



Dan Skopec  
Acting Secretary

RF

# California Regional Water Quality Control Board San Diego Region

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(858) 467-2952 • Fax (858) 571-6972  
[http:// www.waterboards.ca.gov/sandiego](http://www.waterboards.ca.gov/sandiego)

April 18, 2006

Mr. E.H. Bulen  
Bulen Family Trust  
15831 South East 45<sup>th</sup> Street  
Bellevue, WA 98006

**Certified Return Receipt No. 7099 3400 0016 5764 9307**

**In reply refer to:**  
**SMC:20-0031.05:walsl**

Dear Mr. Bulen:

**SUBJECT: CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD SAN DIEGO REGION (9) AFFIRMATION OF ISSUANCE OF ADDENDUM NO. 1 TO CLEANUP AND ABATEMENT ORDER NO. R9-2005-0017 LOVETT'S ONE HOUR DRY CLEANER 1378 E. GRAND AVENUE, ESCONDIDO CALIFORNIA**

Enclosed is Addendum No. 1 to CAO R9-2005-0017. This addendum addresses identification of all master tenants and subtenants with responsibility for cleanup and abatement of waste discharged from the Lovett's One Hour Dry Cleaner, correction of a typographical error, and modification of the Site Investigation and Characterization Report and Remedial Action Completion Report due dates. Addendum No. 1 is issued pursuant to California Water Code (CWC) Section 13304.

Please note that failure to comply with the directives in CAO R9-2005-0017 and its addenda may subject you to further enforcement actions by the Regional Board, including administrative or judicial proceedings for the assessment of civil liability in amounts of up to \$5,000 per day; referral to the State Attorney General for injunctive relief; and, referral to the District Attorney for criminal prosecution.

You may contest the issuance of Addendum No. 1 to CAO R9-2005-0017 by requesting a public hearing on the matter before the Regional Board. You may request that a public hearing be scheduled on this matter at the June 14, 2006 Regional Board meeting by submitting a written request to the attention of Mr. John Anderson, Senior Engineering Geologist, at the following address no later than 5:00 pm on Monday, May 17, 2006.

Mr. John Anderson, PG  
Senior Engineering Geologist  
Site Mitigation and Cleanup Unit  
California Regional Water Quality Control Board  
San Diego Region  
9174 Sky Park Court, Suite 100  
San Diego, California 92123-4340

*California Environmental Protection Agency*

Bulen Family Trust  
Addendum No. 1 to CAO R9-2005-0017  
Lovetts One Hour Dry Cleaner

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April 18, 2006

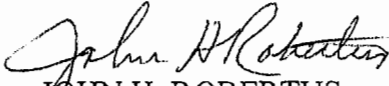
Be aware that a request for a hearing does not stay any of the directives in the CAO or its addenda. I strongly urge a complete and prompt response to each directive in the CAO and its addenda. If you have any questions regarding this matter, please contact either of the following staff:

Mr. John Anderson, PG  
Senior Engineering Geologist  
Site Mitigation and Cleanup Unit  
Phone (858) 467-2975  
Email: [JAnderson@waterboards.ca.gov](mailto:JAnderson@waterboards.ca.gov)

Ms. Laurie Walsh  
Water Resource Control Engineer  
Site Mitigation and Cleanup Unit  
Phone (858) 467-2970  
Email: [LWalsh@waterboards.ca.gov](mailto:LWalsh@waterboards.ca.gov)

The heading portion of this letter includes a Regional 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 Regional Board pertaining to this matter.

