



Matt Rodriguez
Acting Secretary for
Environmental Protection

California Regional Water Quality Control Board San Diego Region

Over 50 Years Serving San Diego, Orange, and Riverside Counties
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(858) 467-2952 • Fax (858) 571-6972
<http://www.waterboards.ca.gov/sandiego>



Edmund G. Brown Jr.
Governor

July 14, 2011

In reply refer to:
T0607364492:sp ease

Certified Mail – Return Receipt Requested

7010 1060 0000 4952 7648
Mr. Kirin Shah
K Square Financial
1602 East Valley Parkway
Escondido, CA 92025

7010 1060 000 4952 7655
Mr. Eric Roehl
Chevron
P.O. Box 2292
Brea, CA 92822-2292

Dear Mr. Shah AND Mr. Roehl,

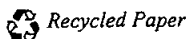
**SUBJECT: ADDENDUM NO. 2 TO INVESTIGATIVE ORDER NO. R9-2010-0021
FOR K SQUARE FINANCIAL PROPERTY,
1602 EAST VALLEY PARKWAY, ESCONDIDO, CALIFORNIA**

Enclosed is Addendum No. 2 to Investigative Order No. R9-2010-0021 (Order). With issuance of Addendum No. 2 to the Order, Mr. Kirin Shah and CAS & Co. are removed as responsible parties to the Order. In addition, the Addendum changes the due date of the 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). Any person affected by this action of the San Diego Water Board may petition the State Water Quality Control Board as described in the Order, section H.4.

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.

California Environmental Protection Agency



WFOV 4/1/11

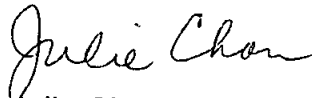
Mr. Kirin Shah and Mr. Eric Roehl

- 2 -

July 14, 2011

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,



Julie Chan
Chief, Cleanup and Land Discharge Branch

JAC:cl:sjp

c:\KSquare_Addendum_2_CoverLetter.doc

Enclosure: Addendum No. 2 to Investigative Order No. R9-2010-0021

California Environmental Protection Agency

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

**ADDENDUM NO. 2
TO INVESTIGATIVE ORDER NO. R9-2010-0021**

KSQUARE FINANCIAL PROPERTY

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 (Order) and Addendum No. 1 prescribe requirements to Mr. Kirin Shah, the owner and operator of KSquare Financial and CAS & Co., and Texaco/Chevron, former owner and operator of the Underground Storage Tanks, 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. In March 1995, Texaco sold the property to Mr. Kirin Shah. At the time Mr. Shah purchased the property, the County of San Diego Department of Environmental Health (DEH) records showed that two previous releases at the property were investigated and No Further Action letters were issued by DEH.
3. In 2001, soil and groundwater samples were taken at the Site as part of an investigation. Analysis of the samples¹ from the west side of the property 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 1). 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/Chevron, as the former owner/operator of those UST's, is responsible for the discharge of petroleum hydrocarbons wastes.
4. Upon further evaluation of the environmental data, the soil and groundwater analytical results from the west side of the property implicate Chevron as the responsible party, and there is no evidence that Mr. Shah had contributed to the petroleum contamination in the time period 1995 to present. Therefore, Mr. Shah should be removed as a responsible party from the Investigative Order.
5. An adequate workplan, dated June 24, 2011, was received from Chevron that satisfies the performance requirements of Directive A.1., Addendum No. 1 to the Order. The workplan was submitted 54 days after the due date of April 30, 2011.

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

6. Addendum No. 1 to the Order, Directive A.2., requires submittal of a Site Assessment Report by July 30, 2011. Because Chevron cooperated by submitting an adequate Site Assessment Workplan, and has stated its intention to implement the workplan in a timely manner, it is reasonable in this instance to revise the due date for the Site Assessment Report so Chevron is not out of compliance with Directive A.2.
7. Directive A.2.i. of the Order requires results of a human health risk assessment for residents living downgradient of the facility and to children in a school upgradient of the facility. Since there are no residents downgradient of the facility and no school upgradient of the facility, the human health risk assessment does not need to include these receptors.

