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Secretary for
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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)

December 27, 2010

In reply refer to:
T0607364492:spease

Certified Mail – Return Receipt Requested

7009 1410 0002 2347 6866
Mr. Kirin Shah
K Square Financial
1602 East Valley Parkway
Escondido, CA 92025

7010 1060 000 4952 6740
Mr. Eric Roehl
Chevron
P.O. Box 2292
Brea, CA 92822-2292

Dear Mr. Shah AND Mr. Roehl,

**SUBJECT: ADDENDUM NO. 1 TO INVESTIGATIVE ORDER NO. R9-2010-0021
FOR K SQUARE FINANCIAL, 1602 EAST VALLEY PARKWAY,
ESCONDIDO, CALIFORNIA**

Enclosed is Addendum No. 1 to Investigative Order No. R9-2010-0021 (Order). With issuance of Addendum No. 1 to the Order, Chevron is added as a responsible party to the Order. In addition, the Addendum changes the due dates of a Site Assessment Workplan and Site Assessment Report.

Any person failing or refusing to furnish information required under the authority of California Water Code section 13267 or falsifying information submitted to the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) pursuant to such a directive is 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).

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:

1. The San Diego Water Board must receive your request within 30 days of the date of this Order.
2. 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 Site. You are not required to submit documents that are already in the record.

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

If you have any questions, please contact Ms. Sue Pease of my staff at (858) 637-5596, or by email at spease@waterboards.ca.gov

Sincerely,

Robert Marris

for

Julie Chan
Chief, Cleanup and Land Discharge Branch

JAC:clc:sjp

c:\KSquare_Addendum_1_CoverLetter.doc

Enclosure: Addendum No. 1 to Investigative Order No. R9-2010-0021

cc: Ms. Diana Conkle, State Water Resources Control Board, Underground Storage Tank Cleanup Fund, P.O. Box 944212, Sacramento CA 94244-2120

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION**

**ADDENDUM NO. 1
TO INVESTIGATIVE ORDER NO. R9-2010-0021**

**KSQUARE FINANCIAL
1602 EAST VALLEY PARKWAY
ESCONDIDO, CA**

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

1. Investigative Order No. R9-2010-0021 prescribes requirements to Mr. Kirin Shah, the owner and operator of KSquare Financial, for submission of reports related to assessment and remediation of impacts to water quality and beneficial uses resulting from the unauthorized release of petroleum hydrocarbons.
2. Texaco purchased the property and the underground storage tanks (UST's) located at 1602 East Valley Parkway, Escondido, CA in 1983 and owned the property and the UST's from 1983 to 1995.
3. The four UST's located on the west side of the property were removed in 1986 (see Attachment 1). No soil or groundwater samples were collected during the 1986 UST removal. New UST's were placed on the east side of the property.
4. On December 9, 1994, Texaco removed the UST's located on the east side of the property, and replaced them with one dual compartment UST (4,000 gallons in one compartment and 8,000 gallons in the other compartment), and one 12,000 gallon UST.
5. In March 1995, Texaco sold the property to Mr. Kirin Shah. Currently there is an operating gas station at 1602 East Valley Parkway, Escondido.
6. 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 (see Attachment 2). The results from soil and groundwater samples collected from borings B4 to B7 show that detected soil and groundwater petroleum pollution is associated with the former UST's on the west side of the property. Texaco, as the former owner/operator of those UST's, is responsible for the discharge of petroleum hydrocarbons wastes.
7. In 2001 Chevron acquired Texaco to form ChevronTexaco. In 2005 the Texaco portion of the name was dropped, and the company is currently called Chevron. It

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

is reasonable to add Chevron as a discharger to Investigative Order No. R9-2010-0021 based on the findings in the 2001 Site Assessment Report.

8. Although the soil and groundwater data from the west side of the property implicates Chevron as a responsible party, there is insufficient data to exclude the UST system operated by Mr. Kirin Shah on the east side of the property as a source of soil and groundwater pollution. Therefore Mr. Shah should remain on the Order as a responsible party.
9. The due dates for a Site Assessment Workplan and Site Assessment Report have passed and are no longer applicable.

IT IS HEREBY ORDERED, pursuant to section 13267 of the California Water Code:

Chevron and Mr. Kirin Shah are responsible for all directives set forth in Investigative Order No. R9-2010-0021 and addenda.

