



San Diego Regional Water Quality Control Board

January 22, 2025

In reply refer to/attn:
T10000014715:Talo
T10000017258:Talo
T10000022823:Talo

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Subject: Cleanup and Abatement Order No. R9-2025-0014

Recipients:

This letter serves to notify you that the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board), has issued the following Cleanup and Abatement Order (enclosed):

- *Order No. R9-2025-0014, An Order Directing Guhn Y. Kim and Yun Soon Kim, as Administrators of the Kim Family Trust of 2017, M&E Brothers LLC, and Flor De Lys Barawid to Clean Up or Abate the Effects of an Unauthorized Release from 1654 E. Valley Parkway and 1718 E. Valley Parkway, Escondido, California (Final Order)*

On February 21, 2024, San Diego Water Board staff released Tentative Cleanup and Abatement Order No. R9-2024-0011 for public review and comment. Staff considered the written comments received on the Tentative Order to develop the Final Order. Staff's responses to the written comments are attached.

CELESTE CANTÚ, CHAIR | DAVID GIBSON, EXECUTIVE OFFICER

Any person aggrieved by the San Diego Water Board's actions to issue the Final Order may petition the State Water Resources Control Board (State Water Board) to review the actions in accordance with California Water Code section 13320. The State Water Board must receive the petition by 5:00 p.m. within 30 days after the date of the Order, except that if the thirtieth day following the date of the Order falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Water Board by 5:00 p.m. on the next business day. Copies of the law and regulations and instructions applicable to filing petitions are available at the State Water Board's website or will be provided upon request

(http://www.waterboards.ca.gov/public_notices/petitions/water_quality/index.shtml).

In the subject line of any response, include the reference codes **T10000014715:Talo**, **T10000017258:Talo**, and **T10000022823:Talo**. If you have any technical questions regarding this matter, please contact Tom Alo at Tom.Alo@waterboards.ca.gov. Legal inquiries should be directed to Alex Sauerwein at Alex.Sauerwein@waterboards.ca.gov.

Respectfully,

DAVID W. GIBSON
Executive Officer

DWG:kkd:rm:sam:tca

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Enclosures:

- (1) Cleanup and Abatement Order No. R9-2025-0014, *An Order Directing Guhn Y. Kim and Yun Soon Kim, as Administrators of the Kim Family Trust of 2017, M&E Brothers LLC, and Flor De Lys Barawid, to Clean Up or Abate the Effects of an*

Unauthorized Release from 1654 E. Valley Parkway and 1718 E. Valley Parkway, Escondido, California

(2) Responses to Comments on Tentative Cleanup and Abatement Order No. R9-2024-0011

Tech Staff Info & Use	
Geotracker Global IDs	T10000014715 – 1654 E. Valley Parkway only T10000017258 – 1718 E. Valley Parkway only T10000022823 – Site as a whole
Cost Recovery IDs	TBD
Order No.	R9-2025-0014

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

**CLEANUP AND ABATEMENT ORDER NO. R9-2025-0014
AN ORDER DIRECTING GUHN Y. KIM AND YUN SOON KIM, AS
ADMINISTRATORS OF THE KIM FAMILY TRUST OF 2017, M&E BROTHERS LLC,
AND FLOR DE LYS BARAWID, TO CLEAN UP OR ABATE THE EFFECTS OF
AN UNAUTHORIZED RELEASE FROM 1654 E. VALLEY PARKWAY
AND 1718 E. VALLEY PARKWAY, ESCONDIDO, CALIFORNIA**

The relevant facts and weight of the evidence indicate that the Parties listed below caused or permitted waste to be discharged into waters of the state and are therefore appropriately identified in this Order as the responsible parties in accordance with Health and Safety Code section 25296.10, California Code of Regulations (Cal. Code Regs.), title 23, section 2720, and as dischargers, in accordance with Water Code section 13304. The Parties are subject to the directives set forth in this Cleanup and Abatement Order (Order), as described below.

Parties:

Guhn Y. Kim and Yun Soon Kim, as Administrators of The Kim Family Trust of 2017 5490 Wolverine Terrace, Carlsbad, CA 92010	Contact: Guhn Y. Kim guhnykim@gmail.com
M&E Brothers LLC 15475 Willow Ranch Trail, Poway, CA 92064	Contact: Lys Barawid lysl61barawid@gmail.com
Flor De Lys Barawid 15475 Willow Ranch Trail Poway, CA 92064	Contact: Lys Barawid lysl61barawid@gmail.com

Property Information:

Name:	Suzy's Cleaners Former Ha's/Economy Cleaners
Addresses:	1654 E. Valley Parkway, Escondido, CA 92027 (Suzy's Cleaners)

	1718 E. Valley Parkway, Escondido, CA 92027 (Former Ha's/Economy Cleaners)
APN	231-320-2500

Property Descriptions:

The property located at 1654 E. Valley Parkway, Escondido, CA 92027 is currently occupied by Suzy's Cleaners. This Order refers to 1654 E. Valley Parkway, Escondido, CA 92027 as "1654 EVP Property."

The property located at 1718 E. Valley Parkway, Escondido, CA 92027 was formerly occupied by dry cleaning businesses, Ha's Cleaners and Economy Cleaners. It is currently occupied by an adult daycare facility. This Order refers to 1718 E. Valley Parkway, Escondido, CA 92027 as "1718 EVP Property."

This Order collectively refers to the 1654 EVP Property and 1718 EVP Property as the Properties. The Properties are located within a commercial strip mall surrounded by commercial land use to the east, west, and south, with residential land use to the north across Escondido Creek. Escondido Creek is a concrete-lined channel.

Unauthorized Releases:

Several environmental investigations have been conducted to evaluate the soil, soil vapor, indoor air, and groundwater conditions at the Site. The results of these investigations confirm the presence of wastes, including tetrachloroethene (PCE), a chemical historically used in dry cleaning operations.

This Order defines the term "Site" as the areas currently and/or potentially impacted due to the unauthorized release of waste from dry cleaning operations at the Properties. The Site is therefore determined by the lateral and vertical extents of the contamination by wastes in all media (i.e., soil vapor, sub-slab soil vapor, indoor air, groundwater, and soil).

Effective Date

I, David W. Gibson, Executive Officer, do hereby certify this Order is a full, true, and correct copy of the Order adopted by the California Regional Water Quality Control Board, San Diego Region, on January 22, 2025.

Order No. R9-2025-0014 is effective upon the date of signature.

Ordered by:

DAVID W. GIBSON

January 22, 2025

Date

TABLE OF CONTENTS

I. FINDINGS 6

 A. Legal and Regulatory Authority 6

 B. Scope of Cleanup and Abatement Order No. R9-2025-0014 8

 C. Background 9

 D. Unauthorized Release of Waste 10

 E. Updated Conceptual Site Model Report 21

 F. Site Investigation Work Plan 21

 G. Beneficial Uses of Groundwater 22

 H. Threat to Water Quality and Human Health 22

 I. Parties Responsible for the Unauthorized Release 24

 J. Cost Recovery Program 27

 K. Cleanup Levels Pursuant to Resolution No. 92-49 28

 L. Basis for Technical and Monitoring Reports 28

 M. California Environmental Quality Act Compliance 28

 N. Cost Recovery 29

 O. Delegation 29

II. DIRECTIVES 29

 A. Cleanup or Abatement of Discharged Wastes 29

 B. Site Investigation Work Plan 30

 C. Implementation of the Site Investigation Work Plan 31

 D. Site Investigation Report 31

 E. Feasibility Study 32

 F. Remedial Action Plan 34

 G. Implementation of the Remedial Action Plan 34

 H. Remedial Action Plan Progress Reports 35

 I. Remedial Action Plan Completion Report 35

 J. Interim Remedial Actions 35

 K. Penalty of Perjury Statement 36

 L. Document Submittals 36

 M. Compliance Determination for Document Submittals 37

 N. Violation Reports 37

 O. Other Reports 37

 P. Provisions 38

Q. Notifications..... 39
ATTACHMENT 1: TIME SCHEDULEA-1

List of Tables

Table 1: PCE in Groundwater Exceeding MCL..... 22
Table 2: PCE in Soil Vapor Samples Exceeding Soil Vapor Intrusion ESLs 23
Table 3: Predicted TCE Indoor Air Concentrations Exceeding TCE Indoor Air Accelerated Response Action Level..... 24
Table 4: Current and Previous Owners of 1654 and 1718 E. Valley Parkway 27

List of Figures

Figure 1: Location of Properties 9
Figure 2: Passive Soil Vapor Analytical Results for cis-1,2-Dichloroethene 18
Figure 3: Passive Soil Vapor Analytical Results for Trichloroethene..... 19
Figure 4: Passive Soil Vapor Analytical Results for Tetrachloroethene..... 20

Figure 1: Location of Properties 9
Figure 2: Passive Soil Vapor Analytical Results for cis-1,2-Dichloroethene 18
Figure 3: Passive Soil Vapor Analytical Results for Trichloroethene..... 19
Figure 4: Passive Soil Vapor Analytical Results for Tetrachloroethene..... 20

I. FINDINGS

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

A. Legal and Regulatory Authority

This Cleanup and Abatement Order (Order) conforms with and implements the following legal and regulatory provisions.

1. Water Code section 13304 subdivision (a), provides that:

“A person who has discharged or discharges waste into the waters of this state in violation of any waste discharge requirement or other order or prohibition issued by a regional board or the state board, or who has caused or permitted, causes or permits, or threatens to cause or permit any waste to be discharged or deposited where it is, or probably will be, discharged into the waters of the state and creates, or threatens to create, a condition of pollution or nuisance, shall upon order of the regional board, clean up the waste or abate the effects of the waste, or, in the case of threatened pollution or nuisance, take other necessary remedial action, including, but not limited to, overseeing cleanup and abatement efforts. A cleanup and abatement order issued by the state board or a regional board may require the provision of, or payment for, uninterrupted replacement water service, which may include wellhead treatment, to each affected public water supplier or private well owner. Upon failure of any person to comply with the cleanup or abatement order, the Attorney General, at the request of the board, shall petition the superior court for that county for the issuance of an injunction requiring the person to comply with the order. In the suit, the court shall have jurisdiction to grant a prohibitory or mandatory injunction, either preliminary or permanent, as the facts may warrant.”

2. Water Code section 13304, subdivision (c)(1), provides that:

“...[T]he person or persons who discharged the waste, discharges the waste, or threatened to cause or permit the discharge of the waste within the meaning of subdivision (a), are liable to that government agency to the extent of the reasonable costs actually incurred in cleaning up the waste, abating the effects of the waste, supervising cleanup or abatement activities, or taking other remedial action...”

3. Health and Safety Code section 25296.10 and Cal. Code Regs., title 23, section 2720, provide that:

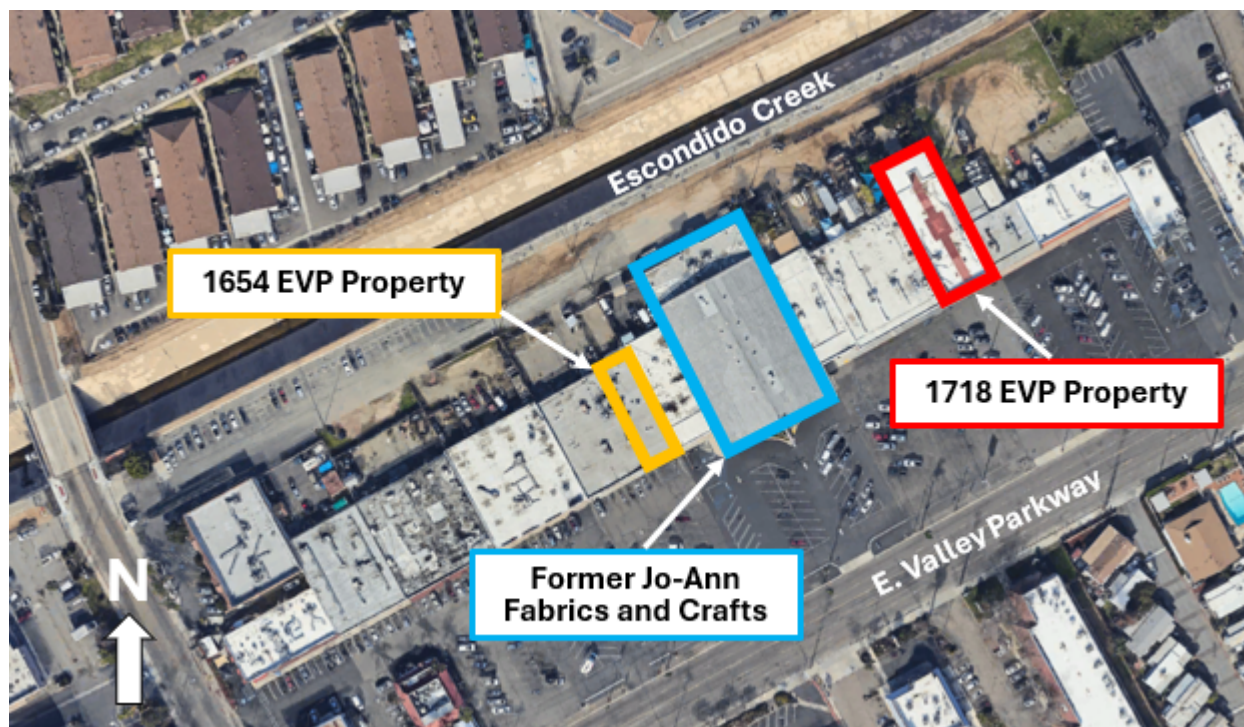
“Each owner, operator, or other responsible party shall take corrective action in response to an unauthorized release...”. A responsible party is defined as, “(1) Any person who owns or operates an underground storage tank used for the storage of any hazardous substance; (2) In the case of any underground storage tank no longer in use, any person who owned or operated the

- underground storage tank immediately before the discontinuation of its use; (3) Any owner of property where an unauthorized release of a hazardous substance from an underground storage tank has occurred; and (4) Any person who had or has control over a underground storage tank at the time of or following an unauthorized release of a hazardous substance.”
4. Health and Safety Code section 25281, subdivision (u), defines a tank as a “stationary device designed to contain an accumulation of hazardous substances which is constructed primarily of nonearthen materials, including, but not limited to, wood, concrete, steel, or plastic that provides structural support.”
 5. Health and Safety Code section 25281, subdivision (y)(1), defines an underground storage tank (UST) as “any one or combination of tanks, including pipes connected thereto, that is used for the storage of hazardous substances and that is substantially or totally beneath the surface of the ground.”
 6. Health and Safety Code section 25281, subdivision (h)(1)(B), defines hazardous substances as, among other substances, those defined in section 78075(a) of the Health and Safety Code.
 7. Health and Safety Code section 78075, subdivision (a), defines hazardous substances by referencing many authorities. Most relevant to this Order is “any toxic pollutant listed under section 1317 (a) of Title 33 of the United States Code.” (Health and Safety Code section 78075, subdivision (a)(4).)
 8. Pursuant to section 1317, subdivision (a), of Title 33 of the United States Code, U.S. Environmental Protection Agency (EPA) defines PCE and trichloroethene (TCE) as toxic pollutants. (title 40 Code of Federal Regulations, section 401.15 (59) and (63).)
 9. State Water Resources Control Board (State Water Board) Resolution No. 92-49, *Policies and Procedures for Investigation and Cleanup and Abatement of Discharges Under Water Code Section 13304*, sets forth the policies and procedures to be used during an investigation or cleanup of a polluted site and requires that cleanup levels be consistent with State Water Board Resolution No. 68-16, *The Statement of Policy With Respect to Maintaining High Quality of Waters in California* (Resolution No. 68-16), and the *Water Quality Control Plan for the San Diego Basin* (Basin Plan) adopted by the San Diego Water Board, which establishes the cleanup levels to be achieved. Resolution No. 92-49 requires dischargers to clean up or abate the effects of discharges in a manner that promotes attainment of background water quality, or the best water quality that is reasonable if background levels of water quality cannot be restored. A concentration limit greater than the background level (i.e., alternative cleanup level) may only be established in accordance with Cal. Code Regs, title 23, section 2550.4.