IT IS HEREBY ORDERED, pursuant to section 13267 of the California Water Code that Mr. Kirin Shah and CAS & Co., are removed as Responsible Parties. Chevron remains a Responsible Party.

It is further ordered that Directive A.2. is modified as follows:

2. Site Assessment Report:

Replace: "The Discharger 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 **July 30, 2011**".

With: "The Discharger 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, 2011**".

i. Human Health Risk Assessment:

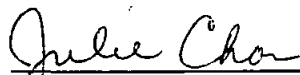
Replace: Human Health Vapor Risk Assessment: The report shall contain the results of a human health risk assessment for residents living downgradient of the facility, and risk to children in a school upgradient of the facility. The risks from each chemical and from all applicable exposure pathways shall 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.

With: Human Health Vapor Risk Assessment: The report shall contain the results of a human health risk assessment. 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

July 14, 2011

assessment shall follow the Department of Toxics Substances Control 2004
Guidance for the Evaluation and Mitigation of Subsurface Vapor Intrusion to Indoor
Air.

All other directives issued in Investigative Order No. R9-2010-0021 and Addendum No. 1
remain unchanged and in effect.



Julie Chan

Chief, Cleanup and Land Discharge Branch

Date issued: July 14, 2011

ATTACHMENT 1

ROSE STREET

COMMERCIAL BUILDINGS

DRIVEWAY



| Depth | TPHg | TPHd | Benz | MTBE |
|-------|------|------|------|------|
| 6.5 | ND | ND | ND | ND |
| 11.5 | ND | ND | ND | ND |
| 16.5 | ND | ND | ND | ND |
| 21.5 | ND | ND | ND | ND |

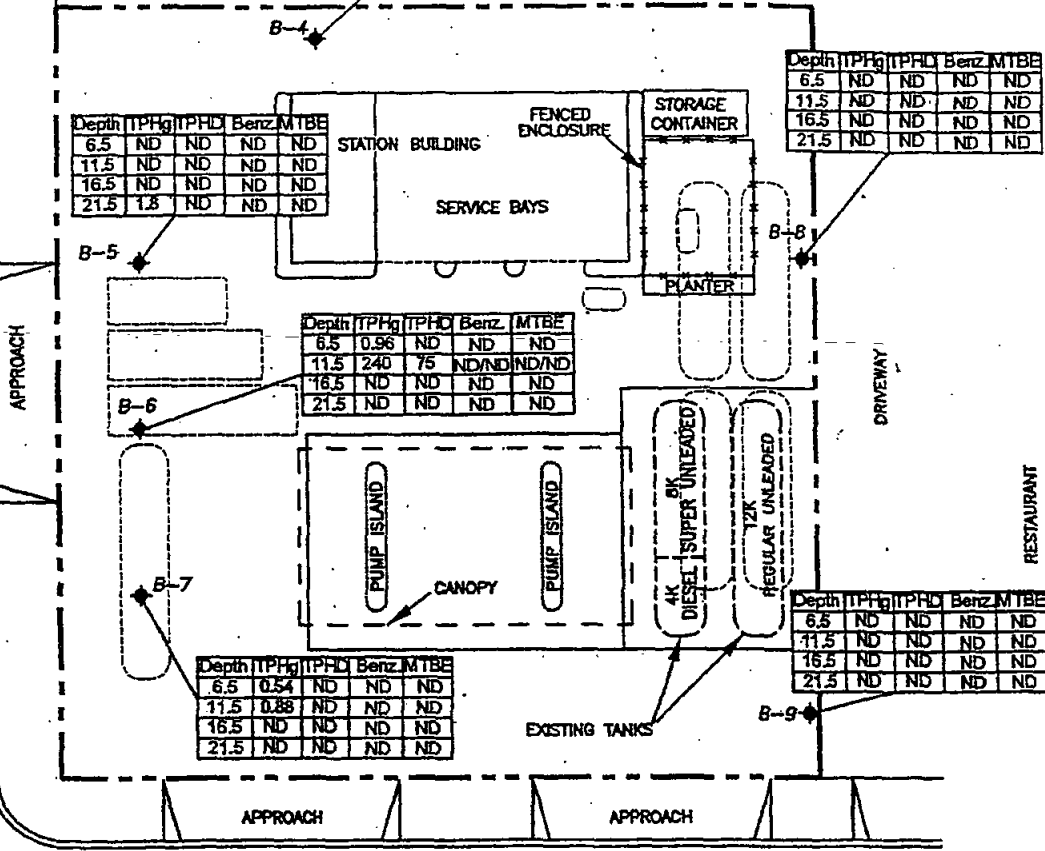
| Depth | TPHg | TPHd | Benz | MTBE |
|-------|------|------|------|------|
| 6.5 | ND | ND | ND | ND |
| 11.5 | ND | ND | ND | ND |
| 16.5 | ND | ND | ND | ND |
| 21.5 | 1.8 | ND | ND | ND |

