



Linda S. Adams
Secretary for
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California Regional Water Quality Control Board San Diego Region

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Arnold Schwarzenegger
Governor

CERTIFIED MAIL – RETURN RECEIPT REQUESTED
7008 1140 0002 4285 4473

March 30, 2009

Mr. Jeff Appel
APRO, LLC
17311 S. Main Street
Gardena, CA 90248

In reply refer to:
GWB:CGW:smcclain

Dear Mr. Appel:

SUBJECT: CLEANUP AND ABATEMENT ORDER NO. R9-2009-0017 FOR APRO SERVICE STATION No. 26, 3010 MARKET STREET, SAN DIEGO, CALIFORNIA

Enclosed is Cleanup and Abatement Order No. R9-2009-0017 (Order), requiring APRO, LLC, owner of the property located at 3010 Market Street, San Diego, CA (Site), to submit technical reports and cleanup or abate the affects of the unauthorized release of petroleum hydrocarbons from the operating gasoline facility at the Site. APRO, LLC is receiving this Order because it has caused or permitted waste to be discharged into waters of the State where it has created or threatens to create a condition of pollution or nuisance.

If you fail to comply with the Order, under the authority of California Water Code section 13304, the Regional Board may have the Attorney General petition the San Diego County Superior Court for the issuance of an injunctive requiring the person to comply with the Order. If you fail to furnish information required by the Order or falsify information submitted to the Regional Board, pursuant to Water Code section 13304, you are guilty of a misdemeanor and may be subject to civil liability. Under Water Code section 13350 (e), a civil liability may be imposed administratively by the Regional Board in an amount of up to \$5,000 per day of violation (i.e., for each day of delay in submitting all information requested, or for each day that false information remains uncorrected).

Any person affected by this action of the Regional Board may request an evidentiary hearing before the Regional Board as described in the Order, section C.3. A request for an evidentiary hearing does not stay the effective date of the Order. Any person affected by this action of the Regional Board may petition the State Board as described

California Environmental Protection Agency



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Mr. Jeff Appel
CAO No. R9-2009-0017
APRO Service Station No. 26

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March 30, 2009

in the Order, section C.4. A request for an evidentiary hearing does not extend the 30-day period to file a petition with the State Board.

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 portion of all correspondence and reports to the Regional Board pertaining to this matter.

If you have any questions, or require additional assistance, please contact Mr. Sean McClain of my staff at (858) 627-3988 or smcclain@waterboards.ca.gov.

Sincerely,



MICHAEL P. McCANN
Assistant Executive Officer

MPM:jac:clc:sm

Attachments: Cleanup and Abatement Order No. R9-2009-0017



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

CLEANUP AND ABATEMENT ORDER NO. R9-2009-0017

**APRO SERVICE STATION No. 26
3010 MARKET STREET
SAN DIEGO, CA 92123**

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

1. **Legal and Regulatory Authority:** This Order is based on (1) sections 13267 and 13304 of the California Water Code; (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 Board) and the Basin Plan adopted by the Regional Board including beneficial uses, water quality objectives, and implementation plans; (4) State Board policies and regulations, including State 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 Water Code Section 13304); California Code of Regulations (CCR) Title 23, Chapter 16, Article 11; CCR Title 23, section 3890 et. seq., and (5) relevant standards, criteria, and advisories adopted by other state and federal agencies.
2. **Wastes:** A retail gasoline facility, currently doing business as APRO Service Station Number 26 (hereinafter referred to as the Site), has operated at 3010 Market Street in San Diego, California. Elevated levels of petroleum hydrocarbons exist in soil and groundwater beneath and within the vicinity of the Site. These petroleum hydrocarbons are not naturally occurring and are considered wastes, as defined in Water Code section 13050, subdivision (d).
3. **Condition of Pollution or Nuisance:** Section 13304(a) of the Water Code provides that: "Any person who has discharged or discharges waste into waters of the state in violation of any waste discharge requirement or other order or prohibition issued by a regional board or the state board, or who has caused or permitted, causes or permits, or threatens to cause or permit any 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, shall upon order of the regional board clean up the waste or abate the effects of the waste, or, in the case of threatened pollution or nuisance, take other necessary remedial action, including but not limited to, overseeing cleanup and abatement efforts. Upon failure of any person to comply with the cleanup or abatement order, the Attorney General, at the request of the regional board, shall petition the superior court for that county for the issuance of an injunction requiring the person to comply with the order. In