Respectfully,

  
JOHN H. ROBERTUS  
Executive Officer

JHR:dtbjpa:law:P:\Lovetts Dry Cleaner\CAO Addendum 1\ADD 1 CAO R9 2006 0017 cvr ltr.doc

Enclosures: (1) Addendum No. 1 to Cleanup and Abatement Order No. R9-2005-0017  
(2) Cleanup and Abatement Order No. R9-2005-0017 Technical Analysis

CC:

Mr. Norm La Caze,  
La Caze Escondido Partnership, L.P.  
2601 Airport Drive, Suite 300  
Torrance, California 90505

**Certified Return Receipt No. 7099 3400 0016 5764 9291**

Mr. Don Williams  
Emil Rose Partners II, L.P.  
120 Howard Street Suite 550  
San Francisco, California 94105

**Certified Return Receipt No. 7099 3400 0016 5764 9222**

*California Environmental Protection Agency*

Bulen Family Trust  
Addendum No. 1 to CAO R9-2005-0017  
Lovetts One Hour Dry Cleaner

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April 18, 2006

Niles P. Koines  
Beneficial Standard Properties, Inc.  
3700 Wilshire Blvd  
Los Angeles, California 90010

**Certified Return Receipt No. 7099 3400 0016 5764 9208**

Mr. Leon W. & Mrs. Barbara B. Parma  
& La Jolla Capital, Inc  
P.O. Box 2262  
La Jolla, California 92038

**Certified Return Receipt No. 7005 1160 0004 6026 6963**

Mr. Khosrou Tahbaz  
15863 Sunnyfield Place  
San Diego, California 92127-2056

**Certified Return Receipt No. 7099 3400 0016 5764 9192**

Vern Lovett  
2094 East Grand Avenue #20  
Escondido, California 92027

**Certified Return Receipt No. 7099 3400 0016 5764 9185**

Mr. Wayne Terry  
P.O. Box 60040  
San Diego, California 92016

**Certified Return Receipt No. 7099 3400 0016 5764 9178**

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

Mr. Kelly Richardson  
Latham & Watkins  
600 West Broadway, Suite 1800  
San Diego, California 92101-3375

BD Environmental  
Mr. Brian Bracken, P.E.  
P.O. Box 520  
Lake Arrowhead, California 92352

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

**ADDEDNUM NO. 1**

**TO**

**CLEANUP AND ABATEMENT ORDER NO. R9-2005-0017**

**TRUSTEES OF THE BULEN FAMILY TRUST  
LA CAZE ESCONDIDO PARTNERSHIP  
EMIL ROSE PARTNERS II, L.P.  
BENEFICIAL STANDARD PROPERTIES, INC.  
LEON W. PARMA AND BARBARA B. PARMA  
LA JOLLA CAPITAL, INC.  
KHOSROU TAHBAZ  
VERN LOVETT  
WAYNE TERRY**

**LOVETT'S ONE HOUR DRY CLEANERS  
1378 EAST GRAND AVENUE  
ESCONDIDO, CALIFORNIA  
SAN DIEGO COUNTY**

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

1. **CLEANUP AND ABATEMENT ORDER NO. R9-2005-0017.** Except as contradicted, amended, or superceded by the findings set forth in this Cleanup and Abatement Order Addendum No. 1, all of the previous findings of Cleanup and Abatement Order No. R9-2005-0017 (CAO) are incorporated herein by reference.
2. **SITE OWNERSHIP AND RESPONSIBILITY.** The Bulen Family Trust provided new information regarding leaseholds, management, and occupancy of the Lovett's One Hour dry cleaning facility (Site) located at the Escondido Village Mall shopping Center. The Bulen Family Trust owns the land occupied by Escondido Village Mall where the Site is located. Escondido Village Mall was developed, and is managed, by a succession of "master tenants" pursuant to "ground leases" between each master tenant and the Bulen Family Trust. The master tenant is responsible for selection, management, and oversight of sub-tenants pursuant to individual leases between the sub-tenants and the master tenant. Finding Nos. 1 and 2 of Cleanup and Abatement Order No. R9-2005-0017 should be amended to clarify the relationships between the Bulen Family Trust, the master tenants, and the sub-tenants of the dry cleaning facility as persons responsible for cleanup and abatement at the Site.

