

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

INVESTIGATIVE ORDER NO. R9-2016-0069

**AN ORDER DIRECTING MISSION GORGE SQUARE, LLC, AND MISSION GORGE
SQUARE II, LLC, TO SUBMIT TECHNICAL AND MONITORING REPORTS PERTAINING
TO AN INVESTIGATION AT STYLE CLEANERS
9640 MISSION GORGE ROAD, SANTEE, CALIFORNIA**

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

1. **LEGAL AND REGULATORY AUTHORITY.** This Order conforms to and implements policies and requirements of the Porter-Cologne Water Quality Control Act (division 7, commencing with Water Code section 13000) including (1) sections 13267 and 13304; (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 Water Board) and the Water Quality Control Plan for the San Diego Basin (Basin Plan) adopted by the San Diego Water Board including beneficial uses, water quality objectives, and implementation plans; (4) State Water Board policies and regulations, including 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; Resolution No. 92-49, Policies and Procedures for Investigation, and Cleanup and Abatement of Discharges under Water Code Section 13304; California Code of Regulations (Cal. Code Regs.) title 23, chapter 16, article 11; Cal. Code Regs. title 23, section 3890 et seq.; and (5) relevant standards, criteria, and advisories adopted by other state and federal agencies.
2. **DISCHARGE OF WASTES.** Mission Gorge Square, LLC, and Mission Gorge Square II, LLC, own the property at 9640 Mission Gorge Road, Suite E, in Santee, California (the site), on which Style Cleaners, a dry cleaning business, has operated for at least two decades. Style Cleaners previously used tetrachloroethene (PCE) in site operations. PCE, trichloroethene (TCE), and other dechlorination byproducts have been detected in soil and groundwater samples collected at and downgradient of the site beginning in 1996. Centec Engineering conducted in situ bioremediation at the site in 2002. The highest concentrations detected in groundwater historically and in 2014 are listed in the table below. PCE, as well as all degradation products of PCE, are byproducts of dry-cleaning operations that have historically been disposed of as waste, as defined in Water Code section 13050, subdivision (d). Groundwater monitoring at the site has indicated the presence of PCE and other wastes in groundwater at concentrations greater than applicable water quality objectives as shown in the table below:

Constituent	Water Quality Objective (µg/L)	Maximum Historical Groundwater Concentration (µg/L)	Maximum Recent Groundwater Concentration (µg/L)
PCE	5	5,100	110
TCE	5	390	130
Cis- 1,2- DCE	6	1,400	230
Vinyl chloride	0.5	48	<0.5

cis-1,2-DCE = cis-1,2-dichloroethene

µg/L = micrograms per liter

PCE = tetrachloroethene

TCE = trichloroethene

Furthermore, the concentrations of PCE, TCE, and other dechlorination byproducts in the soil and groundwater indicate a risk to human health due to vapor intrusion into buildings overlying the plume. Groundwater concentrations measured in mid-2014 were an order-of-magnitude lower than the maximum concentrations historically detected in site monitoring wells as shown in the table above; however, this does not preclude the possibility that there is a vapor intrusion risk. The magnitude of constituent concentrations in groundwater may not be correlative to the magnitude of constituent concentrations in soil vapor and may not adequately predict the level of risk from vapor intrusion.

3. **PERSONS RESPONSIBLE FOR THE DISCHARGE OF WASTE.** Mission Gorge Square, LLC, and Mission Gorge Square II, LLC (Dischargers), own the property occupied by Style Cleaners during operations, located at 9640 Mission Gorge Road, Santee, California. The Dischargers are subject to this Order because they have owned the property from at least 1996 through present and permitted activities to occur that caused waste to be discharged or deposited where it discharged into waters of the State and created and threatened to create a condition of pollution or nuisance, or operated the dry cleaner and discharged or deposited waste where it discharged into waters of the State and created and threatened to create a condition of pollution or nuisance. The Dischargers, by failing to control the discharge, have caused or permitted waste to be discharged in such a manner that has created a condition of pollution or nuisance. The term discharge includes the active, initial release, as well as passive migration of waste.¹
4. **WATER QUALITY STANDARDS.** The site is located within the Santee Hydrologic Subarea (907.12) in the Lower San Diego Hydrologic Area (907.10) of the San Diego Hydrologic Unit (907.00). The Basin Plan designates that groundwater in the Santee

¹ *In the Matter of Zoecon Corporation*, Order No. 86-2 (State Water Board 1986) found that the discharge of waste includes the passive migration of waste, and that the owner of a contaminated site causes or permits a discharge even if the owner did not own the property at the time of the initial release.

