



California Regional Water Quality Control Board San Diego Region



RF

Linda S. Adams
Secretary for
Environmental Protection

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

Arnold Schwarzenegger
Governor

9174 Sky Park Court, Suite 100, San Diego, California 92123-4353
(858) 467-2952 • Fax (858) 571-6972
<http://www.waterboards.ca.gov/sandiego>

April 7, 2008

CERTIFIED MAIL- RETURN RECEIPT
7006 2760 0000 1615 6953

Hodge Family Trust
617 Nardito Lane
Solana Beach, CA 92075

**SUBJECT: INVESTIGATIVE ORDER NO. R9-2008-0045, ASSESSOR'S PARCEL
NUMBER 441-560-24-00, 2750 KURTZ STREET, SAN DIEGO,
CALIFORNIA 92110**

Dear Hodge Family:

The San Diego Regional Water Quality Control Board (Regional Board), Site Mitigation and Cleanup Unit (SMCU) received information from the County of San Diego Department of Environmental Health regarding a hazardous substance release. The Regional Board enforces the policies and procedures for the investigation of discharges of waste under Section 13267 of the Porter-Cologne Water Quality Control Act (California Water Code). As part of this process environmental assessment reports for the property at 2771 Kurtz Street have been reviewed. The results of the assessment indicate that free product petroleum contamination was detected in ground water adjacent to the property at 2750 Kurtz Street. The property at 2771 Kurtz Street did not contain underground storage tanks (USTs) nor operate a facility with petroleum waste. The apparent source of the unauthorized release is one or more of the USTs that were removed from the property at 2750 Kurtz Street. The current water quality conditions at the site are not protective of human and environmental health, and may be causing or contributing to a condition of pollution.

Therefore, I am requesting additional information in order to address the current status of ground water contamination. In accordance with California Water Code (CWC) Division 7, Section 13267, the Regional Board may require an investigation into the quality of waters of the state. Pursuant to CWC Section 13268, a violation of CWC Section 13267 requirements may subject you to civil liability of up to \$1,000 per day for each day in which the violation occurs.

The following information is required by **May 23, 2008** as part of a work plan to monitor and sample ground water for contamination in existing down-gradient wells:

1. A complete site lease and use history for property at assessor's parcel number (APN) 441-560-24-00;
2. A list or description of all facility operations and map of actual operating locations associated with petroleum products at the site; and
3. A description of all previous environmental assessments associated with the site.

RF

Hodge Family Trust
APN 441-560-24-00
Order R9-2008-0045

- 2 -

April 7, 2008

A report on the results of ground water monitoring is required by **August 22, 2008**. The Regional Board will review the work plan within 30 days; if no comments are provided the responsible party must implement the work plan in order to provide the report by August 15, 2008. All actions must adhere to the provisions of the *Water Quality Control Plan for the San Diego Basin* (Basin Plan) in Attachment I. The Regional Board requires the information to determine the magnitude and extent of ground water contamination as well as identify all responsible parties. You are required to submit this information because the above referenced environmental assessment reports and county correspondence indicates you are responsible for the discharge. Refer to State Water Resources Control Board Resolution 92-49: Policies and Procedures for Investigation and Cleanup and Abatement of Discharges Under Water Code Section 13304 (<http://www.swrcb.ca.gov/resdec/resltn/other/rs92-49.html>) for guidelines.

Any person affected by this action of the Regional Board may also request an evidentiary hearing before the Regional Board. To schedule a hearing at a Regional Board meeting, you must submit a written request to this office within 30 days of the issuance of this Order. Be aware that a request for a hearing does not stay any of the deadlines in the Order.

If you have any questions, please contact Brian McDaniel at (858) 627-3927 or BMcdaniel@waterboards.ca.gov.

Sincerely,



Michael P. McCann
Assistant Executive Officer

MPM:jpa:rep

cc:

Nancy M. Roecker
7482 Salizar Street
San Diego, CA 92111

James Clay
Department of Environmental Health, Land and Water Quality Division
P.O. Box 129261
San Diego, CA 92112-9261

RC

ATTACHMENT I
STANDARD PROVISIONS APPLICABLE TO INVESTIGATIVE ORDERS

1. Operation and Maintenance

The responsible party shall, at all times, properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the responsible party to achieve compliance with conditions of this Order. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls including appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar systems only when necessary to achieve compliance with the conditions of this Order.