3. **TYPOGRAPHICAL ERROR CORRECTION:** In CAO R9-2005-0017 Finding No. 3, a typographical error occurred incorrectly stating the concentration of TCE at 2 feet below ground surface (bgs) to be 260,000 ug/kg. The correct concentration is 260 ug/kg.
4. **DUE DATES:** Deadlines established in Cleanup and Abatement Order No. R9-2005-0017 are enforceable; however, such deadlines are subject to change or extension by the Regional Board upon a timely demonstration (*i.e.*, prior to the deadline) of good cause. Assessment of the extent of the discharge at the Site is incomplete. Collection of additional soil and ground water data is necessary to appropriately evaluate and select a remedial method to cleanup and abate the affects of the discharge on soil and ground water at the Site. Until such time as the appropriate amount of soil and ground water data are incorporated in the Site Conceptual Model and possible remedial actions are evaluated as part of a complete feasibility study, prediction of the date upon which remedial action will be complete is not possible. Additional due dates may be established in future addenda as circumstances require, based on the data acquired and evaluated.
5. **REQUEST FOR EXTENSION:** Phase 1 site assessment activities were unsuccessful in documenting horizontal extent of contaminants in ground water. Further action is necessary to completely define the extent of chlorinated solvents in ground water. Extension of the Final Site Assessment Report due date, required under Directive B.4 of CAO R9-2002-0017, is necessary in order to gather the additional sampling data necessary to complete the delineation effort.

IT IS HEREBY ORDERED THAT:

**Finding No. 1 of Cleanup and Abatement Order No. R9-2005-0017 is amended to read:**

1. **DISCHARGE OF SOLVENT WASTE.** From 1973-1966 until the present, ~~a dry cleaner facility, currently doing business as Lovett's One Hour Dry Cleaners, has operated at 1378 East Grand Avenue in Escondido, California (Site) on land leased from the Bulen Family Trust. Historically, previous operators of the dry cleaning facility (collectively referred to as Lovett's) caused or permitted waste from its dry cleaning operations, including tetrachloroethylene (PCE) and trichloroethylene (TCE), to be discharged to ground water underlying the Site and to be deposited in soil at the Site from which waste has been and probably will be discharged to ground water. Waste from Lovett's Dry Cleaning operations has caused and threatens to cause conditions of pollution, contamination, and nuisance by exceeding applicable water quality objectives for chlorinated solvent chemical waste constituents.~~ a dry cleaning facility has operated at 1378 East Grand Avenue in Escondido, California (Site) within the Escondido Village Mall shopping center. Some time before 1999, operators of the dry cleaning facility (collectively referred to as Lovett's) caused or permitted chlorinated solvent waste from dry cleaning operations, including tetrachloroethylene (PCE) and trichloroethylene (TCE), to be discharged to ground water underlying the Site and to be deposited in soil at the Site from which chlorinated solvent waste has been and probably will be discharged to ground water. Chlorinated solvent waste from dry cleaning operations at the Site has caused and threatens to cause conditions of pollution, contamination, and nuisance by

exceeding applicable water quality objectives for chlorinated solvent waste in waters of the state designated as suitable for domestic and municipal supply.

**Finding No. 2 is amended to read**

**2. PERSONS RESPONSIBLE FOR CLEANUP AND ABATEMENT.**

~~Mr. Khosrou Tahbaz currently operates Lovetts and has since 1999. Evidence shows that the release occurred prior to 1999. Unidentified persons who were operators of the dry cleaning facility prior to 1999 may also be associated with the discharge. The Bulen Family Trust has been the fee title owner of the Site since 1963 and leased the Site to Mr. Tahbaz and other dry cleaning operators. The Bulen Family Trust is referred to as "Discharger" in this Cleanup and Abatement Order.~~