Directive A.1. is modified as follows:

A. SITE ASSESSMENT

1. Site Assessment Workplan:

Replace: "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.**"

With: "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 **April 30, 2011.**"

Directive A.2. is modified as follows:

2. Site Assessment Report:

Replace: "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**"

With: "The Dischargers shall prepare and submit a Site Assessment Report (Report) describing the results of the Site investigation. The Report must be

December 27, 2010

received in the San Diego Water Board office no later than 5:00 p.m. on **July 30, 2011**".

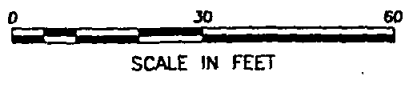
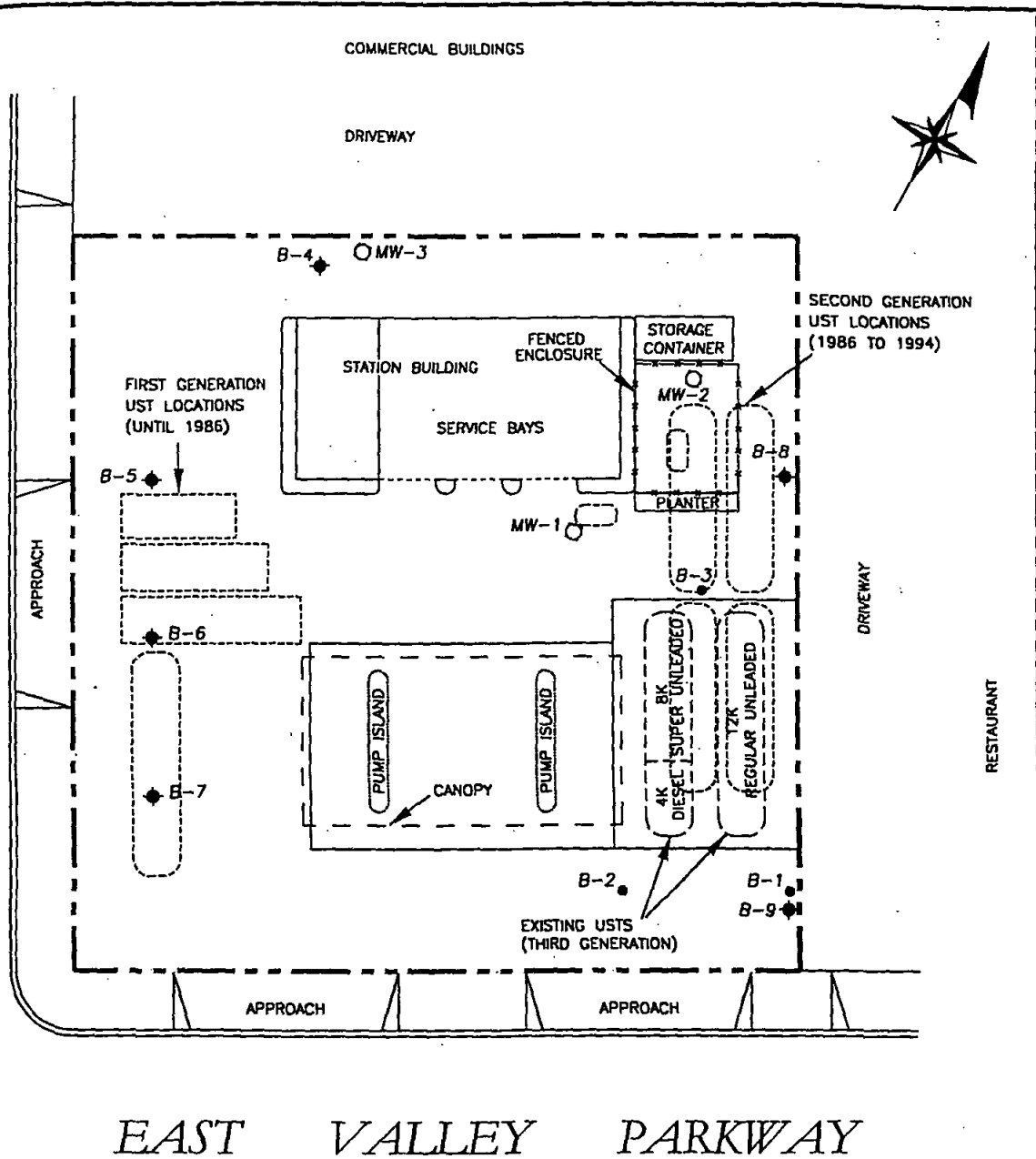
All other directives issued in Investigative Order No. R9-2010-0021 remain unchanged and in effect.

