



Linda S. Adams
Secretary for
Environmental Protection

California Regional Water Quality Control Board San Diego Region

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October 31, 2006

In reply refer to:
TSMC: 50-2574-05:jebsen

Mr. Waddie Yaddgo and Mrs. Akhlas Yaddgo
One Stop Auto Shop
9613 Carlton Hills Boulevard
Santee, Ca 92071
CERTIFIED MAIL
7005 1820 0005 4392 3047

Mr. Tony Nasrawi and Mrs. Violet Nasrawi
2950 Kurtz St. #F
San Diego, CA 92110
CERTIFIED MAIL
7005 1820 0005 4392 3030

RE: Investigative Order No. R9-2006-0140
One Stop Auto Tech (Former Tony's Auto Tech)
9605 Carlton Hills Road, Santee, California

Dear Ladies and Gentlemen:

Enclosed is Investigative Order No. R9-2006-0140 (Order) requiring that you provide the Regional Board with information related to an unauthorized release of petroleum wastes from the underground storage tank system at the above referenced site. This Order is issued pursuant to California Water Code (CWC) section 13267 and directs you to submit technical reports.

Please note that each of the requirements contained within the Order have deadlines for submission. All technical reports submitted to the Regional board must be accompanied by the certification, under penalty of law, that the information is true, accurate, and complete.

Failure to meet the requirements may subject you to further enforcement action by the Regional Board pursuant to CWC section 13268 including administrative or judicial proceedings for the assessment of civil liability in amounts of up to \$5,000 per day per violation; referral to the State Attorney General for injunctive relief; and referral to the District Attorney for criminal prosecution.

California Environmental Protection Agency

Mr. and Mrs. Yaddgo
Mr. and Mrs. Nasrawi
Order No. R9-2006-0140
One Stop Auto Tech (Former Tony's Auto Tech)

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October 31, 2006

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

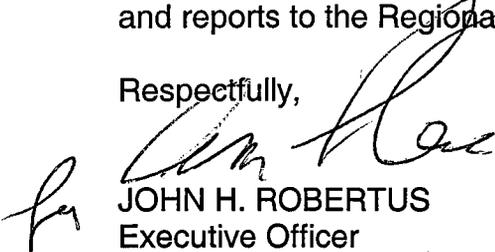
Any request for extensions of deadline dates must be submitted in writing prior to the deadline, and are only granted with written approval of the Executive Officer of the Regional Board.

Mr. Yaddgo has indicated, in a letter dated January 9, 2006, that a new consultant is under contract to conduct environmental investigation for this site. To date, no contact with the Regional Board has been made by you or the new consultant in regard to this site.

I urge you to contact my staff no later than **December 1, 2006** to arrange a meeting to discuss compliance with this order among you, your consultant, and my staff. My staff will be happy to work with you in your efforts toward achieving compliance with the directives of the enclosed Order. Please contact Ms. Jody Ebsen to arrange the meeting at (858) 636-3146 or via email at jebsen@waterboards.ca.gov.

The heading portion of this letter includes a Regional Board code number noted after "In reply refer to:" In order to assist us in the processing of your correspondence please include this code number in the heading or subject line portion of all correspondence and reports to the Regional Board pertaining to this matter.

Respectfully,


JOHN H. ROBERTUS
Executive Officer

JHR:jro:jme

Enclosure: Investigative Order No. R9-2006-0140

cc: Ms. Barbara Rinker, UST Cleanup Fund, P.O. Box 944212, Sacramento, CA 94244-2120

California Environmental Protection Agency

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

INVESTIGATIVE ORDER NO. R9-2006-0140

**ONE STOP AUTO TECH
(FORMER TONY'S AUTO TECH)
9605 CARLTON HILLS ROAD
SANTEE, CALIFORNIA**

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

- 1. Unauthorized Discharge of Waste:** In 1993, an unauthorized discharge of petroleum hydrocarbon waste to soil and ground water was discovered at the gasoline station located at 9605 Carlton Hills Boulevard in Santee, San Diego County, California. The waste was discharged from the station's underground storage tank (UST) system resulting in a condition of pollution in the underlying ground water aquifer, and creating a threatened condition of contamination and nuisance.

- 2. Parties Responsible for the Discharge:** Mrs. Violet Nasrawi, Mr. Tony Nasrawi, Mr. Waddie Yaddgo and Mrs. Akhlas Yaddgo (hereinafter Dischargers) are the parties responsible for the discharge. At the time the unauthorized discharge of waste was discovered Mrs. Violet Nasrawi owned the property at 9605 Carlton Hills Boulevard, and Mr. Tony Nasrawi owned and operated the underground storage tank system on the property. In October 2003 the ownership of the property and the underground storage tank system changed to Mr. Waddie and Mrs. Akhlas Yaddgo.

