



California Regional Water Quality Control Board

San Diego Region



Terry Tamminen
Secretary for
Environmental
Protection

9174 Sky Park Court, Suite 100, San Diego, California 92123-4340
(858) 467-2952 • Fax (858) 571-6972
<http://www.swrcb.ca.gov/rwqcb9>

Arnold Schwarzenegger
Governor

March 17, 2004

In reply refer to:
TSMC:50-2937-05:ebsej

Mr. Kanwar B. and Mrs. Ragini Narain
Narain Oil Incorporated
Ajkeraka Incorporated
P.O. Box 1918
Rancho Santa Fe, CA 92067
Certified Mail – Return Receipt
7003 1680 0000 7393 6728

Mr. Scott R. Caldwell
AgriCare Properties, LLC
Caldwell Family Trust
11835 N. 129th Way
Scottsdale, AZ 85259
Certified Mail – Return Receipt
7003 1680 0000 7393 6698

Mr. Fin Moller
Summit Energy Corporation
11718 Barrington Court Suite 706
Los Angeles, CA 90049
Certified Mail – Return Receipt
7003 1680 0000 7393 6704

Mr. Joe Provenzano
Summit Oil & Gas
9595 Wilshire Blvd., Suite 510
Beverly Hills, CA 90212
Certified Mail – Return Receipt
7003 1680 0000 7393 6711

Dear Ladies and Gentlemen:

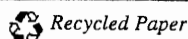
RE: ADDENDUM NO. 3 TO CLEANUP AND ABATEMENT ORDER NO. 2001-226

Enclosed is California Regional Water Quality Control Board, San Diego Region (Regional Board) Addendum No. 3 to Cleanup and Abatement Order (CAO) No. 2001-226 to address the discharges of gasoline and diesel petroleum wastes at 28111 Front Street, Temecula, California as a result of unauthorized discharges from the underground storage tank system.

Addendum No. 3 to CAO No. 2001-226 is issued pursuant to California Water Code (CWC) sections 13267 and 13304, and adds AgriCare Properties, LLC as a discharger. Please note failure to meet deadlines may subject you to further enforcement action by the Regional Board including administrative or judicial proceedings for the assessment of civil liability in amounts of up to \$10,000 per day; referral to the State Attorney General for injunctive relief; and, referral to the District Attorney for criminal prosecution.

You may contest the issuance of this CAO Addendum by requesting a public hearing on the matter before the Regional Board. In order to schedule a hearing this office must receive a

California Environmental Protection Agency

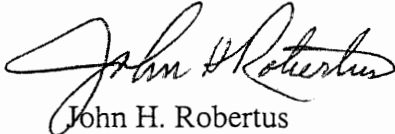


March 17, 2004

written request no later than 5 PM on April 19, 2004 (30days). Be aware that a request for a hearing does not stay deadlines in the CAO.

Please contact Ms. Jody Ebsen of my staff at (858) 636-3146 if you have any questions regarding this matter.

Sincerely,



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

JHR:jac:jme

Enclosure: Addendum No. 3 to CAO No. 2001-226

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. Phil Rosenberg, Hargis + Associates, Inc., 2365 Northside Drive, Suite C-100, San Diego, CA 92108

Mr. Terry Kilpatrick, Worden, Williams, Richmond, Brechtel & Kilpatrick, 462 Stevens Avenue, Suite 102, Solana Beach, CA 92075

Dr. Yu Zeng, SOTA Environmental Technology, 16835 W. Bernardo Drive, Suite 212, San Diego, CA 92127-1613

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

Mr. Jim Sappington, Riverside Department of Environmental Health, 38740 Sky Canyon Drive, Suite A, Murrieta, CA 92563

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION

ADDENDUM NO. 3
TO CLEANUP AND ABATEMENT ORDER NO. 2001-226

KANWAR AND RAGINI NARAIN, NARAIN OIL INCORPORATED, AJKERAKA
INCORPORATED, CALDWELL FAMILY TRUST, SUMMIT ENERGY
CORPORATION, SUMMIT OIL & GAS, AND
AGRICARE PROPERTIES, LLC

28111 FRONT STREET, (A.K.A. 28111 JEFFERSON STREET)
TEMECULA, CALIFORNIA, RIVERSIDE COUNTY

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

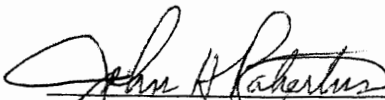
1. In January 2003, the Caldwell Family Trust transferred ownership of the property at 28111 Front Street (a.k.a. 28111 Jefferson Street) to AgriCare Properties, LLC (AgriCare).
2. AgriCare has caused or permitted discharges of petroleum hydrocarbon wastes to groundwater beneath the property because it owns the contaminated land from which wastes are discharging to groundwater. AgriCare had knowledge of the discharge of wastes since the time it acquired the property and had sufficient control of the property to stop the discharge.
3. This action is an Order to enforce the laws and regulations administered by the Regional Board. As such, this action is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to section 15321 of the Resources Agency Guidelines.

IT IS HEREBY ORDERED, pursuant to sections 13267 and 13304 of the California Water Code that AgriCare Properties, LLC., along with Kanwar and Ragini Narain, Narain Oil Incorporated, Ajkeraka Incorporated, Summit Energy Corporation, Summit Oil & Gas, and the Caldwell Family Trust, or their agents, successors, or assignees, shall

Addendum No. 3 to
Cleanup and Abatement Order No. 2001-226

March 17, 2004

take action to cleanup petroleum hydrocarbon wastes and abate the effects on groundwater of discharges of petroleum hydrocarbons that leaked from the UST systems of the gasoline service station at 28111 Front Street in Temecula, California.



John H. Robertus
Executive Officer

Date issued: March 17, 2004