



Linda S. Adams  
Secretary for  
Environmental Protection

# California Regional Water Quality Control Board San Diego Region

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Arnold Schwarzenegger  
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<http://www.waterboards.ca.gov/sandiego>

August 25, 2010

In Reply Refer to:  
SL209404237:spease

Mr. David Kahn  
Sunset Center I, LP  
1020 Prospect Street, Suite 401  
La Jolla, CA 92037

CERTIFIED MAIL - RETURN  
RECEIPT REQUESTED  
7009 1410 0002 2347 6835

Dear Mr. Dyer:

**SUBJECT: CLEANUP AND ABATEMENT ORDER NO. R9-2010-0089  
FORMER CONTINENTAL CLEANERS, 644 WEST MISSION AVENUE,  
ESCONDIDO, CA**

Enclosed is Cleanup and Abatement Order (CAO) No. R9-2010-00289, issued by the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) pursuant to California Water Code sections 13267 and 13304. This Order directs you to cleanup and abate the affects of the unauthorized release of tetrachloroethylene from the former Continental Cleaners, and to submit technical reports to the San Diego Water Board.

If you fail to comply with the Order fully, under the authority of Water Code section 13304, the San Diego Water Board may have the Attorney General petition the San Diego County Superior Court for the issuance of an injunction requiring the person 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 13304, you are guilty of a misdemeanor and may be subject to civil liability. Under Water Code section 13350 (e), a civil liability may be imposed administratively by the San Diego Water Board in an amount of up to \$5,000 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 Notification L.4. of the Order. 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 Notification L.5. of the Order. A request for an evidentiary hearing does not extend the 30-day period to file a petition with the State Water Board.

*California Environmental Protection Agency*

Mr. Kahn

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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 correspondence please include this code number in the heading or subject line 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](mailto:spease@waterboards.ca.gov).

Respectfully,



JAMES G. SMITH  
Assistant Executive Officer

Enclosure: Cleanup and Abatement Order No. R9-2010-0089

JGS:jac:sjp

cc: Mr. Brian Brennan, Environmental Equilizers, Inc., 2195 Faraday Avenue, Suite K,  
Carlsbad, CA 92008-7207

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
SAN DIEGO REGION

CLEANUP AND ABATEMENT ORDER NO. R9-2010-0089

AN ORDER DIRECTING MR. DAVID KAHN TO CLEANUP AND ABATE THE  
EFFECTS OF POLLUTION, AND SUBMIT TECHNICAL REPORTS  
PERTAINING TO CORRECTIVE ACTIONS AT THE SITE OF

**FORMER CONTINENTAL CLEANERS,  
644 WEST MISSION AVENUE,  
ESCONDIDO, CALIFORNIA**

The California Regional Water Quality Control Board, San Diego Region (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, 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*); applicable sections of California Code of Regulations (CCR) Title 23, and (5) relevant standards, criteria, and advisories adopted by other State and federal agencies.
- 2. Unauthorized Discharge of Waste:** Tetrachloroethylene, also known as perchloroethylene (PCE) was discovered in groundwater during an investigation at a shopping center located at 644 West Mission Avenue in Escondido in 1999.<sup>1</sup> The investigation was conducted to determine if PCE and degradation products detected at a former Tosco gas station originated from a dry cleaning facility operated by Continental Cleaners. The report concluded, based on groundwater gradient, that PCE and degradation chemicals trichloroethylene (TCE) and cis 1,2-dichloroethylene (cis 1,2-DCE) detected in the groundwater came from Continental Cleaners. The PCE, and all degradation chemicals of PCE, are not

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<sup>1</sup> Site Investigation Report, Parkway Plaza Shopping Center, Environmental Equalizers, Inc., August 16, 1999.

naturally occurring and are wastes, as defined in Water Code section 13050, subdivision (d).