10. The threat of vapor intrusion into buildings at and near the Properties has caused or threatens to cause a nuisance as defined in Water Code section 13050, subdivision (m). This Order includes evidence of the potential for vapor intrusion. Soil vapor concentrations of PCE are summarized in **Findings D and H** below.
11. The San Diego Water Board may require the Parties in **Finding I** to submit a Public Participation Plan or engage in other activities to disseminate information and gather community input regarding the Site, as authorized or required by Water Code sections 13307.1, 13307.5, and 13307.6.
12. This Order requires investigation and cleanup in compliance with the Water Code, the Basin Plan, Resolution Nos. 92-49 and 68-16, and other applicable plans, policies, and regulations. All Parties in **Finding I** are responsible for complying with each requirement, unless otherwise specifically noted.

B. Scope of Cleanup and Abatement Order No. R9-2025-0014

This Order addresses the cleanup and abatement of all wastes discharged to soil and groundwater from dry cleaning operations at the Properties and the impacts thereof to soil vapor and indoor air (**Figure 1**). The following terms are defined on pages 1 and 2 of this Order: 1654 EVP Parkway, 1718 EVP Parkway, Properties, and Site.

Figure 1: Location of Properties

Properties as defined in this Order are outlined in orange and red.

C. Background

The first known presence of waste was documented in 1991 by the San Diego County Department of Environmental Health (DEH) at the 1718 EVP Property. Norman Alton Hortman and Barbara Hortman, Trustees of the Norman Alton Hortman and Barbara Hortman Revocable Trust No. 1, dated July 2, 1985 (Hortman Trust), previously owned the Property via the Hortman Trust from May 11, 1987, to August 17, 1999.¹ During this time, Norman Hortman was informed of the presence of waste at the Property and collected a soil sample from the Property (**Finding D.1**). DEH later closed the site in March 1991, but re-opened it in May 2020 based on information provided in Procopio's April 2020 letter to DEH (**Finding D.2.ii**).

In July 2020, the San Diego Water Board assumed regulatory oversight from DEH to investigate the source of environmental issues identified at the former Jo-Ann Fabrics and Crafts location.² Board staff reviewed the DEH case files and determined that (1) PCE has not been used either historically or currently at former

¹ Norman Alton Hortman and Barbara Hortman are deceased and the Hortman Trust was deemed irrevocable on March 5, 2020. The trust assets were subsequently distributed, and the trust closed. As such, this CAO recognizes the ownership history and contamination history as explained in Finding I.D. The San Diego Water Board reserves the right to amend this CAO to name additional parties if necessary.

² The former Jo-Ann Fabrics and Crafts, located at 1680 E. Valley Parkway, Escondido, CA 92027, is outlined in blue on **Figure 1**.

Jo-Ann Fabrics and Crafts location, and (2) the following dry cleaner facilities within the strip mall caused or contributed to elevated PCE concentrations found in soil vapor beneath the former Jo-Ann Fabrics and Crafts location:

1. Suzy's Cleaners (**Figure 1**, outlined in orange), located approximately 50 feet west of the former Jo-Ann Fabrics and Crafts.³
2. Former Ha's Cleaners (from about 1986 to about 1991) and former Economy Cleaners (from about 1991 until about 1999) (**Figure 1**, outlined in red), located approximately 150 feet east of the former Jo-Ann Fabrics and Crafts.⁴

D. Unauthorized Release of Waste

Several environmental inspections and investigations have been conducted to evaluate the soil, soil vapor, indoor air, and groundwater conditions at the Site. The results of these investigations confirm the presence of waste and are described below.

1. **Non-Permitted Underground Storage Tank.** On January 2, 1991, DEH conducted an inspection at Economy Cleaners and issued a Notice of Violation (NOV) to the property manager, Ken Creed, for the installation of a non-permitted UST.⁵ The DEH inspection report states, "[t]his tank appears to have leaked and allowed an unauthorized release of hazardous waste to the ground. On this date this tank was filled with a liquid which may be contaminated with hazardous waste. It also appears that a sludge has collected at the bottom of the tank. There is a [sic] odor of solvent/cleaning product from this liquid and sludge."

On February 15, 1991, Norman Hortman, property owner of 1718 EVP Economy Cleaners, collected a soil sample beneath the UST, according to information included on the analytical laboratory chain-of-custody record. The sample was collected from about 3 feet off the center of the UST at a depth of about 5 feet below the bottom of the UST.⁶ The soil sample was analyzed for chlorinated solvents using EPA Method 8010. Chlorinated solvents were not detected at concentrations above the respective laboratory reporting limits.

On March 22, 1991, DEH conducted an inspection for the closure of the non-permitted UST. The UST was identified as a 55-gallon drum in good condition and was closed in place by decontaminating it and then filling it with 1/3 yard of cement. Based on the closure of the UST and analytical results for the soil

³ Located at 1654 E. Valley Parkway, Escondido, CA 92027.

⁴ Located at 1718 E. Valley Parkway, Escondido, CA 92027.

⁵ The NOV lists Economy Cleaners as the Business Name and Norman Hortman as the Owner Name.

⁶ This sample was not taken by a qualified professional, so it is unknown if this sample was representative.

sample collected by Norman Hortman, DEH determined that no further action was required.

The 55-gallon drum was used to store hazardous substances and was buried directly under the 1718 EVP Property. When PCE is discharged into soil and groundwater, over time, it can degrade to more toxic breakdown products, such as TCE. The 55-gallon drum is a UST because it was placed underground to be stationary, was made of non-earthen materials, and contained hazardous substances (**Finding I.A.**). The Health and Safety Code defines hazardous substances as those listed by the EPA as toxic pollutants under the Clean Water Act (**Finding I.A.**). EPA listed PCE and TCE as toxic pollutants in 1979 (**Finding I.A.**). As such, PCE and TCE are hazardous substances under the Health and Safety Code and the 55-gallon drum qualifies as a UST.

2. **Department of Environmental Health Official Notice.** DEH staff issued two letters to Guhn Kim, administrator of the Kim Family Trust of 2017 (Kim Family Trust), regarding the results of the environmental investigations conducted at the former Jo-Ann Fabrics and Crafts located between the Properties (**Figure 1**).
 - i. On February 7, 2020, DEH issued a letter to Guhn Kim, administrator of the Kim Family Trust, recommending that he enroll in DEH's Voluntary Assistance Program (VAP) and conduct an environmental investigation at the 1654 EVP Property to determine whether a release of PCE had occurred from the dry cleaning operations.⁷ DEH's recommendation was based on its review of the environmental reports described in **Findings D.3.i to D.3.vii** below. DEH's letter states:

Evidence of a release of chlorinated solvents from the Site [1654 EVP Property] are as follows:

- *PCE contamination in soil vapor was detected in the building at 1680 East Valley Parkway, located approximately 50 feet northeast from the Site. PCE detections in vapor at 1680 East Valley Parkway are higher on the westward side of the suite than the eastward side. PCE contamination in vapor was also detected in the suite at 1670 East Valley Parkway, located adjacent to the Site, between the Site and 1680 East Valley Parkway.*
- *There is no documentation of PCE being used at 1680 East Valley Parkway, currently or historically.*

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https://documents.geotracker.waterboards.ca.gov/regulators/deliverable_documents/8766614615/Suzy%20Cleaners%20Official%20Notice.pdf

- *Following a vapor extraction pilot test at 1680 East Valley Parkway, PCE-impacted soil vapors rebounded, but the rebound was delayed indicating that the 1680 East Valley Parkway suite is not the source of the impacts.*
 - *A dry cleaner has operated on the Site for decades and PCE waste was generated on the Site. DEH is aware that multiple efforts have been made for Geosyntec to access the Site and conduct environmental sampling but that, to date, all efforts to gain access have been denied. There is no available environmental data to indicate that a release has not occurred on the Site.*
- ii. On May 5, 2020, DEH issued a letter to Guhn Kim, administrator of the Kim Family Trust, providing responses to Procopio's April 22, 2020, comment letter regarding Suzy's Cleaners.⁸ Procopio's letter suggests that a source of the PCE may also be the former Ha's Cleaners located east of the former Jo-Ann Fabrics and Crafts. DEH's letter states:

Based on the items addressed in your Letter, DEH concurs that there is sufficient information to suggest that Ha's [1718 EVP Property] may also be contributing to the PCE discovered at JF [Jo-ann Fabrics]. At this time, DEH will also issue a notice to Ha's to investigate their site. However, because your Site is a potential contributor to the PCE release, you will still be required to conduct investigation at the Site as specified in the February 2, 2020, letter. This requires the submittal of a VAP application by May 7, 2020, as formerly agreed between you and DEH. Failure to proceed with an investigation of your site on a voluntary basis may result in the issuance of an order to proceed with corrective action.

3. **Environmental Investigations.** The analytical results from the following assessments confirm the presence of wastes at the Site. The Properties are the most likely sources of these wastes due to unauthorized releases from dry cleaning operations.
- i. In March 2015, Ninyo & Moore, a geotechnical and environmental sciences consulting firm, conducted a Phase I Environmental Site Assessment⁹ at the former Jo-Ann Fabrics and Crafts that identified the 1654 EVP Property as a Recognized Environmental Condition. Ninyo and Moore subsequently conducted a soil vapor survey to evaluate

⁸

https://documents.geotracker.waterboards.ca.gov/regulators/deliverable_documents/3047681510/Suzy%20Cleaners%20Procopio%20Response%20%20050520.pdf

⁹

https://documents.geotracker.waterboards.ca.gov/regulators/deliverable_documents/8684766471/107903003%20L%20HHRA%20master.pdf

whether historical and/or current dry cleaning operations in the vicinity of the former Jo-Ann Fabrics and Crafts may have resulted in volatile organic compound (VOC) impacts to vadose-zone soil beneath the former Jo-Ann Fabrics and Crafts. PCE was identified in shallow soil vapor ranging from 150 to 18,000 micrograms per cubic meter ($\mu\text{g}/\text{m}^3$).

Based on the results, Ninyo & Moore concluded that the 1654 EVP Property is the likely source of PCE detected in soil vapor and not Jo-Ann Fabrics.

- ii. In April 2015, Ninyo & Moore conducted an indoor air assessment¹⁰ at the former Jo-Ann Fabrics and Crafts. Indoor air concentrations of benzene, carbon tetrachloride, 1,2-dichloroethane, and PCE were detected at concentrations slightly above commercial screening levels for ambient air.
- iii. In February 2017, Geosyntec Consultants, an engineering and consulting firm, installed two temporary soil vapor extraction pits¹¹ at the former Jo-Ann Fabrics and Crafts to collect additional soil vapor data: SP-1 near the west wall closest to the 1654 EVP Property and SP-2 near the east wall closest to the 1718 EVP Property. Laboratory analysis of soil vapor samples collected from SP-1 during a soil vapor extraction test detected PCE concentrations at 6,600 $\mu\text{g}/\text{m}^3$, at the beginning of the test (9:57) and 7,400 $\mu\text{g}/\text{m}^3$, at the end of the test (13:00). Soil vapor samples collected from SP-2 detected PCE concentrations at 1,000 $\mu\text{g}/\text{m}^3$, at the beginning of the test (14:00) and 1,100 $\mu\text{g}/\text{m}^3$, at the end of the test (17:00).

Based on these results, Geosyntec concluded that the 1654 EVP Property is the likely source of PCE detected in soil vapor.