the suit, the court shall have jurisdiction to grant a prohibitory or mandatory injunction, either preliminary or permanent, as the facts may warrant.”

4. **Unauthorized Discharge of Petroleum Hydrocarbon Waste:** In April 1990, an unauthorized discharge of petroleum hydrocarbon waste to soil and groundwater was discovered at the Site. Subsequent to the release, light non aqueous phase liquid (LNAPL) has been measured in onsite groundwater monitoring wells in thicknesses ranging from 0.2 to 8.3 feet.

Detectable concentrations of dissolved phase petroleum hydrocarbons have been reported in groundwater samples collected from offsite monitoring wells located downgradient of the Site. Additionally, LNAPL has been measured in offsite monitoring wells ranging in thickness from 1.04 to 4.12 feet. The Source Group Inc. (SGI)¹ determined that in 2007 the floating LNAPL plume was not stable and was moving downgradient away from the source area, and was likely to impact offsite properties. Therefore, petroleum hydrocarbon waste attributable to the leaking underground storage tank (LUST) system has created a condition of nuisance on the downgradient property. Furthermore, the discharge has the potential to cause health risks to residents living downgradient of the Site.

5. **Beneficial Uses of Groundwater:** The Site is located within the San Diego Mesa Hydrologic Area (Basin No. 908.20), of the Pueblo San Diego Hydrologic Unit (Basin No. 908.00), which has no beneficial uses listed for groundwater (Basin Plan, Table 2-5) and the groundwater has been exempted from the municipal use designation under the terms and conditions of the State Water Resources Control Board (SWRCB) Resolution No. 88-63, Sources of Drinking Water Policy.

6. **Persons Responsible for the Discharge:**

- a. Sanesco Oil Company (SOC) is the former owner/operator of the underground storage tank system when the release occurred.
- b. APRO, LLC 17311 S. Main Street Gardena, CA 90248 is the current owner/operator of the underground storage tank system and property.

7. **Background:** Results of the Vapor Risk Modeling Report, dated February 28, 2006, were prepared using site-specific soil and groundwater data and the San Diego County, Department of Environmental Health Vapor Risk 2000 model. The report concluded that carcinogenic risks to human health were above the

¹ SGI, 2007, Site Conceptual Model and Interim Remedial Action Plan, September 5, 2007

threshold values and active remedial action is warranted to clean up petroleum hydrocarbons beneath the Site.

An Interim Remedial Action Plan (IRAP), dated February 28, 2006, and an Addendum to the Site Conceptual Model and IRAP, dated March 21, 2008, was prepared by the Source Group, Inc. (SGI), which proposes to conduct soil vapor extraction at the Site to eliminate source area petroleum hydrocarbon concentrations and reduce risks pose to human health and the environment. The selected remedial action proposed in the IRAP, however, only addresses the clean up of petroleum hydrocarbon waste in soil at the Site; it does not address the clean up of LNAPL measured in groundwater beneath the adjacent downgradient property.

8. **Waste Discharges:** The Third Quarter 2008, Quarterly Groundwater Monitoring and Sampling Report for the Site reported apparent LNAPL present in onsite groundwater monitoring wells MW-14 and MW-18 (0.32 and 0.70 feet), and offsite monitoring well MW-28 (3.42 feet).

