



Linda S. Adams  
Secretary for  
Environmental Protection

## California Regional Water Quality Control Board San Diego Region

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Arnold Schwarzenegger  
Governor

December 27, 2007

In reply refer to:  
TSMC:50-2961.05:spease

**Certified Mail – Return Receipt Requested**  
**7006 2760 0000 1615 6724**

Mr. Scott Frasco  
Bianchi Family Trust  
4012 West Garry Ave.  
Santa Ana, CA 92704

Dear Mr. Frasco:

**RE: INVESTIGATIVE ORDER NO. R9-2007-227 FOR THE  
FORMER BIANCHI INDUSTRY, 100 CALLE CORTEZ  
TEMECULA, CA**

Enclosed is Investigative Order No. R9-2007-277, concerning the leaking underground storage tank discharge located at **100 Calle Cortez, Temecula**, Riverside County, California. This Order was issued by the California Regional Water Quality Control Board, San Diego Region (Regional Board) pursuant to California Water Code 13267 and directs you to submit technical reports to the Regional Board to document that adequate corrective action has been or will be taken at the site to protect waters of the State.

Please note that beginning January 1, 2005, Dischargers are required to electronically submit all technical reports and monitoring reports generated to comply with requirements of the California Code of Regulations, CCR Title 23, Chapter 16, Article 11; and regulated by the Regional Board's Underground Storage Tanks Program. Order R9-2007-0094 requires you to comply with the applicable electronic reporting into the web-based Geotracker database, in compliance with requirements found in CCR Title 23, section 3890 *et seq.* You may wish to review these regulations on-line at [www.calregs.com](http://www.calregs.com).

You should be aware that the San Diego Regional Board is not responsible for the maintenance and administration of the Geotracker database. For information on how to access and use the Geotracker database, please contact the State Water Resources Control Board staff Mr. Hamid Foolad at (916) 341-5791, or the "Geotracker Help Desk" at (866) 480-1028 and via their web site: [Geotracker@waterboards.ca.gov](mailto:Geotracker@waterboards.ca.gov).

*California Environmental Protection Agency*

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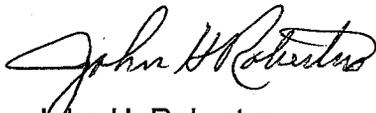
For your convenience, a link to the Geotracker and Electronic Reporting web page can be found on the State Water Board's web site at:  
[http://www.waterboards.ca.gov/ust/cleanup/electronic\\_reporting/](http://www.waterboards.ca.gov/ust/cleanup/electronic_reporting/)

Any person failing or refusing to furnish information required under the authority of California Water Code (CWC) section 13267 or falsifying information submitted to the Regional Board pursuant to such a directive is guilty of a misdemeanor and may be subject to civil liability. Under CWC section 13268, a civil liability may be imposed administratively by the Regional Board in an amount of up to \$1,000 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).

If you wish to dispute the factual basis of, or the legal conclusions set forth in this order, you must submit all evidence and argument supporting rescission or modification of the order to the Regional Board within 14 days of the date of the order (January 10, 2008). Within 14 days the Regional Board will respond to your submission in writing, or advise you when a written response upholding, modifying, or rescinding the investigative order will be issued. You would have 30 days from the date of such response to file a petition for administrative review under Water Code section 13320 with the State Water Resources Control Board.

If you have any questions, or require additional assistance, please contact Ms. Sue Pease of my staff at (858) 637-5596.

Respectfully,



John H. Robertus  
Executive Officer  
San Diego Regional Water Quality Control Board

JHR:rwm:sjp

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cc: Mr. Keith Etchells, SCS Engineers, 8799 Balboa Ave., Suite 290, San Diego, CA 92123



**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
SAN DIEGO REGION  
INVESTIGATIVE ORDER NO. R9-2007-227**

An Order Directing  
Bianchi Family Trust

To Submit Technical Reports Pertaining To Corrective Actions At The Site Of  
The Former Bianchi International, Inc.,  
100 Calle Cortez, Temecula, California

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

- 1. Unauthorized Discharge of Waste:** In 1993, a 2,000 gallon gasoline underground storage tank was removed and an unauthorized discharge of petroleum hydrocarbon waste to soil and ground water was discovered at the Former Bianchi Industry (hereinafter referred to as the Site) located at 100 Calle Cortez, Temecula, Riverside County, California. The waste was discharged from the leaking underground storage tank (LUST) system creating a condition of pollution in the underlying ground water aquifer, and creating a threatened condition of contamination of downgradient municipal wells and nuisance to the ground water and nearby surface water.
- 2. Parties Responsible for the Discharge:** The 1977 Bianchi Family Trust, a.k.a. Calle Cortez Partners (1977 Bianchi Family Trust), is the current property owner. This property is a light industrial site where an underground storage tank was used to store gasoline until 1993. The Bianchi Family Trust was identified by the Riverside County Department of Environmental Health as the responsible party for the UST system at the time it was removed in 1993.

