



**California Regional Water Quality Control Board, San Diego Region**

**Certified Mail – Return Receipt Requested  
7008 1140 0002 4285 4251**

September 18, 2013

**In reply refer to:  
T0607302306:smcclain**

Mr. Anderson Donan  
Donan Environmental Services, Inc.  
P.O Box 1839  
Vista, CA 92085-1839

Mr. and Mrs. Ernest Moretti  
1212 H Street No.114  
Ramona, CA 92065-2877

**Subject: Cleanup and Abatement Order No. R9-2013-0022, Former Santa Ysabel  
Chevron, 30350 Highway 78, Santa Ysabel, California**

Mr. Donan:

Enclosed is Cleanup and Abatement Order (CAO) No. R9-2013-0022, *An Order Directing Mr. Ernest and Mrs. Joyce Moretti and Donan Environmental Service, Inc. to Cleanup and Abate the Effects of Waste and Submit Technical and Monitoring Reports Pertaining to Corrective Actions at the Site of the Former Santa Ysabel Chevron Station 30350 Highway 78, Santa Ysabel, CA*, 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 effects of the unauthorized release of petroleum hydrocarbons from the subject former gasoline station facility, provide operation and maintenance for the groundwater wellhead treatment systems on the four affected water supply wells, and submit technical reports to the San Diego Water Board.

Please be advised that to the extent that the responsible parties are not coordinating efforts to comply with the directives of the CAO, each party will be held independently responsible for complying with the terms of the CAO.

Also enclosed is a Response to Comments document to supplement the San Diego Water Board's previous response to DES Comment No. 9 in the Response to Comment document dated August 22, 2013 addressing why the subject site is not a candidate for closure under the "Low Threat Case Closure Policy."

Please note, the San Diego Water Board is moving to a new office location. Beginning on September 30, 2013, the new address will be 2375 Northside Drive, Suite 100, San Diego,

CA 92108-2700. The new address is included in the CAO. Any correspondence submitted prior to September 30, 2013 should be sent to the San Diego Water Board's current location at 9174 Sky Park Court, Suite 100, San Diego, CA 92123.

In the subject line of any further response, please include the reference number: **T0607302306:smcclain**. For questions or comments, please contact Sean McClain by phone at (858) 627-3988, or by email [smcclain@waterboards.ca.gov](mailto:smcclain@waterboards.ca.gov).

Respectfully,



DAVID T. BARKER, PE  
Supervising WRC Engineer

- Enclosures:
1. Cleanup and Abatement Order No. R9-2013-0022
  2. Supplemental Response to Comments Document dated September 17, 2013

DRB:bin:sm

cc (copies with enclosures sent via email):

Mr. Mike Davis, Innovative Environmental Solutions, [mdavis@iesconsultants.com](mailto:mdavis@iesconsultants.com)

Mr. George McGill, DES Counsel, [glawgcm@aol.com](mailto:glawgcm@aol.com)

Ms. Julie Macedo, San Diego Water Board Counsel, [Julie.Macedo@waterboards.ca.gov](mailto:Julie.Macedo@waterboards.ca.gov)

Ms. Julie Chan, San Diego Water Board Supervising Engineering Geologist, [jchan@waterboards.ca.gov](mailto:jchan@waterboards.ca.gov)

Mr. Craig Carlisle, San Diego Water Board Senior Engineering Geologist, [ccarlisle@waterboards.ca.gov](mailto:ccarlisle@waterboards.ca.gov)

Mr. Sean McClain, San Diego Water Board Engineering Geologist, [smcclain@waterboards.ca.gov](mailto:smcclain@waterboards.ca.gov)

Tech Staff Info & Use	
Geotracker Place ID	T0607302306
CAO No.	R9-2013-0022

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

**CLEANUP AND ABATEMENT ORDER NO. R9-2013-0022**

**AN ORDER DIRECTING MR. ERNEST AND MRS. JOYCE MORETTI AND  
DONAN ENVIRONMENTAL SERVICES, INC. TO CLEANUP AND ABATE THE  
EFFECTS OF WASTE AND SUBMIT TECHNICAL AND MONITORING  
REPORTS PERTAINING TO CORRECTIVE ACTIONS AT THE  
SITE OF THE FORMER SANTA YSABEL CHEVRON STATION  
30350 HIGHWAY 78, SANTA YSABEL, CALIFORNIA**