for Robert Marris
Julie Chan
Chief, Cleanup and Land Discharge Branch

Date issued: December 27, 2010

ATTACHMENT 1

ROSE STREET



LEGEND

- MW-1 ○ ABANDONED GROUNDWATER MONITORING WELL
- B-2 ● SOIL BORING COMPLETED BY SECOR INTERNATIONAL, INC. ON MAY 9, 1997
- B-5 ◆ SOIL BORING COMPLETED BY NMWW, INC. ON AUGUST 23, 2001
- - - - - APPROX. PROPERTY LINE

NOTES: ALL LOCATIONS ARE APPROXIMATE.
SITE PLAN BASED ON DRAWINGS PREPARED BY PRIOR CONSULTANTS.

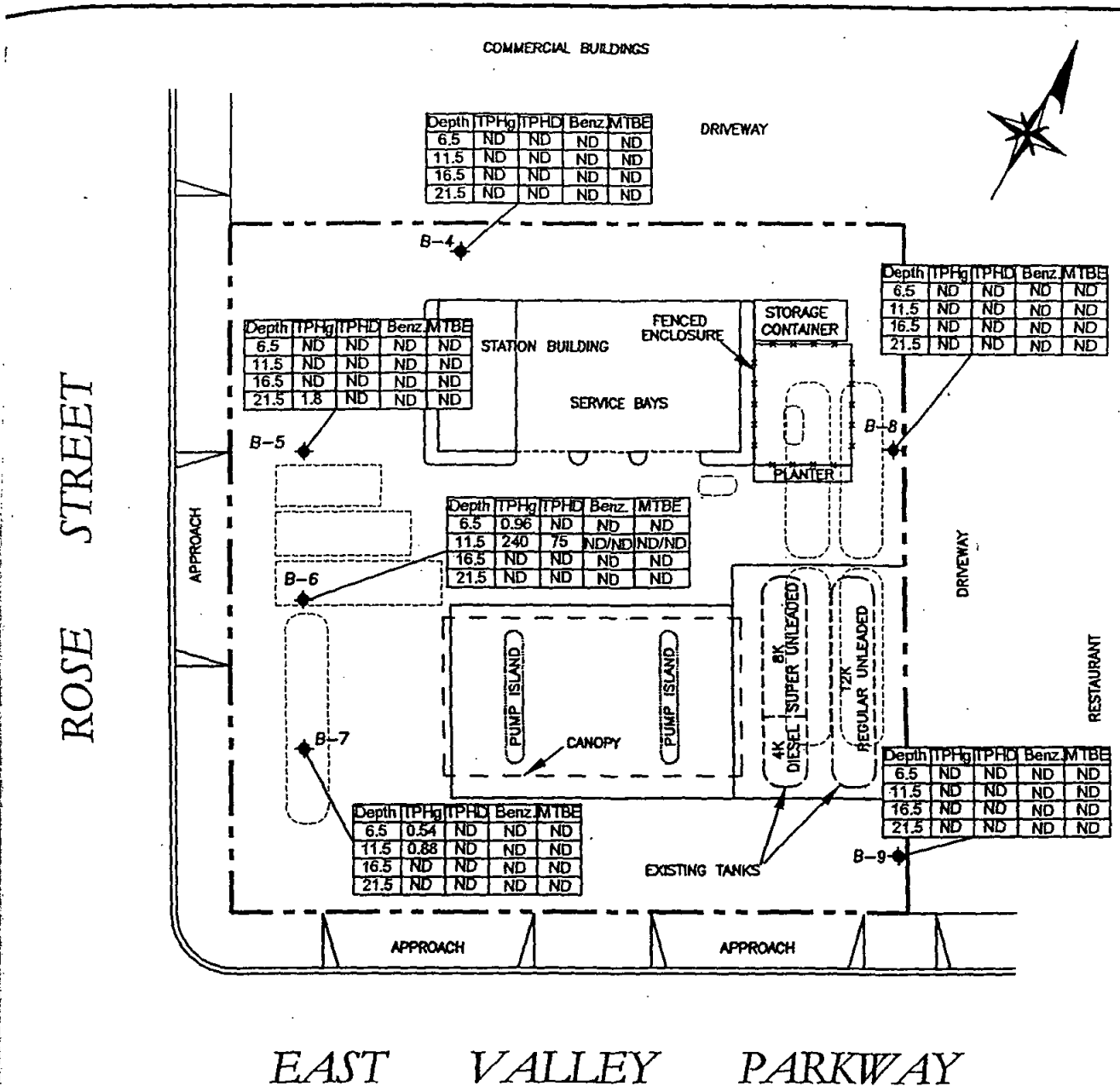
Project No: WOTE-001	File: WOTE001fig3
Drawn By: WFG	Date: 9/05/01
Client: APRO 9302 S. Garfield Avenue South Gate, California 90280	
Site: Ksquare Gas & Service 1602 E. Valley Parkway Escondido, California	

