



Linda S. Adams
Secretary for
Environmental Protection

California Regional Water Quality Control Board San Diego Region



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[http:// www.waterboards.ca.gov/sandiego](http://www.waterboards.ca.gov/sandiego)

May 17, 2010

Mr. Kirin Shah
K Square Financial
1602 East Valley Parkway
Escondido, CA 92025

CERTIFIED MAIL
7009 1410 0002 2347 5692

In reply refer to:
T0607364492:spase

Dear Mr. Shah,

**SUBJECT: INVESTIGATIVE ORDER NO. R9-2010-0021
FOR K SQUARE FINANCIAL, 1602 EAST VALLEY PARKWAY,
ESCONDIDO, CALIFORNIA**

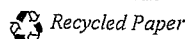
Enclosed is Investigative Order No. R9-2010-0021 (Order), requiring you, as the owner of K Square Financial located at 1602 East Valley Parkway, Escondido, California, to submit technical reports regarding the unauthorized release of petroleum hydrocarbons from the subject gasoline facility.

If you fail to comply with the Order, under the authority of California Water Code section 13267, the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) may have the Attorney General petition the San Diego County Superior Court for the issuance of an injunctive requiring you to comply with the Order. If you fail to furnish information required by the Order or falsify information submitted to the San Diego Water Board, pursuant to Water Code section 13267, you will be guilty of a misdemeanor and may be subject to civil liability. Under Water Code section 13268 a civil liability may be imposed administratively by the San Diego Water Board in an amount of up to \$1,000 per day of violation (i.e., for each day of delay in submitting all information requested, or for each day that false information remains uncorrected).

Any person affected by this action of the San Diego Water Board may request an evidentiary hearing before the San Diego Water Board as described in the Order, Notification Section H.3. A request for an evidentiary hearing does not stay the effective date of the Order. Any person affected by this action of the San Diego Water Board may petition the State Water Resources Control Board (State Water Board) as described in the Order, Notification Section H.4. A request for an evidentiary hearing does not extend the 30-day period to file a petition with the State Water Board.

The heading portion of this letter includes a San Diego Water Board code number noted after "In reply refer to." In order to assist us in the processing of your

California Environmental Protection Agency



Mr. Kirin Shah

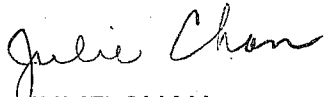
- 2 -

May 17, 2010

correspondence please include this code number in the heading or subject portion of all correspondence and reports to the San Diego Water Board pertaining to this matter.

Questions or written correspondence pertaining to this Order should be directed to Ms. Sue Pease at (858) 637-5596, via e-mail at spease@waterboards.ca.gov, or to the address above.

Sincerely,



JULIE CHAN

Chief, Groundwater Basins Branch

JAC:clc:sjp

Enclosure: Cleanup and Abatement Order No. R9-2010-0021

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION

INVESTIGATIVE ORDER NO. R9-2010-0021

AN ORDER DIRECTING MR. KIRIN SHAH AND CAS & CO, INC.
TO SUBMIT TECHNICAL REPORTS PERTAINING TO A
WATER QUALITY INVESTIGATION
AT THE SITE OF

**KSQUARE FINANCIAL PROPERTY
1602 EAST VALLEY PARKWAY
ESCONDIDO, CALIFORNIA**

The California Regional Water Quality Control Board, San Diego Region (herein after San Diego Water Board) Finds:

1. **Legal and Regulatory Authority:** This Order conforms to and implements policies and requirements of the Porter-Cologne Water Quality Control Act (Division 7, commencing with Water Code section 13000) including (1) sections 13267 and 13304; (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 Water Board) and the *Water Quality Control Plan for the San Diego Basin* (Basin Plan) adopted by the San Diego Water Board including beneficial uses, water quality objectives, and implementation plans; (4) State Water Board policies and regulations, including State Water 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 California 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. **Underground Storage Tank Regulations:** California Code of Regulations (CCR) Title 23, Chapter 16, Article 11 applies to any owner of a property where an unauthorized release of a hazardous substance from an underground storage tank has occurred; and to owners and operators of an underground storage tank whenever there is any reportable unauthorized release. Applicable requirements of Chapter 16 including the following:
 - a. Section 2652 (d) requires submission of reports to the local agency or the San Diego Water Board every three months until investigation and cleanup are complete.