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

- 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 for the 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*; California Code of Regulations (CCR) Title 23, Chapter 16, Article 11; CCR Title 23, section 2720 (3) and section 3890 et. seq., and (5) relevant standards, criteria, and advisories adopted by other State and federal agencies.
- 2. Persons Responsible for the Discharge of Waste.** Mr. Ernest and Mrs. Joyce Moretti acquired the property located at 30350 Highway 78, Santa Ysabel, California, in 1980. They also owned the former Chevron Service Station facility, including the underground storage tanks (USTs), located on the property. Cleanup and Abatement Order (CAO) No. 99-26 and Addenda Nos. 1-9 were issued to Mr. and Mrs. Moretti to assess the extent of petroleum pollution, mitigate the effects of petroleum pollution, and provide replacement potable water to persons affected by the petroleum pollution caused by the leaking USTs at the facility. In 2009, Mr. and Mrs. Moretti

abandoned all cleanup and abatement activities and declared bankruptcy.<sup>1</sup> Petroleum pollutants may include, but are not limited to: total petroleum hydrocarbons, benzene, toluene, ethylbenzene, xylenes, methyl tertiary butyl ether (MTBE), ethyl tertiary butyl ether, di-isopropyl ether, tertiary amyl methyl ether, tertiary butyl alcohol, and the degradation products of such constituents.

- 3. Persons Responsible for the Discharge of Waste.** Four water supply wells in Santa Ysabel have been contaminated with petroleum wastes from the discharge. To secure funding for well head treatment on the affected wells and continue the cleanup following the Morettis' abandonment of the site, the San Diego Water Board nominated the site to the State Water Board Emergency, Abandoned and Recalcitrant (EAR) Account Annual Site List in 2009. Since receiving funds from the EAR account in 2009, the San Diego Water Board has worked with a consultant to install effective well head treatment systems on the affected wells in March 2010, to maintain the treatment systems, to conduct groundwater monitoring, and to evaluate the feasibility of different remedial alternatives for the site. Based on the evaluation received in November 2012, the San Diego Water Board directed its consultant to prepare a proposal for an air sparge/soil vapor extraction system to complete the cleanup at the site.

Mr. and Mrs. Moretti's environmental consultant, Donan Environmental Services, Inc. (DES), acquired the property on November 8, 2012 in a sheriff's auction. As the property owner, DES has responsibility to clean up the property because it has knowledge of the discharge and the ability to control the discharge.<sup>2</sup>

Mr. and Mrs. Moretti, and Donan Environmental Services, Inc., hereinafter the Dischargers, are subject to this Order because they caused or permitted waste to be discharged in a manner that has created a condition of pollution or nuisance in waters of the State.<sup>3</sup> The term "discharge" includes the active,

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<sup>1</sup> Bankruptcy does not discharge the Morettis' responsibility pursuant to this CAO because CAOs are not "claims" for money under existing law and therefore not dischargeable. See *Ohio v. Kovacs* (1985) 469 U.S. 274; *Chategaugay I* (3d Cir. 1993) 944 F.2d 997.

<sup>2</sup> State Water Board Order No. WQ 86-2 (*In the Matter of Zoecon Corporation*), and Order No. WQ 89-8 (*In the Matter of Spitzer et al.*).

<sup>3</sup> The Morettis were named in a previous CAO, No. 99-26, as described in Paragraph 2. The property then was overseen by the State's "EAR" Account program since July 2009. Once DES acquired the property and became an owner, costs for the cleanup are properly borne by it and not the EAR Account/California public. The legal basis for this position is provided in greater detail in the San Diego Water Board staff's August 22, 2013 Response to Comments on Draft Cleanup and Abatement Order No. R9-2013-0022. DES' financial obligations commence from the date of acquisition of the property. The Morettis' obligations run from the CAO 99-26 through

initial release of petroleum wastes from the USTs, and the passive migration of petroleum wastes in groundwater.<sup>4</sup>

- 4. Water Quality Standards.** The site is located in the Santa Ysabel Hydrologic Area (HA 5.50).<sup>5</sup> The beneficial use designated in the Basin Plan for groundwater in the Santa Ysabel Hydrologic Area is municipal and domestic supply.

