

NOTICE OF VIOLATION No. R9-2017-0076

Mr. Robert Blonstein
Mission Gorge Square LLC and Mission
Gorge Square II LLC
c/o LASKEY-WEIL
1925 Century Park East, Suite 300
Los Angeles, California 90067

**Violations of Order No. R9-2016-0069
and Addenda**

May 17, 2017

Mission Gorge Square LLC and Mission Gorge Square II LLC are hereby notified that the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board), reserves the right to take any enforcement action authorized by law for the violations described herein.

Mission Gorge Square LLC and Mission Gorge Square II LLC (Dischargers) are in violation of San Diego Water Board Order No. R9-2016-0069, *An Order Directing Mission Gorge Square LLC and Mission Gorge Square II LLC to Submit Technical and Monitoring Reports Pertaining to an Investigation at Style Cleaners, 9640 Mission Gorge Road, Santee, California* (Order).

A. Summary of Violations

1. Failure to Sample During the Second Half of 2016

Directive 4(a) of the Order requires the Dischargers to collect and analyze groundwater samples during the second half of 2016 and submit the sampling results in the second 2016 semiannual Groundwater Monitoring Report no later than December 31, 2016. Sampling was performed on January 3, 2017, in violation of the timeframe specified in the Order.

2. Failure to Submit Electronic Reports to Geotracker

Directive 7 of the Order requires submittal of all documents electronically to the Geotracker database and states, “[t]he electronic data shall be uploaded on or prior to the regulatory due dates set forth in the Order or addenda thereto.”

The second semiannual Groundwater Monitoring Report required by Directive No. 4 of Investigative Order No. R9-2016-0069 was due no later than December 31, 2016, and was submitted to Geotracker on February 13, 2017.

3. Failure to Furnish an Adequate Indoor Air Sampling Report

Directive No. 12(a) of Addendum No. 2 to the Order required collection of indoor air samples by March 31, 2017, under conservative conditions as described in DTSC [Department of Toxic Substances Control] guidance.¹ The guidance states, “[a]t a minimum, windows and doors of the Style Cleaners suite shall be closed while samples are being collected.” Sample collection, however, did not adhere to the DTSC guidelines, thereby rendering the data invalid.

Doors were open during the collection of indoor air samples. Ms. Sarah Mearon of the San Diego Water Board visited the site on March 30, 2017, during the sampling event, and noted that the front doors of the suite were propped open, as shown in the below photograph. The Indoor Air Sampling Report² also notes that, “the rear and front doors of the Style Cleaners were opened periodically to provide indoor cooling for periods of 10 minutes to 30 minutes throughout the day.” Having doors open during collection of the indoor air samples renders the data invalid because the samples were not collected under “worst-case” conditions and are inadequate to characterize the risk to human health.



Photograph taken March 30, 2017, showing the doors to Style Cleaners open during the indoor air sampling event.

Because the indoor air sampling results are invalid, the Indoor Air Sampling Report does not contain a valid human health risk assessment or valid conclusions and recommendations as required by Directives 12(b)(vi) and (vii) of Addendum No. 2. To correct this violation, the Dischargers must repeat the

¹ Department of Toxic Substances Control. 2011. Guidance for the Evaluation and Mitigation of Subsurface Vapor Intrusion to Indoor Air (Vapor Intrusion Guidance). October.


² Centec Engineering. 2017. Indoor Air Sampling Report, Style Cleaners, 9640 Mission Gorge Road, Suite E, Santee, CA. April 12.

indoor air sampling in winter³ in accordance with Directive No. 12 of Addendum No. 2, and submit an Indoor Air Sampling Report of Results with a valid human health risk assessment and valid recommendation and conclusions.

B. Summary of Potential Enforcement Options

The violations cited above may subject the Dischargers to additional enforcement by the San Diego Water Board, including a potential civil liability assessment of \$1,000 for each day in which the violations occur pursuant to Water Code section 13268. Be advised that the Dischargers have been and will be in violation of the Order every day from April 28, 2017, until an adequate Indoor Air Sampling Report of Results is received by the San Diego Water Board. The Board may also take any of the following administrative or enforcement actions:

Other Potential Enforcement Options	Applicable Water Code Section
Technical or Investigative Order	Section 13267
Cleanup and Abatement Order	Section 13304
Cease and Desist Order	Sections 13301-13303
Time Schedule Order	Sections 13300, 13308



Julie Chan, PG
Groundwater Protection Branch Chief

JAC/jpa/sam

Tech Staff Info & Use	
Order No.	R9-2016-0069
Geotracker Global ID	SL209194194
Cost Recovery ID	2091900

³ For the purpose of the NOV, winter is defined as December 1, 2017, through March 31, 2018.