- iv. In September 2018, Geosyntec Consultants conducted additional soil vapor and indoor air investigations¹² at the former Jo-Ann Fabrics and Crafts to assess current subsurface soil vapor conditions and indoor air quality. PCE was detected in soil vapor at concentrations ranging from 100 to 7,300 $\mu\text{g}/\text{m}^3$. PCE was detected in indoor air at concentrations of 3.1 and 7.2 $\mu\text{g}/\text{m}^3$, which exceed the commercial risk-based screening

¹⁰

https://documents.geotracker.waterboards.ca.gov/regulators/deliverable_documents/5493100821/107903003%20L%20IAQ%20master.pdf

¹¹ https://documents.geotracker.waterboards.ca.gov/regulators/deliverable_documents/4061444938/Jo-Ann%20Fabrics%204.20.17.f.pdf

¹² https://documents.geotracker.waterboards.ca.gov/regulators/deliverable_documents/2289487540/Jo-Ann%20Fabrics%2001.25.2019.F.pdf

level of 2.0 $\mu\text{g}/\text{m}^3$.¹³

- v. In April/May 2019, Geosyntec Consultants conducted a 30-day soil vapor extraction test¹⁴ at two extraction wells, EW-1 and EW-2, to further evaluate (1) the persistence of subsurface VOC impacts in soil vapor beneath the former Jo-Ann Fabrics and Crafts, (2) whether subsurface VOCs present in soil vapor could be reduced to concentrations that no longer represent unacceptable risk to commercial occupants due to soil vapor intrusion, and (3) whether observed rebound of VOCs in sub-slab probes are likely to represent unacceptable risk to commercial occupants over time as VOCs begin to migrate back to the former Jo-Ann Fabrics and Crafts from off-site source areas. The soil vapor extraction test results indicated the following:
- The soil vapor extraction test significantly reduced subsurface VOC concentrations beneath the former Jo-Ann Fabrics and Crafts. PCE concentrations detected in the sub-slab probes during the intermediate sampling event ranged from below the laboratory detection limit to 360 $\mu\text{g}/\text{m}^3$ and during the shutdown sampling event ranged from 4.1 to 19 $\mu\text{g}/\text{m}^3$.
 - Minimal VOC concentration rebound was observed during the first rebound sampling event conducted two weeks following the pilot test. PCE concentrations in sub-slab soil vapor remained very low, with PCE only detected above the laboratory detection limit in one sub-slab probe (VP-1) at a concentration of 310 $\mu\text{g}/\text{m}^3$. PCE concentrations during the baseline sampling event ranged from 2,200 to 24,000 $\mu\text{g}/\text{m}^3$.
- vi. In July 2019, Geosyntec Consultants conducted a 2-month soil rebound sampling event.¹⁵ VOC concentrations observed in the sub-slab probes during the 2-month rebound sampling event were two to three orders of magnitude greater than those observed during the 2-week rebound sampling event in most of the probes. PCE concentrations during the 2-month rebound sampling event ranged from 440 to 2,100 $\mu\text{g}/\text{m}^3$.

¹³ <https://dtsc.ca.gov/wp-content/uploads/sites/31/2022/02/HHRA-Note-3-June2020-Revised-May2022A.pdf>

¹⁴

https://documents.geotracker.waterboards.ca.gov/regulators/deliverable_documents/8374540030/SVEPilotTestRpt%2020190625.f.pdf

¹⁵

https://documents.geotracker.waterboards.ca.gov/regulators/deliverable_documents/4779126822/Addendum%20Memo%2020190731.f.pdf

Based on these results, Geosyntec concluded that the 1654 EVP Property is the likely source of PCE detected in soil vapor.

- vii. In November/December 2019, to address Suzy's Cleaners representatives' concerns regarding the pilot test results, Geosyntec Consultants (1) installed and sampled a third soil vapor extraction (SVE) well (SVE-3) along the east side of the former Jo-Ann Fabrics and Crafts closest to the former Ha's/Economy Cleaners, and (2) conducted additional sampling of the sub-slab probes at the former Jo-Ann Fabrics and Crafts to further evaluate the likely source(s) of PCE vapors beneath the former Jo-Ann Fabrics and Crafts, and the potential risk to the commercial occupants resulting from soil vapor intrusion.¹⁶ The results of the investigation were the following:
- The PCE concentrations detected in the two existing SVE wells (790 µg/m³ at EW-1 and 1,800 µg/m³ at EW-2) were lower than the PCE concentration detected in the newly installed SVE-3 well (3,000 µg/m³). These results were expected because no soil vapor extraction had been conducted in SVE-3 and the location of SVE-3 is beyond the approximate 50-foot radius of influence identified for the soil vapor extraction pilot test.
 - Consistent with prior sub-slab and shallow soil vapor sampling events conducted between 2015 and 2019, the highest sub-slab PCE concentration was detected in a sample collected from VP-2 near the western boundary of the former Jo-Ann Fabrics and Crafts. PCE concentrations ranged from 8.8 (VP-1) to 3,400 µg/m³ (VP-2) and exhibited a similar trend to the previous rebound sampling event conducted in July 2019. Further, concentrations were elevated overall compared to the July 2019 sampling event.

Based on these results, Geosyntec concluded that the 1654 EVP Property is the likely source of the PCE detected in soil vapor and that the 1654 EVP Property can only be ruled out as the source by conducting a comprehensive soil vapor survey.

- viii. In February and March 2022, Innovative Environmental Solutions (IES) conducted a site investigation¹⁷ to evaluate soil, soil vapor, and groundwater conditions at the Site and found the following:

¹⁶

https://documents.geotracker.waterboards.ca.gov/regulators/deliverable_documents/6548200309/VE3SamplingRpt%2020200110.f.pdf

¹⁷

https://documents.geotracker.waterboards.ca.gov/es/uploads/geo_report/6537341654/T10000014715.PDF

- PCE was detected in soil at concentrations ranging from 1.1 to 6.1 micrograms per kilogram ($\mu\text{g}/\text{kg}$).
- PCE and TCE were detected in soil vapor at concentrations ranging from 440 to 110,000 $\mu\text{g}/\text{m}^3$ and 67 to 670 $\mu\text{g}/\text{m}^3$, respectively.
- PCE was detected in groundwater at concentrations of 2.5 and 5.7 micrograms per liter ($\mu\text{g}/\text{L}$).

Based on the results of the site investigation, IES recommended that the 1654 EVP Property should be given a No Further Action determination, and the 1718 EVP Property should be identified as the sole source of the PCE detected beneath the Site. San Diego Water Board staff disagreed with IES's recommendations because the recommendation failed to prove that the 1654 EVP Property was not contaminated with waste, so staff recommended that additional data be collected to supplement the information collected in the preliminary assessment.

- ix. In April 2022, Weis Environmental conducted an indoor air investigation¹⁸ during the spring season to evaluate the indoor air quality at the 1718 EVP Property. The 1718 EVP Property is composed of two office spaces. Two indoor air samples were collected in the front and rear areas of the east building space and one indoor air sample was collected in the central area of the west building space. PCE was detected in indoor air samples at concentrations ranging from 0.995 to 1.81 $\mu\text{g}/\text{m}^3$. TCE was not detected.

A formal work plan for the indoor air investigation had not been prepared and submitted to San Diego Water Board staff for review and approval prior to sampling. Although the indoor air investigation was conducted in general accordance with vapor intrusion guidance documents, there are data gaps that led to incomplete reporting regarding the indoor air investigation. Such data gaps include, but are not limited to, collecting indoor air samples at targeted locations within the building spaces (e.g., bathroom and known subsurface source areas) and collecting paired indoor air and sub-slab samples, as recommended in the February 2023 VI Supplemental Guidance. The San Diego Water Board reiterates that these reports have not demonstrated the absence of an unauthorized waste discharge. Further, the evidence shows that the site remains contaminated.

18

https://documents.geotracker.waterboards.ca.gov/regulators/deliverable_documents/6264341056/1718%20E%20Valley%20Parkway%20Letter%20Report%20-%20Final.pdf

- x. In September 2022, Innovative Environmental Solutions conducted a passive soil vapor survey¹⁹ to evaluate the source(s) and lateral extent of chlorinated solvents in soil vapor beneath the Site. Elevated soil vapor concentrations of cis-1,2-dichloroethene, PCE, and TCE are present beneath the Site, as shown below on **Figures 2 to 4**.

Based on the results of the passive soil vapor survey, IES again recommended that the 1654 EVP Property be given a No Further Action determination, and the 1718 EVP Property be identified as the sole source of the PCE detected beneath the Site. San Diego Water Board staff disagreed with IES's recommendations and required that (1) the assumptions made by IES in the passive soil vapor survey report be validated by collecting site-specific soil, soil gas, and groundwater data, and (2) additional investigation and potential remediation be conducted prior to consideration of a No Further Action determination. San Diego Water Board reiterates that these reports have failed to prove that there was an unauthorized discharge of waste and that the Site is still contaminated.

- xi. In October 2022, Weis Environmental conducted an indoor air investigation²⁰ during the fall season to evaluate the indoor air quality at the 1718 EVP Property. Three indoor air samples were collected in the same areas as the indoor air samples collected in April 2022. PCE was detected in indoor air at concentrations ranging from 0.88 to 4.3 µg/m³. TCE was not detected.

Similar to the April 2022 indoor air investigation, a formal work plan had not been prepared and submitted to San Diego Water Board staff for review and approval prior to sampling. As such, there is additional work that needs to be conducted to confirm the results of the October 2022 indoor air investigation.

¹⁹

https://documents.geotracker.waterboards.ca.gov/esi/uploads/geo_report/1899325370/T10000014715.PDF

²⁰

https://documents.geotracker.waterboards.ca.gov/esi/uploads/geo_report/1940432906/T10000017258.PDF