The Basin Plan contains numeric water quality objectives<sup>6</sup> for chemical constituents to protect groundwater designated for MUN. The numeric objectives are derived from primary maximum contaminant levels (MCLs)<sup>7</sup> established by the California Department of Public Health in Title 22 of the CCR.<sup>8</sup> Groundwater concentrations of petroleum hydrocarbons 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 water of the State.

- 5. Basis for Cleanup and Abatement Order.** Water Code section 13304 contains the authority for the San Diego Water Board to require cleanup and abatement of pollution caused by discharges of waste. Water Code section 13304 requires a person to clean up waste or abate the effects of the waste discharge if so ordered by a regional water board in the event there has been a discharge in violation of waste discharge requirements, or if a

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the present. Staff chose to re-number the CAO rather than describing it as Amendment 10 and the passage of time since CAO 99-26.

<sup>4</sup> State Water Board Order No. WQ 86-2 (*In the Matter of Zoecon Corporation*). See also *Castaic Lake Water Agency v. Whittaker Corp.* (C.D. Cal. 2003) 272 F.Supp.2d 1053, 1076.

<sup>5</sup> Basin Plan. Table 2-5 at page 2-55.

<sup>6</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>7</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 California Code of Regulations (CCR) sections 64431 - 64444. Secondary MCLs address the taste, odor, or appearance of drinking water, and are found in 22 CCR section 64449.

<sup>8</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 California Code of Regulations, 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.)"

person has caused or permitted waste to be discharged or deposited where it is, or probably 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 Dischargers to cleanup and abate the effects of the waste discharge.

Because the State of California is providing replacement water by means of the wellhead treatment systems installed on one public and three private water supply wells in Santa Ysabel, the replacement water service provisions of Water Code section 13304 apply to this cleanup. Water Code section 13304(a) provides, in part, that a cleanup and abatement order may require the provision of, or payment for, uninterrupted replacement water service, which may include wellhead treatment to each affected public water supplier or private well owner. Section 13304(h) requires the San Diego Water Board to request a water replacement plan from the discharger in cases where replacement water is to be provided for more than 30 days.

Any public water supplier or private well owner receiving replacement water pursuant section 13304(a), or any person who is ordered to provide replacement water pursuant to section 13304(a) may request nonbinding mediation of all replacement water claims [section 13304(g)(1)]. The party or parties requesting the mediation must pay for the costs [section 13304(g)(5)]. The San Diego Water Board is not required to participate in any requested nonbinding mediation [section 13304(g)(4)].

6. **Basis for Requiring Technical and Monitoring Reports.** Water Code section 13267 provides that the San Diego Water Board may require the discharger, 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, bears 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 and Benefit of Technical and Monitoring Reports.** Technical 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, 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 discharges, the burden of providing the required reports, including the costs, bears a reasonable relationship to the need for the reports, and the benefits to be obtained from the reports.

8. **Cleanup Levels.** State Water Board Resolution No. 92-49, *Policies and Procedures for Investigation and Cleanup and Abatement of Discharges Under California Water Code Section 13304*, 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 applies to the cleanup and abatement of the effects of waste discharges at the Site.

Resolution No. 92-49 requires that dischargers clean up and abate the effects of discharges in a manner which promotes the attainment of background water quality, or the best water quality which is reasonable if background water quality cannot be restored, considering all demands being made and to be made on those waters and the total values involved, beneficial and detrimental, economic and social, tangible and intangible. Any alternative cleanup level greater than background must (1) be consistent with the maximum benefit to the people of the State; (2) 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 California Code of Regulations. This Order requires submittal of detailed work plans that address cleanup activities. The proposed activities under the work plans are not yet known, but implementation of the work plans 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 work plan that may have a significant impact on the environment.
10. **Cost Recovery.** Pursuant to California 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. These costs include funds from the EAR account expended to clean up and abate the effects of wastes at the site. The costs from the EAR account expended before the issuance of this Order are accountable to Mr. and Mrs. Moretti. The costs from the EAR account expended after the issuance of this Order are accountable to both Mr. and Mrs. Moretti and Donan Environmental Services, Inc., jointly and severally.<sup>9</sup>

- 11. 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 licensed professionals.

**IT IS HEREBY ORDERED** that, this Order supersedes Cleanup and Abatement Order No. 99-26 and Addenda 1-9, except for enforcement purposes. It is further ordered that, pursuant to Water Code sections 13267 and 13304, the Dischargers must comply with the following Directives.