**SITE PLAN
SHOWING
SOIL BORING
LOCATIONS**



FIGURE:
3

ATTACHMENT 2



LEGEND

B-5 ◆ SOIL BORING COMPLETED BY NMWW, INC. ON AUGUST 23, 2001

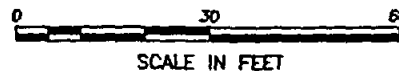
--- APPROX. PROPERTY LINE

SOIL BORINGS:

Depth	TPHg	TPHd	Benz.	MTBE	SAMPLE DEPTH IN FEET, TPH AS GASOLINE, TPH AS DIESEL, BENZENE AND MTBE CONCENTRATIONS IN SOIL IN mg/kg.
6.5	0.96	ND	ND	ND	
11.5	240	75	ND/ND	ND/ND	
16.5	ND	ND	ND	ND	
21.5	ND	ND	ND	ND	

TPHg and TPHd by EPA METHOD 8015.
 BENZENE AND MTBE BY EPA METHOD 8020.
 SECOND ANALYSIS BY EPA METHOD 8260B.
 ND = NOT DETECTED ABOVE LABORATORY REPORTING LIMIT.

NOTES: ALL LOCATIONS ARE APPROXIMATE.
 SITE PLAN BASED ON DRAWINGS PREPARED BY PRIOR CONSULTANTS.



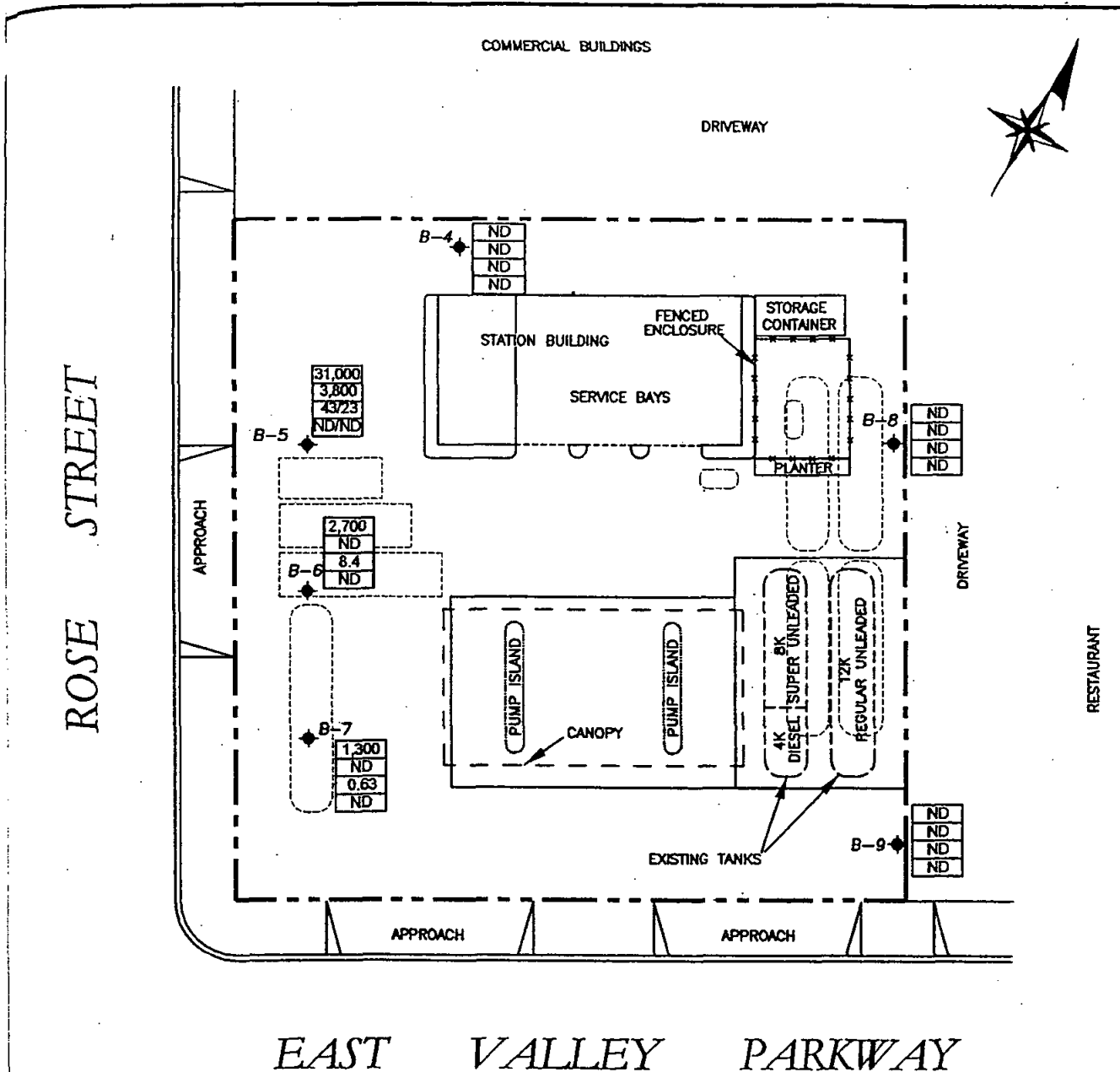
Project No: WOTE-001	File: WOTE001fig4
Drawn By: WFG	Date: 9/06/01
Client: APRO 9302 S. Garfield Avenue South Gate, California 90280	
Site: Ksquare Gas & Service 1602 E. Valley Parkway Escondido, California	