Figure 2: Passive Soil Vapor Analytical Results for cis-1,2-Dichloroethene

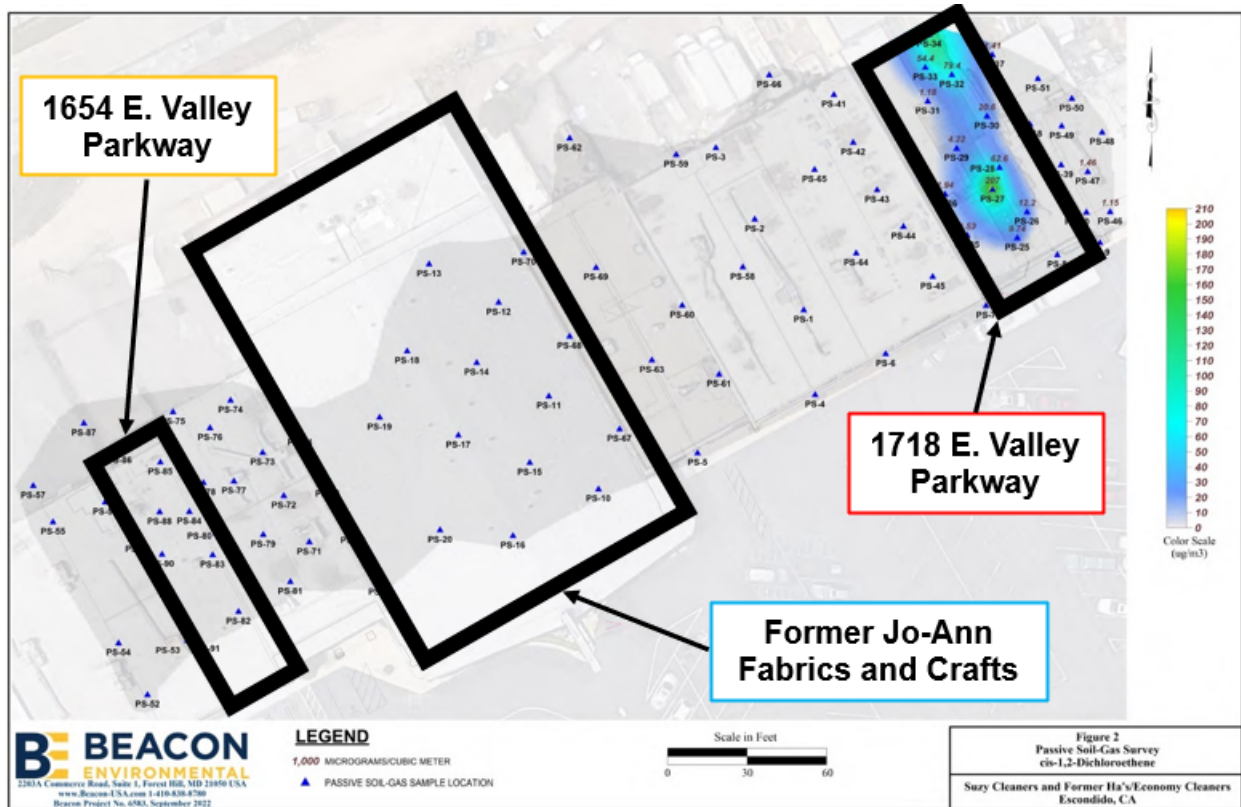


Figure 3: Passive Soil Vapor Analytical Results for Trichloroethene

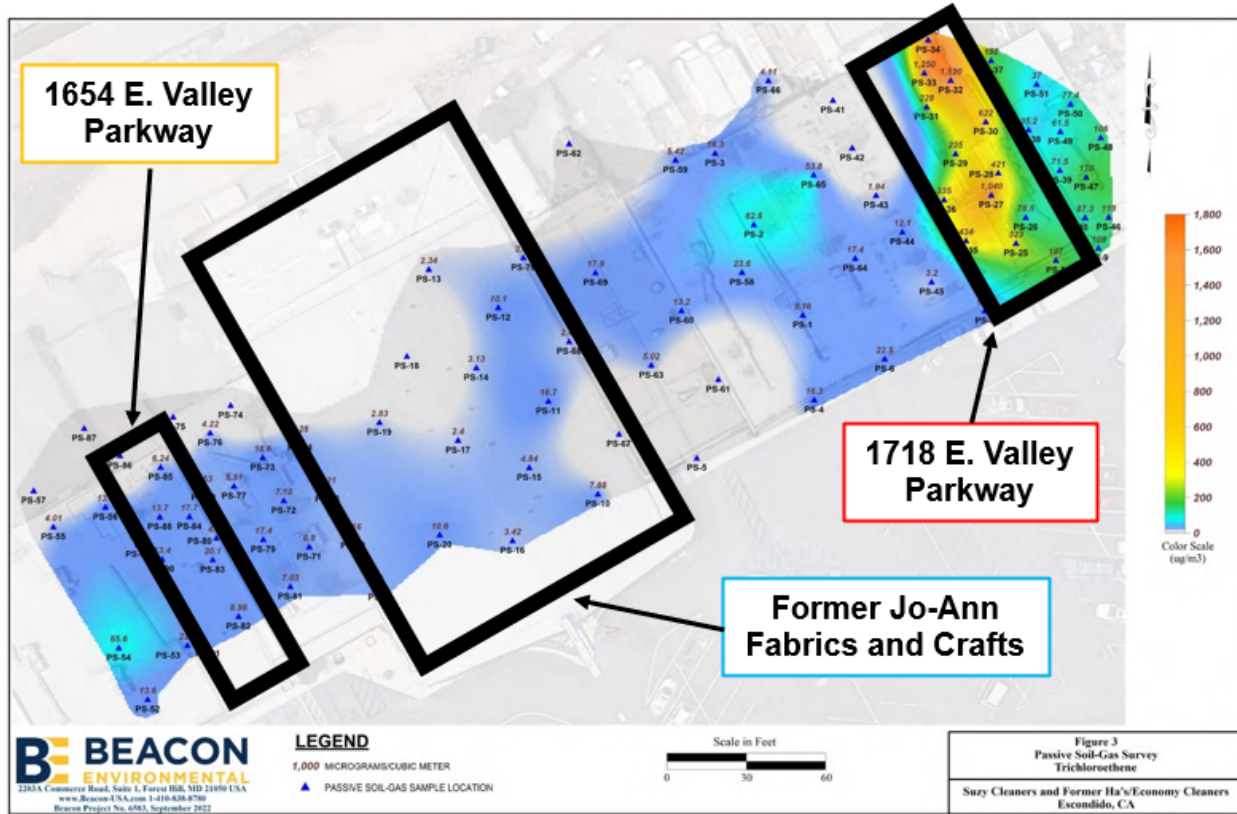
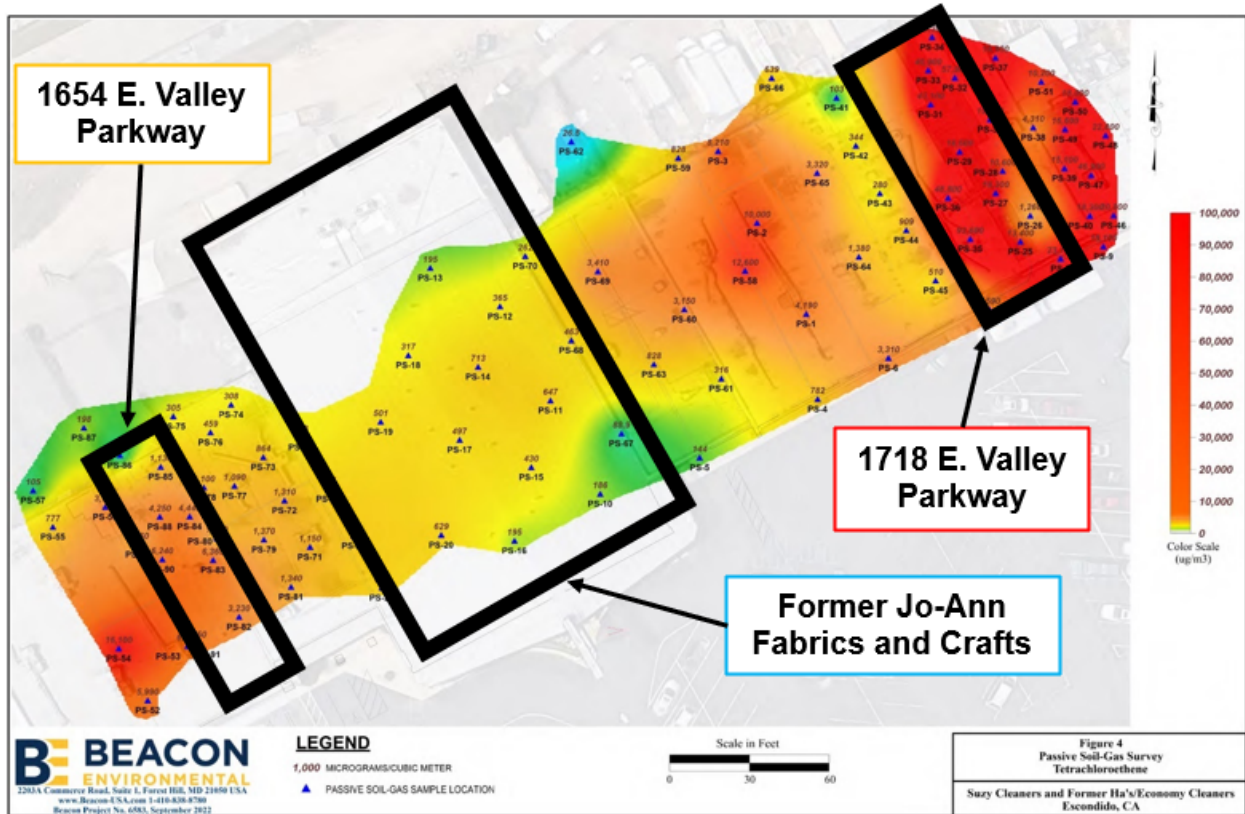


Figure 4: Passive Soil Vapor Analytical Results for Tetrachloroethene



E. Updated Conceptual Site Model Report

In January 2023, Innovative Environmental Solutions submitted a Conceptual Site Model (CSM) Report to the San Diego Water Board based on the results of the site investigation and passive soil vapor survey described in **Finding D.3**. San Diego Water Board staff provided written comments on the CSM Report in February and March 2023, and directed Guhn Kim to submit a final version of the CSM report based on staff's comments. In March 2023, IES submitted an Updated CSM Report.²¹ The Updated CSM Report identifies data gaps and recommends the following:

Additional site assessment is necessary to investigate the source and potential for vapor intrusion and impacts to human health from the PCE-derived subsurface vapors reported within the study area. PCE and TCE concentrations detected to date at 1654 EVP do not indicate the need for any emergency response actions at this time. Based on the November 19, 2022 RWQCB letter, the following recommendations apply to the assessment of conditions at 1654 EVP. Unfortunately, due to historical interpretations presented by various environmental consultants, "up-gradient" areas as well as suspected near-Site source and suspected "down-gradient" assessment will likely be required to confirm this CSM.

To date, only three soil samples from a single boring location to the northwest of 1654 EVP have been analyzed. IES believes additional shallow soil assessment within the 1654 EVP suite is warranted to determine if source soil is present at this location. Similarly, soil sampling in the immediate vicinity of the PCE "Hot Spots" identified at 1700/1702 and 1652 EVP can determine if PCE source soil is present in those locations.

To date, only one groundwater grab sample from a single boring location to the northwest of 1654 EVP the Site has been analyzed. Additional groundwater assessment, through the installation of fixed groundwater monitoring wells which would allow the analysis of Site-specific groundwater quality, gradient and flow direction, are necessary to confirm the release scenario. To accomplish this, IES proposes to prepare a Work Plan for Additional Site Assessment focusing on areas of impact identified at 1652, 1654 and at other locations, to be proposed after the RWQCB has had an opportunity to review and respond to this CSM.

F. Site Investigation Work Plan

In April 2023, IES submitted a Site Investigation Work Plan to the San Diego Water Board for staff review and approval. From September to December 2023, there were multiple rounds of responses to comments regarding the work plan

²¹

https://documents.geotracker.waterboards.ca.gov/esi/uploads/geo_report/1973010480/T10000014715.PDF

between IES and San Diego Water Board staff. As of the date of this Order, the Site Investigation Work Plan has not been finalized due to Guhn Kim's decision to terminate the agreement to participate in the Cost Recovery Program, as described in **Finding J**.

G. Beneficial Uses of Groundwater

The Site is located within the Escondido Hydrologic Subarea (4.62) in the Escondido Hydrologic Area (4.60) of the Carlsbad Hydrologic Unit (4.00). The Basin Plan²² designates beneficial uses for waters of the state and establishes water quality objectives to protect these uses. Present and potential future beneficial uses of groundwater within the Escondido Hydrologic Sub Area are municipal and domestic supply (MUN), agricultural supply (AGR), and industrial service supply (IND). Water quality objectives to support the MUN use are more stringent than those for AGR and IND uses. The water quality objectives for MUN are the Maximum Contaminant Levels (MCLs)²³ specified in Table 64444-A of Cal. Code Regs. title 22, section 64444.

H. Threat to Water Quality and Human Health

The environmental inspections and investigations described in **Finding D** indicate there is a threat to water quality and human health due to the presence of wastes at the Site. As shown in **Table 1** below, the PCE concentration in groundwater at the Site exceeds the MCL, which indicates the potential impairment of the MUN beneficial use. As shown in **Table 2** below, the PCE concentrations in soil vapor at the Site exceed the Environmental Screening Levels (ESL)²⁴ for PCE, which indicate potential cancer and non-cancer risks to commercial/industrial building occupants from vapor intrusion. As shown in **Table 3** below, the predicted TCE indoor air concentrations based on the TCE soil vapor concentrations exceed the accelerated response action level for TCE under a commercial/industrial exposure scenario (8-hour workday). TCE, however, was not detected in the April 2022 and October 2022 indoor air investigations, but there are data gaps that led to incomplete reporting as described in **Findings D.3.ix and D.3.xi**.

Table 1: PCE in Groundwater Exceeding MCL

Location	Sample Date	Sample ID	Depth (feet below ground surface [bgs])	PCE Groundwater (µg/L)	PCE MCL (µg/L)
1718 EVP Property	2/22/23	SB-3	15	5.7	5

²² https://www.waterboards.ca.gov/sandiego/water_issues/programs/basin_plan/

²³ https://www.waterboards.ca.gov/drinking_water/certlic/drinkingwater/Chemicalcontaminants.html

²⁴ https://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/esl.shtml

Table 2: PCE in Soil Vapor Samples Exceeding Soil Vapor Intrusion ESLs

Location	Sample Date	Sample ID	Depth (feet bgs)	PCE Soil Vapor ^{(a)(b)} ($\mu\text{g}/\text{m}^3$)
1654 EVP Property	3/2/22	DGP-1	10	3,600
	3/2/22	SGP-1	5	6,800
	3/2/22	SSP-1	0.5	5,100
	3/2/22	SGP-2	5	11,000
	3/2/22	SSP-1	0.5	3,300
1680 EVP Property (Former Jo-Ann Fabrics and Crafts)	3/1/22	VP-2	0.5	2,600
	3/1/22	SGP-3	5	1,800
	3/1/22	SGP-7	5	1,700
	3/1/22	VP-4	0.5	1,700
	3/1/22	VP-5	0.5	1,200
	3/1/22	SGP-8	5	1,800
1718 EVP Property	2/2/22	SSP-3	0.5	110,000
	2/2/22	SGP-5	5	100,000
	3/3/22	DGP-3	5	47,000
	3/3/22	DGP-3	15	61,000
	3/2/22	DGP-4	5	3,900
	3/2/22	DGP-4	10	12,000

(a) PCE soil vapor intrusion ESL for cancer risk = $670 \mu\text{g}/\text{m}^3$ (b) PCE soil vapor intrusion ESL for noncancer risk = $5,800 \mu\text{g}/\text{m}^3$

Table 3: Predicted TCE Indoor Air Concentrations Exceeding TCE Indoor Air Accelerated Response Action Level

Location	Sample Date	Sample ID	Depth (feet bgs)	TCE Soil Vapor ($\mu\text{g}/\text{m}^3$)	Predicted TCE in Indoor Air ^{25(a)(b)(c)} ($\mu\text{g}/\text{m}^3$)
1718 EVP Property	2/22/22	SSP-3	0.5	670	20
	2/22/22	SGP-5	5	390	12

(a) EPA Region 9 Interim TCE Accelerated Response Action Level = $8 \mu\text{g}/\text{m}^3$

(b) EPA Region 9 Interim TCE Urgent Response Action Level = $24 \mu\text{g}/\text{m}^3$

(c) TCE was not detected in the April 2022 and October 2022 indoor air investigations; however, there are data gaps that need to be addressed as described in **Findings D.3.ix and D.3.xi**.

I. Parties Responsible for the Unauthorized Release

The relevant facts and weight of the evidence indicate that the Parties listed on the first page of this Order and described below in **Table 4** caused or permitted waste to be discharged into waters of the state and are therefore appropriately identified in this Order as the responsible parties, in accordance with Health and Safety Code section 25296.10 and Cal Code Regs, title 23, section 2720. The Parties are also appropriately identified as dischargers, in accordance with Water Code 13304. This Order will only use the term Parties to refer to responsible persons under Health and Safety Code section 25296.10, which is defined in Cal Code Regs, title 23, section 2720, and to dischargers as defined in Water Code 13304.

1. M&E Brothers LLC is a discharger because, as the current owner of the 1718 EVP Property, it has caused or permitted waste to be discharged or deposited where it has discharged to waters of the state and has created, and continues to threaten to create, a condition of pollution and/or nuisance.²⁶ As the current owner of the 1718 EVP Property, M&E Brother LLC has the legal ability to

²⁵ Based on an attenuation factor of 0.03.

²⁶ *Tesoro Refining & Marketing Company LLC v. Los Angeles Regional Water Quality Control Board*, 42 Cal.App.5th 453, 457 (2019), held “the term ‘discharge’ must be read to include not only the initial occurrence [of a discharge], but also the passive migration of the contamination into the soil.” The Court affirmatively cited State Board precedent: “State Board held that a continuous and ongoing movement of contamination from a source through the soil and into the groundwater is a discharge to waters of the state and subject to regulation.” (*Ibid.*, citing State Water Board Order WQ 86-2 (*Zoecon Corp.*), WQ74-13 (*Atchison, Topeka, et al*), and WQ 89-8 (*Spitzer*) [“[D]ischarge continues as long as pollutants are being emitted at the site.”]. See also State Water Board Order WQ 89-1 (*Schmidl*.) Under California law, courts have historically held, and modern courts maintain, that possessors of land may be liable for a nuisance on that land even if the possessor did not create the nuisance. (See *Leslie Salt Co. v. San Francisco Bay Conservation and Dev. Comm’n* (1984) 153 Cal.App.3d 605, 619–620.)

- control the discharge. Further, M&E Brothers LLC is a responsible party under Health and Safety Code section 25296.10 and Cal Code Regs, title 23, section 2720, because it is an owner of property where an unauthorized release of a hazardous substance from a UST has occurred.
2. Flor De Lys Barawid is a discharger because, as the former owner of the 1718 EVP Property, Flor De Lys Barawid knew or should have known that activities on the Property created a reasonable possibility of discharge into waters of the state of wastes that could create or threaten to create a condition of pollution or nuisance, and Barawid had the ability to control those discharges. Further, Flor De Lys Barawid is a responsible party under Health and Safety Code section 25296.10 and California Code of Regulations, title 23, section 2720 because Barawid had control over a UST at the time of or following an unauthorized release of a hazardous substance.
 3. The Kim Family Trust is a discharger because as the current owner of the 1654 EVP Property, it has caused or permitted waste to be discharged or deposited where it has discharged to waters of the state and has created, and continues to threaten to create, a condition of pollution and/or nuisance.²⁷ As the current owner of the 1654 EVP Property, The Kim Family Trust of 2017 has the legal ability to control the discharge.
 4. Guhn Y. Kim and Yun Soon Kim are dischargers because, as the former owners of the 1654 EVP Property, Guhn Y. Kim and Yun Soon Kim knew or should have known that activities at the 1654 EVP Property created a reasonable possibility of discharge into waters of the state of wastes that could create or threaten to create a condition of pollution or nuisance, and had the ability to control those discharges.
 5. Decades of San Diego Water Board staff experience with industries that use, store, and transfer chemicals such as petroleum products and solvents (e.g., containing total petroleum hydrocarbons and volatile organic compounds, etc.) indicate that small amounts of spilled chemicals have the potential to discharge during routine operations, and seep through concrete and other intended containment, leading to the type of contamination found at the Site.

