the discharger's lack of action to assess and remediate the effects of the initial discharge.

3. **Condition of Pollution:** The property at which the petroleum hydrocarbon waste was discharged is located in the Murrieta hydrologic subarea. This subarea has designated beneficial uses for both surface waters and groundwaters, including municipal and domestic supply. The property lies above an aquifer that is used as a drinking water source. A public supply well that was shut down by the California Department of Health Services (DHS) in September 2000 due to MTBE contamination is downgradient and within 1,000 feet of the discharge.

Cleanup and Abatement  
Order No. 2001-226

Gasoline, benzene, toluene, ethylbenzene, xylene, methyl-tertiary-butyl-ether (MTBE), tertiary butyl alcohol (TBA) and tertiary amyl methyl ether (TAME) have been discharged to the groundwater beneath the site in concentrations that exceed naturally occurring background concentrations and applicable water quality objectives. The concentrations of contaminants also exceed the maximum contaminant levels (MCL) allowable in drinking water set by the DHS. Floating free-phase petroleum product on the water table continues to exist. The concentrations of petroleum hydrocarbons and petroleum hydrocarbon constituents have degraded the quality of groundwater and impaired the designated beneficial uses of the waters as defined in the Water Quality Control Plan for the San Diego Basin creating a condition of pollution.

4. **CEQA:** This action is an order to enforce the laws and regulations administered by the Board. As such, this action is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to section 15308 of the Resources Agency Guidelines.

**IT IS HEREBY ORDERED**, pursuant to section 13304 of the California Water Code, that the discharger shall cleanup and abate the effects of the discharge described in the above findings as follows:

**A. TASKS**

1. **Interim Remedial Actions:** The discharger shall implement interim remedial actions to abate or correct the actual or potential effects of the unauthorized release pursuant to CCR Title 23, Chapter 15, section 2722(b). Interim remedial actions may include but are not limited to: activities that remove all free product, removal of petroleum hydrocarbon sources (e.g. soil saturated with petroleum hydrocarbons) and/or mitigation of contamination of all surface and groundwater affected by the waste discharge. Thirty days prior to initiating any interim remedial actions, the discharger shall notify the Regional Board in writing with a proposed workplan and schedule. The discharger shall implement the interim remedial actions within 30 days of submitting the workplan to the Regional Board.
2. **Groundwater Monitoring:** The discharger shall implement a quarterly groundwater monitoring program as specified in Enclosure 1 at the site commencing with the quarterly report due on **January 31, 2002**.
3. **Site Conceptual Model:** The discharger shall submit a site conceptual model (SCM). The SCM is a written or pictorial representation of the release scenario and the likely distribution of waste at the site. The SCM shall identify and describe the types of waste present including their distribution in space and time, and how the wastes are changing in space and time.

Cleanup and Abatement  
Order No. 2001-226

The SMC shall also 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 shall be updated as new information becomes available, and should be included in all future technical reports submitted. The first SCM is due no later than January 31, 2002.

4. **Soil And Groundwater Investigation:** Continue the investigation currently underway to identify all wastes from the discharge and the horizontal and vertical extent of the wastes both on and off site to background levels in both the groundwater and soil. Determine the source, and nature of the discharge in the subsurface, and evaluate the impacts of the wastes on all sensitive receptors within 3,000 feet of the discharge. An adequate workplan and schedule for the next phase of this investigation is due on January 31, 2002.

The discharger shall execute the workplan and provide a technical report with the results from implementation of the workplan. Implementation of the workplan will commence no later than 60 days after submission of an adequate workplan. Within 60 days of the conclusion of the investigation a technical report that adequately characterizes the source, nature and extent (both laterally and vertically) of the discharge and addresses any contamination that has migrated off-site shall be submitted. The information in the report must provide an adequate basis for determining subsequent cleanup and abatement actions.

5. **Corrective Action:** The discharger shall prepare a Corrective Action Plan (CAP) that satisfies the provisions of section 2725 of the regulations governing underground storage of hazardous substances (Chapter 16 of the State Water Resources Control Board regulations in Division 3 of Title 23 of the California Code of Regulations, 23 CCR 2600, et seq.). The CAP shall identify and discuss a range of remedial action alternatives for the final phase of the cleanup program including a schedule. The CAP shall examine and determine the cost of a cleanup strategy capable of achieving final cleanup levels in the affected groundwater zones for the following constituents: benzene, toluene, total xylenes, ethylbenzene, methyl tertiary butyl ether, tertiary butyl alcohol and any other waste which may have been released by the discharger. All free phase petroleum hydrocarbon product must be removed and any sources of petroleum hydrocarbon wastes must be removed. Implementation of the CAP will commence no later than 60 days after submission of the CAP to the Regional Board. Within 60 days of the conclusion of the investigation a technical report with the results to verify implementation of the CAP and evaluate its effectiveness shall be submitted to the Regional Board.