Hydrologic Subarea has the following beneficial uses that could be impacted by contaminants discharged from the facility to the subsurface:

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

The Basin Plan contains water quality objectives² for chemical constituents that are protective of groundwater designated for municipal and domestic supply. The water quality objectives that support municipal and domestic uses for the site contaminants are shown in the preceding table. The objectives are derived from primary maximum contaminant levels (MCLs)³ established by the Department of Public Health in title 22 Cal. Code Regs.⁴

- 5. **CONDITION OF POLLUTION.** Groundwater concentrations of PCE, TCE, and cis-1,2-dichloroethene (cis-1,2-DCE) exceed the water quality objectives needed to support municipal and domestic uses of the groundwater, creating a condition of pollution in waters of the State. A potential risk to human health through the vapor intrusion pathway also exists at the site.
- 6. **MONITORING AND ASSESSMENT FRAMEWORK.** The San Diego Water Board developed The Monitoring and Assessment Framework of the San Diego Region⁵ (Framework) to, among other goals, identify the causes and sources of unsatisfactory conditions in San Diego Region waters. The Framework mainly focuses on surface water bodies but also applies to groundwater. Monitoring and assessment programs

² Water quality objectives” are defined in Water Code section 13050(h) as “the limits or levels of water quality constituents or characteristics which are established for the reasonable protection of beneficial uses of water or the prevention of nuisance within a specific area.”

³ Maximum contaminant levels (MCLs) are public health-protective drinking water standards to be met by public water systems. MCLs take into account not only health risks of chemicals but also factors such as detectability and treatability, as well as the costs of treatment. Primary MCLs are in title 22 Cal. Code Regs. sections 64431-64444. Secondary MCLs address the taste, odor, or appearance of drinking water and are in 22 Cal. Code Regs. section 64449.

⁴ Basin Plan, footnote 2, *supra*. Page 3-24 and Table 3-5 at page 3-25. The Basin Plan provides that, “Water designated for use as domestic or municipal supply (MUN) shall not contain concentrations of chemical constituents in excess of the maximum contaminant levels specified in Cal. Code Regs. Title 22, Table 64444-A of section 64444 (Organic Chemicals), which is incorporated by reference into this plan. This incorporation by reference is prospective including future changes to the incorporated provisions as the changes take effect. (See Table 3-5.)”

⁵ San Diego Water Board. 2012. A Framework for Monitoring and Assessment in the San Diego Region. November.

conducted in groundwater bodies are question-driven, scientifically and statistically sound, and cost-effective. This Order is consistent with this guiding principle of the Framework.