²⁷ *Tesoro Refining & Marketing Company LLC v. Los Angeles Regional Water Quality Control Board*, 42 Cal.App.5th 453, 457 (2019), held “the term ‘discharge’ must be read to include not only the initial occurrence [of a discharge], but also the passive migration of the contamination into the soil.” The Court affirmatively cited State Board precedent: “State Board held that a continuous and ongoing movement of contamination from a source through the soil and into the groundwater is a discharge to waters of the state and subject to regulation.” (*Ibid.*, citing State Water Board Order WQ 86-2 (*Zoecon Corp.*), WQ74-13 (*Atchison, Topeka, et al*), and WQ 89-8 (*Spitzer*) [“[D]ischarge continues as long as pollutants are being emitted at the site.”]. See also State Water Board Order WQ 89-1 (*Schmidl*.) Under California law, courts have historically held, and modern courts maintain, that possessors of land may be liable for a nuisance on that land even if the possessor did not create the nuisance. (See *Leslie Salt Co. v. San Francisco Bay Conservation and Dev. Comm’n* (1984) 153 Cal.App.3d 605, 619–620.)

The Board is currently overseeing numerous cleanup operations resulting from improper and inadequate handling of hazardous materials. Standard chemical handling practices often unknowingly allow adverse environmental impacts, like the ones observed at the Site, to occur. These factors, taken as a whole, lead to the conclusion that the Parties have discharged high concentrations of chemicals of concern, which must be cleaned up or abated to protect the environment and human health.²⁸

6. The Parties caused or permitted PCE to be discharged or deposited where the wastes are or likely will pose a potential human health threat to occupants of the Site through direct contact exposure to contaminated soil, soil vapor, and/or groundwater, through vapor intrusion into indoor air, or through other exposure pathways.
7. The San Diego Water Board will consider whether additional parties caused or permitted the discharge of waste at the Site and whether additional parties should be added to this Order. The Board may amend this Order or issue a separate order or orders in the future as more information becomes available. The Board is issuing this Order to avoid further Site remediation delays.

²⁸ State Board Order WQ 86-16 (*Stinnes-Western*) supports the use of evidence of chemical use, standard chemical handling practices, and detections of those chemicals in the environment as reasonable bases supporting a cleanup and abatement order. “As noted earlier, given the very low action levels for these chemicals, today we are concerned with any discharge.” (*Ibid.* at n. 4.)

Table 4: Current and Previous Owners of 1654 and 1718 E. Valley Parkway

Property	Name	Ownership Date	Records
1654 EVP	Guhn Y. Kim and Yun Soon Kim	1991-2016	Tax Assessor Records
1654 EVP	Kim Family Trust	2017-present	Tax Assessor Records
1718 EVP	M&E Brothers LLC	December 29, 2004-present	Individual Deed
1718 EVP	Jaime M. Barawid and Flor De Lys Barawid, Husband and Wife as Joint Tenants	August 17, 1999-December 29, 2004	Grant Deed
1718 EVP	Norman Alton Hortman and Barbara Hortman, Trustees of the Norman Alton Hortman and Barbara Hortman Revocable Trust No. 1, dated July 2, 1985 (Hortman Trust). Kim Buehler is the current administrator of the Hortman Trust.	May 11, 1987-August 17, 1999	Grant Deed

J. Cost Recovery Program

On July 20, 2021, Guhn Kim signed the agreement to voluntarily participate in the State Water Board's Cost Recovery Program, to conduct environmental investigations at the Site.²⁹ The environmental investigations conducted as of the date of this Order include the following:

- Limited site investigation to evaluate soil, soil vapor, and groundwater conditions at the Site (**Finding D.2.viii**).
- Passive soil vapor survey to evaluate the source(s) and lateral extent of chlorinated solvents in soil vapor beneath the Site (**Finding D.2.x**).

On December 1, 2023, Guhn Kim terminated the agreement.³⁰

San Diego Water Board staff requested that Lys Barawid and Kim Buhler voluntarily enroll in the State Water Board's Cost Recovery Program on

²⁹

https://documents.geotracker.waterboards.ca.gov/regulators/deliverable_documents/3038480460/7.20.21%20SCP%20Introduction%20Letter_Suzys%20Dry%20Cleaners_Cost%20Recovery%20Signed.pdf

³⁰

https://documents.geotracker.waterboards.ca.gov/regulators/deliverable_documents/2268476188/2023.12.01%20G.%20Kim%20LTR%20to%20SDRWQCB.pdf

November 11, 2022, and January 30, 2023, respectively, to investigate the potential source areas at the 1718 EVP Property. Both parties declined to enroll.

K. Cleanup Levels Pursuant to Resolution No. 92-49

Resolution No. 92-49 sets forth the policies and procedures the State Water Board and Regional Water Quality Control Boards must use during an investigation or cleanup of a discharge of waste and requires that cleanup levels be consistent with Resolution No. 68-16. Resolution No. 92-49 applies to the cleanup and abatement of the effects of waste discharged at the Site. Resolution No. 92-49 requires dischargers to clean up or abate the effects of discharges in a manner that promotes the attainment of background water quality, or the best water quality that is reasonable if background water quality cannot be restored, considering all demands being made and to be made on those waters and the total values involved, beneficial and detrimental, economic and social, tangible and intangible. Any alternative cleanup level greater than background must (1) be consistent with the maximum benefit to 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.

L. Basis for Technical and Monitoring Reports

Water Code section 13267 authorizes the San Diego Water Board to require any person who has discharged, discharges, or is suspected of having discharged or is discharging waste within its region to prepare technical and monitoring reports. The burden, including the costs, of these reports must bear a reasonable relationship to the needs and the benefits to be obtained from the reports.

The San Diego Water Board estimates that compliance with the technical and monitoring directives of this Order will cost **between \$300,000 and \$500,000**. The technical and monitoring reports required by this Order are necessary to (a) assess the impact of the discharge to soil, soil vapor, and groundwater beneath and adjacent to the Property, (b) assess the potential risk of the discharge to human health and beneficial uses, (c) assure compliance with the cleanup and abatement directives contained in this Order, and (d) assess the appropriateness of cleanup and abatement measures to remediate the impacts of the discharge consistent with Basin Plan requirements and Resolution No. 92-49, and protect the waters of the state from the conditions of discharge described above. Based on the nature and consequences of the discharge and its effects at the Site, the burden of the technical and monitoring reports bears a reasonable relationship to the need for the reports and to the benefits to be obtained from the reports.

M. California Environmental Quality Act Compliance

The issuance of this Order is an enforcement action taken by a regulatory agency and is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Cal Code Regs title 14, section 15321, subdivision (a)(2). This Order directs the Parties to prepare and submit technical and monitoring reports, and to undertake corrective actions through

implementation of remedial action plans as required by this Order. The San Diego Water Board will evaluate compliance with CEQA when it considers approval of the Parties' proposed remedial action plan.

N. 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 may seek reimbursement for, all reasonable costs actually incurred by the Board to investigate unauthorized discharges of waste, to oversee cleanup of such waste, abatement of the effects thereof, or other remedial action required by this or a subsequent Order. Upon receipt of invoices, and per instruction therein, the Parties must reimburse the Board for all reasonable costs incurred by the Board.

O. Delegation

Section 13223(a) of the Water Code provides that Regional Water Quality Control Boards may delegate certain powers and duties to its Executive Officer. Resolution R9-2005-0271 delegated all of the powers and duties of the San Diego Water Board, except those enumerated in 13223(a), to its Executive Officer. Adoption of Cleanup and Abatement Orders were delegated to the Executive Officer through Resolution R9-2005-0271. Thus, the Executive Officer can act on this Order.

IT IS HEREBY ORDERED, pursuant to the Legal and Regulatory Authorities outlined in **Finding I.A.**, all Parties must comply with the following directives:

II. DIRECTIVES

The Parties must undertake all investigative and corrective actions necessary to clean up or abate the impacts from the unauthorized release to the Site. The Parties must ensure the Site is cleaned up or abated in a manner that attains background concentrations or alternate cleanup levels approved by the San Diego Water Board.

A. Cleanup or Abatement of Discharged Wastes

The Parties must take all corrective actions necessary to clean up or abate the effects of the wastes discharged to soil and groundwater at the Site and the impacts thereof to soil vapor and indoor air.

1. Wastes discharged to soil at the Site must be cleaned up or abated to levels that promote attainment of background water quality or alternative cleanup levels that are protective of water quality and human health.
2. Wastes discharged to groundwater at the Site must be cleaned up or abated to levels that will achieve background water quality or alternative cleanup levels that are protective of water quality and human health.
3. Impacts to soil vapor from wastes discharged to soil and groundwater at the Site must be cleaned up or abated to levels that protect human health.

4. Impacts to indoor air from wastes discharged to soil and groundwater at the Site must be cleaned up or abated to levels that protect human health.

B. Site Investigation Work Plan

The Parties must prepare a Site Investigation Work Plan (SI Work Plan) that addresses site-specific study questions and data gaps identified at the Site. The SI Work Plan must, at a minimum, include the following elements:

1. Study questions to answer through implementation of the SI Work Plan. The study questions must include, at a minimum, the following:
 - a. Soil
 - i. Is there a PCE source(s) in soil beneath the Site?
 - ii. What are the lateral and vertical extents of the soil impacted by PCE and its breakdown products?
 - iii. What are the potential threats to water quality and human health due to the wastes discharged to soil?
 - b. Soil Vapor
 - i. What are the lateral and vertical extents of the soil vapor plumes beneath the Site impacted by PCE and its breakdown products?
 - ii. Are the soil vapor plumes of PCE and its breakdown products related to the discharge of wastes in soil and/or groundwater?
 - iii. Are there preferential pathways³¹ for vapors to be transported from the subsurface source(s) at the Site to the overlying building(s)
 - iv. Do the soil vapor plumes for PCE and its breakdown products beneath the Site pose a potential vapor intrusion risk to building occupants?
 - c. Indoor Air
 - i. What are the indoor air and sub-slab soil vapor concentrations at the Site?
 - ii. How does outdoor air quality affect indoor air quality at the Site?
 - iii. Do the indoor air and sub-slab soil vapor data indicate a vapor intrusion risk to building occupants?

³¹ For example, utility corridors (sewer, electrical, fiber optic, cable, water, etc.), floor drains, cracks or seams in the foundation and walls, and geologic discontinuities (fault zones, sand channels, etc.).

- d. Groundwater
 - i. What is the depth to groundwater and the groundwater flow direction, flow velocity, and hydraulic gradient beneath the Site?
 - ii. Is there a PCE source(s) in groundwater beneath the Site?
 - iii. What are the lateral and vertical extents of groundwater impacted by PCE and its breakdown products?
 - iv. What are the potential threats to water quality and human health due to the wastes discharged to groundwater?
2. A data gap investigation to address data gaps identified at the Site.
3. A Sampling and Analysis Plan (SAP) describing the proposed sampling methodologies, analytical methods, analytes, and sampling locations. The SAP must be adequate to answer the study questions.
4. A Quality Assurance Project Plan (QAPP) describing the project objectives and organization, functional activities, and quality assurance/quality control (QA/QC) protocols for the sampling to be conducted in accordance with the SAP.
5. An implementation schedule describing the schedule of activities for implementation of the SI Work Plan.

The Parties must submit the SI Work Plan to the San Diego Water Board for review and concurrence by the date listed in **Attachment 1** of this Order.

C. Implementation of the Site Investigation Work Plan

The Parties must implement the SI Work Plan after receiving written concurrence from the San Diego Water Board or its authorized delegate, and in compliance with the implementation schedule in the SI Work Plan, unless otherwise directed in writing by the Board or its authorized delegate. If unforeseen circumstances arise that cause delays, the Parties must provide the Board or its authorized delegate with a written request to modify the implementation schedule. Any proposed changes to the implementation schedule must be approved by the Board or its authorized delegate.

The Parties must notify the Board upon completion of all tasks in the SI Work Plan. This written notification must be submitted to the Board by the date listed in **Attachment 1** of this Order.

D. Site Investigation Report

The Parties must prepare a Site Investigation Report (SI Report) describing the results, conclusions, and recommendations from implementing the SI Work Plan. The SI Report must, at a minimum, include the following elements:

1. A brief description of the Site and Site history, including a summary of previous environmental assessments.
2. An updated CSM based on the data collected during implementation of the SI Work Plan to answer the study questions and fill the data gaps identified in the Updated CSM Report.
3. A summary of the field activities conducted at the Site pursuant to the SI Work Plan, including SI Work Plan modifications made in the field.
4. A summary of the analytical results of the soil, soil vapor, indoor air, and groundwater samples collected at the Site, including supporting information such as boring logs, data tables, maps, and laboratory analytical reports.
5. A Human Health Risk Assessment (HHRA) for potential risks to current and future receptors that could be exposed to chemicals in soil, soil vapor, indoor air, and groundwater.
6. Conclusions for the San Diego Water Board to consider in the context of the data gaps identified at the Site and the site-specific study questions.
7. Recommendations to be considered by the San Diego Water Board based on the conclusions. The Parties may provide recommendations collectively or independently for the Board to consider. The recommendations must, at a minimum, include the following:
 - a. Areas at the Site that must be cleaned up.
 - b. Changes to the study questions.
 - c. Additional investigations or data needed to fill data gaps identified at the Site.
 - d. Additional investigations or data needed to better answer the study questions.

The SI Report must be submitted to the San Diego Water Board for review and consideration by the date listed in **Attachment 1** of this Order.