**B. PROVISIONS**

1. **No Nuisance:** The storage, handling, treatment, or disposal of soil containing petroleum hydrocarbon waste or polluted groundwater shall not create conditions of nuisance as defined in California Water Code section 13050(m). The discharger shall properly manage, treat and dispose of soils containing petroleum hydrocarbon waste and polluted groundwater in accordance with applicable federal, state and local regulations.
2. **Good 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. **Ground-Water Monitoring Program:** The discharger shall comply with the Ground-Water Monitoring Program enclosed with this Order.
4. **Contractor/Consultant Qualifications:** All technical documents shall be signed by and stamped with the seal of a California registered geologist, or a California registered civil engineer.
5. **Lab Qualifications:** All samples shall be analyzed by California State-certified laboratories using approved EPA methods for the type of analysis to be performed. All laboratories shall maintain quality assurance/quality control (QA/QC) records for Regional Board review.
6. **Reporting of Changed Owner or Operator:** The discharger shall notify the Regional Board of any changes in site occupancy or ownership associated with the property described in this Order.
7. **Cost Recovery:** The discharger shall 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 Water Resources Control Board. If the discharger is enrolled in a reimbursement program managed by the State Water Resources Control Board for the discharge addressed by this Order, reimbursement shall be made pursuant to the procedures established in that program. Any disputes raised by the discharger over reimbursement amounts or methods used in that program shall be consistent with the dispute resolution procedures for that program.

**C. PROHIBITIONS**

1. The discharge of wastes or hazardous substances in a manner that will degrade water quality or adversely affect the water quality needed to sustain beneficial uses of waters of the State is prohibited.
2. Further significant migration of wastes or hazardous substances through subsurface transport to waters of the State is prohibited.
3. Activities associated with the subsurface investigation and cleanup, which will cause significant adverse migration of wastes or hazardous substances, are prohibited.



JOHN H. ROBERTUS  
Executive Officer

California Regional Water Quality Control Board  
San Diego Region

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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 WATER CODE SECTIONS 13268 OR 13350, OR REFERRAL TO THE ATTORNEY GENERAL FOR INJUNCTIVE RELIEF OR CIVIL OR CRIMINAL LIABILITY

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Enclosure: Quarterly Groundwater Monitoring Program

ENCLOSURE 1

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
SAN DIEGO REGION

QUARTERLY GROUNDWATER MONITORING PROGRAM

FORMER DELTA DISCOUNT GAS  
28111 Front Street  
Temecula, CA

1. **AUTHORITY AND PURPOSE:** The discharger is directed to submit the technical reports required in this Groundwater Monitoring Program (GMP) pursuant to California Water Code sections 13267 and 13304. This Groundwater Monitoring Program is intended to document compliance with Cleanup and Abatement Order No. 2001-226.
2. **MONITORING:** The discharger shall measure groundwater elevations quarterly in all monitoring wells, and shall collect and analyze samples of groundwater from all monitoring wells using EPA method 8015 for total petroleum hydrocarbons quantifying gasoline and diesel and EPA method 8260b for volatile organic compounds including benzene, toluene, ethylbenzene, xylenes, and all oxygenates. In the first round of groundwater sampling from each well use EPA Method 8270 to identify any polynuclear aromatic hydrocarbons in the samples. The California Regional Water Quality Control Board, San Diego Region (Regional Board) will determine the need for further data from EPA Method 8270 after reviewing the preliminary data.

The discharger shall sample any new monitoring or extraction wells quarterly and analyze groundwater samples for the same constituents as shown above. The discharger may propose changes in the above sampling requirements; any proposed changes are subject to Regional Board approval.