The following maximum groundwater concentrations for dissolved phase petroleum hydrocarbon constituents were reported in the Third Quarter 2008 Groundwater Monitoring and Sampling Report:

Constituent	Maximum Groundwater Concentration Onsite ($\mu\text{g/L}$)¹	Maximum Groundwater Concentration Offsite ($\mu\text{g/L}$)
GRO ²	2,300	10,000
Benzene	250	3,300
Toluene	51	560
Ethylbenzene	1.5	200
Xylenes	101	1,200
MTBE ³	520	250

1 = Micrograms per liter

2 = Gasoline Range Organics

3 = Methyl-tertiary-butyl ether

The LNAPL thickness and dissolved phase hydrocarbons detected in offsite monitoring wells indicate the plume has migrated from the source area to adjacent downgradient properties.

9. **Technical or Monitoring Program Reports:** Section 13267(b) of the Water Code provides in part that: "(1) In conducting an investigation specified in [section 13267] subdivision (a), the regional board may require that any person who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge waste within its region...shall furnish, under penalty of perjury, technical or monitoring program reports which the regional board requires. The burden, including costs, of these reports shall

bear a reasonable relationship to the need for the report and the benefits to be obtained from the reports. In requiring those reports, the regional board shall provide the person with a written explanation with regard to the need for the reports, and shall identify the evidence that supports requiring that person to provide the reports."

10. **Need and Benefit:** Technical reports are needed to provide information to the Regional Board regarding condition of pollution attributed to the APRO Service Station No. 26. The benefits to be obtained from a technical report include enabling the Regional Board to determine if the condition of pollution poses a threat to human health in the vicinity of the Site and providing technical information that will be used to determine what additional corrective actions are necessary to bring the Site into compliance with applicable water quality objectives, and/or if further enforcement action(s) is warranted. Based on the nature and possible consequences of the discharges (as described in Findings No. 2, 3, and 4 above) the burden of providing the required report bears a reasonable relationship to the need for the report and the benefits to be obtained from the report.
11. **Costs:** Section 13304(c)(1) of the Water Code provides, in part, that: "[T]he person or persons who discharged the waste, discharges the waste, or threatened to cause or permit the discharge of the waste within the meaning of [section 13304] subdivision (a), are liable to that government agency to the extent of the reasonable costs actually incurred in cleaning up the waste, abating the effects of the waste, supervising cleanup or abatement activities, or taking other remedial actions... ."
12. **Failure to Comply:** If the Discharger fails to comply with this Order, the Executive Officer may request the Attorney General to petition the superior court for the issuance of an injunction.
13. **Order Violation:** If the Discharger violates this Order, the Discharger may be liable civilly in a monetary amount provided by the Water Code.
14. **State Board Resolutions:** The State Board adopted Resolution No. 92-49, the Policies and Procedures for Investigation and Cleanup and Abatement of Discharges under Water Code section 13304. This Resolution sets forth the policies and procedures to be used during an investigation or cleanup of a nuisance site and requires that cleanup levels be consistent with State Board Resolution No. 68-16, the Statement of Policy with Respect to Maintaining High Quality of Waters in California. Resolution No. 92-49 and the Basin Plan establish the cleanup levels to be achieved. Resolution No. 92-49 requires the waste to be cleaned up to background, or if that is not reasonable, to an alternative level that is the most stringent level that is economically and technologically feasible in accordance with Title 23, CCR section 2550.4. Any

alternative cleanup level greater than background must (1) be consistent with the maximum benefit for the people of the state; (2) not unreasonably affect present and anticipated beneficial use of such water; 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 Board.

15. **California Environmental Quality Act (CEQA) Compliance:** This enforcement action is being taken for the protection of the environment and is exempt from the provisions of the California Environmental Quality Act (CEQA) (Public Resources Code section 21000 et seq.) in accordance with section 15308, Chapter 3, Title 14 of the California Code of Regulations. The issuance of this Order is also an enforcement action taken by a regulatory agency and is exempt from the provisions of CEQA pursuant to section 15321(a)(2), Chapter 3, Title 14 of the California Code of Regulations. This action is also exempt from the provisions of CEQA in accordance with section 15061(b)(3) of Chapter 3, Title 14 of the California Code of Regulations because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.
16. **Qualified Professionals:** Discharger 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, pursuant to sections 13267 and 13304 of the California Water Code, APRO, LLC (hereinafter the "Discharger") shall comply with the following Directives:

A. CLEANUP AND ABATE DISCHARGES

Duty to Comply: The Discharger shall take all corrective actions necessary to cleanup and abate the effects of the discharge including:

1. As soon as practicable, and no later than **July 31, 2009**, implement measures to prevent petroleum hydrocarbon waste constituents in soil and groundwater at the Site from migrating beyond the property limits.