Pursuant to California Code of Regulations (CCR) Chapter 16, Title 23, the definition of a Responsible Party includes, "Any person who owned or operated the underground storage tank immediately before the discontinuation of its use," and, "any owner of property where an unauthorized release of a hazardous substance from an underground storage tank has occurred."

- 3. Background:** Since the 1993 UST removal, ten groundwater monitoring wells have been installed and monitored. A Site Conceptual Model was submitted in 2002, and identified a municipal supply well located 2,400 feet southwest of the site. An Interim Remedial Action Plan, submitted January 2004, identified High Vacuum Dual Phase Extraction (HVDPE) as the remedial choice, and a pilot study was performed. A Corrective Action

Plan, submitted in April 2004, recommended continued use of HVDPE for remediation. A Workplan for implementation of HVDPE was submitted in January 2005, but the State Water Resources Control Board Underground Storage Tank Cleanup Fund denied preapproval of corrective action costs based on an unreasonable estimate for the scope of work. To date implementation of remediation has not taken place.

4. **Waste Discharges:** The *Second Quarter 2007, Quarterly Groundwater Monitoring Report* submitted for the subject site documents concentrations of benzene, toluene, ethylbenzene, and xylenes in the impacted groundwater that exceeded water quality objectives for the Murrieta Hydrologic Subarea (HA 902.32) as established in the *Water Quality Control Plan, San Diego Region (9)*.

Specifically, the following maximum groundwater concentrations for dissolved phase petroleum hydrocarbon constituents were recorded in the *Second Quarter 2007 Report*:

Constituent	Water Quality Objectives (micrograms per liter or $\mu\text{g/L}$ )	Maximum Groundwater Concentration ( $\mu\text{g/L}$ ) <sup>1</sup>
Benzene	1	11,100
Toluene	150	<200 <sup>2</sup>
Ethylbenzene	300	2,000
Xylenes	1750	1,580

A discharge of waste is suspected from the underground storage tank (UST) system that operated at the site until 1993 because groundwater samples collected from monitoring well MW1 show petroleum hydrocarbons have polluted the groundwater. MW1 is located approximately 40 feet from the UST location. Thus, the UST is the likely source of the petroleum hydrocarbon pollution in groundwater.

5. **Condition of Pollution:** The concentrations of waste constituents (tabulated in Finding 5 of this Order) exceed the water quality objectives prescribed by the Regional Board Water Quality Control Plan (Basin Plan) and primary maximum contaminant levels (MCL), for the protection of public drinking water supplies, established by the California Department of Health Services. The discharge of petroleum hydrocarbon constituents degrade the quality of ground water resources, impair the designated beneficial uses

<sup>1</sup> *Second Quarter 2007, July 31, 2007, Quarterly Groundwater Monitoring Report*, prepared by SCS Engineers.

<sup>2</sup> Measured as <200 ug/L due to dilution of sample.

of the waters as identified in the Basin Plan, and create a condition of pollution in ground water.

The site is located in the Murrieta Hydrologic Subarea, which is within the Santa Margarita Hydrologic Unit. This subarea has designated beneficial uses for both surface and ground waters. Designated beneficial uses of ground water resources include:

- a) Municipal and domestic supply
- b) Agricultural supply
- c) Industrial service supply
- d) Industrial process supply

Designated beneficial uses of surface water resources include:

- a) Municipal and domestic supply
- b) Agricultural supply
- c) Industrial service supply
- d) Industrial process supply
- e) Potential contact water recreation
- f) Non-contact water recreation
- g) Warm freshwater habitat
- h) Wildlife habitat

- 6. Regulatory Authority and Necessity For Submittal of Technical Reports:** California Water Code section 13267 authorizes the Regional Board to investigate the quality of any water of the state within its region. The Regional Board may require Discharger to submit technical and monitoring program reports. Based upon the data presented in the *Second Quarter 2007, Quarterly Groundwater Monitoring Report*, further action is necessary to address impacts of the illicit discharge to waters of the State. This Order establishes deadlines for submittal of reports required to monitor the progress of those actions. The associated costs for the reports bear a reasonable relationship to the need for the reports.
- 7. Legal and Regulatory Authority:** This Order is based on (1) section 13267 of the Porter-Cologne Water Quality Control Act (Division 7 of the Water Code, commencing with Section 13000); (2) applicable state and federal regulations; (3) all applicable provisions of statewide Water Quality Control Plans adopted by the State Water Resources Control Board and the *Water Quality Control Plan for the San Diego Basin* (Basin Plan) adopted by the Regional Board including beneficial uses, water quality objectives, and implementation plans; (4) State Water Board policies and regulations, including State Water 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*); 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.