- a. **LANDOWNER.** Site is located at Escondido Village Mall, on land owned by the trustees of the Bulen Family Trust (Bulen).
- b. **MASTER TENANTS.** Escondido Village Mall was developed and is managed by a "master tenant" under a "ground lease" between the master tenant and Bulen. Under the terms of the ground lease, the master tenant is responsible for maintenance of the leasehold property and compliance with environmental protection requirements. La Jolla Capital, Inc. was the master tenant from July 1965 to March 1979. Assignment of the Escondido Village Mall Ground Lease from La Jolla Capital, Inc. to Leon W. Parma and Barbara B. Parma occurred in May 1971. Assignment of the Escondido Village Mall Ground Lease from Leon W. and Barbara B. Parma to Beneficial Standard Properties, Inc. occurred in March 1979. Assignment of Escondido Village Mall Ground Lease from Beneficial Standard Properties, Inc. to La Caze Escondido Partnership (a.k.a. Escondido Venture 99 LLC and La Caze Escondido Partnership II) occurred in February 1984. Escondido Village Mall restated the ground lease from Bulen to La Caze Escondido Partnership in January 1992. Assignment of Escondido Village Mall Ground Lease from Escondido Venture 99 to Emil Rose Partners II, L.P. occurred in January 2004.
- c. **DRY CLEANING TENANTS.** From 1966 to 1991 Wayne Terry operated the dry cleaning facility at Escondido Village Mall under the names One Hour Martinizing and Mr. Terry's One Hour Cleaners; Vern Lovett assumed the lease for the dry cleaning facility at Escondido Village Mall in 1991; Khosrou Tahbaz assumed the lease for the dry cleaning facility at Escondido Village Mall in 1994, and continues to operate the dry cleaning facility.

**Finding No. 3 is amended to read**

3. **WASTE DISCHARGES.** Dry cleaning operations at the Site include the use of Tetrachloroethylene (PCE) and Trichloroethylene (TCE) as solvents in the dry cleaning process. Site investigations have found elevated PCE and TCE concentrations in soil at 55,000 ug/kg (PCE) at 14 feet below ground surface (bgs) and ~~260,000 ug/kg~~ 260 ug/kg (TCE) at 2 feet bgs. Site investigations have also found TCE, PCE, and their associated chemical breakdown products, *cis*-1,2-dichloroethylene (*c*-DCE), *trans*-1,2-dichloroethylene (*t*-DCE) in ground water underlying the Site in concentrations in excess of applicable *Water Quality Control Plan for the San Diego Basin* (Basin Plan) water quality objectives. Chlorinated solvent waste concentrations remain elevated at the Site because to date no cleanup or abatement actions have been undertaken by the Discharger(s).

**The paragraph identifying persons required to undertake cleanup or abatement is amended to read:**

IT IS HEREBY ORDERED THAT, pursuant to Sections 13267 and 13304 of the California Water Code, Trustees of the Bulen Family Trust, La Caze Escondido Partnership, Emil Rose Partners II, L.P., Beneficial Standard Properties, Inc., Leon W. and Barbara Parina, La Jolla Capital, Inc., Khosrou Tahbaz, Vern Lovett, and Wayne Terry, (hereinafter "Dischargers") shall comply with the Directives of Cleanup and Abatement Order No. R9-2005-0017, as amended. While responsibility for investigation under Section 13267 of the Water Code and for cleanup and abatement under Section 13304 of the Water Code is joint and several, primary responsibility for investigation and for cleanup and abatement may be allocated among persons who remain jointly and severally responsible in accordance with legal and equitable principles. The Regional Board anticipates that persons identified as "Dry Cleaning Tenants" and "Master Tenants" will assume primary responsibility for compliance with this order; however, Landowner will remain ultimately responsible in the event that other persons fail or refuse to comply with this order.

**Section B, item 4 is amended to read**

4. ***Site Investigation and Characterization Report.*** The Discharger shall prepare and submit a Site Investigation and Characterization Report (Report) to the Regional Board by ~~April 10, 2006~~ May 18, 2006 describing the results of the site investigation and characterization study required under Directive B.1 of this Cleanup and Abatement Order. The Report shall contain a complete analysis of the source, nature, and extent of the waste to background concentrations; and a complete geological and hydrogeological characterization of the Site with sufficient detail to provide the basis for decisions regarding feasible and effective cleanup and abatement technologies and development of preferred cleanup and abatement alternatives.