E. Feasibility Study

Pursuant to Resolution No. 92-49, the Parties must prepare a Feasibility Study that (1) proposes cleanup levels for wastes discharged to soil and groundwater at the Site, (2) proposes cleanup levels for soil vapor and indoor air from wastes discharged to soil and groundwater at the Site, and (3) evaluates and recommends remedial and/or mitigation approaches and technologies capable of achieving the cleanup levels. The Feasibility Study must, at a minimum, include the following elements:

1. Soil Cleanup Levels and Remediation Technologies
 - a. An evaluation of the technological and economic feasibility of cleaning up or abating wastes discharged to soil at the Site to cleanup levels that promote attainment of background water quality.³²
 - b. If applicable, development of a range of alternative cleanup levels between cleanup levels that (1) promote attainment of background water quality conditions and (2) promote attainment of MCLs in groundwater. The development of alternative cleanup levels is only acceptable when it is technologically and/or economically infeasible to clean up to levels that promote attainment of background water quality. The alternative cleanup levels must (1) be consistent with maximum benefit to the people of the state, (2) not unreasonably affect present and anticipated beneficial uses of such water, and (3) not result in water quality less than prescribed in the Basin Plan.
 - c. An evaluation of a variety of remediation technologies capable of effectively cleaning up or abating the sources of wastes in soil to achieve the cleanup levels that promote attainment of background water quality or the alternative cleanup levels. Potential single or combined remediation technologies must be evaluated based on effectiveness, implementability, overall protection of human health and the environment, and cost.
2. Groundwater Cleanup Levels and Remediation Technologies
 - a. An evaluation of the technological and economic feasibility of cleaning up wastes discharged to groundwater at the Site to cleanup levels that will achieve background water quality.
 - b. If applicable, development of a range of alternative cleanup levels between cleanup levels that will (1) achieve background water quality and (2) achieve MCLs in groundwater. The development of alternative cleanup levels is only acceptable when it is technologically and/or economically infeasible to clean up to levels that will achieve background water quality. The alternative cleanup levels must (1) be consistent with maximum benefit to the people of the state, (2) not unreasonably affect present and anticipated beneficial uses of such water, and (3) not result in water quality less than prescribed in the Basin Plan.
 - c. An evaluation of a variety of remediation technologies capable of effectively cleaning up or abating the sources of wastes in groundwater to achieve the cleanup levels that will achieve background water quality or

³² To be consistent with Resolution No. 92-49, the discharge of wastes to soil must be cleaned up or abated in a manner that results in concentrations of the leachate of the soil left in place that will attain background water quality, or the best water quality if background cannot be restored.

the alternative cleanup levels. Potential single or combined remediation technologies must be evaluated based on effectiveness, implementability, overall protection of human health and the environment, and cost.

3. Soil Vapor Cleanup Levels and Remediation Technologies
 - a. Development of cleanup levels for wastes in soil vapor that promote indoor air levels protective of current and future building occupants.
 - b. An evaluation of a variety of remediation technologies capable of effectively cleaning up or abating the sources of wastes in soil vapor to achieve the cleanup levels that promote indoor air levels protective of the building occupants. Potential single or combined remediation technologies must be evaluated based on effectiveness, implementability, overall protection of human health, and cost.

The Parties must submit the Feasibility Study to the San Diego Water Board for review and consideration by the date listed in **Attachment 1** of this Order.

F. Remedial Action Plan

The Parties must prepare a Remedial Action Plan (RAP) that describes the activities needed to implement the remediation/mitigation technologies recommended in the Feasibility Study. The RAP must, at a minimum, include the following elements:

1. A brief description of the Site and Site history, including a summary of the SI Report and Feasibility Study.
2. A detailed description of how the remediation technologies will be implemented, and identification of areas of concern on a scaled map where remediation activities will be conducted. Engineering design drawings and construction requirements must be included.
3. A detailed description of the overall approach that will be used to monitor the progress and effectiveness of the remediation technologies to achieve the cleanup levels in soil, soil vapor, groundwater, and indoor air.
4. An implementation schedule providing the sequence of the remediation actions and monitoring activities.

The Parties must submit the RAP to the San Diego Water Board for review and consideration by the date listed in **Attachment 1** of this Order.

G. Implementation of the Remedial Action Plan

The Parties must implement the RAP after receiving written concurrence from the San Diego Water Board or its authorized delegate, and in compliance with the implementation schedule in the RAP, unless otherwise directed in writing by the Board or its authorized delegate. If unforeseen circumstances arise that cause

delays, the Parties may provide the Board or its authorized delegate with a written request to modify the implementation schedule. Any proposed changes to the implementation schedule must be approved by the Board or its authorized delegate.

The Parties must notify the Board or its authorized delegate at (1) the start of the RAP implementation and (2) the completion of the tasks in the RAP. The written notification must be submitted to the Board by the date listed in **Attachment 1** of this Order.

H. Remedial Action Plan Progress Reports

The Parties must prepare quarterly progress reports that, at a minimum, include the following elements:

1. A detailed description of the remediation actions and monitoring activities conducted and any deviations from the approaches described in the RAP.
2. Supporting information such as analytical laboratory reports and waste manifests.
3. Updates on the implementation schedule.
4. Conclusions and recommendations.
5. Activities planned for the next quarter.

The Parties must submit the quarterly progress reports to the San Diego Water Board by the dates listed in Attachment 1 of this Order. The Parties must submit the first progress report to the San Deigo Water Board after the first full quarter of implementing the RAP.

I. Remedial Action Plan Completion Report

The Parties must prepare a RAP Completion Report that, at a minimum, verifies the following through implementation of the SI Work Plan and RAP:

1. The soil, soil vapor, groundwater, and indoor air cleanup levels have been achieved at the Site.
2. Indoor air levels do not pose a health risk to current and future building occupants at the Site.

The Parties must submit the RAP Completion Report to the San Diego Water Board for review and concurrence by the date listed in **Attachment 1** of this Order.

J. Interim Remedial Actions

The Parties may conduct interim remedial actions, as needed, to mitigate emergency situations and/or clean up or abate the effects of the discharge(s) to

minimize the short-term risk to human health and/or the environment. The Parties must notify the San Diego Water Board in writing when proposing interim remedial actions and provide rationale. The San Diego Water Board will review the notification and determine whether the proposed interim remedial actions are warranted.

K. Penalty of Perjury Statement

All reports must be signed by the Parties' corporate officers or duly authorized representatives, 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."

L. Document Submittals

The Electronic Reporting Regulations require electronic submission of any report or data required by a regulatory agency from a cleanup site.³³ The electronic document submittals must be uploaded on or prior to the regulatory compliance due dates set forth in this Order or addenda thereto. To comply with these requirements, the Parties must upload the required documents to the GeoTracker database as follows:

1. GeoTracker. All information submitted to the San Diego Water Board in compliance with this Order is required to be submitted electronically to the GeoTracker database (<http://geotracker.waterboards.ca.gov/esi>) under the following GeoTracker Global ID numbers:

- **T10000014715 for the 1654 EVP Property only**
- **T10000017258 for the 1718 EVP Property only**
- **T10000022823 for the Site as a whole**

The Parties must upload the following minimum information to the GeoTracker database:

³³ Cal. Code Regs., title 23, division 3, chapter 30.

- a. **Reports.** A complete copy of all work plans and assessment, monitoring, and cleanup reports, including signed transmittal letters, professional certifications, and all data presented in the reports in Portable Document Format (PDF), and converted to text-searchable format. Reports larger than 400 megabytes need to be divided into separate files at logical places in the report to keep the file sizes under 400 megabytes.
 - b. **Site Maps.** A site map, as a stand-alone PDF document, including notes, legends, north arrow, and other data as appropriate to ensure that the site map is clear and understandable. When appropriate, the Parties should provide required information on multiple site maps.
 - c. **Laboratory Analytical Data.** Analytical data, including geochemical data, for all soil, soil vapor, indoor air, and groundwater samples in Electronic Deliverable Format.
2. **Other Submittals.** The San Diego Water Board may also request information or documents in hard copy and/or electronic copies, including email.
- a. **Hard Copies and Electronic Copies.** If requested by the Board, the Parties must also provide the following to the Board: a hard copy of the complete document, a hard copy of the cover/transmittal letter, and a hard copy of oversized drawings or maps. The Board may also request the Parties to provide these documents electronically on universal serial bus (USB) drives.
 - b. **Email.** If requested by the Board, the Parties must also submit a text-searchable PDF copy of all documents including signed transmittal letters, professional certifications, and all data presented in the documents to sandiego@waterboards.ca.gov.

M. Compliance Determination for Document Submittals

Upon receipt of the documents, the San Diego Water Board will use the email date and time, upload date and time, and/or receipt date and time to determine compliance with the regulatory due dates specified in this Order.

N. Violation Reports

If the Parties violate any of the requirements of this Order, then the Parties must notify the San Diego Water Board office by email as soon as practicable once the Parties have knowledge of the violation. The Board may, depending on violation severity, require the Parties to submit a separate technical report on the violation within five working days of the email notification.

O. Other Reports

The Parties must notify the San Diego Water Board or its authorized delegate in writing prior to any activities at the Parties' facilities that have the potential to cause further migration of pollutants.

P. Provisions

1. **Waste Management.** The Parties must properly manage, store, treat, and dispose of contaminated soil and groundwater in accordance with applicable federal, state, and local laws and regulations. The storage, handling, treatment, or disposal of soil and groundwater associated with the assessment required by this Order must not create conditions of nuisance as defined in Water Code section 13050, subdivision (m).
2. **Contractor/Consultant Qualifications.** The Parties must provide documentation certifying that documents (e.g., plans, reports, etc.) required under this Order are prepared under the direction of appropriately qualified professionals. California Business and Professions Code sections 6735, 7835, and 7835.1 require licensed professionals to direct or perform engineering and geologic evaluations and judgments. The Parties must provide upon request to the San Diego Water Board a statement of qualifications and license numbers of the responsible lead professionals. The lead professional preparing the engineering and geologic plans, specifications, reports, and conclusions must sign and affix their professional geologist or civil engineer registration stamp to all documents submitted to the Board.
3. **Laboratory Qualifications.** The Parties must ensure that all soil and groundwater samples be analyzed by Environmental Laboratory Accreditation Program (ELAP)-certified laboratories using analytical methods approved by EPA for the type of analysis to be performed. ELAP only accredits analytical test methods approved for regulatory purposes. If an analytical test method is not on the Field of Testing Sheet, ELAP does not offer the method for accreditation. The Parties must ensure that all soil vapor and air samples are analyzed by an appropriately certified laboratory.
4. **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:
 - a. Complete sample analytical reports.
 - b. Complete laboratory QA/QC reports.
 - c. A discussion of the sample and QA/QC data.
 - d. A transmittal letter that indicates the director of the laboratory supervised all the analytical work, and contains the following statement:

“All analyses were conducted at an Environmental Laboratory Accreditation Program-certified laboratory using methods approved by the U.S. Environmental Protection Agency.”

5. **Analytical Methods.** Specific methods of analysis must be identified in the technical and monitoring reports. For example, if the Parties propose to use methods or test procedures other than those included in the most current version of EPA's "Test Methods for Evaluating Solid Waste: Physical/Chemical Methods, SW-486" or title 40 Code of Federal Regulations part 136, "Guidelines Establishing Test Procedures for the Analysis of Pollutants," or other than those approved by ASTM International, the exact methodology must be submitted for review and must be approved by the San Diego Water Board prior to use.
6. **Reporting of Changed Owner or Operator.** The Parties must notify the San Diego Water Board, in writing, of any changes in site occupancy or ownership associated with the Property described in this Order within 14 calendar days of the change.
7. **Request for Due Date Extension.** The Parties must notify the San Diego Water Board in writing to request an extension of a due date in the time schedule. The written request must, at a minimum, be submitted 14 days before the due date. The San Diego Water Board will review the request and determine whether the extension is reasonable.
8. **Separate Submittals.** The Parties can request to submit separate documents in fulfillment of certain directives, but in a manner that, when considered together, demonstrates compliance with the overall objectives of the Order. San Diego Water Board staff will review the request and determine whether the separate documents meet the overall objectives of the Order.

Q. Notifications

1. **Cost Recovery.** Upon receipt of invoices, and in accordance with instruction therein, the Parties must reimburse the State Water Board for all reasonable costs incurred by the San Diego Water Board to investigate discharges 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 annual estimation of work. This section is authorized by Water Code section 13304.
2. **All Applicable Permits.** The Parties must obtain all permits and access agreements needed to implement the requirements of this Order. This Order does not relieve the Parties 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.
3. **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.

4. **Enforcement Notification.** Failure to comply with requirements of this Order may subject the Parties to enforcement action, including but not limited to administrative enforcement orders requiring the Parties to cease and desist from violations, imposition of administrative civil liability, referral to the State Attorney General for injunctive relief, and referral to the District Attorney for criminal prosecution. The Parties are jointly and 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 any or all Parties.
5. **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 Water Code section 13320 and Cal. Code Regs. title 23, section 2050. The State Water Board (Office of Chief Counsel, P.O. Box 100, Sacramento, CA 95812) must receive the petition by the date listed in Attachment 1 of this Order. Copies of the laws and regulations applicable to filing petitions will be provided upon request.³⁴

³⁴ Nothing in this Order prevents the Parties from later petitioning the State Water Board to review other future San Diego Water Board orders regarding the Site, including but not limited to subsequent investigative orders and/or cleanup and abatement orders. Upon such petition, the San Diego Water Board will not assert that the Parties 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 Parties are precluded from petitioning for review of future orders by any failure to petition for review of this Order.