7. **BASIS FOR REQUIRING TECHNICAL AND MONITORING REPORTS.** Water Code section 13267 provides that the San Diego Water Board may require dischargers, past dischargers, or suspected dischargers to furnish those technical or monitoring reports as the San Diego Water Board may specify, provided that the burden, including costs, of these reports bears a reasonable relationship to the need for the reports and the benefits to be obtained from the reports.
8. **NEED FOR AND BENEFIT OF TECHNICAL AND MONITORING REPORTS.** Technical reports and monitoring reports are needed to provide information to the San Diego Water Board regarding (a) the nature and extent of the discharge, (b) the nature and extent of pollution conditions in State waters created by the discharge, (c) the potential for vapor risk to human health as a result of the discharge, and (d) appropriate cleanup and abatement measures, if needed, capable of meeting cleanup levels consistent with State Water Board Resolution No. 92-49, Policies and Procedures for Investigation and Cleanup and Abatement of Discharges Under California Water Code Section 13304. The reports will enable the San Diego Water Board to determine the vertical and lateral extents of the discharge, and provide technical information to determine what cleanup and abatement measures are necessary to bring the site into compliance with applicable water quality standards and be protective of human health. Based on the nature and possible consequences of the discharge (as described in the Findings above), the burden of providing the required reports, including the costs, bears a reasonable relationship to the need for the reports, and the benefits to be obtained from the reports.
9. **CLEANUP LEVELS.** Resolution No. 92-49 sets forth the policies and procedures to be used during an investigation or cleanup of a discharge of waste and requires that cleanup levels be consistent with State Water Board Resolution No. 68-16, *Statement of Policy with Respect to Maintaining High Quality of Waters in California*. Resolution No. 92-49 requires waste to be cleaned up to background levels, or if that is not reasonable, to alternative levels that are the most stringent levels that are economically and technologically feasible in accordance with Cal. Code Regs. title 23, 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 waters of the State; 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 Water Board.
10. **CALIFORNIA ENVIRONMENTAL QUALITY ACT COMPLIANCE.** This action is exempt from the provisions of the California Environmental Quality Act (CEQA) in accordance with section 15061 (b)(3) of Cal. Code Regs. title 14, chapter 3, because it can be seen with certainty that there is no possibility that the collection of soil vapor and groundwater samples will have a significant effect on the environment. CEQA will be complied with as necessary when and if remedial actions are proposed.

11. **QUALIFIED PROFESSIONALS.** The Dischargers' reliance on qualified professionals promotes proper planning, implementation, and long-term cost-effectiveness of investigations. Professionals should be qualified, licensed where applicable, and competent and proficient in the fields pertinent to the required activities. 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.
12. **COST RECOVERY.** Pursuant to Water Code section 13304, subdivision (c), and consistent with other statutory and regulatory requirements, including but not limited to Water Code section 13365, the San Diego Water Board is entitled to, and will seek reimbursement for, all reasonable costs actually incurred by the 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 this or a subsequent Order. The Dischargers currently are in a cost recovery arrangement with the Board.

IT IS HEREBY ORDERED that, pursuant to Water Code sections 13267 and 13304, the Dischargers must furnish the following technical and monitoring reports:

1. **SOIL VAPOR SAMPLING REPORT OF RESULTS.** The Dischargers have submitted a Soil Vapor Sampling Work Plan dated September 23, 2015, as well as a revised version dated December 21, 2015 (Revised Work Plan), to the San Diego Water Board for approval. The Water Board submitted additional comments and questions to the Dischargers that were addressed on February 16, 2016. The Revised Work Plan was conditionally approved on February 19, 2016. The Dischargers shall conduct the sampling activities in accordance with the conditionally approved Revised Work Plan. The Dischargers shall submit a Soil Vapor Sampling Report of Results (Report) describing and interpreting the results from implementation of the Revised Work Plan. The Report must be received by the Board no later than 5:00 p.m. on May 13, 2016, and shall contain, at a minimum, the following information:
 - a. **Delineation of Contamination.** The Report shall provide an adequate characterization of the lateral and vertical extents of soil vapor contamination at and around the site.
 - b. **Field Methodologies.** The Report shall describe the field methodologies used for soil vapor sampling and any other field sampling-related activities.
 - c. **Laboratory Analyses.** The Report shall present results of all analyses performed including laboratory analytical methods and quality assurance/quality control (QA/QC) sample results. Geotechnical analytical results shall be reported if site-specific physical property data were collected for input to a human health risk assessment (HHRA). All sampling data shall be presented in tabular format that includes the sample location, result, depth, and sampling date.
 - d. **Sample Locations and Number.** The Report shall describe the locations and number of samples collected and include a map showing sample locations.