- b. Section 2654 requires that in the event of an undocumented release, an initial Site characterization is performed, providing data including the nature and estimated quantity of the release; water quality, use and approximate locations of wells potentially affected by the release.
 - c. Section 2722 (c) requires the responsible party to submit a workplan for proposed activities under the Preliminary Site Assessment Phase, if directed by the regulatory agency.
 - d. Section 2723 specifies that the Preliminary Site Assessment Phase includes the initial Site characterization specified in section 2654 and that reporting must be conducted according to section 2562.
3. **Unauthorized Discharge of Waste:** An operational gas station has been located at 1602 East Valley Parkway in Escondido, California since 1981. In 1994, the UST system was removed from the Site and replaced with one 12,000 gallon UST, a compartment tank with 8,000 gallon and 4,000 gallon portions, and an above ground 550 gallon waste oil tank.

In 2001, soil and groundwater samples were taken at the Site as part of an investigation. Analysis of the samples¹ demonstrated total petroleum hydrocarbons as gasoline (TPHg) in the soil at concentrations up to 240 mg/kg, and TPHg in the groundwater at concentrations up to 31,000 ug/L. The soil and groundwater sample results indicate that petroleum hydrocarbon wastes leaked from the UST system that had been removed from the Site. No additional Site assessment has been performed since this date.

On September 21, 2009 the San Diego Water Board sent a letter to Mr. Kirin Shah, the property owner at the time of the release (hereinafter, discharger), requesting he complete a Certification Declaration for Compliance with Land Owner Identification/Notification Requirements. On October 22, 2009, the San Diego Water Board sent a letter to CAS & Co, Inc., the current property owner, (hereinafter, discharger), requesting they complete a Certification Declaration for Compliance with Land Owner Identification/Notification Requirements. The San Diego Water Board also requested from both parties a summary of the actions taken to control and/or stop the discharge; a description of the corrective and remedial actions; and a description of additional actions taken to prevent future discharges. To date, neither Mr. Shah nor CAS & Co, Inc. has responded to the San Diego Water Board's requests.

For purposes of this Order, the "Site" includes not only the KSquare Financial property and the environmental media (soil and groundwater for example) affected by the discharges, but the full horizontal and vertical extent of the plume(s) of contamination discharged from the facility.

¹ Site Assessment Report, KSquare Gas & Service, NMWWW, Inc., September 7, 2001

- 4. Persons Responsible for the Discharge:** Mr. Kirin Shah owned the property at the time the discharge was identified. CAS & Co, Inc. is the current property owner. The KSquare Financial property is located at 1602 East Valley Parkway in Escondido, California. The Assessors Parcel Number for this property is 231-320-05.

The owners of a contaminated property, even if they did not own or operate the UST system or own the property at the time that the discharge occurred, can be held responsible for cleaning up and abating the effects of a discharge of waste from soil on their property because the continued migration of waste from the soil into groundwater constitutes a discharge (State Water Board Water Quality Order No. 86-2 in the Matter of the Petition of the Zoecon Corporation). Due to the presence of petroleum hydrocarbon waste in the soil and groundwater at the Site, Mr. Kirin Shah and CAS & Co, Inc. are suspected of discharging wastes into waters of the State.

- 5. Water Quality Standards:** The Site is located within the Escondido Hydrologic Subarea in the Basin Plan (1994).

The following designated beneficial uses have been established by the Basin Plan for ground water resources of the Escondido Hydrologic Subarea (HSA 4.62):

- a. Municipal and domestic supply (MUN)
- b. Agricultural supply (AGR)
- c. Industrial service supply (IND)

The following designated beneficial uses have been established by the Basin Plan for surface water resources of the Escondido Creek Hydrologic Subarea (HSA 4.62):

- d. Municipal and domestic supply (MUN)
- e. Agricultural supply (AGR)
- f. Industrial service supply (IND)
- g. Potential industrial process supply (PROC)
- h. Water contact recreation (REC-1)
- i. Non-contact water recreation (REC-2)
- j. Warm freshwater habitat (WARM)
- k. Cold freshwater habitat (COLD)
- l. Wildlife habitat (WILD)

