



Linda S. Adams
Secretary for
Environmental Protection

California Regional Water Quality Control Board San Diego Region

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



Arnold Schwarzenegger
Governor

CERTIFIED MAIL – RETURN RECEIPT REQUESTED
7007 3020 0001 0040 6518

February 15, 2008

Donald Swall
Cunocar Accounting Service
425 25th Street
San Diego, CA 92102

In reply refer to:
TSMC: T0607300836:cprowell

Dear Mr. Swall,

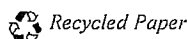
**RE: INVESTIGATIVE ORDER NO. R9-2008-0008 FOR PRELIMINARY SITE
ASSESSMENT AND REPORTING FOR CUNOCAR ACCOUNTING SERVICE
(T0607300836)**

Enclosed is Investigative Order No. R9-2008-0008, requiring Cunocar Accounting Service to submit technical reports regarding the investigation and clean-up of the unauthorized release of petroleum hydrocarbons at 425 25th Street, San Diego, California. The Order was issued by the California Regional Water Quality Control Board, San Diego Region (Regional Board) to Cunocar Accounting Service, the owner of the underground storage tank system on the property at the time of the release. Subsequent to the release in 1991 and submittal of initial preliminary reports, no further information regarding the case has been submitted to document that the release neither has caused nor threatens to cause impacts to the environment.

The enclosed Order directs you to provide the Regional Board with a workplan for a preliminary assessment, a technical report presenting the findings of the preliminary assessment, and quarterly reports for the site referenced above. You are encouraged to review and comply with the specific instructions regarding these reports included in the order. These reports are required under the Title 23 of the California Code of Regulations, Chapter 16 and are necessary to determine if permanent closure of the leaking underground storage tank case is appropriate or if further corrective action is needed.

Any person failing or refusing to furnish information required under the authority of California Water Code (CWC) section 13267 or falsifying information submitted to the Regional Board pursuant to such a directive is guilty of a misdemeanor and may be subject to civil liability. Under CWC section 13268, a civil liability may be imposed

California Environmental Protection Agency



8002/ST/2
2/15/2008

Donald Swall
Cunocar Accounting Service

February 15, 2008

- 2 -

administratively by the Regional 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).

If you wish to dispute the factual basis of, or the legal conclusions set forth in this order, you must submit all evidence and argument supporting rescission or modification of the order to the Regional Board within 14 days of the date of the order (February 15, 2008).

Within 14 days of your submission, the Regional Board will respond in writing, or advise you when a written response upholding, modifying, or rescinding the investigative order will be issued. You would have 30 days from the date of such response to file a petition for administrative review under Water Code section 13320 with the State Water Resources Control Board.

If you have any questions, or require additional assistance, please contact Ms. Cheryl Prowell of my staff at (858) 467-2745.

Respectfully,



MICHAEL P. McCANN
Assistant Executive Officer
San Diego Regional Water Quality Control Board

JHR:rwm:clp

cc:

R#

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION

INVESTIGATIVE ORDER NO. R9-2008-0008

CUNOCAR ACCOUNTING SERVICE
425 25TH STREET
SAN DIEGO, CALIFORNIA

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

1. **Unauthorized Discharge of Waste.** In 1991, an unauthorized discharge of petroleum hydrocarbon waste to soil was discovered at Cunocar Financial Services located at 425 25th Street in San Diego, San Diego County, California. The waste was discharged from the property's underground storage tank (UST) system. Samples collected at the time of the tank removal contained total petroleum hydrocarbons as gasoline (TPH-d) at concentrations up to 2,070 mg/kg. The San Diego County Department of Environmental Health (DEH) issued a notice of the unauthorized release on October 31, 1991. It is suspected that this release could affect the quality of water within the Chollas Hydrologic Subarea.
2. **Parties Responsible for the Discharge.** Cunocar Accounting Service (hereinafter the Discharger) is the party responsible for the discharge. At the time of the unauthorized discharge of waste, Cunocar Accounting Service owned and operated the underground storage tank system on the property. As the owner and operator of the underground storage tank system, the Discharger caused the initial discharge of petroleum waste to soil at the facility. The records for the case indicate that Donald Swall is the contact person for Cunocar Accounting Service.
3. **California Code of Regulations Chapter 16 Requirements.** California Code of Regulations (CCR) Title 23, Division 3, Chapter 16, Article 11 applies to responsible parties for 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 Regional Water Quality Control Board every three months until investigation and cleanup are complete.

February 15, 2008

- 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 reporting must be conducted according to Section 2562.
- 4. Necessity of Reporting.** A Preliminary Site Assessment is required to comply with 23 CCR Chapter 16 Sections 2654 and 2723. On March 8, 1992 the Discharger submitted an update including proposals to conduct a preliminary investigation. The Discharger has not provided documentation of this investigation, or any further quarterly updates. Consequently, the information in the record for this case is insufficient to determine the nature and quantity of the release or determine if the release poses a threat to human health or the environment. The workplan for the Preliminary Site Assessment is requested pursuant to Section 2722(c), to allow regulatory review of the proposed activities. Quarterly reporting is required pursuant to Section 2652 (d)
- 5. Regulatory Authority.** California Water Code section 13267 provides that the Regional Board can require any person who has discharged, discharges, proposes to discharge or is suspected of discharging waste to investigate, monitor, and report information. The only restriction is that the burden of preparing the reports bear a reasonable relationship to the need for and the benefits to be obtained from the reports. These findings provide the Discharger with a written explanation with regard to the need for the reports and identify the evidence that supports the requirement to submit the reports. The associated costs bear a reasonable relationship to the need for the actions, specifically the protection of water quality and beneficial uses in the Chollas hydrologic subarea.
- 6. Qualified Professionals.** Discharger 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

February 15, 2008

Professions Code Sections 6735, 7835, and 7835.1 require that engineering and geologic evaluations and judgments be performed by or under the direction of registered professionals.

