



Linda S. Adams
Secretary for
Environmental Protection

California Regional Water Quality Control Board San Diego Region

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



Arnold Schwarzenegger
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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)

**CERTIFIED MAIL – RETURN RECEIPT REQUESTED
7005 1160 0000 4217 5898**

In Reply Refer to:
TSMC:50-3537.05:peass

In The Matter Of:

**Compliance with:
Cleanup and Abatement Order 99-26 and
Investigative Order No. R9-2005-0214
Electronic Deliverable Format Reporting
Former Chevron
30350 Highway 78, Santa Ysabel, CA**

**NOTICE OF VIOLATION
No. R9-2007-0037
Date: February 7, 2007**

Mr. and Mrs. Ernest Moretti
P.O. Box 2078
Borrego Springs, CA 92004

Dear Mr. and Mrs. Moretti:

YOU ARE HEREBY NOTIFIED OF THE FOLLOWING VIOLATIONS:

A. Failure to submit paper copy and electronic data as required by Cleanup and Abatement Order (CAO) No. 99-26, and Investigative Order R9-2005-0214.

These two Orders require that the discharger:

1. Submit paper copies of quarterly ground water monitoring reports by the due dates specified in the CAO.
2. Upload electronic reporting information into the Geotracker database.

Directives 31 and 32 in Addendum No. 3 of CAO 99-26 require that laboratory test results and groundwater level data be submitted in electronic format and that reports be submitted in paper and electronic format. Directive 91 in Addendum No. 8 of CAO No. 99-26 requires that you comply with electronic submittal of laboratory data and complete copies of all technical reports in PDF format. The required electronic submittals are due on the same day as the paper copy is due to the Regional Board in compliance with the schedule in Directive 16 of CAO No. 99-26.

Investigative Order No. R9-2005-0214 describes the minimum requirements for electronic reporting of information. The paper copy and electronic data were not

received by the Regional Board on or before January 30, 2007, which is a violation of the reporting requirements cited above.

B. Failure to discuss essential points in the letter of transmittal.

CAO No. 99-26, Directive 15 requires that the letter of transmittal discuss essential points in the attached technical report. Although, detectable concentrations of bromodichloromethane, chloroform, and dibromochloromethane were reported in groundwater samples collected from private water supply wells (B4, Q1, and Q3) and monitoring wells (MW9, MW21, and MW22); there was no discussion of these detections in the transmittal letter.

C. Failure to comply with notification requirements for detection of any detectable concentration of tested compounds.

CAO No. 99-26, Addendum No. 1 dated November 30, 2001, Directive 23 requires immediate notification to well owners, the Regional Board and San Diego County Department of Environmental Health of any detectable concentrations of tested compounds. Documentation of these notifications must be submitted to the Regional Board. Although the report indicates that detectable concentrations of bromodichloromethane, chloroform and dibromochloromethane were found in groundwater samples collected from private water supply wells (identified as B4, Q1, and Q3), it does not provide documentation that you have complied with the notification requirements of CAO No. 99-26. Failure to comply with all the directives of CAO 99-26 (and addenda thereto) may result in your being subject to further enforcement action by the Regional Board.

The violations cited above are serious and may result in further enforcement action against you, including a civil liability being administratively implemented by the Regional Board under authority of Section 13350 of the California Water Code (CWC). The CWC provides that any person who violates any cleanup and abatement order issued by this Regional Board may be subject to administrative civil liability up to \$5,000 per day of the violation.

Questions pertaining to the issuance of this Notice of Violation should be directed to Ms. Susan Pease at (858) 637-5596. Written correspondence pertaining to this Notice of Violation should be directed to the following address:

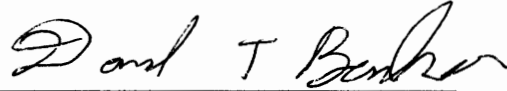
Executive Officer
California Regional Water Quality Control Board
San Diego Region
9174 Sky Park Court, Suite 100
San Diego, CA 92123
Attn: Mr. John Odermatt, Supervisor TSMC Unit

Mr. and Mrs. Ernest Moretti
Notice of Violation No. R9-2007-0037

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February 7, 2007

In the heading portion of this notice after "In reply refer to:" a Regional Board code number is listed. In order to assist us in the processing of your correspondence please include this code number in the heading or subject line portion of all correspondence and reports to the Regional Board pertaining to this matter.



DAVID T. BARKER

Supervising Water Resources Control Engineer

DTB/jro/sjp

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cc: Mr. Ramesh Sundareswaran, State Water Resources Control Board, Underground Storage Tank Cleanup Fund, 1001 'I' Street, Sacramento CA 95814