2. As soon as practicable, and no later than **September 30, 2010**, remove all residual LNAPL from groundwater, both on the property and beyond the property limits, to the extent technically practicable.

B. SITE ASSESSMENT

1. **Site Assessment Work Plan:** The Discharger shall develop and submit to the Regional Board by **July 31, 2009**, a work plan designed to guide the collection of information to produce an adequate Site Assessment Report described in Directive B.3.
 - a. **Soil and Groundwater Investigation:** The work plan shall include the initial Site Conceptual Model (SCM) and a description of proposed actions necessary to fully delineate the extent of the release, including field methodologies, chemical analyses methods, sampling locations, and proposed monitoring well installations. A SCM provides a written or pictorial representation of the release scenario and the likely distribution of waste at the Site, offsite, as well as potential pathways and receptors. The SCM must identify and describe the types of wastes present including their distribution in space and time, and how the wastes are changing in space and time. In addition the SCM must identify the potential, current, and future receptors in the area; link potential sources to potential receptors through transport of wastes in the air, soil, and water; and identify the fate and transport characteristics of the Site. It should describe or show the physical characteristics and properties of the subsurface and identify the environmental issues that need to be investigated (and those issues that do not need to be addressed) and make recommendations for the next phase of cleanup, taking into consideration the recommendations presented in the February 28, 2006, IRAP and the March 21, 2008 Addendum to Site Conceptual Model and IRAP.
 - b. **Human Health Risk Assessment:** The work plan shall include a plan to perform a human health risk assessment adequate to guide the collection of information to perform the Human Health Vapor Risk Assessment described in Directive B.3.b.
 - c. **Report Completion Schedule:** The work plan shall include a schedule for completion of all activities and submission of a final Site Investigation and Characterization Report described in Directive B.3.
 - d. **Work Plan Modification:** The Discharger shall modify the work plan as requested by the Regional Board.

- e. **Work Plan Implementation:** The Discharger shall implement the work plan within **60 days** after submission of the work plan, unless otherwise directed in writing by the Regional Board. Before beginning these activities the Discharger shall:
 - i. Notify the Regional Board of the intent to initiate the proposed actions included in the work plan submitted; and
 - ii. Comply with any conditions set by the Regional Board, including mitigation of adverse consequences from cleanup activities.
2. The Discharger shall implement the Site Assessment Work Plan according to the activities completion schedule contained in the Report.
3. **Site Assessment Report:** The Discharger shall prepare and submit a Site Assessment Report (Report) describing the final results of the site investigation. The Report is due no later than **February 26, 2010** and shall contain the following information:
 - a. **Delineation of Release:** Identify and fully delineate the horizontal and vertical extent of wastes to background conditions in both the groundwater and soil. Characterize the geology and hydrogeology with respect to the fate and transport of the waste. Determine the source and nature of the discharge in the subsurface, and evaluate the impacts of the wastes on all existing and future sensitive receptors that could be affected by the waste.
 - b. **Human Health Vapor Risk Assessment:** The results of a human health risk assessment for residents living downgradient of the Site (e.g. near monitor well MW-28). 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 human health risk assessment shall follow the Department of Toxic Substances Control (DTSC), 2004, Guidance for the Evaluation and Mitigation of Subsurface Vapor Intrusion to Indoor Air.
 - c. **Final Site Conceptual Model:** The final SCM must update the initial SCM using all data collected at the Site. The final SCM must include data, interpretations, and a discussion of the level of uncertainty of conclusions.
 - d. **Corrective Action Plan (CAP):** The CAP must satisfy the provisions of section 2725 of the regulations governing underground storage tanks (CCR, Title 23, Chapter 16 section 2600, et seq.). The CAP must identify and discuss a range of remedial action alternatives that