The Basin Plan contains numeric water quality objectives² for chemical constituents to protect State waters designated for MUN use. The numeric

² "Water quality objectives" are defined in Water Code section 13050(h) as "the limits or levels of water quality constituents or characteristics which are established for the reasonable protection of beneficial uses of water or the prevention of nuisance within a specific area."

objectives are derived from primary MCLs³ established by the Department of Public Health(Department) in Title 22 of the California Code of Regulations.⁴

Based upon the data presented in the 2001 Site Assessment, further action is necessary to assess, address, and characterize the impacts of the illicit discharge of petroleum hydrocarbon wastes to waters of the State. The Dischargers have not provided a report of complete Soil and Groundwater Investigation or a Site Conceptual Model. Consequently, the information in the record for this case is insufficient to determine the nature and quantity of the release, determine if the release poses a threat to water quality, human health, or the environment, or determine if corrective actions are needed.

6. **Basis for Requiring Technical Reports:** Water Code section 13267 provides that the San Diego Water Board may require dischargers, past dischargers, or suspected dischargers to furnish those technical reports as the San Diego Water Board may specify, provided that the burden, including costs, of these reports, shall bear a reasonable relationship to the need for the reports and the benefits to be obtained from the reports. In requiring the reports, the San Diego Water Board must provide the person with a written explanation with regard to the need for the reports, and identify the evidence that supports requiring that person to provide the reports.
7. **Need for and Benefit of Technical Reports:** Technical reports are needed to provide information to the San Diego Water Board regarding (a) the nature and extent of the discharge, (b) the nature and extent of pollution conditions in State waters created by the discharge, (c) the threat to public health posed by the discharge, and (d) appropriate cleanup and abatement measures. The reports will enable the San Diego Water Board to determine the vertical and lateral extent of the discharge, ascertain if the condition of pollution poses a threat to human health in the vicinity of the Site, and provide technical information to determine what cleanup and abatement measures are necessary to bring the Site into compliance with applicable water quality standards. The costs of these reports are estimated in the Underground Storage Tank Cleanup Fund Cost Guidelines to be as follows. Costs for a Soil and Groundwater Investigation Workplan range from \$1,400 to \$2,755, for a Soil and Groundwater Investigation Report range from \$2,275 to

³ MCLs, maximum contaminant levels, are public health-protective drinking water standards to be met by public water systems. MCLs take into account not only chemicals' health risks but also factors such as their delectability and treatability, as well as the costs of treatment. Primary MCLs can be found in Title 22 California Code of Regulations (CCR) sections 64431 - 64444. Secondary MCLs address the taste, odor, or appearance of drinking water, and are found in 22 CCR section 64449.

⁴ Basin Plan, footnote 1, supra. Page 3-24 and Table 3-5 at 3-25. The Basin Plan provides that "Water designated for use as domestic or municipal supply (MUN) shall not contain concentrations of chemical constituents in excess of the maximum contaminant levels specified in California Code of Regulations, Title 22, Table 64444-A of section 64444 (Organic Chemicals) which is incorporated by reference into this plan. This incorporation by reference is prospective including future changes to the incorporated provisions as the changes take effect. (See Table 3-5.)"

\$5,620, and for a Site Conceptual Model range from \$720 to \$950⁵. Based on the nature and possible consequences of the discharges (as described in Findings No. 1 through 4, above) the burden of providing the required reports bears a reasonable relationship to the need for the reports, the costs, and the benefits to be obtained from the reports.

8. **California Environmental Quality Act Compliance:** The issuance of this Order is an enforcement action taken by a regulatory agency and is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to section 15321(a) (2), Chapter 3, Title 14 of the California Code of Regulations. This Order requires submittal of detailed work plans that address cleanup activities. The proposed activities under the work plans are not yet known, but implementation of the work plans may result in significant physical impacts to the environment that must be evaluated under CEQA. The appropriate lead agency will address the CEQA requirements prior to implementing any work plan that may have a significant impact on the environment.
9. **Qualified Professionals:** Dischargers reliance on qualified professionals promotes proper planning, implementation, and long-term cost-effectiveness of investigation, and cleanup and abatement activities. Professionals should be qualified, licensed where applicable, and competent and proficient in the fields pertinent to the required activities. California Business and Professions Code sections 6735, 7835, and 7835.1 require that engineering and geologic evaluations and judgments be performed by or under the direction of licensed professionals.