| Depth | TPHg | TPHd | Benz | MTBE |
|-------|------|------|-------|-------|
| 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 |

| Depth | TPHg | TPHd | Benz | MTBE |
|-------|------|------|------|------|
| 6.5 | 0.54 | ND | ND | ND |
| 11.5 | 0.88 | ND | ND | ND |
| 16.5 | ND | ND | ND | ND |
| 21.5 | ND | ND | ND | ND |

| Depth | TPHg | TPHd | Benz | MTBE |
|-------|------|------|------|------|
| 6.5 | ND | ND | ND | ND |
| 11.5 | ND | ND | ND | ND |
| 16.5 | ND | ND | ND | ND |
| 21.5 | ND | ND | ND | ND |

| Depth | TPHg | TPHd | Benz | MTBE |
|-------|------|------|------|------|
| 6.5 | ND | ND | ND | ND |
| 11.5 | ND | ND | ND | ND |
| 16.5 | ND | ND | ND | ND |
| 21.5 | ND | ND | ND | ND |



EAST VALLEY PARKWAY

LEGEND

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

--- APPROX. PROPERTY LINE

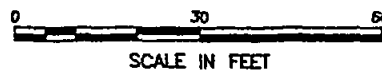
SOIL BORINGS:

| Depth | TPHg | TPHd | Benz | MTBE |
|-------|------|------|-------|-------|
| 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 |

SAMPLE DEPTH IN FEET, TPH AS GASOLINE, TPB AS DIESEL, BENZENE AND MTBE CONCENTRATIONS IN SOIL IN mg/kg.

