



California Regional Water Quality Control Board San Diego Region



Linda S. Adams
Secretary for
Environmental Protection

Over 50 Years Serving San Diego, Orange, and Riverside Counties
Recipient of the 2004 Environmental Award for Outstanding Achievement from U.S. EPA

Arnold Schwarzenegger
Governor

9174 Sky Park Court, Suite 100, San Diego, California 92123-4353
(858) 467-2952 • Fax (858) 571-6972
<http://www.waterboards.ca.gov/sandiego>

February 9, 2010

Mr. Thomas Gamsjaeger
Interra-Vision (Santee), LLC
737 North Michigan Ave, Suite 1050
Chicago, IL 60611
CERTIFIED MAIL – RETURN RECEIPT REQUESTED
7009 1410 0002 2347 4060

In reply refer to:
T0607300542:spseae

Mr. Jack Ceccarelli
Restructure Petroleum Marketing Services of CA
9519 E. Martin Luther King Blvd, Suite 100
Tampa, FL 33610
CERTIFIED MAIL - RETURN RECEIPT REQUESTED
7009 1410 0002 2347 4077

Dear Mr. Gamsjaeger and Mr. Ceccarelli,

**SUBJECT: NOTICE OF VIOLATION NO. R9-2010-0018
FORMER EZ SERVE GAS STATION, 9305 MISSION GORGE RD.,
SAN DIEGO, CA**

Enclosed is Notice of Violation No. R9-2010-0018 (NOV) issued to Interra-Vision (Santee) and Restructure Petroleum Marketing Services of CA (RPMS) for failure to comply with Directives 3.B. and 3.C. of Investigative Order No. R9-2007-0105 (Order).

Please take actions necessary to comply with Directive 3 of the Order. This violation subjects Interra-Vision (Santee) and RPMS to possible further enforcement action by the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board), including administrative enforcement orders requiring you to cease and desist from violations, or to clean up waste and abate existing or threatened conditions of pollution or nuisance; imposition of administrative civil liability in amounts of up to \$1,000 per day per violation;¹ referral to the State Attorney General for injunctive relief; and referral to the District Attorney for criminal prosecution.

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

¹ Under authority of California Water Code section 13268.

Mr. Gamsjaeger and Mr. Ceccarelli
NOV R9-2010-00018
Former EZ Serve Gas Station

- 2 -

February 9, 2010

include this code number in the heading or subject line portion of all correspondence and reports to the Regional Board pertaining to this matter.

Questions or written correspondence pertaining to this NOV should be directed to Ms. Susan Pease at (858) 637-5596, via e-mail at spease@waterboards.ca.gov, or to the address above.

Sincerely,



Julie Chan, P.G.
Supervising Engineering Geologist
Groundwater Basins Branch

JAC:clc:sjp

Enclosure: Notice of Violation No. R9-2010-0018

cc: Mr. Robert G. Russell, Procopio, Cory, Hargreaves & Savitch, LLP, 530 B Street, suite 2100, San Diego, CA 92101

Mr. Gary Halbert, Deputy City Manager, City of Santee, 10601 Magnolia Avenue, Santee, CA 92071

Ms. Carey Cooper, Klinedinst PC, 501 W. Broadway, Ste. 600, San Diego, CA 92101

Mr. Cory T. Miyabara, Wastewater Pretreatment Inspector, City of San Diego, MWWDD, EMTS, Industrial Wastewater Control Program, 9192 Topaz Way, MS 901D, San Diego, CA 92123-1119

Mr. Jeff Byer, Sandler, Lasry, Laube, Byer & Valdez llp, 402 W. Broadway, Ste 1700, San Diego, CA 92101

Mr. Don Meier, Padre Dam Water District, P.O. Box 719003, Santee, CA 92072

01-01-10

California Environmental Protection Agency

IN THE MATTER OF

Former EZ Serve Gas Station)	NOTICE OF VIOLATION
Thomas Gamsjaeger)	No. R9-2010-0018
Interra-Vision (Santee), LLC)	
737 North Michigan Ave, Suite 1050)	February 9, 2010
Chicago, IL 60611)	

Mr. Jack Ceccarelli
Restructure Petroleum Marketing Services of CA
9519 E. Martin Luther King Blvd, Suite 100
Tampa, FL 33610

Investigative Order No. R9-2007-0105
Site: Former EZ Serve Gas Station, 9305 Mission Gorge Rd., San Diego,
CA

YOU ARE HEREBY NOTIFIED THAT:

Interra-Vision (Santee) and Restructure Petroleum Marketing Services of CA violated Investigative Order No. R9-2007-0105. This violation subjects you to possible further enforcement action by the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board), including administrative enforcement orders requiring you to cease and desist from violations, or to clean up waste and abate existing or threatened conditions of pollution or nuisance; imposition of administrative civil liability in amounts of up to \$1,000 per day per violation;¹ referral to the State Attorney General for injunctive relief; and referral to the District Attorney for criminal prosecution.