IT IS HEREBY ORDERED, pursuant to section 13267 of the Water Code, that Mr. Kirin Shah and CAS & Co., Inc. (Dischargers) must submit the following technical reports:

A. SITE ASSESSMENT

1. **Site Assessment Workplan:** The Dischargers shall develop and submit to the San Diego Water Board a workplan adequate to guide the collection of information needed to produce an adequate Site Assessment Report described in Directive A.2. The workplan must be received in the San Diego Water Board office by 5:00 pm on **June 30, 2010**.
 - a. Human Health Vapor Risk Assessment: The workplan shall include a plan adequate to guide the collection of information needed to perform the Human Health Vapor Risk Assessment described in Directive A.2.i.

⁵ For cost information, refer to Underground Storage Tank Cleanup Fund Cost Guidelines, California State Water Resources Control, October 2001
http://www.waterboards.ca.gov/water_issues/programs/ustcf/technicalformsinfo.shtml

- b. Activity Completion Schedule: The workplan shall include a schedule for completion of all activities and submission of a final Site Assessment Report described in Directive A.2.
 - c. Workplan Implementation: The Dischargers shall begin implementing the workplan no later than **60 days** after submission of the workplan and according to the activities completion schedule contained in the workplan, unless otherwise directed in writing by the San Diego Water Board. Before beginning these activities the Dischargers shall:
 - i. Notify the San Diego Water Board of the intent to initiate the proposed actions included in the workplan submitted; and
 - ii. Comply with any conditions set by the San Diego Water Board, including mitigation of adverse consequences from cleanup activities.
 - d. San Diego Water Board Notification: The Dischargers shall give the San Diego Water Board notification at least one week before the start of fieldwork.
2. **Site Assessment Report**: The Dischargers shall prepare and submit a Site Assessment Report (Report) describing the results of the Site investigation. The Report must be received in the San Diego Water Board office no later than 5:00 p.m. on **November 30, 2010** and shall contain the following information:
- a. Source Characterization: The report shall contain the results of an investigation of all potential sources of waste constituent discharges to soil and groundwater including, but not limited to, historical records of operations, Site reconnaissance, and previous sampling studies. The information in the report shall provide an adequate basis for determining subsequent effective cleanup and abatement actions. All sources of waste constituent 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.
 - b. Geologic Characterization: The report shall contain an accurate characterization of the subsurface geology, the hydrogeologic characteristics, and all preferential pathways that may affect groundwater flow and contaminant migration.
 - c. Groundwater Flow Characterization: The report shall describe the rate(s) and direction(s) of local groundwater flow, in both the horizontal and vertical dimension for all water-bearing units potentially affected by the waste constituent(s) from the Site.
 - d. Extent of Waste Constituent Characterization: The report must adequately characterize the extent (both laterally and vertically) of each waste constituent

in soil and groundwater to the background concentration⁶ for that waste constituent, and characterize any pollution that has migrated off-property.

- e. Groundwater Monitoring Wells: The report shall describe the location of existing monitoring wells, and the proposed location of additional monitoring wells needed to characterize the types of waste constituents present, the concentrations of waste constituents, and their lateral and vertical extent in groundwater.
- f. Field Methodologies: The report shall describe the field methodologies used for drilling, soil sampling, groundwater sampling, well and piezometer construction, geophysical surveys, and other activities. Selected methods for purging and sampling monitoring wells must be capable of providing representative samples of groundwater for detecting all of the waste constituents.
- g. Chemical Analyses: The report shall describe the laboratory analytical methods and protocols used for each environmental medium including soil, soil vapor, and water. The suite of chemical analyses, methods and protocols must be adequate to quantitatively identify and characterize the full range of Site-specific waste constituents.
- h. Sample Locations and Number: The report shall contain the locations, type, and number of samples identified, and show sample locations on a Site map and cross sections. The number of samples and suite of chemical analyses must be sufficient to identify the nature of waste constituent(s) and their sources, to define the distribution of waste constituents in the subsurface, and to provide data for evaluation of fate and transport of pollutants, risk assessment, remedy selection, and remedial design. In addition, samples shall be collected to evaluate physical properties of soils and aquifer materials. All monitoring data shall be presented in tabular format including the sample result, sample medium, location, depth, sampling method, analyses, and rationale for the method.
- i. Human Health Vapor Risk Assessment: The report shall contain the results of a human health risk assessment for residents living downgradient of the facility, and risk to children in a school upgradient of the facility. 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 facility. The human health risk assessment shall follow the Department of Toxic Substances Control 2004 Guidance for the Evaluation and Mitigation of Subsurface Vapor Intrusion to Indoor Air.
- j. Site Conceptual Model: The report shall contain a site conceptual model (SCM) that provides a written or pictorial representation of the release