may be implemented to clean up petroleum fuel wastes and include a schedule for implementing the preferred remediation alternative. The CAP must consider mitigation of the following constituents in the affected groundwater zones: benzene, toluene, total xylenes, ethylbenzene, methyl tertiary butyl ether, tertiary butyl alcohol and any other wastes which may have been released by the Discharger. All free phase petroleum hydrocarbon product (i.e. LNAPL) must be removed to the extent practicable.

4. **Offsite Interim Remedial Actions:** The Discharger has performed free product bailing in offsite monitor well MW-28 during quarterly groundwater monitoring events, however, free product thickness has increased. The Discharger shall immediately implement interim remedial actions to abate or correct the actual or potential effects of the unauthorized release pursuant to California Code of Regulations (CCR) Title 23, Chapter 16, section 2722 (b) as necessary. Interim remedial actions may include but are not limited to: activities that remove all free product (or LNAPL), removal of petroleum hydrocarbon sources (e.g. soil saturated with petroleum hydrocarbons) and/or mitigation of nuisance of all surface and groundwater affected by the waste discharge. On or before **May 29, 2009**, the Discharger must notify the Regional Board in writing of interim remedial actions by doing one of the following:
 - a. Interim Remedial Actions to mitigate emergency conditions. Provide a technical report documenting any work performed to mitigate emergency conditions or pollution or nuisance created by the discharge of petroleum hydrocarbons at the Site. The Discharger must submit the technical report to the Regional Board within 15-days after completing the work to mitigate emergency conditions under this directive;
 - b. Interim Remedial Actions to mitigate non-emergency conditions. Provide a proposed work plan to mitigation non-emergency conditions and schedule at least thirty days prior to initiating any interim remedial actions. The Discharger must implement its interim remedial actions within 30 days of submitting the work plan to the Regional Board.
5. **Verification Monitoring:** Within 60 days of completion of an adequate CAP, the discharger shall submit a work plan to implement a verification monitoring program that includes a schedule for submitting monitoring reports. The discharger shall conduct verification monitoring in conformance with the provisions of section 2727 of CCR Title 23, Chapter 16. The discharger shall implement the verification monitoring program within 30 days of submitting the work plan to the Regional Board.

6. **Groundwater Cleanup Levels:** The discharger shall cleanup and abate the effects of the discharge in a manner that promotes the attainment of either background groundwater quality or the best water quality which is reasonably attainable if background levels of 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 levels less stringent than background groundwater quality are subject to Regional Board approval.
7. **Soil Cleanup Levels:** Residual concentrations of fuel constituents in soils must meet all the following criteria: 1) be low enough so that leachable contaminants will not cause the groundwater cleanup levels to be exceeded at/near the Site; and 2) be protective of human health and the environment. The discharger shall propose to the Regional Board a range of site-specific soil cleanup levels based upon a technical evaluation of risks from residual soil contaminants and analytical results from contaminant leachability tests performed on an adequate number of significantly contaminated soils samples collected from the Site. Soil cleanup levels proposed by the discharger are subject to Regional Board review and approval.

C. PROVISIONS

1. **No Pollution, Contamination or Nuisance:** The storage, handling, treatment, or disposal of soil containing petroleum hydrocarbon waste or polluted groundwater must not create conditions of nuisance as defined in California Water Code section 13050(m). The Discharger must properly manage, treat and dispose of wastes and polluted groundwater in accordance with applicable federal, state and local regulations.
2. **Good Operation and Maintenance:** The Discharger must maintain in good working order and operate as efficiently as possible any monitoring system, facility or control system installed to achieve compliance with the requirements of this Order.
3. **Groundwater Monitoring Program:** The Discharger must comply with the Quarterly Groundwater Monitoring Program specified in Enclosure 1 of this Order.
4. **Contractor/Consultant Qualifications:** All reports, plans and documents required under this Order shall be prepared under the direction of appropriately qualified professionals. A statement of qualifications and license numbers, if applicable, of the responsible lead professional and all professionals making significant and/or substantive contributions shall be included in the report submitted by the Discharger.