ATTACHMENT 1: TIME SCHEDULE

DIRECTIVE	DUE DATE
Directive B – Submit Site Investigation Work Plan	April 21, 2025: no later than 90 days after the date of this Order
Directive C – Implement Site Investigation Work Plan	In compliance with the implementation schedule in the Site Investigation Work Plan
Directive C – Submit written notification regarding completion of Site Investigation Work Plan tasks	No later than 5 days after last task has been completed in the implementation schedule
Directive D – Submit Site Investigation Report	No later than 90 days after notifying the Board in writing that the activities in the Site Investigation Work Plan are complete
Directive E – Submit Feasibility Study	No later than 90 days after Board has concurred with the Site Investigation Report
Directive F – Submit Remedial Action Plan	No later than 90 days after Board has concurred with the Feasibility Study
Directive G – Implement Remedial Action Plan	In compliance with the implementation schedule in the Remedial Action Plan
Directive G – Submit written notification regarding completion of the Remedial Action Plan tasks	No later than 5 days after the last task in the implementation schedule is complete
Directive H – Submit Quarterly Remedial Action Plan Progress Reports	No later than 30 calendar days following the close of each quarter. The first progress report must be submitted after the first full quarter of implementing the Remedial Action Plan
Directive I – Submit Remedial Action Completion Report	No later than 90 days after notifying the Board in writing that the activities in the Remedial Action Plan are complete in accordance with the implementation schedule
Notification 5 – Requesting Administrative Review by the State Water Board	February 20, 2025: within 30 calendar days of the date of this Order

**RESPONSES TO COMMENTS ON
TENTATIVE CLEANUP AND ABATEMENT
ORDER NO. R9-2024-0011**

ABBREVIATIONS	
CAO	Cleanup and Abatement Order
CSM	Conceptual Site Model
DEH	San Diego County Department of Environmental Health
EVP	East Valley Parkway
IES	Innovative Environmental Solutions
PCE	tetrachloroethene
RP	Responsible Party
San Diego Water Board	California Regional Water Quality Control Board, San Diego Region
SI	Site Investigation
SCAP	Site Cleanup Subaccount Program
State Water Board	State Water Resources Control Board
TCAO	Tentative Cleanup and Abatement Order
TCE	trichloroethene
UST	underground storage tank
VI	vapor intrusion

Comment No.	TCAO Section	Comment Summary	San Diego Water Board Staff Response
Comment 1: Michael A. Palmer and Roxie Trachtenberg, de maximis, inc., March 22, 2024			
1a	Finding H	<p>There is a third potential source of subsurface chlorinated solvent contamination within the boundaries of the “Site” identified in the TCAO. Operators/owners of the suite located at 1704 EVP should be issued a letter pursuant to California Water Code section 13267 to complete technical and/or monitoring reports investigating contamination originating from the former paint store operations.</p>	<p>San Diego Water Board staff disagree with the comment. Data collected to date does not support that the former paint store at 1704 EVP is a source of the elevated PCE and TCE soil vapor concentrations.</p> <p>There are data gaps related to the soil vapor plumes based on the passive soil gas survey. For example, as indicated in IES’s February 6, 2023, response to San Diego Water Board staff’s February 1, 2023, comments on the CSM, site-specific data needs to be collected to support the following conclusions made by IES:</p> <p><u>Soil Vapor Plume at 1718 EVP</u> <i>[Our Work Plan will provide] additional support that a hydraulic barrier has truncated the northern portion of the PCE soil gas (and likely corresponding groundwater) plume beneath 1706 EVP. Please note that IES now believes that “truncated” is a better description of the hydraulic barrier’s effects on shallow soil gas concentrations due to its orientation roughly perpendicular from the perceived contaminant flow direction. In addition, the term “bisected” previously utilized by IES in the CSM implies two symmetrical sections measure[d] along the long axis, which is not the case here.</i></p> <p><u>Soil Vapor Plume Across Valley Plaza</u> <i>[Our Work Plan will provide] additional evidence that pore water saturation and/or soil clay content is causing the temporal and spatial variability in shallow soil gas concentrations at the Valley Plaza. This can be conducted by</i></p>

Comment No.	TCAO Section	Comment Summary	San Diego Water Board Staff Response
			<p><i>differentiating vertical soil and gas concentrations in various areas of the site and correlating the results with those of the passive survey. Groundwater will also be evaluated for its potential as a contaminant transport mechanism.</i></p> <p>These data gaps, among others, need to be addressed prior to considering whether the former paint store is a potential source.</p> <p>Lastly, San Diego Water Board staff have the discretion to name other responsible parties to the Order as additional data is collected and evidence is presented.</p> <p>San Diego Water Board staff have not revised the TCAO in response to this comment.</p>
1b	Finding I.H	The TCAO should be divided into two separate orders, one for 1718 EVP and another for 1654 EVP, since each location represents a distinct and separate source area, and San Diego Water Board staff have made no affirmative determination that plumes from both properties are intermingled.	<p>San Diego Water Board staff disagree with this comment. The TCAO is designed to allow the responsible parties to work collaboratively to collect site-specific data to address data gaps related to determining whether the soil vapor plumes (and groundwater plumes, if present), are separate or commingled through implementation of the Site Investigation Work Plan described in Directive C of the TCAO. Working collaboratively provides an opportunity for the parties to minimize costs by sharing resources. Staff, however, will allow the parties to address the directives in the TCAO separately, but in a manner that, when considered together, demonstrates compliance with the overall goals of the TCAO for the Site as a whole.</p> <p>San Diego Water Board staff have revised the TCAO in response to this comment. See Provision P.8.</p>
1c	Finding D	The TCAO should be revised to clearly show that 1654 EVP is a source of PCE.	San Diego Water Board staff agree with the comment. Conclusions made by the County of San Diego Department of Environmental Health, San Diego Water Board staff, and consultants regarding a

Comment No.	TCAO Section	Comment Summary	San Diego Water Board Staff Response
			<p>potential release of PCE due to the dry cleaning operations at 1654 EVP have been added to the TCAO.</p> <p>San Diego Water Board staff have revised the TCAO in response to this comment. See Findings D.2 and D.3.</p>
1d	Finding G	<p>Table 3 in the TCAO must be updated to reflect actual indoor air concentrations for 1718 EVP based on the April and October 2022 sampling events and the TCAO should characterize risk accordingly, and the non-detect TCE values should be added as part of the “Findings” section of the TCAO.</p>	<p>San Diego Water Board staff agree with the comment. Note that only the April 2022 indoor air investigation is described in the TCAO. A description of the October 2022 indoor air investigation has been added to the TCAO. Regarding these investigations, formal work plans were not prepared and submitted to San Diego Water Board staff for review and approval prior to sampling. While these investigations were conducted in general accordance with vapor intrusion guidance documents, there are data gaps that need to be addressed to confirm the results of the indoor air investigations. Such data gaps include, but are not limited to, collecting indoor air samples at targeted locations within the building spaces (e.g., bathroom and known subsurface source areas) and collecting paired indoor air and sub-slab samples, as recommended in the February 2023 Final Draft VI Supplemental Guidance.</p> <p>San Diego Water Board staff have revised the TCAO in response to this comment. See Table 3, and Findings D.3.ix, D.3.xi, and H.</p>
1e	Finding E and Directive B	<p>The status of IES’s CSM should be clarified in the TCAO. In addition, the status of IES’s SI Work Plan is unclear and should be clarified.</p>	<p><u>Updated CSM Report</u> San Diego Water Board staff agree with the comment. Staff provided written comments on the CSM report on February 1, February 13, and March 7, 2023, and directed Guhn Kim to submit a final version of the CSM based on our comments.</p> <p>San Diego Water Board staff have revised the TCAO in response to this comment. See Finding E.</p>

Comment No.	TCAO Section	Comment Summary	San Diego Water Board Staff Response
			<p><u>Site Investigation Work Plan</u> San Diego Water Board staff agree with the comment. Staff added a finding in the TCAO describing the status of the draft Site Investigation Work Plan.</p> <p>San Diego Water Board staff have revised the TCAO in response to this comment. See Finding F.</p>
1f	Finding J and Directive O.2	<p>Instead of a TCAO describing one “Site” with multiple RPs without a documented, intermingled plume, we strongly urge San Diego Water Board staff to issue investigative order letters under California Water Code Section 13267 to the RPs of 1654 EVP and 1704 EVP, while issuing a CAO to 1718 EVP.</p> <p>On the current record, we see no basis for holding 1718 EVP jointly and severally liable for investigation and remediation at 1654 or 1704 EVP, where separate and distinct releases and dischargers have been identified.</p>	<p>See response to comment 1b regarding separate Orders.</p> <p>San Diego Water Board staff disagree with the comment that there is no basis for a joint order (holding the Parties liable for investigation and remediation). The San Diego Water Board reserves its right to take any enforcement action authorized by law for violations of the terms and conditions of the TCAO. The non-compliant party may be subject to enforcement actions pursuant to the directives of the TCAO until the party complies with the directives. Also, see response to comment 1b for previous discussion related to the contamination at the Site.</p> <p>San Diego Water Board staff have not revised the TCAO in response to this comment.</p>
1g	Finding D.1	The TCAO is wholly lacking in the factual background regarding abandonment of the UST, as documented by DEH records, and should be updated.	<p>San Diego Water Board staff disagree with the comment. However, staff have provided additional details regarding the UST abandonment procedure at 1718 EVP based on DEH’s March 22, 1991, Underground Tank Removal/Closure Report.</p> <p>San Diego Water Board staff have revised the TCAO in response to this comment. See Finding D.1.</p>
1h	Attachment 1	The schedule provided in the Tentative CAO is too aggressive. A new directive requiring the parties to submit a schedule within a reasonable timeframe	San Diego Water Board staff disagree with the comment. Staff will, however, include a provision in the TCAO that allows the responsible parties to request deadline extensions for San Diego Water Board

Comment No.	TCAO Section	Comment Summary	San Diego Water Board Staff Response
		should be added to the order and all subsequent deadlines should be linked to this schedule.	consideration. San Diego Water Board staff have revised the TCAO in response to this comment. See Provision P.7.
1i	Finding L	The estimated cost for compliance with the technical and monitoring directives of the Order seems low. M&E Brothers is in the process of applying for a SCAP grant and those costs are substantially higher than this amount estimated for just the 1718 EVP site alone. We would request that the San Diego Water Board provide the backup for these costs and confirm that these costs include agency oversight and all sampling and remedial activities, including step-out sampling.	San Diego Water Board staff disagree with the comment. The estimated total cost to comply with the directives in the TCAO only considers a breakdown of costs associated with the preparation of technical and monitoring reports pursuant to Water Code section 13267. The reports consist of: <ul style="list-style-type: none"> • Directive B – Site Investigation Work Plan • Directive D – Site Investigation Report • Directive E – Feasibility Study • Directive F – Remedial Action Plan • Directive H – Remedial Action Plan Progress Reports • Directive I – Remedial Action Completion Report <p>The costs included in the Order differ from those required by the SCAP application, which include all costs associated with the site investigation and remediation phases (i.e., project management, report preparation, work plan implementation, subcontractor costs, and site closure).</p> <p>San Diego Water Board staff have not revised the TCAO in response to this comment.</p>
1j	Directives F, G, and I	Given the limited financial resources of the parties, it is recommended that the TCAO be updated to defer the remedial action to a subsequent order. This step-wise approach will allow the RPs to address the immediate need for additional investigation.	San Diego Water Board staff disagree with this comment. The TCAO is written in a manner so that the site investigation, feasibility study, and remedial action directives are conducted in a phased approach. This approach allows sufficient time for the responsible parties to coordinate and develop the scope of work and cost for each directive (three months between each directive as shown in the time schedule).

Comment No.	TCAO Section	Comment Summary	San Diego Water Board Staff Response
			<p>San Diego Water Board staff will, however, consider requests to extend due dates as described in response to comment 1h.</p> <p>San Diego Water Board staff have not revised the TCAO in response to this comment.</p>
1k	Not Applicable	Recommend adding a new directive to the TCAO to assess the feasibility of an interim remedial action.	<p>San Diego Water Board staff agree with this comment. Staff have added a directive to the TCAO that allows interim remedial actions to be conducted at the Site.</p> <p>San Diego Water Board staff have revised the TCAO in response to this comment. See Directive J.</p>
<p>Comment 2: Manuel Corrales, Jr., March 18, 2024</p>			
2a	Not Applicable	I want to bring to attention San Diego Water Board staff's letter dated December 19, 2022, which was sent to the Responsible Parties of 1718 EVP, which states "an unauthorized release of PCE has occurred at 1718 EVP related to dry cleaning operations at the former Ha's/Economy Cleaners, indicating that source exists at this location." We are wondering why no ORDER was issued to them at that time, or for that matter, when these conditions were initially reported to Staff in March of 2022.	<p>Comment noted. As described in Finding J (new finding), San Diego Water Board staff issued letters requesting that Lys Barawid and Kim Buhler enroll in the State Water Board's voluntary Cost Recovery Program on November 11, 2022, and January 30, 2023, respectively, to investigate the potential source areas at 1718 EVP. Both parties declined to enroll. As such, staff began preparation of a Cleanup and Abatement Order consistent with the Water Boards' enforcement policy. Guhn Kim was added to the Order as a responsible party after terminating his agreement to participate in the voluntary Cost Recovery Program on December 1, 2023.</p> <p>San Diego Water Board staff have not revised the TCAO in response to this comment.</p>
2b	Not Applicable	As indicated by the timing of the December 12, 2023, electronic mail notification to Mr. Kim that this ORDER would be issued only eleven days after Mr. Kim mailed his request for termination of his Cost	San Diego Water Board staff disagree with this comment. Staff requested that Guhn Kim enroll in the State Water Board's voluntary Cost Recovery Program on July 20, 2021. Guhn Kim signed the agreement, and the agreement was in effect until he terminated the

Comment No.	TCAO Section	Comment Summary	San Diego Water Board Staff Response
		Recovery Program, it appears as if the issuance of the CAO by the San Diego Water Board was in direct retaliation for the termination of the Cost Cleanup Agreement.	<p>agreement on December 1, 2023. The agreement was terminated before completing the site investigation and cleanup work. As such, on December 12, 2023, San Diego Water Board staff informed Guhn Kim that staff would be preparing and issuing a Cleanup and Abatement Order naming him as a responsible party, consistent with the Water Boards' enforcement policy.</p> <p>Also, see response to comment 2a.</p> <p>San Diego Water Board staff have not revised the TCAO in response to this comment.</p>
2c	Not Applicable	It appears that the San Diego Water Board's timing for issuing the CAO was not based on the discovery of contaminants during the investigations, or a similar Cleanup and Abatement Order would have been issued to 1718 EVP in December 2022, when the San Diego Water Board finally acknowledged that there had been an unauthorized release at 1718 EVP. This gives the appearance that the CAO was issued in retaliation.	See responses to comments 2a and 2b.
2d	Page 1, paragraph 1 Findings A.1, A.9, B, and H	There is no evidence that Mr. Kim "caused or permitted waste to be discharged into the waters of the state," as stated in the TCAO.	San Diego Water Board staff disagree with the comment. There is evidence that Guhn Kim can be named in this CAO. Water Code section 13304 states: "A person who has discharged or discharges waste into the waters of this state in violation of any waste discharge requirement or other order or prohibition issued by a regional board or the state board, or who has caused or permitted, causes or permits, or threatens to cause or permit any waste to be discharged or deposited where it is, or probably will be, discharged into the waters of the state and creates, or threatens to create, a condition of pollution or nuisance, shall, upon order of the regional board, clean up the waste or abate the effects of the waste, or, in the case of

