



California Regional Water Quality Control Board

San Diego Region



Winston H. Hickox
Secretary for
Environmental
Protection

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Gray Davis
Governor

September 6, 2002

In Reply Refer To:
UST:50-2937.05:jme

Mr. Kanwar B. and Mrs. Ragini Narain
Narain Oil Incorporated
Ajkeraka Incorporated
P.O. Box 1918
Rancho Santa Fe, CA 92067
Certified Mail – Return Receipt
7099 3400 0015 9996 1666

Caldwell Family Trust
c/o Mr. Steve Tiritilli
Tiritilli Realty
29379 Rancho California Road, Suite 108
Temecula, CA 92591
Certified Mail – Return Receipt
7099 3400 0015 9996 1659

Mr. Fin Moller
Summit Energy Corporation
11718 Barrington Court Suite 706
Los Angeles, CA 90049
Certified Mail – Return Receipt
7099 3400 0015 9996 1673

Mr. Joe Provenzano
Summit Oil & Gas
9595 Wilshire Blvd, Suite 510
Beverly Hills, CA 90212
Certified Mail – Return Receipt
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Dear Ladies and Gentlemen:

RE: ADDENDUM NO.1 TO CLEANUP AND ABATEMENT ORDER NO. 2001-226

Enclosed is California Regional Water Quality Control Board, San Diego Region (Regional Board) Addendum No. 1 to Cleanup and Abatement Order (CAO) No. 2001-226 to address the discharges of gasoline and diesel petroleum wastes at 28111 Front Street, Temecula, California as a result of unauthorized discharges from the underground storage tank system.

Addendum No. 1 to CAO No. 2001-226 is issued pursuant to California Water Code (CWC) sections 13267 and 13304, and directs you to cleanup, and abate the effects associated with the discharge of petroleum hydrocarbon wastes to soil and groundwater. Please note the deadlines contained within the addendum. Failure to meet the deadlines may subject you to further enforcement action by the Regional Board, including administrative or judicial proceedings for the assessment of civil liability in amounts of up to \$10,000 per day; referral to the State Attorney General for injunctive relief; and, referral to the District Attorney for criminal prosecution.

California Environmental Protection Agency

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our Web-site at <http://www.swrcb.ca.gov>.

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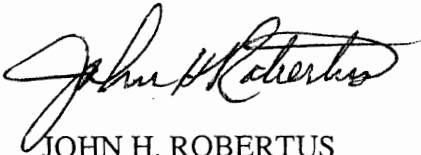


September 6, 2002

You may contest the issuance of this CAO Addendum by requesting a public hearing on the matter before the Regional Board. In order to schedule a hearing, this office must receive a written request no later than 5 PM on October 4, 2002 (30days). Be aware that a request for a hearing does not stay any of the deadlines in the CAO Addendum.

I strongly urge a prompt and complete response to each directive in Addendum No. 1 to CAO No. 2001-226. Please contact Ms. Jody Ebsen of my staff at (858) 636-3146 if you have any questions regarding this matter.

Respectfully,



JOHN H. ROBERTUS
Executive Officer

Enclosure: Addendum No. 1 to CAO No. 2001-226

cc: Mr. John H. Reaves, Esq., Caldwell Family Trust, 701 B Street, Suite 1050, San Diego, CA 92101

Mr. Robert Russell, Procopio Cory Hargreaves & Savitch, 530 "B" Street, Suite 2100 San Diego, CA. 92101-4469

Mr. Phil Rosenberg, Geocon Consultants, Inc., 6970 Flanders Drive, San Diego, CA 92121-2974

Ms. Sandy Bunchek, Riverside Department of Environmental Health, P.O. Box 7600, Riverside, CA 92503

Mr. Jim Sappington, Riverside Department of Environmental Health, 38740 Sky Canyon Drive, Suite A, Murrieta, CA 92563