Groundwater monitoring results<sup>2</sup> revealed concentrations of PCE and other waste in groundwater greater than applicable water quality objectives as shown below:

<i>Constituent</i>	<i>Water Quality Objectives (micrograms per liter or µg/L)</i>	<i>Maximum Groundwater Concentration (µg/L)</i>
PCE	5	480
TCE	5	10
cis 1,2-DCE	6	14

- 3. Persons Responsible for the Discharge of Wastes:** Mr. David Kahn of Sunset Center 1, LP, owned the former Continental Cleaners (hereinafter referred to as the facility), located at 644 West Mission Avenue, Escondido, CA. Mr. Kahn, hereinafter the Discharger, is subject to this Order because he either owns or owned the property and permitted activities to occur that caused waste to be discharged or deposited where it discharged into waters of the State and created and threatened to create a condition of pollution or nuisance, or operated the dry cleaner and discharged or deposited waste where it discharged into waters of the State and created and threatened to create a condition of pollution or nuisance. The Discharger, by failing to control the discharge, has caused or permitted waste to be discharged in such a manner that it has created a condition of pollution or nuisance. The term "discharge" includes active, initial release and passive migration of waste.<sup>3</sup>
- 4. Water Quality Standards:** The facility is located within the Escondido Hydrologic Subarea (Basin No. 904.62), of the Carlsbad Hydrologic Unit (Basin No. 4.00). The Basin Plan designates the following beneficial uses of groundwater in the Escondido Hydrologic Subarea:
- a. Municipal and domestic supply
  - b. Agricultural supply
  - c. Industrial service supply
  - d. Industrial process supply

<sup>2</sup> Third Quarter 2008, Quarterly Groundwater Monitoring Report, Environmental Equalizers, Inc., October 28, 2008.

<sup>3</sup> *In the Matter of Zoecon Corporation*, Order No. 86-2 (State Water Board 1986) (the discharge of waste includes the passive migration of waste.) This Order found that the owner of a contaminated site causes or permits a discharge even if the owner did not own the property at the time of the initial release.

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The Basin Plan contains numeric water quality objectives<sup>4</sup> for chemical constituents to protect groundwaters designated for municipal and domestic supply. The numeric objectives are derived from primary maximum contaminant levels (MCLs)<sup>5</sup> established by the Department of Public Health in Title 22 of the CCR.<sup>6</sup> Groundwater concentrations of PCE, TCE, and cis 1,2-DCE are not in conformance with the water quality objectives needed to support Municipal and Domestic uses of the groundwater, creating a condition of pollution and nuisance in waters of the State.

The Basin Plan designates the following beneficial uses of surface water in the Escondido Creek Hydrologic Subarea:

- a. Potential municipal and domestic supply
- b. Industrial service supply
- c. Contact water recreation
- d. Non-contact water recreation
- e. Warm freshwater habitat
- f. Cold freshwater habitat
- g. Wildlife habitat

Proximity of the discharge to Reidy Canyon Creek threatens the potential municipal and domestic supply and the contact water and non-contact water recreation beneficial uses of the creek.

- 5. Basis for Cleanup and Abatement Order:** Water Code section 13304 contains the cleanup and abatement authority of the San Diego Water Board. Water Code section 13304 requires a person to cleanup waste or abate the effects of the waste discharge if so ordered by a regional board in the event there has been a discharge in violation of waste discharge requirements, or if a person has caused or permitted waste to be discharged or deposited where it is, or probably

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<sup>4</sup> "Water quality objectives" are defined in Water Code section 13050(h) as "the limits or levels 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."

<sup>5</sup> 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 detectability and treatability, as well as the costs of treatment. Primary MCLs can be found in Title 22 CCR sections 64431 - 64444. Secondary MCLs address the taste, odor, or appearance of drinking water, and are found in 22 CCR section 64449.

<sup>6</sup> Basin Plan, footnote 2, supra. Page 3-24 and Table 3-5 at page 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 CCR 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.)"

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will be, discharged into the waters of the State and creates or threatens to create a condition of pollution or nuisance. Therefore, based on the previous findings the San Diego Water Board is authorized to order the Discharger to cleanup and abate the effects of the waste discharge.

6. **Basis for Requiring Technical and Monitoring Reports:** Water Code section 13267 provides that the San Diego Water Board may require dischargers, past dischargers, or suspected dischargers to furnish those technical or monitoring 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 Technical and Monitoring Reports:** Technical reports and Monitoring 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<sup>7</sup>, and provide technical information to determine what cleanup and abatement measures are necessary to bring the Site into compliance with applicable water quality standards. Based on the nature and possible consequences of the discharge from the facility, the Discharger's 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. **Cleanup Levels:** The State Water Board adopted Resolution No. 92-49, the *Policies and Procedures for Investigation and Cleanup and Abatement of Discharges Under California Water Code Section 13304*. This Resolution sets forth the policies and procedures to be used during an investigation or cleanup of a discharge of waste and requires that cleanup levels be consistent with State Water Board Resolution No. 68-16, the *Statement of Policy with Respect to Maintaining High Quality of Waters in California*.