2. Entry and Inspection

The responsible party shall allow the Regional Board, or any authorized representative upon the presentation of credentials and other documents as may be required by law, to:

- a. Enter upon the responsible party's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this Order;
- b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this Order;
- c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Order; and
- d. Sample or monitor at reasonable times, for the purpose of assuring compliance with this Order, or as otherwise authorized by the CWC, any substances or parameters at any location.

3. Monitoring Program and Devices

The responsible party shall furnish, under penalty of perjury, technical monitoring program reports; such reports shall be submitted in accordance with the specification prepared by the Executive Officer, which specifications are subject to periodic revisions as may be warranted [CWC 13267].

All monitoring instruments and devices used by the responsible party to fulfill the prescribed monitoring program shall be properly maintained and calibrated as necessary to ensure their continued accuracy.

Unless otherwise permitted by the Regional Board Executive Officer, all analyses shall be conducted a laboratory certified for such analyses by the State Department of Health Services. All analyses shall be required to be conducted in accordance with the latest edition of "Guidelines Establishing Test Procedures for Analysis of Pollutant [40 CFR Par 136] promulgated by the U. S. EPA.

4. Endangerment to Health and Environment

The responsible party shall report any noncompliance which may endanger health or the environment. Any such information shall be provided verbally to the Executive

RF

Officer within 24 hours and a written submission within 5 days from the time the responsible party becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected; the anticipated time it is expected to continue and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance. The Executive Officer, or an authorized representative, may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

5. Maintenance of Records

The responsible party shall retain records of all monitoring information including all calibration and maintenance records, all original strip chart recording for continuous monitoring instrumentation, copies of all reports required by this Order, and records of all data to complete the application of this Order. Records shall be maintained for a minimum of three years from the date of the sample, measurement, report, or application. This period may be extended during the course of any unresolved litigation regarding this discharge or when requested by the Regional Board Executive Officer.

Records of monitoring information shall include:

- a. The date, exact place, and time of sampling or measurements;
- b. The individual(s) who performed the sampling or measurements;
- c. The date(s) analyses were performed;
- d. The individual(s) who performed the analyses;
- e. The analytical techniques or method used; and
- f. The results of such analyses.

6. Signatory Requirement

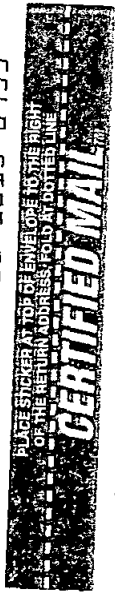
All reports required by this Order and other information required by the Executive Officer shall be signed:

- a. By a person certified as follows:
 1. For a corporation: by a principal executive officer or at least the level of vice president.
 2. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively.
 3. For a municipality, state, federal, or other public agency: by either a principal executive officer or ranking elected official.
- b. Or by a duly authorized representative of that person described in paragraph (a). An individual is a duly authorized representative only if:
 1. The authorization is made in writing by a person described in paragraph (a) of this provision.
 2. The authorization specifies either an individual or position having responsibility for the overall operation of the regulated facility or activity; and
 3. The written authorization is submitted to the Executive Officer.

Any person signing a document under this Section shall make the following certification:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment." [CWC 13263, 13267, and 13268]

7006 2760 0000 1615 6953



7006 2760 0000 1615 6953

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage	\$ 41
Certified Fee	2.65
Return Receipt Fee (Endorsement Required)	2.15
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 5.21

Postmark Here

Sent To: Hodge Family Trust
 Street, Apt. No., or PO Box No.: 617 Nardito Lane
 City, State, ZIP+4: Solana Beach, CA 92075

PS Form 3806, August 2006 See Reverse for Instructions

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:
Hodge Family Trust
617 Nardito Lane
Solana Beach, CA 92075

COMPLETE THIS SECTION ON DELIVERY

A. Signature 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

2. Article Number
 (Transfer from service label)