⁶ Background" means the concentrations or measures of constituents or indicator parameters in water or soil that have not been affected by waste constituents from the Site.

scenario and the likely distribution of waste at the Site, 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 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 the cleanup.

- B. PENALTY OF PERJURY STATEMENT:** All reports must be signed by the Discharger's responsible corporate officer or its duly authorized representative, and must include a following statement by the official, under penalty of perjury, that the report is true and correct to the best of the official's knowledge.

"I certify under penalty of perjury that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

- C. DOCUMENT SUBMITTALS:** The Dischargers shall submit both one paper and one electronic, searchable PDF copy of all documents required under this Order to:

Executive Officer
California Regional Water Quality Control Board, San Diego Region
9174 Sky Park Court, Suite 100
San Diego, California 92123-4353
Attn: Craig Carlisle, Groundwater Basins Branch

All correspondence and documents submitted to the San Diego Water Board shall include the following Geotracker Site ID in the header or subject line:

T0607364492

D. ELECTRONIC DATA SUBMITTALS: The Electronic Reporting Regulations (Chapter 30, Division 3 of Title 23 & and Division 3 of Title 27, CCR) require electronic submission of any report or data required by a regulatory agency from a cleanup Site after July 1, 2005. All information submitted to the San Diego Water Board in compliance with this Order is required to be submitted electronically via the Internet into the Geotracker database <http://geotracker.waterboards.ca.gov/> (Geotracker Site ID. **T0607364492**). The electronic data shall be uploaded on or prior to the regulatory due dates set forth in the Order or addenda thereto. To comply with these requirements, the Dischargers shall upload to the Geotracker database the following minimum information.

1. **Laboratory Analytical Data:** Analytical data (including geochemical data) for all soil, vapor, and water samples in Electronic Data File (EDF) format. Water, soil, and vapor data include analytical results of samples collected from: monitoring wells, boreholes, gas and vapor wells or other collection devices, surface water, groundwater, piezometers, stockpiles, and drinking water wells.
2. **Locational Data:** The latitude and longitude of any permanent monitoring well for which data is reported in EDF format, accurate to within 1 meter and referenced to a minimum of two reference points from the California Spatial Reference System (CSRS-H), if available.
3. **Monitoring Well Elevation Data:** The surveyed elevation relative to a geodetic datum of any permanent monitoring well. Elevation measurements to the top of groundwater well casings for all groundwater monitoring wells.
4. **Depth-to-Water Data:** Monitoring wells need to have the depth-to-water information reported whenever water data is collected, even if water samples are not actually collected during the sampling event.
5. **Monitoring Well Screen Intervals:** The depth to the top of the screened interval and the length of screened interval for any permanent monitoring well.
6. **Site Map:** Site map or maps which display discharge locations⁷, streets bordering the facility, and sampling locations for all soil, water, and vapor samples. The Site map is a stand-alone document that may be submitted in various electronic formats.⁸ A Site map must also be uploaded to show the maximum extent of any groundwater pollution. An updated Site map may be submitted at any time.
7. **Boring logs:** Boring logs (in searchable PDF format) prepared by an appropriately licensed professional.

⁷ Former tank(s), product and vapor piping, dispenser locations, or sump locations, and unauthorized discharge or spill areas.

⁸ Formats include .gif, .jpeg, .jpg, tiff, .tif, .pdf

8. Electronic Report: A complete copy (in searchable PDF format) of all workplans, assessment, cleanup, and monitoring reports including the signed transmittal letters, professional certifications, and all data presented in the reports.