Resolution No. 92-49 requires the waste to be cleaned up to background levels, or if that is not reasonable, to alternative levels that are the most stringent levels that are economically and technologically feasible in accordance with Title 23, CCR section 2550.4. Any alternative cleanup level greater than background must (1) be consistent with the maximum benefit for the people of the State; (2)

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<sup>7</sup> The "Site" refers to the footprint of the entire extent of pollution in soil and groundwater.

not unreasonably affect present and anticipated beneficial use of waters of the State; and (3) not result in water quality less than that prescribed in the Basin Plan and applicable Water Quality Control Plans and Policies of the State Water Board.

- 9. 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 CCR. This Order requires submittal of detailed workplans that address cleanup activities. The proposed activities under the workplans are not yet known, but implementation of the workplans 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 workplan that may have a significant impact on the environment.
- 10. Qualified Professionals:** The Discharger's 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 registered professionals.
- 11. Cost Recovery:** Pursuant to Water Code section 13304, and consistent with other statutory and regulatory requirements, including but not limited to Water Code section 13365, the San Diego Water Board is entitled to, and will seek reimbursement for all reasonable costs actually incurred by the San Diego Water Board to investigate unauthorized discharges of waste and to oversee cleanup of such waste, abatement of the effects thereof, or other remedial action required by this Order.

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**IT IS HEREBY ORDERED** that, pursuant to sections 13267 and 13304 of the Water Code, the Discharger must comply with the following Directives:

**A. CLEANUP AND ABATE DISCHARGES:** The Discharger shall forthwith take all corrective actions necessary to cleanup and abate the effects of the discharge.

**B. INTERIM REMEDIAL ACTION:** The Discharger shall take or contract for interim remedial actions, as necessary, to abate or correct the actual or potential effects of the unauthorized release. Interim remedial actions can occur concurrently with any phase of the site investigation or remedial action. Before taking interim remedial action, the discharger shall notify the San Diego Water Board of the proposed action and shall comply with any requirements that the San Diego Water Board sets.

**C. SITE ASSESSMENT**

**1. Site Assessment Workplan:** The Discharger shall develop and submit to the San Diego Water Board by 5:00 p.m. on **November 30, 2010**, a workplan adequate to guide the collection of information needed to produce an adequate Site Assessment Report described in Directive C.2.

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 C.2.i.

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 C.2.

c. Workplan Implementation: The Discharger shall begin to implement 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 Discharger 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 Discharger shall give the San Diego Water Board notification at least one week before the start of fieldwork.

**2. Site Assessment Report:** The Discharger shall prepare and submit a Site Assessment Report (Report) describing the results of the site investigation. The



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Report is due no later than 5:00 p.m. on **May 30, 2011**, and shall contain the following information:

- a. Source Characterization: The report shall completely characterize all potential sources of waste constituent discharges to soil and groundwater. At a minimum, the report shall include a discussion of historical records of operations, site reconnaissance, and previous sampling studies. The information in the technical report shall provide an adequate basis for determining subsequent effective cleanup and abatement actions with regards to the identified sources of pollution. All sources of waste constituent releases shall be located on a site map at a scale of 1 inch = 200 feet or finer resolution, 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<sup>8</sup> concentration 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.

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<sup>8</sup> "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.

- 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 a site map and cross section that shows the locations, type, and number of samples. 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, 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 (DTSC) 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 scenario and the likely distribution of waste at the site, offsite, 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 make recommendations for the next phase of cleanup.

#### D. REMEDIAL ACTION PLAN

1. **Remedial Action Plan (RAP):** The Discharger shall prepare and submit to the San Diego Water Board by 5:00 p.m. on **July 30, 2011**, a RAP that contains the following information:
  - a. Feasibility Study: The Discharger shall, using information in the Site Assessment Report, prepare a Feasibility Study (FS). The FS shall evaluate cleanup and abatement alternatives that:
    - i. Evaluates alternatives that result in effective control of the source(s) of soluble and dense non aqueous phase liquids (DNAPLs), groundwater pollutants, and control of conditions that contribute to the migration of pollutants.
    - ii. Considers the following cleanup and abatement methods or combinations thereof in the development of Site remediation alternatives.
      1. Source removal and/or isolation;
      2. In-place treatment of soil or water;
      3. Excavation or extraction of soil, water, or gas for on-site or off-site treatment; or
      4. Excavation or extraction of soil, water, or gas for appropriate recycling, reuse, or disposal.
    - iii. Evaluates remedial alternatives, including the cost and effectiveness of each alternative, for the remediation of the waste constituents to attain a range of applicable soil and groundwater cleanup levels between background water quality conditions and alternative cleanup levels derived by applying the conditions set forth in Title 23, section 2550.4. Alternative cleanup levels shall not unreasonably affect present and anticipated beneficial uses of waters and not result in water quality less than that prescribed in the Water Quality Control Plans and Policies adopted by the State and San Diego Water Boards
    - iv. Presents a recommended alternative for the cleanup or remediation of the waste constituents.
  - b. Implementation Activities: A detailed description of all activities planned to implement the recommended alternative for remediation of the waste constituents described in the final FS and a schedule for their completion.
  - c. Monitoring Activities: A monitoring program to demonstrate the effectiveness of the RAP. The monitoring program shall be effective in determining compliance with the cleanup levels and in determining the success of the remedial action.