Comment No.	TCAO Section	Comment Summary	San Diego Water Board Staff Response
			<p>threatened pollution or nuisance, take other necessary remedial action, including, but not limited to, overseeing cleanup and abatement efforts.”</p> <p>This CAO will require reporting on the impacts to water quality at 1654 EVP and 1718 EVP. However, the CAO has sufficient evidence showing that the site is contaminated with waste that impact water quality.</p> <p>San Diego Water Board staff have not revised the TCAO in response to this comment.</p>
2e	Page 1, Parties	The Kim Family Trust of 2017 is listed as the first entity in both the title of the TCAO and as the listed party. This is improper because it implies an order of responsibility, and we reject being perceived as the primary responsible party.	<p>San Diego Water Board staff disagree with the comment. The order of the parties listed in the TCAO does not indicate an “order of responsibility” or a level of impact. All parties named in the TCAO are equally responsible for the cleanup and abatement of all wastes discharged to soil and groundwater at the Site resulting from dry cleaning operations at 1654 EVP and 1718 EVP.</p> <p>San Diego Water Board staff have not revised the TCAO in response to this comment.</p>
2f	Page 2, Property Information	1654 EVP is again listed as the first property described. This is improper because it implies an order of responsibility, and we reject being perceived as the primary responsible party.	See response to comment 2e.
2g	Page 2, Unauthorized Releases	Soil vapor concentrations detected at 1654 EVP are consistent with previous soil gas sample results detected at other addresses west-southwest of 1718 EVP, who are not, nor should be, a subject of this ORDER.	Comment noted. The suites west-southwest of 1718 EVP are not subject to this Order because there is no current/historical information or data that indicates a release of waste occurred at these suites. However, as described in revised Findings D.2 and D.3, there is evidence that a release of waste occurred at 1654 EVP due to dry cleaning operations. The San Diego Water Board has the discretion to name other responsible parties in the Order as additional data is

Comment No.	TCAO Section	Comment Summary	San Diego Water Board Staff Response
			<p>collected and evidence is presented.</p> <p>San Diego Water Board staff have not revised the TCAO in response to this comment.</p>
2h	Finding A.2	The TCAO does not acknowledge The Kims' participation in this process and inherently and unfairly associates them with the other parties named in the ORDER, who have refused to participate in the Cost Recovery Program.	<p>San Diego Water Board staff disagree with this comment. Staff have, however, added a finding to the TCAO describing Guhn Kim's participation in the State Water Board's voluntary Cost Recovery Program.</p> <p>San Diego Water Board staff have revised the TCAO in response to this comment. See Finding J.</p>
2i	Findings A.3, A.4, and A.5	As indicated in the reporting, The Kim Trust has never owned or operated an underground storage tank, while one was closed in place and remains present at 1718 EVP.	<p>Comment noted.</p> <p>San Diego Water Board staff have not revised the TCAO in response to this comment.</p>
2j	Figure 1	Figure 1 of the TCAO improperly identifies the boundary of 1654 EVP to include 1652 EVP, the suite located adjacent to the west-southwest of 1654 EVP. This illustrates a lack of San Diego Water Board staff's understanding of site conditions.	<p>San Diego Water Board staff disagree with the comment. The purpose of Figure 1 is to illustrate the approximate locations of 1654 EVP and 1718 EVP relative to the former Jo-Ann Fabrics and Crafts (1680 EVP). The boundaries are shown more accurately on Figures 2 to 4, which show the results of the passive soil vapor survey. These boundaries were drawn based on Figure 1 of IES's November 2, 2022, passive soil vapor technical memorandum.</p> <p>San Diego Water Board staff have, however, revised the TCAO in response to this comment to refine the property boundary of 1654 EVP. See Figure 1.</p>
2k	Finding D	Now there is data available that indicates a release has not occurred at 1654 EVP, but the TCAO ignores these facts. This illustrates a lack of San Diego Water Board staff's understanding of site conditions or inherent bias against my client.	San Diego Water Board staff disagree with the comment. IES recommended that the San Diego Water Board provide a "no further action" determination for 1654 EVP based on the results from the (1) February and March 2022 site investigation to evaluate soil, soil vapor, and groundwater conditions at the Site, and (2) September

Comment No.	TCAO Section	Comment Summary	San Diego Water Board Staff Response
			<p>2022 passive soil vapor survey to evaluate the source(s) and lateral extent of chlorinated solvents in soil vapor beneath the Site. San Diego Water Board staff disagreed with this recommendation.</p> <p>San Diego Water Board staff have, however, revised the TCAO in response to this comment to provide clarity regarding this finding. See Findings D.3.viii and D.3.x.</p>
2l	Finding D	<p>There is no indication in the TCAO that the administrative file regarding 1654 EVP was clean, illustrating the inherent bias that my client is being subjected to by San Diego Water Board staff.</p>	<p>San Diego Water Board staff disagree with the comment.</p> <p>On February 7, 2020, DEH issued an official notice to Guhn Kim recommending that he enroll in the Voluntary Assistance Program due to a potential release of PCE from the Suzy Cleaners facility. DEH's recommendation was based on review of the environmental reports described in Findings D.3.i to D.3.vii of the TCAO. On May 5, 2020, DEH issued another official notice to Guhn Kim providing responses to Procopio's April 22, 2020, comment letter regarding the Suzy Cleaners facility. Procopio's letter suggested that a source of the PCE may also be the former Ha's Cleaners located at 1718 EVP. DEH concurred with Procopio; however, DEH still maintained its February 7, 2020, position regarding the Suzy Cleaners facility.</p> <p>San Diego Water Board staff have, however, revised the TCAO in response to this comment to provide clarity regarding these findings. See Finding D.2.</p>
2m	Findings D.2.i through D.2.vii	<p>The TCAO goes to great lengths (over 2 and ½ pages of the TCAO) to describe environmental investigations and remediation that was conducted at 1680 EVP, a property that the San Diego Water Board admits is not considered a source property. The preliminary soil vapor concentrations detected beneath 1680 EVP, when considered with</p>	<p>San Diego Water Board staff disagree with the comment. Staff have, however, provided additional information in the TCAO regarding the conclusions made by consultants and regulatory agencies on the potential releases of PCE due to the dry cleaning operations at 1654 EVP and 1718 EVP.</p> <p>San Diego Water Board staff have revised the TCAO in response to</p>

Comment No.	TCAO Section	Comment Summary	San Diego Water Board Staff Response
		the...Updated CSM, support the release scenario presented. San Diego Water Board staff's focus on these activities within the TCAO illustrates our concern over undue influence by rogue consultant reporting.	this comment. See Findings D.2 and D.3.
2n	Finding D.2.ix	The ORDER dedicates less than ½ page to our Preliminary Site Investigation and neglects to mention that all soil and groundwater detections occurred at 1718 EVP as well as the highest soil vapor concentrations. This illustrates San Diego Water Board staff's bias against my client.	See response to comment 2m.
2o	Finding E	Although data gaps in this investigation do exist, it seems only fair at this point that the responsible parties of 1718 EVP hold the burden of defining their soil, groundwater, and soil vapor plume boundaries before my client is required to do any additional work. We feel that a proper investigation of 1718 EVP will connect their identified releases with the greater impact detected throughout the Valley Plaza.	See response to comment 1b.
2p	Table 2	This table does not differentiate that the soil vapor samples collected at 1680 EVP represent post-remediation concentrations, which, if not considered, give a false impression of historical site conditions and contaminant plume locations, which undermines the release scenario presented in the CSM. This further illustrates San Diego Water Board's bias against my client.	San Diego Water Board staff disagree with the comment. The objectives of Table 2 are to present the current PCE soil vapor concentrations beneath 1654 EVP, 1680 EVP, and 1718 EVP after soil vapor extraction activities and provide a comparison to the soil vapor intrusion ESL for PCE. The data in Table 2 are not meant to support or refute the release scenario in the CSM. San Diego Water Board staff have not revised the TCAO in response to this comment.
2q	Section II – Directives	Considering that my client has incurred all site assessment costs to date (excluding the indoor air sampling conducted at 1718 EVP), this should be	See response to comment 2h.

Comment No.	TCAO Section	Comment Summary	San Diego Water Board Staff Response
		stated in the ORDER and considered when the San Diego Water Board makes future investigative directives.	
Comment 3: Matthew D. McMillan, Tropea McMillan LLP, March 22, 2024			
3a	Finding H	Ms. Buhler and Mr. Hortman III are incorrectly named as responsible parties and must be removed from the TCAO because the TCAO offers no evidence establishing a causal link between Ms. Buhler and Mr. Hortman III and any waste discharge.	San Diego Water Board staff disagree with the comment. However, the TCAO originally included Ms. Buhler and Mr. Hortman III not in their individual capacities, but as trustees to the Hortman Trust. The TCAO did not contemplate naming Ms. Buhler or Mr. Hortman III as responsible parties beyond the connection they had to the Hortman Trust and the assets it held. However, the Hortman Trust was deemed irrevocable on March 5, 2020, and the assets were distributed. The Hortman Trust was a responsible party but has since been dissolved and is no longer a legal entity to name as a responsible party. As such, Ms. Buhler and Mr. Hortman III have been removed from the TCAO. San Diego Water Board staff have revised the TCAO to remove Ms. Buhler and Mr. Hortman III as responsible parties. See Findings C and I.
3b	Finding H	Ms. Buhler and Mr. Hortman III are incorrectly named as responsible parties and must be removed from the TCAO as beneficiaries of the Hortman Trust because no former owner liability exists for these parties as mere beneficiaries of a trust.	See response to comment 3a.
3c	Finding H	The Hortman Trust should not be listed as a responsible party because the TCAO is time-barred due to the failure to file timely creditor's claims.	See response to comment 3a.

Comment No.	TCAO Section	Comment Summary	San Diego Water Board Staff Response
3d	Finding H	The Hortman Trust should not be listed as a responsible party because the Hortman Trust is closed and has no assets.	See response to comment 3a.
3e	Finding H	The Hortman Trust should not be listed as a responsible party because the findings in the TCAO pertaining to the Hortman Trust misstate facts or are otherwise unsupported.	See response to comment 3a.
3f	Finding H	The Hortman Trust, Ms. Buhler, and Mr. Hortman III should be placed in a position of secondary responsibility to the current owner of 1718 EVP.	San Diego Water Board staff disagree with the comment. The Water Boards do not place parties in a secondary status where there is no cleanup occurring. Here, cleanup has not started so it would be premature to name any party as secondarily responsible. San Diego Water Board staff have not revised the TCAO in response to this comment.
3g	Finding H	The TCAO fails to name numerous other Responsible Parties that likely caused or contributed to the environmental conditions at the Site.	San Diego Water Board staff disagree with the comment. The TCAO names the correct responsible parties. The San Diego Water Board reserves the right to name additional parties later if it found that additional parties are responsible. At this time, the CAO is focused on the cleanup at 1718 EVP and 1654 EVP. San Diego Water Board staff have not revised the TCAO in response to this comment.

Comment No.	TCAO Section	Comment Summary	San Diego Water Board Staff Response
3h	Finding J	Site cleanup costs for 1654 and 1718 EVP should be handled separately and allocated to the appropriate responsible party(ies).	<p>San Diego Water Board staff disagree with the comment. In general, costs are not allocated to each responsible party when issuing an Order to multiple parties. It is the parties' responsibility to distribute implementation costs amongst themselves. However, the San Diego Water Board can allocate regulatory oversight costs to each responsible party through the Cost Recovery Program.</p> <p>San Diego Water Board staff have not revised the TCAO in response to this comment.</p>
<p>Comment 4: Ryan Waterman, Brownstein Hyatt Farber Schreck, March 22, 2024</p>			
4a	Finding H	M&E Brothers should be named as a secondarily liable Discharger.	See response to comment 3f.
4b	Finding H	The Tentative CAO should preserve the Hortman Trust's ability to respond to a forthcoming CAO by naming additional parties.	See response to comment 3g.
4c	Table 3	The TCAO presents predicted indoor air concentrations in Table 3 instead of actual indoor air concentrations collected in April and October 2022.	See response to comment 1d.
4d	Section II – Directives	<p>The forthcoming CAO's Directives need to be source-specific.</p> <p>The TCAO would require all named parties to be responsible for the Kims' refusal to further investigate 1654 EVP.</p> <p>The TCAO would require all parties to upload documents to the 1718 EVP Geotracker website and risks obscuring the regulatory and investigative</p>	<p><u>Refusal to Comply with TCAO Directives</u> See response to comment 1f.</p> <p><u>Geotracker Website</u> San Diego Water Board staff agree with the comment. Staff have created a Geotracker Global ID number for submittals related to the Site, which is defined in the TCAO as areas currently and/or potentially impacted due to the unauthorized release of waste from dry cleaning operations at the 1654 EVP Property and the 1718 EVP Property. Submittals specifically for the 1654 EVP Property and the</p>

Comment No.	TCAO Section	Comment Summary	San Diego Water Board Staff Response
		record compiled under the 1654 EVP Geotracker website.	1718 EVP Property should continue to be uploaded to Geotracker Global IDs T10000014715 and T10000017258, respectively. The three Geotracker Global ID numbers are linked. San Diego Water Board staff have revised the TCAO in response to this comment. See Directive L.1.
4e	Figures 3 and 4	Current and former owners and operators should be required to investigate Site conditions at 1704 EVP due to the separate and distinct TCE and PCE releases shown on Figures 3 and 4.	See response to comment 1a.
4f	Finding C and Attachment 1	Additional updates to any forthcoming CAO must be made. Finding I.C should be revised to include full details regarding the UST closure at 1718 EVP and the operational and regulatory history for 1654 EVP. The time schedule in Attachment 1 should be revised to account for the different positions of the responsible parties and the SCAP funding decisions.	See response to comment 1g regarding the full details for the UST closure at 1718 EVP. See response to comment 1c regarding the operational and regulatory history for 1654 EVP. See response to comment 1h regarding the time schedule in Attachment 1 of the TCAO.
4g	Not Applicable	Evidentiary hearing should be held before the full San Diego Regional Board.	Comment noted. San Diego Water Board staff have not revised the TCAO in response to this comment

**Comment 5:
George Landt, Trustee of the Landt Family Trust, March 12, 2024**

5	Not Applicable	There has not been a release of PCE and TCE from the properties owned by the Landt Family Trust (1690-1706 EVP). The most likely source of the PCE and TCE is at 1718 EVP.	Comment noted. San Diego Water Board staff have not revised the TCAO in response to this comment
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