3. **QUARTERLY GROUNDWATER MONITORING REPORTS:** The discharger shall submit quarterly groundwater monitoring reports to the Regional Board no later than 30 days following the end of the quarter according to the following schedule:

|                          |                              |
|--------------------------|------------------------------|
| First Quarter (Jan-Mar)  | Due no later than April 30   |
| Second Quarter (Apr-Jun) | Due no later than July 31    |
| Third Quarter (Jul-Sep)  | Due no later than October 31 |
| Fourth Quarter (Oct-Dec) | Due no later than January 31 |



Cleanup and Abatement  
Order No. 2001-226

This schedule shall commence with the submission of a quarterly monitoring report due on **January 31, 2002.**

The quarterly monitoring reports shall include:

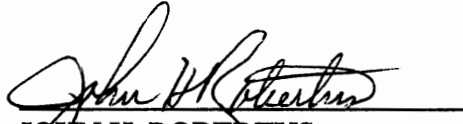
- ◆ **TRANSMITTAL LETTER:** The transmittal letter shall discuss any violations during the reporting period and actions taken or planned to correct the problem. The letter shall be signed by the discharger's principal executive officer or his/her duly authorized representative, and shall include a statement by the official, under penalty of perjury, that the report is true and correct to the best of the official's knowledge.
  
- ◆ **GROUNDWATER ELEVATIONS:** Groundwater elevation data shall be presented in tabular form, depth to groundwater, 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 (LNAPL) include the measured thickness of LNAPL in a tabular form. A groundwater elevation map should be prepared for each monitored water-bearing zone with the groundwater flow direction and calculated hydrologic gradients(s) clearly indicated in the figures(s). Historical groundwater elevations shall be included in the fourth quarterly report each year.
  
- ◆ **REPORTING GROUNDWATER RESULTS:**
  - Groundwater sampling data shall be presented in tabular form, and an isoconcentration map shall 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 include groundwater elevation shall be prepared for constituents of concern for appropriate wells.
  - Provide a site plot plan which clearly illustrates the locations of monitoring wells, former/current underground storage tank systems (and product piping) and buildings located on site and immediately adjacent to the property lines of the site.
  - Provide a site plot plan with the most recent concentrations of total petroleum hydrocarbons and volatile aromatic hydrocarbons (e.g. benzene, toluene, ethylbenzene, total xylenes, MTBE, and other fuel oxygenates).
  - The report shall provide technical interpretations of the groundwater data, and describe any significant increases in contaminant concentrations since the last report, any measures proposed to address the increases, any changes to the site conceptual model, and conclusions and recommendations for future action with each report.
  - The report shall describe analytical methods used, detection limits obtained for each reported constituent, and a summary of QA/QC data.

Cleanup and Abatement  
Order No. 2001-226

- The report shall indicate sample collection protocol, 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.
  - Historical groundwater sampling results shall be put in tabular form and included in the fourth quarterly report each year.
  - Sampling data shall be submitted via the internet to the GeoTracker data warehouse in the appropriate electronic deliverable format according to the schedule in item 3 above. The GeoTracker website address is <http://geotracker.swrcb.ca.gov>.
- ◆ **GROUNDWATER EXTRACTION:** If applicable, the report shall include groundwater extraction results in tabular form, for each extraction well and for the site as a whole, expressed in gallons per minute and total groundwater volume for the quarter. The report shall also include contaminant removal results, from groundwater extraction wells and from other cleanup and abatement systems (e.g. soil vapor extraction), expressed in units of chemical mass per day and mass for the quarter. Historical mass removal results shall be included in the fourth quarterly report each year.
- ◆ **STATUS REPORT:** The quarterly report shall describe relevant work completed during the reporting period (e.g. site investigation, interim remedial measures) and work planned for the following quarter.
4. **VIOLATION REPORTS:** If the discharger violates requirements in the Cleanup and Abatement Order, then the discharger shall notify the Regional Board office by telephone as soon as practicable once the discharger has knowledge of the violation. Regional Board staff may, depending on violation severity, require the discharger to submit a separate technical report on the violation within five working days of telephone notification.
5. **OTHER REPORTS:** The discharger shall notify the Regional Board in writing prior to any site activities, such as construction or underground tank removal, which have the potential to cause further migration of contaminants or which would provide new opportunities for site investigation.
6. **RECORD KEEPING:** The discharger or his/her agent shall retain data generated for the above reports, including lab results and QA/QC data, for a minimum of six years after origination and shall make them available to the Regional Board upon request.

Cleanup and Abatement  
Order No. 2001-226

- 7. GROUNDWATER MONITORING PROGRAM REVISIONS:** Revisions to the GMP may be ordered by the Regional Board, or at the request of the discharger. Prior to making GMP revisions, the Regional Board will consider the burden, including costs, of associated self-monitoring reports relative to the benefits to be obtained from these reports.



JOHN H. ROBERTUS  
Executive Officer  
California Regional Water Quality Control Board  
San Diego Region