- 8. California Environmental Quality Act (CEQA):** This action is an order to enforce the laws and regulations administered by the Regional Board. As such, this action is categorically exempt from the provisions of the California Environmental Quality Act pursuant to section 15308 of the California Public Resources Code.

**IT IS HEREBY ORDERED**, pursuant to CWC section 13267, that the discharger must submit the following technical reports:

- 1. Workplan for Interim Remedial Actions:** On or before **March 30, 2008**, the Discharger shall submit a workplan to implement interim remedial actions as necessary 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).
- 2. Ground Water Monitoring Reports:** The Discharger must submit quarterly ground water monitoring reports commencing with a quarterly report due on January 30, 2008 with subsequent reports submitted no later than 30 days following the end of the quarter according to the following schedule:

<b>Monitoring Period</b>	<b>Due Date for Report</b>
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 ground water 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. Ground Water Elevations Measurements of ground water elevation from all wells must be presented in tabular format with: depth to ground water (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 ground water elevation map must be prepared for each monitored water-bearing zone with the ground water flow direction and calculated hydrologic gradients(s) clearly indicated in the figures(s). A complete tabulation of historical ground water elevations must be included in the fourth quarterly report each year.
- C. Ground Water Results Ground water samples from all wells must be collected and analyzed quarterly 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, with sampling data presented 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 ground water elevations must be prepared for constituents of concern for appropriate wells.
- D. Site Plot Plan Provide a site plot plan which:
1. clearly illustrates the locations of monitoring 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, and
  2. identifies 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).
- E. Technical Interpretation The report must provide technical interpretations of the ground water 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.

- F. Analytical Methods The report must describe analytical methods used, detection limits obtained for each reported constituent, and a summary of QA/QC data.
- G. Sample Collection Information 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.
- H. Historical Groundwater Data Historical ground water sampling results must be listed in tabular form and included in the fourth quarterly report each year.

3. **Paper Copy and Electronic Data Submittals:** All data and reports must be submitted both in paper copy and electronic formats. Deadlines for paper copy submittals also extend to electronic copy submittals. As of January 1, 2005, the applicable electronic reporting requirements include well location data, survey data, sampling data, ground water elevation data, boring logs, well screen information, site maps, and copies of reports in PDF format. All required information must be submitted electronically via the Internet into the Geotracker database in the appropriate electronic deliverable format according to the schedule in item 3 above. The Geotracker website address is <http://www.geotracker.waterboards.ca.gov>.
4. **Ground Water Extraction:** If applicable, the report must include ground water extraction results in tabular form, for each extraction well and for the site as a whole, expressed in gallons per minute and total ground water volume for the quarter. The report must also include contaminant removal results, from ground water extraction wells and from other cleanup and abatement systems (e.g. soil vapor extraction), 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.
5. **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.

## NOTIFICATIONS

1. Contractor/Consultant Qualifications: All technical documents must be signed by and stamped with the seal of a California licensed professional geologist, or a California licensed civil engineer.
2. Lab Qualifications: All samples must be analyzed by California State-certified laboratories using approved EPA methods for the type of analysis to be performed. All laboratories must maintain quality assurance/quality control (QA/QC) records for Regional Board review.
3. 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.
4. Penalty of Perjury Statement: All reports 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.
5. Electronic Data Submittals: All information submitted to the Regional Board in compliance with this Order in paper copy format is also required to be submitted electronically via the Internet into the Geotracker database. 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 Electronic Data File (EDF) format.
  - b. The latitude and longitude of any permanent monitoring 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 monitoring well.
  - d. The elevation of groundwater in any permanent monitoring well relative to the surveyed elevation.

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- 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 monitoring 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://www.geotracker.waterboards.ca.gov>. Deadlines for electronic  
submittals coincide with deadlines for paper copy submittals

  
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JOHN H. ROBERTUS  
Executive Officer  
December 27, 2007

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FAILURE TO COMPLY WITH THE REQUIREMENTS OF THIS ORDER MAY SUBJECT YOU TO  
ENFORCEMENT ACTION, INCLUDING BUT NOT LIMITED TO: IMPOSITION OF  
ADMINISTRATIVE CIVIL LIABILITY UNDER WATER CODE SECTION 13268 OR REFERRAL TO  
THE ATTORNEY GENERAL FOR INJUNCTIVE RELIEF OR CIVIL OR CRIMINAL LIABILITY

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