



Linda S. Adams  
Secretary for  
Environmental Protection

# 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>



Arnold Schwarzenegger  
Governor

August 24, 2007

In reply refer to:  
TSMC:50-0175.05:spease

Mr. Jack Ceccarelli  
Restructure Petroleum Marketing Services of CA  
205 S. Hoover Boulevard, Suite 101  
Tampa, FL 33609

CERTIFIED MAIL – RETURN  
RECEIPT REQUESTED  
7006 2760 0000 1615 7400

Mr. Jason Blum, Vice President  
Interra Development Partners, LLC  
737 N. Michigan Ave, Suite 1050,  
Chicago, IL 60611

CERTIFIED MAIL – RETURN  
RECEIPT REQUESTED  
7006 2760 0000 1615 7394

Dear Mr. Ceccarelli and Mr. Blum:

**RE: INVESTIGATIVE ORDER NO. R9-2007-0105 FOR THE  
FORMER E-Z SERVE GAS STATION, 9305 MISSION GORGE RD.,  
SANTEE, CA**

Enclosed is Investigative Order No. R9-2007-0105, concerning the leaking underground storage tank discharge located at **9305 Mission Gorge Rd., Santee**, San Diego, San Diego 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. The Regional Board has reopened this case because information about the site was not made available for review by the Regional Board prior to the time the case was closed by the County of San Diego. Specifically, the Second Quarter 2006, Quarterly Groundwater Monitoring Report documents that Light Non-Aqueous Phase Liquid petroleum hydrocarbon could remain in the groundwater at the site.

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).

*California Environmental Protection Agency*

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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).

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

Respectfully,



BY DIRECTOR

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

JHR:rwm:sjp  
c:\EZ Serve\13267order.cover.ltr.doc

cc: Mr. George Lockwood, State Water Resources Control Board  
Mr. Mark McPherson, County of San Diego, Department of Environmental Health  
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



CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
SAN DIEGO REGION

INVESTIGATIVE ORDER NO. R9-2007-0105

AN ORDER DIRECTING  
RESTRUCTURE PETROLEUM MARKETING SERVICES INC.  
INTERRA-VISION, LLC.

TO SUBMIT TECHNICAL REPORTS PERTAINING TO CORRECTIVE ACTIONS AT THE SITE OF  
THE FORMER E-Z SERVE GAS STATION,  
9305 MISSION GORGE ROAD, SANTEE, CALIFORNIA

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

1. **Unauthorized Discharge of Waste:** In 1985, an unauthorized discharge of petroleum hydrocarbon waste to soil and ground water was discovered at the Former E-Z Serve Gas Station (hereinafter referred to as the Site) located at 9305 Mission Gorge Road, Santee, San Diego 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 and nuisance to the ground water and nearby surface water.
2. **Parties Responsible for the Discharge:**
  - a. Restructure Petroleum Marketing Services of CA (RPMS) was the owner/operator of the underground storage tank system.
  - b. Interra-Vision, LLC. is the current property owner.
3. **Background:** Subsequent to the notification of the unauthorized release in 1985, investigation of the soil and groundwater contamination was initiated and continued at the site until the County of San Diego Department of Environmental Health (County) closed the case (Case # H03919-001) in January, 2007. Corrective action began in June 1995, with commencement of a soil vapor extraction and groundwater treatment system operated at the site. This system, however, was halted in late 1996 because of poor performance. The system was then modified in 1999 and vapor extraction continued from October 1999 until the middle of 2000.

In 2000, the environmental consultants for the responsible parties concluded that the in-situ remedial techniques were not effective and later initiated remedial excavation in August 2002. In 2003, a proposal was submitted to

the County for in-situ remediation testing.

A Corrective Action Plan dated December 22, 2005 and a Revised Corrective Action Plan (CAP) dated May 30, 2006 were prepared by Delta Environmental Consultants, Inc., which presents a plan for remediation of the petroleum hydrocarbons. Based upon an earlier study, entitled *Corrective Action – Feasibility Study Report* dated September 27, 2005, the CAP proposes using Dual Phase Extraction to remediate the remaining petroleum hydrocarbons at the site. Three other alternatives evaluated, but considered to be not as effective were Soil Vapor Extraction, Groundwater Extraction and Monitored Natural Attenuation.

By letter dated July 21, 2006, the County of San Diego notified the responsible party that Dual Phase Extraction was not necessary "to clean up contamination that does not represent a risk, as there are no receptors", and required implementation of the Natural Attenuation alternative.