- e. **Conceptual Site Model.** The Report shall include a conceptual site model (CSM) that provides a conceptual understanding of the potential for exposure to site contaminants based on sources of contamination, release mechanisms, transport media, exposure pathways, and potential receptors. The CSM also shall identify any additional data gaps and include a discussion of the level of uncertainty for the conclusions.
 - f. **Human Health Risk Assessment.** The Report shall include a screening-level HHRA performed using modeling software. The model input, assumptions, and results shall be described in the Report.
 - g. **Conclusions and Recommendations.** The Report shall include conclusions based on the results of the soil vapor sampling and HHRA and provide recommendations for additional work or remedial measures and a schedule for implementation, if needed.
2. **GROUNDWATER INVESTIGATION WORK PLAN.** The Dischargers shall submit a groundwater investigation work plan (Work Plan) to collect and analyze downgradient groundwater samples. The purpose of the groundwater investigation is to provide data to answer the following questions:
- What is the lateral and vertical extent of each waste constituent in groundwater downgradient of the source area?
 - Is the size of the plume of each waste constituent decreasing in size and/or mass in the downgradient direction?

A letter sent by the San Diego Water Board on July 10, 2012, requested additional investigation downgradient of wells MW-7 and MW-8 to better understand the extent of the contaminant plume downgradient of the site. The need for additional downgradient data was also discussed and agreed upon at a June 21, 2012, meeting attended by the Board and representatives of the Dischargers. The Groundwater Work Plan must be received by the Board no later than 5:00 p.m. on May 13, 2016. The Work Plan shall be sufficient to delineate the extent of downgradient groundwater contamination and shall contain, at a minimum, the following information:

- a. **Summary of Previous Environmental Investigations and Historical Data.** The Work Plan shall include a summary, including data tables and figures, of previously conducted environmental investigations.
- b. **Sampling and Analysis Plan.** The Work Plan shall include a Sampling and Analysis Plan that describes the proposed sampling methodologies, chemical analyses methods, sampling locations, and QA/QC procedures to be followed. Sampling shall not proceed without concurrence of the San Diego Water Board. Contingencies for collection of additional samples shall be proposed in the Work Plan. All samples shall be tested for analytes needed to characterize downgradient groundwater contamination.

- c. **Conceptual Site Model.** The Work Plan shall include a preliminary CSM that provides a conceptual understanding of the potential for exposure to site contaminants based on sources of contamination, release mechanisms, transport media, exposure pathways, and potential receptors. The CSM also shall identify data gaps and provide a framework that justifies the proposed sampling program (i.e., number, location, and frequency of samples).
 - d. **Activity Completion Schedule.** The Work Plan shall include a schedule for completion of all activities and submission of a final Groundwater Investigation Report of Results as described in Directive 3.
3. **GROUNDWATER INVESTIGATION REPORT OF RESULTS.** The Dischargers shall submit a Groundwater Investigation Report of Results (Report) describing the results from implementing the Groundwater Investigation Work Plan. The Report must be received by the San Diego Water Board no later than 5:00 p.m. on July 15, 2016, and shall contain, at a minimum, the following information:
- a. **Source Characterization.** The Report shall completely characterize all potential sources of waste constituent discharges to soil, groundwater, and soil vapor. At a minimum, the report shall include a discussion of historical records of operations, site reconnaissance, and previous sampling studies. The information in the technical report shall provide an adequate basis for determining subsequent effective cleanup and abatement actions with regards to the identified source(s) of pollution.
 - b. **Geologic Characterization.** The Report shall contain an accurate characterization of the subsurface geology, the hydrogeology, and all preferential pathways that may affect groundwater flow and contaminant migration.
 - c. **Groundwater Flow Characterization.** The Report shall describe the rate(s) and direction(s) of local groundwater flow, in the horizontal and vertical dimensions, for all water-bearing units potentially affected by the waste constituent(s) originating from the site.
 - d. **Delineation of Contamination.** The Report shall provide characterization of the lateral and vertical extents of groundwater contamination downgradient of the site adequate to determine the locations of and need for remedial measures downgradient of the source zone.
 - e. **Field Methodologies.** The Report shall describe the field methodologies used for groundwater sampling, and any other sample-related activities, including drilling and soil logging. Selected methods for purging and sampling monitoring wells and/or borings shall be capable of providing representative samples of groundwater for detecting all of the waste constituents.
 - f. **Chemical Analyses.** The Report shall include the results of all analyses performed including laboratory analytical methods and QA/QC sample results. The suite of chemical analyses, methods, and protocols must be adequate to

quantitatively identify and characterize the full range of site- specific waste constituents. All sampling data shall be presented in tabular format that includes the sample location, sample result, depth, and sampling date.