BASIS FOR ALLEGED VIOLATION:

1. Directive 3.B. of Order No. R9-2007-0105 directs you to measure ground water elevation from **all** wells.
2. Directive 3.C. of Order No. R9-2007-0105 directs you to collect and analyze samples from **all** wells.
3. Directive 3, as amended, of Order No. R9-2007-0105 directs you to submit Semiannual Groundwater Monitoring reports with groundwater results from **all** wells.
4. According to the Semi-Annual (4th Quarter 2009) Groundwater Monitoring Report, six wells were paved over, and six additional wells have not been

¹ Under authority of California Water Code section 13268.

CHONOLIN

located. A total of twelve monitoring wells were not sampled for the monitoring period, therefore all wells were not measured or sampled or analyzed.

Questions pertaining to the issuance of this Notice of Violation should be directed to Ms. Susan Pease at (858) 637-5596 or via email at spease@waterboards.ca.gov . Written correspondence pertaining to this Notice of Violation should be directed to the following address:

Ms. Julie Chan
Supervising Engineering Geologist
California Regional Water Quality Control Board, San Diego Region
9174 Sky Park Court, Suite 100
San Diego, CA 92123-4340



Julie Chan, Supervising Engineering Geologist
Groundwater Basins Branch

2/9/2010

Date

JAC/clc/sjp

c:/ezserve/ NOV.Feb2010.doc

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>X</p> <p>B. Received by (Printed Name) C. Date of Delivery</p>
<p>1. Article Addressed to:</p> <p><i>Mr. Thomas Gamsjaeger Interrealism (Santed) LLC 737 North Michigan Ave Suite 1050 Chicago IL 60611</i></p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p> <p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number (Transfer from service label)</p>	<p>7009 1410 0002 2347 4060</p>
<p>PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540</p>	

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS. FOLD AT DOTTED LINE.
CERTIFIED MAIL™



7009 1410 0002 2347 4060
7009 1410 0002 2347 4060

U.S. Postal Service™ CERTIFIED MAIL™ RECEIPT (Domestic Mail Only; No Insurance Coverage Provided)											
For delivery information visit our website at www.usps.com											
OFFICIAL USE											
<table border="1"> <tr> <td>Postage</td> <td>\$</td> </tr> <tr> <td>Certified Fee</td> <td></td> </tr> <tr> <td>Return Receipt Fee (Endorsement Required)</td> <td></td> </tr> <tr> <td>Restricted Delivery Fee (Endorsement Required)</td> <td></td> </tr> <tr> <td>Total Postage & Fees</td> <td>\$</td> </tr> </table>	Postage	\$	Certified Fee		Return Receipt Fee (Endorsement Required)		Restricted Delivery Fee (Endorsement Required)		Total Postage & Fees	\$	<p style="text-align: center;">Postmark Here</p>
Postage	\$										
Certified Fee											
Return Receipt Fee (Endorsement Required)											
Restricted Delivery Fee (Endorsement Required)											
Total Postage & Fees	\$										
<p>Sent To <i>Mr. Thomas Gamsjaeger</i> Street, Apt. No., P.O. Box, or PO Box No. <i>737 North Michigan Ave Suite 1050</i> City, State, ZIP+4 <i>Chicago, IL 60611</i></p>											
<p>PS Form 3800, August 2006 See Reverse for Instructions</p>											

CHRONO

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

*Mr. Jack Ceccarelli
Restructure Petroleum
Marketing Services of CA
9519 E. Martin Luther King
Bldg Suite 100
Tampa, FL 33610*

2. Article Number
(Transfer from service label)

7009 1410 0002 2347 4077

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent
 Addressee
X

B. Received by (Printed Name) C. Date of Delivery

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

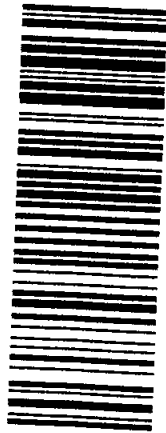
3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540



7009 1410 0002 2347 4077

U.S. Postal Service U.S. Postal Service™ CERTIFIED MAIL™ RECEIPT (Domestic Mail Only; No Insurance Coverage Provided)	
For delivery information visit our website at www.usps.com	
OFFICIAL USE	
Postage \$ _____ Certified Fee _____ Return Receipt Fee (Endorsement Required) _____ Restricted Delivery Fee (Endorsement Required) _____ Total Postage & Fees \$ _____	Postmark Here
Sent To <i>Mr. Jack Ceccarelli</i> Street, Apt. No., or PO Box No. <i>9519 E. Martin Luther King Blvd</i> City, State, ZIP+4 <i>Suite 100 Tampa, FL 33610</i>	
PS Form 3800, August 2006 See Reverse for Instructions	

08090111