The lead professional performing engineering and geologic evaluations and judgments shall sign and affix their professional geologist or civil engineering registration stamp to all technical reports, plans or documents submitted the Regional Board.

5. **Laboratory Qualifications:** All samples must be analyzed by California State-certified laboratories using methods approved by the U.S. Environmental Protection Agency (USEPA) for the type of analysis to be performed. All laboratories must maintain quality assurance/quality control (QA/QC) records for Regional Board review. Any report presenting new analytical data is required to include the complete Laboratory Analytical Report(s). The Laboratory Analytical Report(s) must be signed by the laboratory director and contain:
 - a. a complete sample analytical report,
 - b. a complete laboratory quality assurance/quality control (QA/QC) report,
 - c. a discussion of the sample and QA/QC data, and
 - d. a transmittal letter that shall indicate whether or not all the analytical work was supervised by the director of the laboratory, and contain the following statement, "All analyses were conducted at a laboratory certified for such analyses by the California Department of Health Services in accordance with current USEPA procedures."
6. **Reporting of Changed Owner or Operator:** The Discharger must notify the Regional Board of any changes in Site occupancy or ownership associated with the property described in this Order.
7. **Penalty of Perjury Statement:** All reports must be signed by the Discharger's principal executive officer or their duly authorized representative, and must include a statement by the official, under penalty of perjury, that the report is true and correct to the best of the official's knowledge.
8. **Regulations:** All corrective actions must be in accordance with the provisions of California Code of Regulations Title 23, Chapter 16, and the Cleanup and Abatement Policy in the Water Quality Control Plan for the San Diego Basin (9).

D. NOTIFICATIONS

1. **Cost Recovery:** Pursuant to California Water Code Section 13304(c), the Regional Board is entitled to, and may seek reimbursement for, all reasonable costs actually incurred by the Regional 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 the Order.
2. **Enforcement Discretion:** The Regional Board reserves the right to take any enforcement action authorized by law for violations of the terms and conditions of this Order.
3. **Enforcement Notification:** Failure to comply with requirements of this Order may subject you to enforcement action, including but not limited to: imposition of administrative civil liability in an amount not to exceed \$5,000 for each day in which the violation occurs under Water Code sections 13304 or 13350 or referral to the Attorney General to injunctive relief or civil or criminal liability.
4. **Requesting Evidentiary Hearing by the Regional Board:** Any person affected by this action of the Regional Board may request an evidentiary hearing before the Regional Board. The Regional Board's Executive Officer may elect to hold an informal hearing or a "paper hearing" in lieu of scheduling a hearing before the Regional Board itself. If you decide to request an evidentiary hearing, send your request to the Regional Board Executive Officer, Attn: Supervisor Central San Diego County Groundwater Unit, at the address provided on the Order transmittal letter. Please consider the following carefully:
 - a. The Regional Board must receive your request within 30 days of the date of this Order.
 - b. Your request must include all comments, technical analysis, documents, reports, and other evidence that you wish to submit for the evidentiary hearing. However, please note that the administrative record will include all materials the Regional Board has previously received regarding this Site. You are not required to submit documents that are already in the record.
 - c. The Executive Officer or Regional Board may deny your request for a hearing after reviewing the evidence.
 - d. If you do not request an evidentiary hearing, the State Board may prevent you from submitting new evidence in support of a State Board petition.