- g. **Sample Locations and Number.** The Report shall describe the locations and number of samples collected and include a map showing sample locations.
 - h. **Conceptual Site Model.** The Report shall include a final CSM that provides a conceptual understanding of the potential for exposure to site contaminants based on sources of contamination, release mechanisms, transport media, exposure pathways, and potential receptors. The CSM also shall identify any additional data gaps and include a discussion of the level of uncertainty for the conclusions.
 - i. **Comparison to Screening Numbers.** Groundwater analytical results shall be compared to water quality objectives and the screening results shall be described in the Report.
 - j. **Conclusions and Recommendations.** The Report shall include conclusions based on the results of the groundwater sampling and provide recommendations for additional work, if needed.
4. **GROUNDWATER MONITORING PROGRAM.** The Dischargers shall submit the monitoring reports required in this Groundwater Monitoring Program (GMP). The purpose of the GMP is to provide data to answer the following questions:
- Has the lateral and vertical extent of each waste constituent in groundwater been delineated?
 - Is the size of the plume of each waste constituent decreasing in size and/or mass?
 - Has the source of each waste constituent been effectively delineated?
- a. **Monitoring.** The Dischargers shall measure groundwater elevations semiannually in all monitoring wells. Groundwater samples collected from all current groundwater monitoring wells shall be collected and analyzed on a semiannual basis using U.S. Environmental Protection Agency (USEPA) Method 8260B for the full scan of volatile organic compounds (VOCs). The Dischargers shall sample any new groundwater monitoring or extraction wells semiannually and analyze groundwater samples for VOCs. The Dischargers may provide a written proposal to change the sampling requirements in this Order. Any proposed changes are subject to San Diego Water Board approval.
 - b. **Reporting.** The Dischargers shall submit groundwater monitoring reports semiannually. Semiannual groundwater monitoring report submission to the San Diego Water Board shall commence with the report due by 5:00 p.m. on June 30, 2016. Reports shall be submitted according to the following schedule:

Monitoring Period	Report Due Date
First Semiannual	Due no later than each June 30
Second Semiannual	Due no later than each December 31

The Board will consider changing the groundwater monitoring requirements based on data submitted and delineation of the groundwater plume. Any changes in the monitoring frequency will require an Addendum to the Order.

The groundwater monitoring reports shall include:

- i. Transmittal Letter with Penalty of Perjury Statement. The letter shall be signed by the Dischargers' principal executive officers or their duly authorized representative, and shall 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.
- ii. Status Report. The semiannual report must describe relevant work completed during the reporting period and work planned for the following monitoring period.
- iii. Groundwater Elevations. Groundwater elevation data shall be presented in tabular format and shall consist of depth to groundwater (in feet below ground surface), top of casing elevations, depths to the top of well screens, lengths of well screens, and total well depths. Elevations shall be referenced to feet above mean sea level. A groundwater elevation map shall 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 shall be included in the second semiannual report each year.
- iv. Methodology. Monitoring reports shall describe purging and sample collection methodology and investigation-derived waste management procedures.
- v. Analytical Results. Monitoring reports shall describe analytical methods used, detection limits obtained for each reported constituent, and QA/QC data. All monitoring reports shall present groundwater sampling data in tabular format. Isoconcentration map(s) shall be prepared for constituents of concern (COCs) for each monitored water-bearing zone, as appropriate. Time versus concentration plots shall be prepared. Historical groundwater sampling results shall be listed in tabular form and included in the second semiannual report each year.
- vi. Site Plan. The site plan shall clearly illustrate the locations of monitoring wells, location of dry cleaner equipment and storage, and buildings located on the property and immediately adjacent to the facility.
- vii. Technical Interpretation. The monitoring reports shall provide technical interpretation of the groundwater data and describe any significant increases in

COC concentrations since the last report, any measures proposed to address the increases, any changes to the CSM, conclusions, and recommendations for future action.