2. **Remedial Action Plan Implementation:** The Discharger shall begin implementation of the RAP by 5:00 p.m. **September 30, 2011**, unless otherwise directed in writing by the San Diego Water Board. Before beginning RAP implementation activities, the Discharger shall:
  - a. Notify the San Diego Water Board of its intention to begin cleanup; and
  - b. Comply with any conditions set by the San Diego Water Board, including mitigation of adverse consequences from cleanup activities.
3. **Remedial Action Zone:** The Discharger shall implement remedial action measures that ensure the waste constituents achieve their respective cleanup levels at all monitoring points and throughout the zone affected by the waste constituents, including any portions thereof that extend beyond the facility property boundary.
4. **Monitoring and Evaluation:** The Discharger shall monitor, evaluate, and report the results of the RAP implementation on a quarterly basis as follows:

Monitoring Period	Due Date for Report
First Quarter (Jan-Mar)	Due no later than April 30
Second Quarter (Apr-Jun)	Due no later than July 30
Third Quarter (July-Sept)	Due no later than Oct 30
Fourth Quarter (Oct-Dec)	Due no later than January 30

5. **Modify or Suspend Cleanup Activities:** The Discharger shall modify or suspend cleanup activities when directed to do so by the San Diego Water Board.

#### E. GROUNDWATER MONITORING PROGRAM

1. **Authority and Purpose:** The Discharger is directed to submit the technical reports required in this Groundwater Monitoring Program (GMP) pursuant to Water Code sections 13267 and 13304. The purpose of the GMP is to document achievement of cleanup levels, and to provide data to answer the following questions.
  - a. Are interim remedial actions effective?
  - b. Has the lateral and vertical extent of each waste constituent in soil, groundwater, and soil vapor been delineated?
  - c. Is the size of the plume of each waste constituent decreasing in size and/or mass?

- d. Has the source of each waste constituent been effectively cleaned up?
- e. Is the selected remedial action alternative effectively removing waste constituents from the soil, groundwater, and soil vapor, and is the alternative capable of achieving the cleanup levels in the RAP?
- f. Have the beneficial uses of the groundwater been restored, and are human health and the environment protected?

2. **Monitoring:** The Discharger must measure groundwater elevations quarterly in all monitor wells. Groundwater samples collected from all current groundwater monitor wells shall be collected and analyzed on a quarterly basis using U.S. Environmental Protection Agency (USEPA) method 8260b for the **full scan of volatile organic compounds.**

The Discharger must sample any new groundwater monitor or extraction wells quarterly and analyze groundwater samples for all volatile organic compounds. The Discharger may provide a written proposal to change the sampling requirements in this Order. Any proposed changes are subject to San Diego Water Board approval.

3. **Groundwater Monitoring Reports:** The Discharger must submit groundwater monitoring reports quarterly. The quarterly groundwater monitoring reports to the San Diego Water Board shall commence with the third calendar quarter, due by 5:00 p.m. **January 30, 2011.** Subsequent reports shall be submitted no later than 30 days following the end of the monitoring period according to the following schedule:

Monitoring Period	Report Due Dates
First Quarter (Jan-Mar)	Due no later than April 30
Second Quarter (Apr-Jun)	Due no later than July 30
Third Quarter (July-Sept)	Due no later than Oct 30
Fourth Quarter (Oct-Dec)	Due no later than January 30

The San Diego Water Board will consider changing the groundwater monitoring requirements based on data submitted, delineation of the groundwater plume, remediation methods, rebound effect, and numerous other conditions that can arise during mitigation and remediation of the groundwater pollution. Any changes in the monitoring frequency will require an Addendum to the CAO.