March 30, 2009

- e. Your request for an evidentiary hearing, if you submit one, does not stay the effective date of the Order, whether or not a hearing is scheduled.
- f. A request for a hearing does not extend the 30-day period to file a petition with the State Board (see below). However, we suggest that you ask the State Board to hold the petition in abeyance while your request for a hearing is pending. (Refer to CCR Title 23 section 2050.5(d)) Additional information regarding the SWRCB petition process is provided below.
5. **Requesting Administrative Review by the State Board:** Any person affected by this action of the Regional Board may petition the State Board to review the action in accordance with section 13320 of the Water Code and CCR Title 23 section 2050. The petition must be received by the SWRCB (Office of Chief Counsel, P.O. Box 100, Sacramento, California 95812) within 30 days of the date of this Order. Copies of the law and regulations applicable to filing petitions will be provided upon request.



MICHAEL P. McCANN
Assistant Executive Officer

Date

3/30/09

Enclosure 1: Quarterly Groundwater Monitoring Program

Summary of Required Submittals and Their Due Dates

Directive	Activity	Due Date
B.1	Site Assessment Work Plan	July 31, 2009
B.3	Site Assessment Report	February 26, 2010
B.4	Offsite Interim Remedial Action Plan	May 31, 2009

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION

ENCLOSURE 1 of R9-2009-0017
QUARTERLY GROUNDWATER MONITORING PROGRAM

APRO STATION No. 26
3010 MARKET STREET
SAN DIEGO, CALIFORNIA

1. **Authority and Purpose:** The Discharger is directed to submit the technical reports required in this Groundwater Monitoring Program (GMP) pursuant to California Water Code section 13267 and 13304. This GMP is intended to document compliance with Cleanup and Abatement Order No. R9-2009-0017.

Monitoring: The Discharger must measure groundwater elevations quarterly in all monitor wells. Groundwater samples collected from all current groundwater monitor wells shall be collected and analyzed on a quarterly basis using EPA methods 8015 for total petroleum hydrocarbons quantifying gasoline and diesel and EPA method 8260 for volatile organic compounds including benzene, toluene, ethylbenzene, xylenes, methyl tertiary butyl ether (MTBE), tertiary butyl alcohol (TBA) and all other fuel oxygenates.

The Discharger must sample any new groundwater monitor or extraction wells quarterly and analyze groundwater samples for fuel related constituents and oxygenates. The Discharger may provide a written proposal to change the sampling requirements in this Order. Any proposed changes are subject to Regional Board approval.

2. **Quarterly Groundwater Monitoring Reports:** The Discharger must submit quarterly groundwater monitoring reports to the Regional Board commencing **April 1, 2009**. Subsequent reports shall be submitted no later than 30 days following the end of the quarter according to the following schedule:

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

The quarterly groundwater monitoring reports must include:

- A. **Transmittal Letter with Penalty of Perjury Statement.** The transmittal letter must discuss any violations during the reporting period and actions taken or planned to correct the problem. The letter must be signed by the Discharger's principal executive officer or their duly authorized representative, and must include a statement by the official, under penalty of perjury, that the report is true and correct to the best of the official's knowledge.

- B. **Groundwater Elevations.** Groundwater elevation data must be presented in tabular format with: depth to groundwater (in feet below ground surface), top of casing elevations, depths to the top of well screens, length of well screens and total depth for each well included in the monitoring program. For all wells containing floating "free petroleum product" (A.K.A. light non-aqueous phase liquid or LNAPL) include the measured thickness of LNAPL in a tabular format. 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 fourth quarterly report each year.

- C. **Reporting Groundwater Results:** All monitoring reports must:
 - i. Present all groundwater sampling data in tabular format. Isoconcentration map(s) must be prepared for constituents of concern (COCs) for each monitored water-bearing zone, as appropriate. Time versus concentration plots and distance versus concentration plots that also show groundwater elevations must be prepared for constituents of concern for appropriate wells.

 - ii. Provide a Site plot plan which clearly illustrates the locations of monitor wells, former/current underground storage tank systems (and product piping) and buildings located on the property and immediately adjacent to the property lines of the Site.