- c. **Recordkeeping.** The Dischargers or their agent shall retain data generated for the above reports, including laboratory results and QA/QC data, for a minimum of six years after origination and must make them available to the San Diego Water Board upon request.
 - d. **Groundwater Monitoring Program Revisions.** Revisions to Directive 4 may be ordered by the San Diego Water Board. The Dischargers may request revisions to the GMP; however, the revisions may not be implemented until approved by the Board. Prior to making GMP revisions, the Board will consider the burden, including costs, of the groundwater monitoring reports relative to the benefits to be obtained from these reports.
5. **COMPLIANCE DATES.** For easy reference, the compliance dates for the reports required by this order are repeated below.

Directive	Directive Requirement	Due Date
1	Soil Vapor Sampling Report of Results	May 13, 2016
2	Groundwater Investigation Work Plan	May 13, 2016
3	Groundwater Investigation Report of Results	July 15, 2016
4	Semiannual Groundwater Monitoring Reports	Each June 30 and December 31

An extension of due date(s) may be granted by the San Diego Water Board for good cause.

6. **PENALTY OF PERJURY STATEMENT.** All reports must be signed by the Dischargers' corporate officers or their duly authorized representative, and must include the following statement by the official, under penalty of perjury, that the report is true and correct to the best of the official's knowledge:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

7. **DOCUMENT SUBMITTALS.** All documents prepared in compliance with this Order shall be submitted to the San Diego Water Board via the State Water Board's

Geotracker database. The Board may also request hard copies and/or electronic copies on a CD or other appropriate media, including electronic mail (email).

- a. **State Water Board Geotracker Database.** The Dischargers shall submit all documents electronically to the Geotracker database located at:

<https://geotracker.waterboards.ca.gov/esi>

The Electronic Reporting Regulations require electronic submission of any report or data required by a regulatory agency from a cleanup site after July 1, 2005. The electronic data shall be uploaded on or prior to the regulatory due dates set forth in the Order or addenda thereto. Upon receipt of the documents, the San Diego Water Board shall use the email date and time to determine compliance with the regulatory due dates specified in this Order. Note the following regarding email document submittals:

- i. Addressee. All documents shall include the following addressee information on the cover letter and/or document title page unless otherwise directed by the Executive Officer:

Executive Officer
California Regional Water Quality Control Board, San Diego Region
2375 Northside Drive, Suite 100
San Diego, California 92108-2700
Attn: Ms. Sarah Mearon

- ii. Geotracker Global ID. All documents submitted to the San Diego Water Board shall include the following Geotracker Global ID in the header or subject line: SL209194194.
- iii. Document Size. Documents larger than 100 megabytes (MB) shall be divided into separate files at logical places in the report to keep the file sizes under 100 MB.

To comply with these requirements, the Dischargers shall upload all documents, including the following minimum information, to the Geotracker database:

- i. Laboratory Analytical Data. Analytical data (including geochemical data) for all soil, groundwater, and soil vapor samples in Electronic Deliverable Format (EDF).
- ii. Locational Data. The latitude and longitude of all permanent sampling locations for which data are reported in EDF.
- iii. Site Map. The site map shall be a stand-alone document and can be submitted in various electronic formats. An updated site map may be uploaded at any time.

- b. **Hard Copies and CDs.** If requested by the San Diego Water Board, the Dischargers shall also provide any or all of the following to the Board: a hard copy of the complete document, a hard copy of the cover/transmittal letter, a hard copy of oversized drawings or maps, and an electronic copy (on a CD or other appropriate media) of the complete document.
- c. **Electronic Mail.** If requested by the San Diego Water Board, the Dischargers shall also submit a complete copy (searchable PDF file) of all documents including signed transmittal letters, professional certifications, and all data presented in the documents to:

sandiego@waterboards.ca.gov

Upon receipt of the documents, the Board shall use the email date and time to determine compliance with the regulatory due dates specified in this Order.

- 8. **VIOLATION REPORTS.** If the Dischargers violate any requirement of this Order, then the Dischargers must notify the San Diego Water Board office by telephone as soon as practicable once the Dischargers have knowledge of the violation. Depending on violation severity, the Board may require the Dischargers to submit a separate technical report on the violation within five working days of telephone notification.
- 9. **OTHER REPORTS.** The Dischargers must notify the San Diego Water Board in writing prior to Dischargers' facility activity that has the potential to cause further migration of pollutants.