- 7. California Environmental Quality Act (CEQA).** 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 pursuant to section 15308 of the California Public Resources Code.

IT IS HEREBY ORDERED, pursuant to section 13267 of the California Water Code, that the Discharger shall submit the following technical and monitoring reports:

A. REPORTS

- 1. Workplan for Preliminary Site Assessment Investigation (PSAI).** A workplan is due no later than **April 15, 2008**. The workplan shall include the proposed actions and a proposed schedule for their completion as required by CCR Section 2723 (d)
- 2. Workplan Implementation.** The Discharger(s) shall commence with implementation of the RIFS workplan no later than 30 days after submission of the workplan, unless otherwise directed in writing by the Regional Board. Before beginning these activities the Discharger(s) shall:
 - a. Notify the Regional Board of the intent to initiate the proposed actions included in the workplan submitted; and
 - b. Comply with any conditions set by the Regional Board.
- 3. Preliminary Site Assessment Report:** The Preliminary Site Investigation Report is due no later than **July 30, 2008**. The report shall describe the activities conducted under the Workplan for Preliminary Site Assessment Investigation. The report must include the following information as required by CCR sections 2653 and 2654:
 - a. Data on the nature and estimated quantity of the release. To assess the nature of the release analytical data should be provided for total petroleum hydrocarbons as gasoline (TPH-g), benzene, toluene, ethylbenzene, total xylenes, (BTEX) methyl tertiary butyl ether (MTBE), tertiary butyl alcohol (TBA) and other fuel oxygenates). The

PF

estimation of quantity of the release should be based on lateral and vertical delineation of contaminated soil, groundwater, and free product.

- b. Status of investigations to determine the possible presence of free product.
- c. Characterization of the geology and hydrogeology of the site with respect to transport of the wastes.
- d. Evaluation of the impacts of the wastes on all existing and future sensitive receptors that could be affected by the wastes.

The Preliminary Site Assessment Report should be submitted to the Regional Board no later than July 30, 2008.

4. Quarterly Reports: Until investigation and cleanup are complete, reports shall be submitted to the Regional Board every three months. Reports shall include but not be limited to:

- a. An update on any investigation, monitoring, corrective or remedial actions which have occurred during the reporting period.
- b. The method of cleanup implemented to date, proposed cleanup actions, and a time schedule for implementing the proposed actions.

Quarterly Reports shall be submitted according to the following schedule:

Monitoring Period	Due Date for Report
First Quarter (January -March)	Due no later than April 30
Second Quarter (April-June)	Due no later than July 30
Third Quarter (July-September)	Due no later than October 30
Fourth Quarter (October-December)	Due no later than January 30

B. PROVISIONS

1. Contractor/Consultant Qualifications: All reports, plans and documents required under this Order shall be prepared under the direction of appropriately qualified professionals. The lead professional performing engineering and geologic evaluations and judgments shall sign and affix

February 15, 2008

RF

their professional geologist or civil engineering registration stamp to all technical reports, plans or documents submitted the Regional Board. ..

2. **Lab Qualifications:** All samples must be analyzed by California State-certified laboratories using approved EPA methods for the type of analysis to be performed. All laboratories must maintain quality assurance/quality control (QA/QC) records for Regional Board review.
3. **Reporting of Changed Owner or Operator:** The Discharger must notify the Regional Board of any changes in site occupancy or ownership associated with the property described in this Order.
4. **Penalty of Perjury Statement.** All reports must be signed by the Discharger's principal executive officer or their duly authorized representative, and must include a statement by the official, under penalty of perjury, that the report is true and correct to the best of the official's knowledge.
5. **Electronic Data Submittals:** All information submitted to the Regional Board in compliance with this Order in paper copy format is also required to be submitted electronically via the Internet into the GeoTracker database. To comply with section 3893, Title 23, CCR; your update to the Geotracker database must include the following minimum information:
 - a. Data generated after the effective date of the regulations by chemical analysis of soil, vapor, or water samples (including surface water, groundwater and influent/effluent water samples from remediation systems), shall be submitted in Electric Data File (EDF) format.
 - b. 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.
 - c. The surveyed elevation relative to a geodetic datum of any permanent monitoring well.
 - d. The elevation of groundwater in any permanent monitoring well relative to the surveyed elevation.
 - e. A site map or maps showing the location of all sampling points referred to in the report.


February 15, 2008

- f. The depth to the screened interval and the length of screened interval for any permanent monitoring well.
- g. Boring logs, in PDF format.
- h. A complete copy of the report, in PDF format, which includes the signed transmittal letter and professional certification.

The GeoTracker website address is
<http://www.geotracker.waterboards.ca.gov>. Deadlines for electronic
submittals coincide with deadlines for paper copy submittals.

Dated this 15th day of February 2008

BY THE EXECUTIVE OFFICER



MICHAEL P. McCANN
Assistant Executive Officer
February 15, 2008

Signed pursuant to the authority
delegated by the Executive Officer to
the Assistant Executive Officer

NOTIFICATIONS

1. Failure to comply with the requirements of this order may subject you to enforcement action, including but not limited to: imposition of administrative civil liability under water code section 13268 or referral to the attorney general for injunctive relief or civil or criminal liability