- A. CLEANUP AND ABATE DISCHARGES.** The Dischargers shall take all corrective actions necessary to clean up and abate the effects of petroleum hydrocarbon wastes discharged from the former Santa Ysabel Chevron station. Dischargers shall remove all light non-aqueous phase liquid (LNAPL) from groundwater, both on the property and beyond the property limits, to the extent technically practicable.
- B. INTERIM REMEDIAL ACTION.** The Dischargers shall take appropriate interim remedial actions. Interim remedial actions can occur concurrently with any phase of the Site investigation or remedial action. Before taking interim remedial action, the Dischargers shall notify the San Diego Water Board 30 days in advance of the proposed action.

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<sup>9</sup> Health and Safety Code section 25299.70 provides that the State Water Board may recover EAR account funds through a civil action or through recordation of a notice of lien that identifies the property on which the condition was abated, the amount of the lien, and the owner of record of the property. Water Code section 13304 subdivision (c) also allows for the San Diego Water Board to pursue cost recovery through civil action or recordation of a notice of lien on the affected property.

**C. MAINTAIN GROUNDWATER WELLHEAD TREATMENT SYSTEMS.** The

The Dischargers must provide operation and maintenance (O&M) for the groundwater wellhead treatment systems on the four affected water supply wells. At a minimum, the O&M on the well head treatment systems must include the following:

1. Quarterly evaluation of granular activated carbon (GAC) system pressure to deliver water to residences and businesses for adequate use to flush toilets and conduct other routine household and business functions.
2. Visual inspection of the system piping, valves, fittings, bag filter housing, GAC vessels, wellhead equipment, and replace when needed.
3. Replace GAC vessels when needed to maintain water pressure or to prevent petroleum hydrocarbon breakthrough.
4. Provide emergency contact information to water supply well owners to resolve any problems with water treatment systems.
5. Include results of O&M and visual inspections in semi-annual monitoring reports.

**D. HUMAN HEALTH RISK ASSESSMENT.** The Dischargers must prepare a human health risk assessment (HHRA) that evaluates the risks to human health from LNAPL migration into utilities and surface water. The risks from each chemical and from all applicable exposure pathways should be summed to obtain the overall screening level risk posed by chemicals detected from the Site. The HHRA may be included as an appendix within the semi-annual monitoring report (see Directive F Monitoring Program below).

**E. CORRECTIVE ACTION**

1. **Corrective Action Plan.** The Dischargers must prepare a Corrective Action Plan (CAP) capable of restoring the municipal and domestic beneficial uses of groundwater affected by the release of petroleum hydrocarbon wastes. The CAP must be received by the San Diego Water Board by **5:00 p.m. on** December 2, 2013. At a minimum, the CAP must contain the following information.

- a. Air Sparge/Soil Vapor Extraction System. The CAP must either
  - i. include provisions to install, operate and maintain the air sparge/soil vapor extraction (AS/SVE) system described in the Tetra Tech Inc. proposal dated March 14, 2013 and titled **Installation, Startup, and Operation and Maintenance (O&M) of an Air Sparge/Soil Vapor Extraction (AS/SVE) System,** or
  - ii. propose a feasible alternative remediation system capable of restoring beneficial uses within the same time frame. Any alternative to the AS/SVE system must be capable of effectively

removing LNAPL, groundwater pollutants, and control conditions that contribute to the migration of pollutants.

- b. Cleanup Levels. The CAP must propose cleanup levels for soil and groundwater that conform to the provisions of Resolution No. 92-49. If background water quality is not technically or economically feasible to attain in the receiving water, any alternative cleanup levels proposed in the CAP must attain the best water quality which is reasonable if background water quality cannot be restored, considering all demands being made and to be made on those waters and the total values involved, beneficial and detrimental, economic and social, tangible and intangible. Any alternative cleanup level greater than background must (1) be consistent with the maximum benefit to the people of the State; (2) 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.
  - c. Implementation Activities Schedule. The CAP must contain a detailed description of all activities planned to implement the recommended remedial action alternative, approved by the San Diego Water Board, for the waste constituents and a schedule for the completion of all such implementation activities.
  - d. Updated Site Conceptual Model. The CAP must contain an updated Site Conceptual Model (SCM).
- 2. Corrective Action Plan Implementation.** Upon approval of the CAP by the San Diego Water Board, the Dischargers must implement the CAP in accordance with the activities schedule in the CAP, unless otherwise directed in writing by the San Diego Water Board. Before beginning CAP implementation activities, the Dischargers 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. Monitoring and Evaluation.** The Dischargers shall monitor, evaluate, and report the results of the CAP implementation on a semi-annual schedule. Results from monitoring and evaluation of CAP implementation may be included as an appendix to the regular monitoring reports required in Directive F - Monitoring Program.