10. PROVISIONS.

- a. **Waste Management.** The Dischargers shall properly manage, store, treat, and dispose of contaminated investigation-derived waste in accordance with applicable federal, state, and local laws and regulations. The storage, handling, treatment, or disposal of soil and groundwater associated with site assessments must not create conditions of nuisance as defined in Water Code section 13050(m).
- b. **Contractor/Consultant Qualifications.** All reports, plans, and documents required under this Order must 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 must be included in the report submitted by the Dischargers. The lead professional performing engineering and geologic evaluations and judgments must sign and affix their professional geologist or civil engineering registration stamp to all technical reports, plans, or documents submitted the San Diego Water Board.
- c. **Laboratory Qualifications.** All samples must be analyzed by Environmental Laboratory Accreditation Program-certified laboratories using methods approved by the USEPA for the type of analysis to be performed. All laboratories must maintain QA/QC records for San Diego Water Board review.

- d. **Laboratory Analytical Reports.** 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:
 - i. Complete sample analytical reports.
 - ii. Complete laboratory QA/QC reports.
 - iii. A discussion of the sample and QA/QC data.
 - iv. A transmittal letter that indicates whether or not all the analytical work was supervised by the director of the laboratory, and contains the following statement: "All analyses were conducted at a laboratory certified for such analyses by the Environmental Laboratory Accreditation Program in accordance with current USEPA procedures."
- e. **Reporting of Changed Owner or Operator.** The Dischargers must notify the San Diego Water Board of any changes in site occupancy or ownership associated with the property described in this Order.

11. NOTIFICATIONS.

- a. **Cost Recovery.** Upon receipt of invoices, and in accordance with instruction therein, the Dischargers must reimburse the San Diego Water Board for all reasonable costs incurred by the Board to investigate discharge of waste and to oversee cleanup of such waste, abatement of the effects thereof, or other remedial action, required by this Order and consistent with the estimation of work.
- b. **All Applicable Permits.** This Order does not relieve the Dischargers of the responsibility to obtain permits or other entitlements to perform necessary assessment activities. This includes but is not limited to actions that are subject to local, state, and/or federal discretionary review and permitting.
- c. **Enforcement Discretion.** The San Diego Water Board reserves its right to take any enforcement action authorized by law for violations of the terms and conditions of this Order.
- d. **Enforcement Notification.** Failure to comply with requirements of this Order may subject the Dischargers to enforcement action, including but not limited to administrative enforcement orders requiring the Dischargers to cease and desist from violations, imposition of administrative civil liability pursuant to Water Code section 13268 in an amount not to exceed \$1,000 for each day in which the violation occurs, referral to the State Attorney General for injunctive relief, and referral to the District Attorney for criminal prosecution. The Dischargers are severally liable for the entire amount of the administrative civil liability. The San Diego Water Board reserves the right to seek administrative civil liability from the Dischargers.

- e. **Requesting Administrative Review by the State Water Board.** Any person affected by this action of the San Diego Water Board may petition the State Water Board to review the action in accordance with section 13320 of the Water Code and Cal. Code Regs. title 23, section 2050. The petition must be received by the State Water Board, Office of Chief Counsel, within 30 calendar days of the date of this Order. Copies of the law and regulations applicable to filing petitions will be provided upon request.⁶

ORDERED BY



JAMES G. SMITH
Assistant Executive Officer

3/17/2016
DATE

⁶ Nothing in this Order prevents the Dischargers from later petitioning the State Water Resources Control Board to review other future San Diego Water Board orders regarding Style Cleaners including but not limited to subsequent investigative orders and/or cleanup or abatement orders, if any. Upon such petition, the San Diego Water Board will not assert that the Dischargers have previously waived or forfeited their right to petition the San Diego Water Board's action or failure to act under Water Code section 13320. Further, upon such petition, the San Diego Water Board will not assert that the Dischargers are precluded from petitioning for review of future orders by any failure to petition for review of this Order.