The groundwater monitoring reports must include:

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- a. Transmittal Letter with Penalty of Perjury Statement. The transmittal letter must discuss any violations during the reporting period and actions taken or planned to correct the problem. The letter 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.
- b. Groundwater Elevations. Groundwater elevation data must be presented in tabular format with: depth to groundwater (in feet below ground surface), top of casing elevations, depths to the top of well screens, length of well screens and total depth for each well included in the monitoring program. A groundwater elevation map must be prepared for each monitored water-bearing zone with the groundwater flow direction and calculated hydrologic gradients(s) clearly indicated in the figures(s). A complete tabulation of historical groundwater elevations must be included in the second semiannual report each year.
- c. Reporting Groundwater Results. All monitoring reports must:
  - i. Present all groundwater sampling data in tabular format. Isoconcentration map(s) must be prepared for constituents of concern (COCs) for each monitored water-bearing zone, as appropriate. Time versus concentration plots and distance versus concentration plots that also show groundwater elevations must be prepared for constituents of concern for appropriate wells.
  - ii. Provide a Site plot plan which clearly illustrates the locations of monitor wells, location of dry cleaner equipment and storage, and buildings located on the property and immediately adjacent to the property lines of the facility.
  - iii. Provide a Site plot plan with the most recent concentrations of chemicals of concern.
  - iv. The report must provide technical interpretations of the groundwater data, and describe any significant increases in pollutant concentrations since the last report, any measures proposed to address the increases, any changes to the site conceptual model, any conclusions and recommendations for future action with each report.
  - v. The report must describe analytical methods used, detection limits obtained for each reported constituent, and a summary of Quality Assurance/Quality Control (QA/QC) data.

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- vi. The report must indicate sample collection protocol(s), describe how investigation derived wastes are managed at the facility, and include documentation of proper disposal of contaminated well purge water and/or soil cuttings removed from the facility.
  - vii. Historical groundwater sampling results must be listed in tabular form and included in the fourth quarterly report each year.
  - d. Remediation. If applicable, the report must include soil vapor or groundwater extraction results in tabular form, for each extraction well and for the Site as a whole. The report must also include contaminant removal results, from all extraction wells and from other cleanup and abatement systems (e.g. skimmers), expressed in units of chemical mass per day and mass for the reporting period. Historical total annual mass removal results must be tabulated in the second semiannual report each year.
  - e. Status Report. The semiannual report must describe relevant work completed during the reporting period (e.g. Site investigation, interim remedial measures) and work planned for the following monitoring period.
4. **Record Keeping:** The Discharger or their agent must retain data generated for the above reports, including lab results and QA/QC data, for a minimum of six years after origination and must make them available to the San Diego Water Board upon request.
5. **Groundwater Monitoring Program Revisions:** Revisions to Directive E, Groundwater Monitoring Program (GMP), may be ordered by the San Diego Water Board. The Discharger may request revisions to the GMP, however, the revisions may not be implemented until approved by the San Diego Water Board. Prior to making GMP revisions, the San Diego Water Board will consider the burden, including costs, of the groundwater monitoring reports relative to the benefits to be obtained from these reports.
- F. **PENALTY OF PERJURY STATEMENT:** All reports must be signed by the Discharger's responsible corporate officer or its duly authorized representative, and must include the 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 law 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*

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*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."*

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

Assistant 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, Central Cleanup 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:

**SL209404237**

**H. 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. **SL209404237**). 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 Discharger 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 locations,<sup>9</sup> 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.<sup>10</sup> 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.
  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.
- I. **VIOLATION REPORTS:** If the Discharger violates any requirement of this Order, then the Discharger must notify the San Diego Water Board office by telephone as soon as practicable once the Discharger has knowledge of the violation. The San Diego Water Board may, depending on violation severity, require the Discharger to submit a separate technical report on the violation within five working days of telephone notification.
- J. **OTHER REPORTS:** The Discharger must notify the San Diego Water Board in writing prior to any site activities that have the potential to cause further migration of contaminants or that would provide new opportunities for Site investigation.

## K. PROVISIONS

1. **No Pollution, Contamination or Nuisance:** The storage, handling, treatment, or disposal of soil containing waste or polluted groundwater must not create conditions of nuisance as defined in Water Code section 13050(m). The Discharger must properly manage, treat and dispose of wastes and polluted groundwater in accordance with applicable federal, State and local regulations.

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<sup>9</sup> Areas related to discharge from the dry cleaners operation.