**Section E, item 1 is amended to read**

**E. REMEDIAL ACTION COMPLETION REPORT**

1. ***Remedial Action Completion Report.*** The Discharger shall submit a final Remedial Action Completion Report, ~~by December 11, 2006~~, verifying completion of the cleanup and abatement actions taken at the Site. The report shall provide a demonstration, based on a sound technical analysis, that cleanup levels for all waste constituents are attained at all monitoring points and throughout the zone affected by the waste constituents, including any portions thereof that extend beyond the Site boundary.

**Insert the following requirement as Provision 9 in Section F**

9. ***Extension of Deadlines.*** The Dischargers shall apply for an extension of a deadline date in writing at least 30 days prior to the deadline, if they have reason to believe that, despite all reasonable efforts to achieve compliance, they will not be able to meet a deadline.

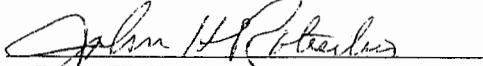
**Renumber Subsequent Provisions accordingly.**

- Provision 10. ***Duty to Submit Other Information***  
Provision 11. ***Identify Documents Using Code Number***

**Insert the following into Section G as Notification No. 4.**

4. ***Availability of Technical Report.*** The Regional Board has prepared the report *Technical Analysis For Addendum No. 1 To Cleanup And Abatement Order No. R9-2005-0017* providing the rationale and factual information supporting the findings and directives of this Order.

*I, John H. Robertus, Executive Officer, do hereby certify the forgoing is a full, true, and correct copy of Addendum No. 1 to Cleanup and Abatement Order issued on April 18, 2006.*

  
\_\_\_\_\_  
John H. Robertus  
Executive Officer



**TECHNICAL ANALYSIS**

**FOR**

**ADDEDNUM NO. 1**

**TO**

**CLEANUP AND ABATEMENT ORDER NO. R9-2005-0017**

**TRUSTEES OF THE BULEN FAMILY TRUST  
LA CAZE ESCONDIDO PARTNERSHIP  
EMIL ROSE PARTNERS II, L.P.  
BENEFICIAL STANDARD PROPERTIES, INC.  
LEON W. PARMA AND BARBARA B. PARMA  
LA JOLLA CAPITAL, INC.  
KHOSROU TAHBAZ  
VERN LOVETT  
WAYNE TERRY**

**LOVETT'S ONE HOUR DRY CLEANERS  
1378 EAST GRAND AVENUE  
ESCONDIDO, CALIFORNIA  
SAN DIEGO COUNTY**

**April 18, 2006**

STATE OF CALIFORNIA

ARNOLD SCHWARZENEGGER, Governor  
DAN SKOPEC, Acting Secretary, California Environmental Protection Agency



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

John Minan, <i>Chair</i>	Water Quality
Jennifer Kraus	Industrial Water Use
Richard Wright	County Government
Janet Keller	Recreation, Fish or Wildlife
Alan Barrett	Water Supply
Susan Ritschel	Municipal Government
Eric Anderson	Irrigated Agriculture
Daniel Johnson	Water Quality
Vacancy	Public

John H. Robertus, *Executive Officer*  
Arthur L. Coe, *Assistant Executive Officer*

**This report was prepared under the direction of**

David T. Barker, *PE*, *Chief, Water Resource Protection Branch*  
John Anderson, *PG*, *Senior Engineering Geologist*

by

Laurie Walsh, *Water Resource Control Engineer*

## I. INTRODUCTION

This technical analysis provides a summary of factual evidence supporting issuance of Addendum No. 1 to Cleanup and Abatement Order (CAO) R9-2005-0017 to the Trustees of the Bulen Family Trust, La Caze Escondido Partnership, Emil Rose Partners II, L.P., Beneficial Standard Properties, Inc., Leon W. Parma And Barbara B. Parma, La Jolla Capital, Inc., Khosrou Tahbaz, Vern Lovett, and Wayne Terry for discharges from Lovett's One Hour Dry Cleaners. A copy of Cleanup and Abatement Order (CAO) R9-2005-0017 and Addendum No. 1 is posted on the Regional Board website at <http://www.waterboards.ca.gov/sandiego> and on the States Geotracker database at <http://geotracker.swrcb.ca.gov/>. To locate the information for this release case interested parties can search Geotracker using the sites address of 1378 East Grand Ave or its global identification number of **T0608101408**.