- 4. Modify or Suspend Cleanup Activities.** The Dischargers must modify or suspend cleanup activities when directed to do so by the San Diego Water Board.

**F. MONITORING PROGRAM.** The Dischargers shall conduct a monitoring program to regularly assess progress toward attainment of cleanup levels, document achievement of cleanup levels, and 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 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 CAP?
- f. Have the beneficial uses of the groundwater been restored, and are human health and the environment protected?

- 1. Wells to be Monitored.** At a minimum, the wells named in the table below must be sampled at the frequency indicated in the table.

<b>Sampling Frequency</b>	<b>Monitoring Wells</b>
Annual Monitoring	All monitoring wells as proposed in the CAP and any new wells.
Quarterly Monitoring	B2*, B3*, Q1*, Q3*

\* Samples must include pre and post carbon treatment filter groundwater.

- 2. Analytical Methods.** Groundwater samples shall be analyzed using U.S. Environmental Protection Agency (USEPA) method 8260b for the full list of constituents. Monitoring wells with free product must be gauged for depth to water/product on a semi-annual basis. The elevation of the groundwater surface must be measured in each well for every sampling event.
- 3. Monitoring Program Work Plan.** The Dischargers shall submit a Monitoring Program Work Plan that incorporates the monitoring wells, monitoring frequencies, and analytical methods indicated in Directives

F.1 and F.2 above. The Work Plan shall also propose any other monitoring activities or methods needed to collect the data needed to answer questions in Directive F. The work plan can be submitted as a chapter in the CAP, or as a separate document.

The Dischargers may provide a written proposal to change the monitoring requirements in this Order. Change proposals must be based on data submitted to the San Diego Water Board, delineation of the groundwater plume, remediation methods, rebound effect, and other conditions that can arise during remediation of the groundwater pollution. The Dischargers shall not implement proposed changes to Monitoring Program Work Plan requirements without prior San Diego Water Board approval.

4. **Monitoring Reports.** The Dischargers must submit monitoring reports according to the schedule in the table below. The first Quarterly monitoring report must be received by the San Diego Water Board **no later than 5:00 PM on January 30, 2014**. Subsequent reports must be received by the San Diego Water Board no later than 30 days following the end of the monitoring period according to the following schedule:

Monitoring Wells	Monitoring Period	Report Due Date
B2, B3, Q1, Q3	January-March	April 30
	April-June	July 30
	July-September.	October 30
	October-December	January 30
All monitoring wells	Jul-Dec	January 30

The monitoring reports must include the following minimum information:

- 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 Dischargers' 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), groundwater elevation, 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 annual report each year.

- c. Reporting Groundwater Results. All groundwater 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 all constituents of concern at appropriate wells.
  - ii. Provide a Site plot plan which clearly illustrates the location of storm drains near the Site and storm drain sampling locations.
  - iii. Provide a text discussion and technical interpretations of the storm water data, groundwater elevation data relevant to the depth of the storm drain, describe any significant increases in pollutant concentrations since the last report, any measures proposed to address the increases, and documentation that the MS4 owner was informed of the discharge of hydrocarbons to the storm drain.
  - iv. Provide a Site plot plan which clearly illustrates the locations of monitoring wells, the former location(s) of industrial processes and equipment, and buildings located on the property and immediately adjacent to the property lines of the facility.
  - v. Provide a Site plot plan with the most recent concentrations of chemicals of concern in groundwater.
  - vi. Provide a text discussion and 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, and any conclusions and recommendations for future action with each report.
  - vii. Provide depth to groundwater, depth to product, and LNAPL thickness in tabular form.