E. VIOLATION REPORTS: If the Dischargers violate any requirement of this Order, then the Dischargers must notify the San Diego Water Board office by telephone as soon as practicable once the Dischargers have knowledge of the violation. The San Diego Water Board may, depending on violation severity, require the Dischargers to submit a separate technical report on the violation within five working days of telephone notification.

F. OTHER REPORTS: The Dischargers must notify the San Diego Water Board in writing prior to any Site activities, such as construction or removal of an underground tank, which have the potential to cause further migration of contaminants or which would provide new opportunities for Site investigation.

G. PROVISIONS:

- 1. Contractor/Consultant Qualifications:** All technical documents must be signed by and stamped with the seal of a California licensed professional geologist, or a California licensed civil engineer.
- 2. Laboratory Qualifications:** Unless otherwise permitted by the San Diego Water Board, all analyses shall be conducted at a laboratory certified for such analyses by the California Department of Public Health. The Dischargers must use a laboratory capable of producing and providing quality assurance/quality control (QA/QC) records for San Diego Water Board review. The director of the laboratory whose name appears on the certification shall supervise all analytical work in his/her laboratory and shall sign all reports submitted to the San Diego Water Board.
- 3. Laboratory Analytical Reports:** 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 QA/QC report.
 - c. A discussion of the sample and QA/QC data.
 - 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 Public Health in accordance with current U. S. Environmental Protection Agency procedures.”

4. **Analytical Methods:** Specific methods of analysis must be identified in the technical reports. If the Dischargers propose to use methods or test procedures other than those included in the most current version of “*Test Methods for Evaluations Solid Waste, Physical/Chemical Methods, SW-846*” (U. S. Environmental Protection Agency) or “*Guidelines Establishing Test Procedures for the Analysis of Pollutants; Procedures for Detection and Quantification*,” (40 CFR 136) the exact methodology must be submitted for review and must be approved by the San Diego Water Board prior to use.
5. **Reporting of Changed Owner or Operator:** The Dischargers shall notify the San Diego Water Board of any changes in Site occupancy or ownership associated with the property described in this Order.

H. NOTIFICATIONS:

1. **Enforcement Discretion:** The San Diego Water Board reserves its right to take any enforcement action authorized by law for violations of the terms and conditions of this Order.
2. **Enforcement Notification:** Water Code section 13268(a) (1) provides that any person failing or refusing to furnish technical reports as required by Water Code section 13267(b), or falsifying any information provided therein, is guilty of a misdemeanor and may be liable civilly for an administratively imposed liability of up to \$1,000 per day for each day compliance is not achieved with an Order issued in accordance with subdivision 13268(b).
3. **Requesting Evidentiary Hearing by the San Diego Water Board:** Any person affected by this action of the San Diego Water Board may request an evidentiary hearing before the San Diego Water Board. The San Diego Water Board’s Executive Officer may elect to hold an informal hearing or a “paper hearing” in lieu of scheduling a hearing before the San Diego Water Board itself. If you decide to request an evidentiary hearing, send your request to the San Diego Water Board Executive Officer, Attn: Supervisor North San Diego County Groundwater Unit, at the address provided on the Order transmittal letter. Please consider the following carefully:
 - a. The San Diego Water 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 San Diego Water Board has previously received regarding this

May 17, 2010

Site. You are not required to submit documents that are already in the record.

- c. The Executive Officer or San Diego Water Board may deny your request for a hearing after reviewing the evidence.
- d. If you do not request an evidentiary hearing, the State Water Board may prevent you from submitting new evidence in support of a State Water 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 Water Board (see below). However, we suggest that you ask the State Water 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 Water Board petition process is provided below.

- 4. Requesting Administrative Review by the State Water Board:** Any person affected by this action of the San Diego Water Board may petition the State Water 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 Water Board (Office of Chief Counsel, P.O. Box 100, Sacramento, California 95812) within 30 days of the date of this Order. Copies of the law and regulations applicable to filing petitions will be provided upon request.

Ordered By: Julie Chan
JULIE CHAN
Chief, Groundwater Basins Branch
May 17, 2010