Chlorinated hydrocarbon waste (tetrachloroethylene (PCE) and trichloroethylene (TCE)) was discharged to soil and ground water from the Lovett's One Hour Dry Cleaner. Efforts to assess the impacts to soil and ground water from this release of waste occurred between 1996 and 2004 and included drilling 18 soil borings and installing 5 ground water monitoring wells. Soil vapor samples were also collected. Soil containing chlorinated solvent waste has not been removed from the Site and no treatment of ground water to reduce insitu dissolved concentrations of chlorinated hydrocarbons has occurred.

## II. BACKGROUND

Lovett's One Hour Dry Cleaner is located at 1378 East Grand Avenue in Escondido (the Site) on property owned by the trustees of the Bulen Family Trust, since 1961. The parcel encompasses approximately 1,800 square feet. The Site has operated as a dry cleaner facility since the mid 1960s, but it was not until 1994, during activities to upgrade the dry cleaning machine(s) that stained concrete was identified and an environmental investigation launched. In 1998, a Phase I Environmental Assessment was conducted at the site and a determination made that a subsurface investigation was necessary to determine the extent of impact from the dry cleaning operation. The limited subsurface investigation conducted in September 1998 revealed that several chlorinated solvent chemical compounds typically associated with dry cleaning operations, including PCE and TCE, were detected in soil samples collected from the Site.

PCE and TCE were released into the subsurface soil sometime between 1966 and 1994. The exact cause of the release is unknown. The United States Environmental Protection Agency (USEPA) classifies PCE and TCE as probable human carcinogens. Efforts to assess the impacts to soil and ground water from this release of waste occurred between 1998 and 2004 under the regulatory oversight of the County of San Diego Department of Environmental Health (DEH). Assessment included drilling 18 soil borings and installing 5 ground water monitoring wells. Soil vapor samples were also collected. Soil containing chlorinated solvent waste has not been removed from the Site and no treatment of ground water to reduce in situ dissolved concentrations of chlorinated hydrocarbons has occurred. By letter dated August 6, 2004 the DEH issued a no further action determination and case closure summary for this case based on information provided to them by the dischargers consultant, PIC Environmental Services.

The Regional Board reviewed the Case Closure Summary and supporting technical information and determined that the proposed levels of waste constituent concentrations left in place are not protective of ground water quality and beneficial uses. On August 23, 2005 the Regional Board issued Cleanup and Abatement Order (CAO) R9-2005-0017, *Bulen Family Trust, Lovett's One Hour Dry Cleaners, 1387 East Grand Avenue, Escondido, California, San Diego County*. Further assessment and cleanup and abatement is necessary to protect ground water quality and beneficial uses as required under CAO R9-2005-0017.

### III. BASIS FOR FINDINGS IN ADDENDUM NO. 1 TO CAO R9-2005-0017

The text of each finding of Cleanup and Abatement Order Addendum No.1 is presented below followed by a summary of the rationale and factual evidence supporting the finding.

1. **CLEANUP AND ABATEMENT ORDER NO. R9-2005-0017.** Except as contradicted, amended, or superceded by the findings set forth in this Cleanup and Abatement Order Addendum No. 1, all of the previous findings of Cleanup and Abatement Order No. R9-2005-0017 (CAO) are incorporated herein by reference.