- viii. Describe analytical methods used, detection limits obtained for each reported constituent, and a summary of Quality Assurance/Quality Control (QA/QC) data.
  - ix. Describe sample collection protocol(s), 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.
  - x. List historical groundwater sampling results in tabular form and include them in the annual report each year.
- d. Remediation. The report must include an estimate of the mass of contaminant(s) removed reported in a tabular format, for each extraction well and for the Site as a whole, expressed in units of chemical mass per day and total mass removed during the reporting period. A tabulation of historical annual contaminant mass removal results must be included in the second semiannual report each year.
  - e. Status Report. Each semi-annual report must describe relevant work completed during the reporting period (e.g. Site investigation, interim remedial measures) and a description of work planned for the following monitoring period.
  - f. Site Conceptual Model. Each monitoring report must include an updated Site Conceptual Model.
- 5. Record Keeping.** The Dischargers or their agent must retain data generated for the above reports, including laboratory 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.
- 6. Monitoring Program Revisions.** The Dischargers may request revisions to the Monitoring Program Work Plan, however, the revisions may not be implemented until approved by the San Diego Water Board. Prior to approving 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.
- G. VERIFICATION MONITORING.** The Dischargers shall conduct verification monitoring in conformance with State regulations<sup>10</sup> to demonstrate that the cleanup levels have been achieved and maintained in groundwater at the site.

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<sup>10</sup> CCR Chapter 16, Title 23, section 2727.

Within 60 days of completion of the approved CAP, the Dischargers shall submit a Verification Monitoring Work Plan describing the monitoring activities needed to demonstrate that cleanup levels have been achieved and maintained at the site. The Work Plan must include a schedule for submitting monitoring reports. The Dischargers shall implement the Verification Monitoring Work Plan within 30 days of submitting the work plan to the San Diego Water Board.

**H. REPLACEMENT WATER SERVICE.** The Dischargers shall provide or pay for uninterrupted replacement water service, which may include wellhead treatment, to the public water supplier, three private well owners, and any future water supply well affected by the discharge of petroleum from the site. Replacement water provided pursuant to this Directive shall meet all applicable federal, State, and local drinking water standards, and shall have comparable quality to that pumped from the public and private wells prior to the discharge of waste.

- 1. Water Replacement Plan.** The Dischargers shall submit a Water Replacement Plan describing how the Dischargers will continue to operate and maintain the well head treatments systems on the four affected water supply wells in Santa Ysabel, or otherwise provide replacement water to the owners of those wells. The Water Replacement Plan must be received by the San Diego Water Board by **5:00 p.m. on December 2, 2013**. The Water Replacement Plan shall contain the following elements:
  - a. Affected Public Water Supplier or Private Well Owner. The Report shall identify the names and mailing addresses of each affected public water supplier or private well owner;
  - b. Replacement Water Quality. The Report shall demonstrate that the replacement water to be provided or paid for will meet all applicable federal, State, and local drinking water standards, and shall have comparable quality to that pumped by the public and private wells prior to the discharge of waste.
  - c. Replacement Water Service Schedule. The Report shall describe the schedule for providing uninterrupted replacement water service to each affected public water supplier or private well owner.
- 2. Water Replacement Plan Implementation Provisions.** The Dischargers shall implement the Water Replacement Plan upon approval of the plan by the San Diego Water Board. Before beginning the activities in the plan, the Dischargers shall:

- a. Notify the San Diego Water Board of the intent to initiate the proposed actions included in the Water Replacement Plan;
- b. Comply with any conditions set by the San Diego Water Board;
- c. Provide a written notice to each affected public water supplier or private well owner, explaining the purpose of the Water Replacement Plan and including the following language:

“Any public water supplier or private well owner may request nonbinding mediation of all replacement water claims. If so requested, the parties receiving replacement water or the persons or entities required to provide replacement water, within 30-days of submittal of a water replacement plan, shall engage in at least one confidential settlement discussion before a mutually acceptable mediator.

Any agreement between parties regarding replacement water claims resulting from participation in the nonbinding mediation process shall be consistent with the requirements of this cleanup and abatement order (Order No. 99-26 and addenda thereto). Neither the San Diego Water Board nor the State Water Board is required to participate in any nonbinding mediation requested by the parties. The party or parties requesting mediation shall pay for the cost of the mediation.”