<sup>10</sup> Formats include .gif, .jpeg, .jpg, .tiff, .tif, .pdf

2. **Good Operation and Maintenance:** The Discharger must maintain in good working order and operate as efficiently as possible any monitoring system, Site or control system installed to achieve compliance with the requirements of this Order.
3. **Contractor/Consultant Qualifications:** All reports, plans and documents required under this Order shall be prepared under the direction of appropriately qualified professionals. A statement of qualifications and license numbers, if applicable, of the responsible lead professional and all professionals making significant and/or substantive contributions shall be included in the report submitted by the Discharger. The lead professional performing engineering and geologic evaluations and judgments shall sign and affix their professional geologist or civil engineering registration stamp to all technical reports, plans or documents submitted the San Diego Water Board.
4. **Laboratory Qualifications:** All samples must be analyzed by California State-certified laboratories using methods approved by the USEPA for the type of analysis to be performed. All laboratories must maintain QA/QC records for San Diego Water Board review.
5. **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, and
  - 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 Health Services in accordance with current USEPA procedures."
6. **Reporting of Changed Owner or Operator:** The Discharger must notify the San Diego Water Board of any changes in Site occupancy or ownership associated with the property described in this Order.
7. **Regulations:** All corrective actions must be in accordance with the provisions of CCR Title 23, Chapter 15, and the Cleanup and Abatement Policy in the Water Quality Control Plan for the San Diego Basin (9).

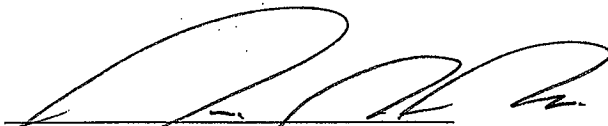
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## L. NOTIFICATIONS

1. **Cost Recovery:** Upon receipt of invoices, and in accordance with instructions therein, the Discharger must reimburse the San Diego Water Board for all reasonable costs incurred by the San Diego Water Board to investigate unauthorized discharges of waste and to oversee cleanup of such waste, abatement of the effects thereof, or other remedial action, required by this Order.
2. **All Applicable Permits:** This Order does not relieve the Discharger of the responsibility of obtaining permits or other entitlements to perform necessary corrective action. This includes, but is not limited to, actions that are subject to local, state, and/or federal discretionary review and permitting.
3. **Enforcement Notification:** Failure to comply with requirements of this Order may subject you to enforcement action, including but not limited to administrative enforcement orders requiring you to cease and desist from violations, imposition of administrative civil liability, pursuant to Water Code sections 13268 and 13350, in an amount not to exceed \$5,000 for each day in which the violation occurs referral to the State Attorney General for injunctive relief and referral to the District Attorney for criminal prosecution.
4. **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 either of the Responsible Parties decides to request an evidentiary hearing, they must send their request to the San Diego Water Board Executive Officer, Attn: Supervisor Central 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 the request within 30 days of the date of this Order.
  - b. The request must include all comments, technical analysis, documents, reports, and other evidence that the Discharger wishes to submit for the evidentiary hearing. Please note, however, that the administrative record will include all materials the San Diego Water Board has previously received regarding this facility. The Discharger is not required to submit documents that are already in the record.

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- c. The Executive Officer or San Diego Water Board may deny the request for a hearing after reviewing the evidence.
  - d. If the Discharger requests an evidentiary hearing, the State Water Board may prevent them from submitting new evidence in support of a State Water Board petition.
  - e. The request for an evidentiary hearing, if the Discharger submits 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). We suggest, however, that the Discharger ask the State Water Board to hold the petition in abeyance while the request for a hearing is pending. (Refer to CCR Title 23 section 2050.5(d)) Additional information regarding the SWRCB petition process is provided below.
- 5. 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 SWRCB (Office of Chief Counsel, P.O. Box 100, Sacramento, California 95812) within **30 calendar days** of the date of this Order. Copies of the law and regulations applicable to filing petitions will be provided upon request.



JAMES G. SMITH  
Assistant Executive Officer

August 25, 2010

Summary of Required Submittals and Their Due Dates

<b>Directive</b>	<b>Document</b>	<b>Due Date</b>
C.1	Site Assessment Workplan	November 30, 2010
C.3	Site Assessment Report	May 30, 2011
D.1	Remedial Action Plan	July 30, 2011
D.2	Remedial Action Plan Implementation	September 30, 2011
E.2	Groundwater Monitoring	January 30, 2011