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

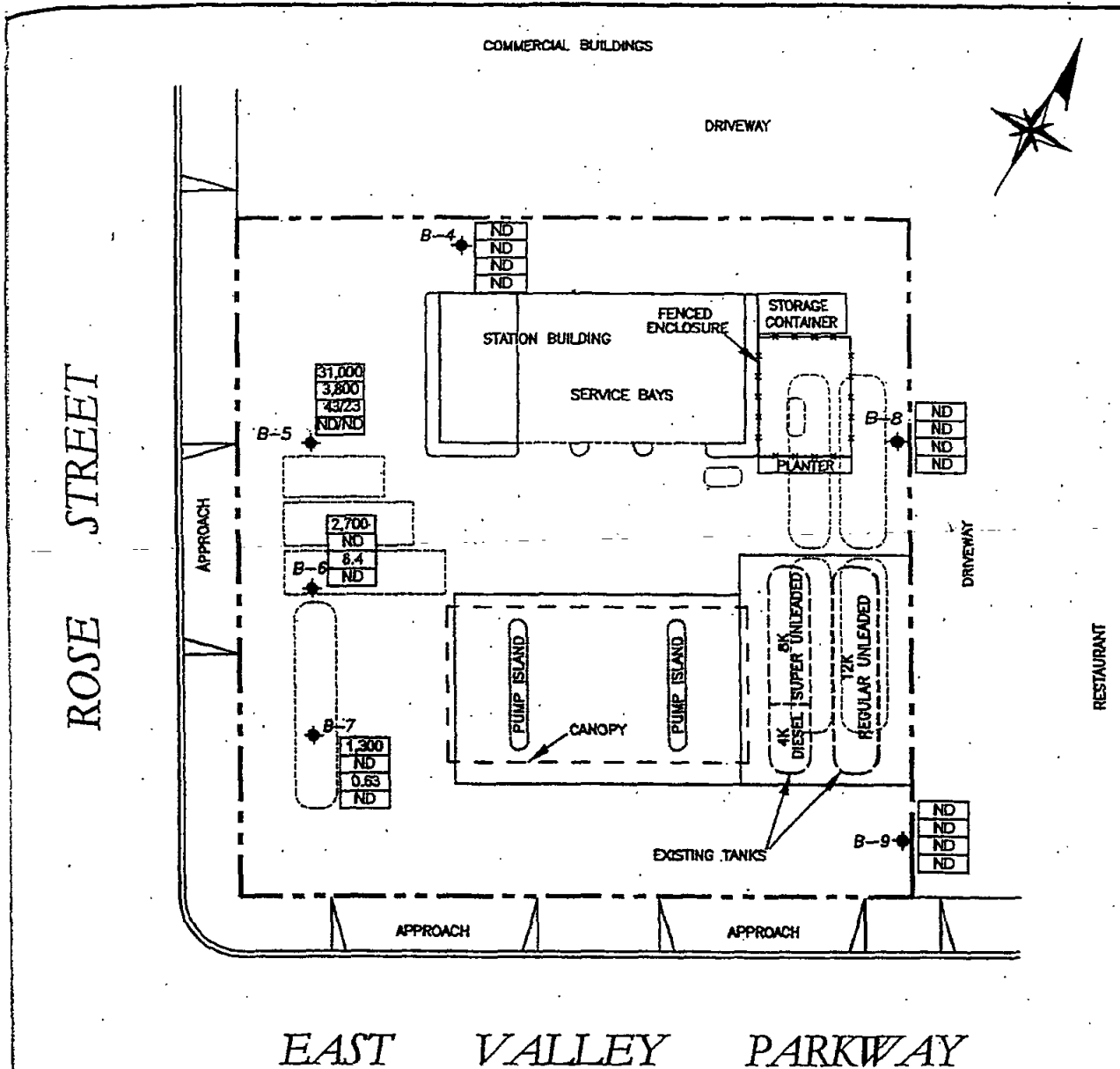
SITE PLAN
SHOWING
HYDROCARBON
CONCENTRATIONS
IN SOIL



FIGURE:

4

11/14/01



LEGEND

B-5 ◆ SOIL BORING COMPLETED BY NMWW, 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**

NDER: 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.

Article Addressed to:

Mr. Eric Roehl
 Theuron
 P.O. Box 2292
 Brem CA
 92822-2292

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 No
 If YES, enter delivery address below:

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

Article Number

(Transfer from service label)

7010 1060 0000 4952 7655

Form 3811, February 2004

7-14

Domestic Return Receipt

S. Pearce

102595-02-M-1540

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS. FOLD AT DOTTED LINE.
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| Postage | \$ |
| Certified Fee | |
| Return Receipt Fee (Endorsement Required) | |
| Restricted Delivery Fee (Endorsement Required) | |
| Total Postage & Fees | \$5.79 |

Postmark Here

Sent To Mr. Eric Roehl
 Street, Apt. No. or PO Box No. P.O. Box 2292
 City, State, ZIP+4 Brem CA 92822-2292

PS Form 3800, August 2006

See Reverse for Instructions

11/14/04