**Basis For Finding No. 1:**

On August 23, 2005 the Regional Board issued Cleanup and Abatement Order (CAO) R9-2005-0017, *Bulen Family Trust, Lovett's One Hour Dry Cleaners, 1387 East Grand Avenue, Escondido, California, San Diego County*. The rationale and factual evidence supporting the findings of the Cleanup and Abatement Order is contained in Technical Analysis For Cleanup And Abatement Order No. R9-2005-0017 dated August 23, 2005.

2. **SITE OWNERSHIP AND RESPONSIBILITY.** The Bulen Family Trust provided new information regarding leaseholds, management, and occupancy of the Lovett's One Hour dry cleaning facility (Site) located at the Escondido Village Mall shopping Center. The Bulen Family Trust owns the land occupied by Escondido Village Mall where the Site is located. Escondido Village Mall was developed, and is managed, by a succession of "master tenants" pursuant to "ground leases" between each master tenant and the Bulen Family Trust. The master tenant is responsible for selection, management, and oversight of sub-tenants pursuant to individual leases between the sub-tenants and the master tenant. Finding Nos. 1 and 2 of Cleanup and Abatement Order No. R9-2005-0017 should be amended to clarify the relationships between the Bulen Family Trust, the master tenants, and the sub-tenants of the dry cleaning facility as persons responsible for cleanup and abatement at the Site.

**Basis For Finding No. 2:**

- December 28, 2005 Documentation for Executive Officer Addendum, Cleanup and Abatement Order No. R9-2005-0017 – Bulen Family Trust with Exhibits A through L, Submitted by Latham & Watkins, LLP.
- February 3, 2005 Supplemental Documentation for Executive Officer, Addendum Cleanup and Abatement Order No. R9-2005-0017 – Bulen Family Trust with Exhibits A through F, Submitted by Latham & Watkins, LLP.

3. **TYPOGRAPHICAL ERROR CORRECTION:** In CAO R9-2005-0017 Finding No. 3, a typographical error occurred incorrectly stating the concentration of TCE at 2 feet below ground surface (bgs) to be 260,000 ug/kg. The correct concentration is 260 ug/kg.

**Basis For Finding No. 3:**

- The erroneous value is located in the County of San Diego Department of Environmental Health Case Closure Summary Report dated August 4, 2004.
  - The correct value is reflected in the Site Assessment Summary Report prepared by PIC Environmental dated April 24, 2001.
4. **DUE DATES:** Deadlines established in Cleanup and Abatement Order No. R9-2005-0017 are enforceable; however, such deadlines are subject to change or extension by the Regional Board upon a timely demonstration (*i.e.*, prior to the deadline) of good cause. Assessment of the extent of the discharge at the Site is incomplete. Collection of additional soil and ground water data is necessary to appropriately evaluate and select a remedial method to cleanup and abate the affects of the discharge on soil and ground water at the Site. Until such time as the appropriate amount of soil and ground water data are incorporated in the Site Conceptual Model and possible remedial actions are evaluated as part of a complete feasibility study, prediction of the date upon which remedial action will be complete is not possible. Additional due dates may be established in future addenda as circumstances require, based on the data acquired and evaluated.

**Basis For Finding No. 4:**

- Technical Analysis For Cleanup And Abatement Order No. R9-2005-0017 dated August 23, 2005.
  - Exhibit A of December 28, 2005 Documentation for Executive Officer Addendum, Cleanup and Abatement Order No. R9-2005-0017 – Bulen Family Trust, Submitted by Latham & Watkins, LLP.
5. **REQUEST FOR EXTENSION:** Phase 1 site assessment activities were unsuccessful in documenting horizontal extent of contaminants in ground water. Further action is necessary to completely define the extent of chlorinated solvents in ground water. Extension of the Final Site Assessment Report due date, required under Directive B.4 of CAO R9-2002-0017, is necessary in order to gather the additional sampling data necessary to complete the delineation effort.

**Basis For Finding No. 5:**

- March 14, 2006 letter prepared by BD Environmental for master tenant Norm La Caze of La Caze Escondido Partnership.

This concludes the Technical Analysis Report.