**SITE PLAN
 SHOWING
 HYDROCARBON
 CONCENTRATIONS
 IN SOIL**



FIGURE:

4



LEGEND

B-5 ◆ SOIL BORING COMPLETED BY NMMW, INC. ON AUGUST 23, 2001

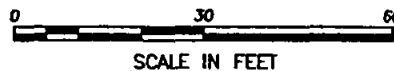
--- APPROX. PROPERTY LINE

GROUNDWATER GRAB SAMPLES:

TPHg	31,000	TPH AS GASOLINE, TPH AS DIESEL,
TPHd	3,800	BENZENE AND MTBE CONCENTRATIONS
Benzene	43/23	IN GROUNDWATER IN ug/L
MTBE	ND/ND	

TPHg and TPHd BY EPA METHOD 8015.
 BENZENE AND MTBE BY EPA METHOD 8020.
 SECOND ANALYSIS BY EPA METHOD 8260B.
 ND = NOT DETECTED ABOVE LABORATORY REPORTING LIMIT.

NOTES: ALL LOCATIONS ARE APPROXIMATE.
 SITE PLAN BASED ON DRAWINGS PREPARED BY PRIOR CONSULTANTS.



Project No: WOTE-001	File: WOTE001fig5
Drawn By: WFG	Date: 9/06/01

Client: **APRO**
 9302 S. Garfield Avenue
 South Gate, California 90280

Site:
Ksquare Gas & Service
 1602 E. Valley Parkway
 Escondido, California

**SITE PLAN
 SHOWING
 HYDROCARBON
 CONCENTRATIONS
 IN GROUNDWATER**



FIGURE:

5

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Mr. K. in Skoh
1602 East Valley Parkway
Escondido, CA
92025

2. Article Number
(Transfer from service label)

7009 1410 0002 2347 6866

PS Form 3811, February 2004 12-27 Domestic Return Receipt

S. Pease

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

- Agent
- Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

3. Service Type

- Certified Mail Express Mail
- Registered Return Receipt for Merchandise
- Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS. FOLD AT DOTTED LINE.
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Total Postage & Fees	\$5.88

Postmark Here

Sent To *K. in Skoh*

Street, Apt. No., or PO Box No. *1602 E. Valley Parkway*

City, State, ZIP+4 *Escondido CA 92025*

PS Form 3800, August 2006 See Reverse for Instructions