- iii. Provide a Site plot plan with the most recent concentrations of total petroleum hydrocarbons and volatile aromatic hydrocarbons (e.g. benzene, toluene, ethylbenzene, total xylenes, MTBE, TBA and other fuel oxygenates).
- iv. The report must provide technical interpretations of the groundwater data, and describe any significant increases in pollutant concentrations since the last report, any measures proposed to address the increases, any changes to the site conceptual model, any conclusions and recommendations for future action with each report.
- v. The report must describe analytical methods used, detection limits obtained for each reported constituent, and a summary of QA/QC data.
- vi. The report must indicate sample collection protocol(s), describe how investigation derived wastes are managed at the Site, and include documentation of proper disposal of contaminated well purge water and/or soil cuttings removed from the Site.
- vii. Historical groundwater sampling results must be listed in tabular form and included in the fourth quarterly report each year.

D. Paper Copy and Electronic Data Submittals: All reports submitted to the Regional Board by the Discharger, pursuant to sections 13304 and 13267 of the Water Code, must be submitted in an electronic format. The Discharger shall comply with electronic reporting requirements of Title 23 of the California Code of Regulations, Division 3, section 3893, including the provision that complete copies of all reports be submitted in PDF format, and include the signed transmittal letter and professional certification. Electronic submittals are due according to the same schedule as the paper copies. To comply with section 3893, Title 23, CCR; your update to the GeoTracker database must include the following minimum information:

- a. Data generated after the effective date of the regulations by chemical analysis of soil, vapor, or water samples (including surface water, groundwater and influent/effluent water samples from remediation systems), shall be submitted in Electric Data File (EDF) format.
- b. The latitude and longitude of any permanent monitor well for which data is reported in EDF format, accurate to within 1 meter and referenced to a minimum of two reference points from the California Spatial Reference System (CSRS-H), if available.

- c. The surveyed elevation relative to a geodetic datum of any permanent monitor well.
- d. The elevation of groundwater in any permanent monitor well relative to the surveyed elevation.
- e. A Site map or maps showing the location of all sampling points referred to in the report.
- f. The depth to the screened interval and the length of screened interval for any permanent monitor well.
- g. Boring logs, in PDF format.
- h. A complete copy of the report, in PDF format, which includes the signed transmittal letter and professional certification.

The GeoTracker website address is <http://geotracker.waterboards.ca.gov>. Deadlines for electronic submittals coincide with deadlines for paper copy submittals.

- E. **Remediation:** If applicable, the report must include soil vapor or groundwater extraction results in tabular form, for each extraction well and for the Site as a whole. The report must also include contaminant removal results, from all extraction wells and from other cleanup and abatement systems (e.g. skimmers), expressed in units of chemical mass per day and mass for the quarter. Historical total annual mass removal results must be tabulated in the fourth quarterly report each year.
 - F. **Status Report:** The quarterly report must describe relevant work completed during the reporting period (e.g. Site investigation, interim remedial measures) and work planned for the following quarter.
4. **Violation Reports:** If the Discharger violates any requirement of this Order, then the Discharger must notify the Regional Board office by telephone as soon as practicable once the Discharger has knowledge of the violation. Regional Board staff may, depending on violation severity, require the Discharger to submit a separate technical report on the violation within five working days of telephone notification.
 5. **Other Reports:** The Discharger must notify the Regional Board in writing prior to any Site activities, such as construction or removal of an underground tank,

which have the potential to cause further migration of contaminants or which would provide new opportunities for Site investigation.

6. **Record Keeping:** The Discharger or their agent must retain data generated for the above reports, including lab results and QA/QC data, for a minimum of six years after origination and must make them available to the Regional Board upon request.
7. **Groundwater Monitoring Program (GMP) Revisions:** Revisions to the GMP may be ordered by the Regional Board, or at the request of the Discharger. Prior to making GMP revisions, the Regional Board will consider the burden, including costs, of the groundwater monitoring reports relative to the benefits to be obtained from these reports.



MICHAEL P. McCANN
Assistant Executive Officer

3/30/09
Date