The last monitoring conducted at the site was completed on June 21, 2006 with the results presented in the *Second Quarter 2006, Quarterly Groundwater Monitoring Report* submitted to the County on July 27, 2006, but uploaded to Geotracker only on February 18, 2007.

4. **Waste Discharges:** The *Second Quarter 2006, Quarterly Groundwater Monitoring Report* submitted for the subject site documents that Light Non-Aqueous Phase Liquid - LNAPL (free phase) petroleum hydrocarbon was detected in seven groundwater monitoring wells and maximum concentrations of benzene, tertiary butyl alcohol (TBA), methyl-tertiary-butyl ether (MTBE), and Di-isopropyl ether (DIPE) in the impacted groundwater exceeded water quality objectives for the Santee Hydrologic Subarea (HA 907.12) 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 2006 Report*:

<i>Constituent</i>	<i>Water Quality Objectives (micrograms per liter or µg/L)</i>	<i>Maximum Groundwater Concentration (µg/L)<sup>1</sup></i>
Benzene	1	1,400
Toluene	150	44
Ethylbenzene	300	45

<sup>1</sup> *Second Quarter 2006, September 29, 2006, Quarterly Groundwater Monitoring Report*, prepared by Delta Environmental Consulting, Inc.

Xylenes	1750	140
TBA <sup>A</sup>	12 <sup>2</sup>	24,000
MTBE <sup>B</sup>	13	400
DIPE <sup>C</sup>	0.8 <sup>3</sup>	34

A = TBA is tertiary butyl alcohol

B = MTBE is methyl-tertiary-butyl ether

C = DIPE is Di-isopropyl ether

- 5. Condition of Pollution:** The concentrations of waste constituents (tabulated in Finding 4 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 of the waters as identified in the Basin Plan, and create a condition of pollution in ground water.

The site is located in the Santee Hydrologic Subarea (HA 907.12) of the Lower San Diego Hydrologic Area of the San Diego River watershed. 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) Potential municipal and domestic supply
- b) Industrial service supply
- c) Contact water recreation
- d) Non-contact water recreation

<sup>2</sup> California Notification Level -- Notification levels are published by the California Department of Health Services (DHS) for chemicals for which there is no drinking water MCL. Notification levels are based mainly on health effects - an incremental cancer risk estimate of  $10^{-6}$  for carcinogens and a threshold toxicity limit for other constituents. When they are purely health-based, notification levels may also be used to interpret narrative water quality objectives that prohibit toxicity to humans that beneficially use the water resource. California Department of Health Services, Division of Drinking Water and Environmental Management, *Drinking Water Notification Levels*, <http://www.dhs.ca.gov/ps/ddwem/chemicals/AL/notificationlevels.htm>.

<sup>3</sup> California Taste & Odor Threshold.

- e) Warm freshwater habitat
- f) Cold freshwater habitat
- g) 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 2006, 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 section 13267 of the California Water Code, that the Discharger must submit the following technical reports:

1. **Workplan for Interim Remedial Actions:** On or before September 30, 2007, 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). Interim remedial actions may include but are not limited to activities that remove all free product (or LNAPL) from existing monitoring wells.
  
2. **Site Conceptual Model:** On or before October 30, 2007, the Discharger shall submit a site conceptual model (SCM) that provides a written or pictorial representation of the release scenario and the likely distribution of waste at the site, 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). The SCM must include data interpretations, a discussion of the level of uncertainty of conclusions, outline data gaps remaining in the conceptual model, and describe the additional work needed to fill identified data gaps and make recommendations for the next phase of the cleanup, taking into consideration the recommendations presented in the June 1, 2006 Corrective Action Plan (CAP).
  - a. If Dual Phase Extraction is not selected as the remedial action per the recommendation in the CAP, the report shall present the rationale for the decision.
  - b. If Monitored Natural Attenuation is proposed as the remedial action, the report shall provide a technical analysis showing that the pollutant plume is diminishing over time with either an overall decrease in size, mass or a decrease in pollutant concentration trend.

3. **Ground Water Monitoring Reports:** The Discharger must submit quarterly ground water monitoring reports commencing with a quarterly report due on October 30, 2007 with subsequent reports 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 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:

- i. 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.
- ii. Provide a site plot plan which 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.
- 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 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.
- 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 ground water 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 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>.
- E. 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.
- 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.

## 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.
  - 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



By *DIRECTION*

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JOHN H. ROBERTUS  
Executive Officer  
August 24, 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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