JHR:jac:jme

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION

ADDENDUM NO. 1
TO
CLEANUP AND ABATEMENT ORDER NO. 2001-226

KANWAR AND RAGINI NARAIN

NARAIN OIL INCORPORATED

AJKERAKA INCORPORATED

CALDWELL FAMILY TRUST

SUMMIT ENERGY CORPORATION

SUMMIT OIL & GAS

28111 FRONT STREET
TEMECULA CALIFORNIA
RIVERSIDE COUNTY

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

1. Kanwar and Ragini Narain, Narain Oil Inc., and Ajkeraka Inc. (Narain) are required to cleanup and abate petroleum wastes at 28111 Front Street, Temecula, California, under Cleanup and Abatement Order (CAO) No. 2001-226; findings therein are incorporated herein. This addendum supplements, and, to the extent of any inconsistency, supersedes CAO No. 2001-226.
2. Analysis of groundwater samples from the gasoline station at 28111 Front Street in Temecula collected during March 2001 show pollution of groundwater by diesel range petroleum hydrocarbons (diesel).
3. On April 17, 2002, an enhanced leak detection test on the underground storage tank (UST) system indicated that liquid was leaking from the piping connecting the diesel storage tank to the diesel dispenser at the station. The unauthorized discharge of diesel at the property has created a condition of pollution in the underlying groundwater aquifer as defined by the California Water Code section 13050.

4. A diesel plume has co-mingled with a known plume of gasoline that was discovered in 1994 when the station was owned and operated by Narain. Narain is required to cleanup waste and abate existing and threatened pollution associated with discharge of gasoline waste at the site by CAO No. 2001-226. In the areas where the plumes are co-mingled, it is infeasible to cleanup and abate each individual plume separately.
5. The Caldwell Family Trust (Caldwell) has owned the property at 28111 Front Street continuously since the gasoline discharge was discovered in 1994 until the present. Caldwell caused or permitted discharges of petroleum wastes to groundwater beneath the property because it owns the contaminated land from which wastes are discharging to groundwater. Further, Caldwell had knowledge of the discharge of gasoline waste since as early as November 2000 and had sufficient control of the property to stop the discharge.
6. On or about December 1, 1998, Summit Energy Corporation leased the property at 28111 Front Street in Temecula from Caldwell in order to operate the retail gasoline station on the property, at which diesel fuel was stored and dispensed. Summit Energy Corporation owned and operated the UST system at the station in March 2001 when monitoring data showed the presence of diesel pollution in the groundwater beneath the station. The presence of diesel in the groundwater samples indicates a leak in the diesel storage/dispensing portion of the UST system at the station. As the owners and operators of the UST system, Summit Energy Corporation caused or permitted the discharge of diesel waste to the groundwater.
7. Summit Oil & Gas operated the UST system at 28111 Front Street in Temecula, California when a leak in the diesel piping was discovered in April 2002. As the operator of the UST system Summit Oil & Gas, caused or permitted the discharge of diesel waste to the groundwater
8. Other persons currently unknown to the Regional Board may have owned or operated the UST system and may have caused or permitted discharges to groundwater at 28111 Front Street in Temecula, California.
9. CEQA: This action is an order to enforce the laws and regulations administered by the Board. As such, this action is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to section 15308 of the Resources Agency Guidelines.

September 6, 2002

IT IS HEREBY ORDERED, pursuant to sections 13267 and 13304 of the California Water Code:

1. Kanwar and Ragini Narain, Narain Oil Incorporated, Ajkeraka Incorporated, Summit Energy Corporation, Summit Oil & Gas, and the Caldwell Family Trust (dischargers), or their agents, successors, or assigns, shall take action to cleanup petroleum hydrocarbon wastes and abate the effects on groundwater of discharges of petroleum hydrocarbons that leaked from the UST systems of the gasoline service station at 28111 Front Street in Temecula, California.
2. The dischargers shall coordinate investigative, monitoring and cleanup activities, commencing with an updated site conceptual model and a Corrective Action Plan (CAP) for the unauthorized discharge of gasoline and the unauthorized discharge of diesel to groundwater.

Regarding technical and monitoring reports required by this order, the scope of said reports shall encompass the entire discharge including pollution associated with either gasoline or diesel waste. Reports dealing only with the gasoline or the diesel pollution are not acceptable.

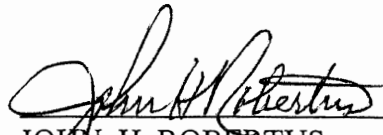
A. TASKS

3. The following is added to Directive A.3 of CAO No. 2001-226:

Furthermore, the dischargers shall submit an updated site conceptual model to the Regional Board no later than **October 21, 2002**.

5. The following is added to Directive A.5 of CAO No. 2001-226:

Furthermore, one Corrective Action Plan, that adequately address all the issues created by the unauthorized releases, shall be received by the Regional Board no later than **December 16, 2002**.


JOHN. H. ROBERTUS
Executive Officer

Date issued: September 6, 2002