The written notice sent to each affected water supplier or private well owner shall clearly identify the Dischargers' contact information or the current point of contact for the Dischargers' environmental consultant (i.e., at a minimum the name, affiliation, mailing address and telephone number). The closing paragraph of the required notice shall also indicate the following information:

“The leaking underground storage tank (UST) case files are available for public review by making a file review appointment with:

**California Regional Water Quality Control Board,  
San Diego Region  
2375 Northside Drive, Suite 100, San Diego, CA 92108-2700  
TEL: 619-516-1990  
ATTN: File Review Records Clerk**

When making a file review request, interested parties should request to review San Diego Water Board case file number 50-3537 and the GeoTracker case number T0607302306 .”

- d. If so requested by the public water suppliers or private well owners receiving the replacement water, the Dischargers within 30 days of the submittal of the Water Replacement Plan, shall engage in at least one confidential settlement discussion before a mutually acceptable mediator.

3. **Newly Affected Wells.** If new water supply wells are determined to contain constituents associated with the release of fuel waste constituents at the Former Santa Ysabel Chevron Service Station, then the Dischargers shall provide or pay for uninterrupted replacement water service, which may include wellhead treatment, to the public water supplier or private well owner in accordance with Directives H.1 and H.2 of this Order.

- I. **PENALTY OF PERJURY STATEMENT.** All reports must be signed by the Dischargers' 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 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.”*

- J. **DOCUMENT SUBMITTALS.** The Dischargers shall submit both one paper and one electronic text-searchable PDF copy of all documents required under this Order to:

Executive Officer  
California Regional Water Quality Control Board, San Diego Region  
9174 Sky Park Court, Suite 100  
San Diego, California 92123-4353  
Attn: Supervisor Central Cleanup Unit

All correspondence and documents submitted to the San Diego Water Board shall include the following Geotracker Site ID in the header or subject line:

**T0607302306**

- K. 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. **T0607302306**). 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 Dischargers 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 or soil vapor probe 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 of the top of the groundwater well casing relative to a geodetic datum of any permanent monitoring well.
  - 4. Depth-to-Water Data.** The depth-to-water from the top of the well casing for any permanent monitoring well, 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>11</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>12</sup> A site map must also be uploaded to show the maximum extent of any groundwater pollution. An update to the site map may be uploaded 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.
- L. **VIOLATION REPORTS.** If the Dischargers violate any requirement of this Order, then the Dischargers must notify the San Diego Water Board office by telephone and fax (FAX 858-571-6972) as soon as practicable once the Dischargers have knowledge of the violation. The San Diego Water Board may, depending on violation severity, require the Dischargers to submit a separate technical report on the violation within five working days of telephone notification.
- M. **OTHER REPORTS.** The Dischargers must notify the San Diego Water Board in writing prior to implementing any Site activities that have the potential to cause further migration of contaminants or that would provide new opportunities for Site investigation.
- N. **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 Dischargers must properly manage, treat and dispose of wastes and polluted groundwater in accordance with applicable federal, State and local regulations.
  2. **Good Operation and Maintenance.** The Dischargers must maintain in good working order and operate as efficiently as possible any monitoring

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<sup>11</sup> Areas related to discharge from former location(s) of industrial processes and equipment, liquid storage and conveyance systems, and buildings located on the property and immediately adjacent to the property lines of the facility.

<sup>12</sup> Formats include .gif, .jpeg, .jpg, .tiff, .tif, .pdf

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 Dischargers. 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 must 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 indicating 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 Dischargers must provide written notification to the San Diego Water Board **within 30 days** of any changes in property 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).

## O. NOTIFICATIONS

1. **Cost Recovery.** Upon receipt of invoices, and in accordance with instructions therein, the Dischargers must reimburse the State of California for all reasonable costs incurred by the San Diego Water Board and the State Water Board to investigate unauthorized discharges of waste and to oversee cleanup of such waste, abate the effects thereof, provide replacement water or well head treatment, or other remedial action, required by this Order.
2. **All Applicable Permits.** This Order does not relieve the Dischargers 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 the Dischargers 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 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 State Water Board (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.

I, David T. Barker, Supervising Water Resource Control Engineer, do hereby certify the foregoing is a full, true, and correct copy of Cleanup and Abatement Order No. R9-2013-0022 as issued pursuant to the authority delegated to me by the Executive Officer.



DAVID T. BARKER  
Supervising Engineer

9/18/2013  
September 18, 2013