- 3. Waste Discharges:** Fuel related constituents are reported in ground water beneath the site. The presence of free floating product (*i.e.*, gasoline), as reportedly observed in monitoring wells PRW #A, PRW #B and PRW#C, indicates that gasoline concentrations exceed the solubility limit for water. Other fuel related constituents have also been detected in groundwater and these are summarized as follows:

Constituent	Water Quality Objectives (micrograms per liter or µg/L)	Maximum Groundwater Concentrations (µg/L)¹
Benzene	1	3190
MTBE	13	43200

¹ *Third Quarter 2004, July 20, 2004, Interim Report*, prepared by H.E.M.C. Environmental Management Corp.

The fuel related constituents tabulated above are present in ground in concentrations exceeding naturally occurring background concentrations and applicable water quality objectives.

- 4. Condition of Pollution:** The site is located in the Santee hydrologic subarea (HSA 907.12) of the San Diego Hydrologic Unit of the San Diego River watershed. This subarea has designated beneficial uses for both surface and ground waters. Designated beneficial uses of water resources include municipal, domestic, industrial service and industrial supply. The property lies above San Diego River Valley ground water basin that is considered a sensitive aquifer area.

The concentrations of waste constituents (tabulated in Finding 3 of this Order) exceed the primary maximum contaminant levels (MCL), for the protection of public drinking water supplies, established by the California Department of Health Services. The discharge of petroleum hydrocarbon constituents degrade the quality of ground water resources, impair the designated beneficial uses of the waters as identified in the Water Quality Control Plan, and create a condition of pollution in ground water.

- 5. Damaged Monitoring Wells:** In March 1999, four (4) ground water monitoring wells identified as MW-4, MW-12, MW-13 and PRW-A were irreparably damaged. The depth of the wells ranged from 12 to 70 feet below grade surface. Improperly destroyed monitoring wells can create vertical conduits for the transport of contaminants with in the aquifer and threaten water quality. In a letter dated March 28, 2005, the County of San Diego Department of Environmental Health (DEH) stated that permits to properly destroy these monitoring wells were never sought by the Dischargers. Under the County Ordinances, the County DEH staff identified these improperly destroyed monitoring wells as public nuisances.

Damage to existing monitoring wells MW-2 and MW-6 was described in a report submitted to the Regional Board, dated October 25, 2004. The damage to the wells compromises their integrity and limits their usefulness for providing representative samples for monitoring ground water. In a letter dated December 24, 2004, the Regional Board requested a workplan for the proper destruction of these wells. To date, the Dischargers have failed to provide the requested workplan to the Regional Board.

- 6. Previous Order:** On August 8, 2005, the Regional Board issued Investigative Order No. R9-2005-0214 to the Dischargers for the submission of electronic information required at this site.

- 7. Regulatory Authority and Necessity:** California Water Code section 13267 authorizes the Regional Board to investigate the quality of any water of the state within its region. The Regional Board may require Dischargers to submit technical and monitoring program reports. These findings provide the Dischargers with a written explanation with regard to the need for the reports and identify the evidence that supports the requirement to submit the reports. The associated costs bear a reasonable relationship to the need for the actions, specifically the protection of water quality and beneficial uses.
- 8. Legal and Regulatory Authority:** This Order is based on (1) section 13267 of the Porter-Cologne Water Quality Control Act (Division 7 of the Water Code, commencing with Section 13000); (2) applicable state and federal regulations; (3) all applicable provisions of statewide Water Quality Control Plans adopted by the State Water Resources Control Board and the *Water Quality Control Plan for the San Diego Basin* (Basin Plan) adopted by the Regional Board including beneficial uses, water quality objectives, and implementation plans; (4) State Water Board policies and regulations, including State Water Resolution No. 68-16 (*Statement of Policy with Respect to Maintaining High Quality of Waters in California*) Resolution No. 88-63 (*Sources of Drinking Water*); California Code of Regulations (CCR) Title 23, Chapter 16, Article 11; CCR Title 23, section 3890 *et. seq.*, and (5) relevant standards, criteria, and advisories adopted by other state and federal agencies.
- 9. California Environmental Quality Act (CEQA):** This action is an order to enforce the laws and regulations administered by the Regional Board. As such, this action is categorically exempt from the provisions of the California Environmental Quality Act pursuant to section 15308 of the California Public Resources Code.

IT IS HEREBY ORDERED, pursuant to section 13267 of the California Water Code, that the Dischargers must report results from field investigations on the effects of the discharge and comply with the following directives:

A. TASKS

1. **Ground Water Monitoring:** The Dischargers must implement a quarterly ground water monitoring program at the site, as specified in Enclosure 1. Results must be reported commencing with a quarterly report due on **January 30, 2007**.
2. **Site Conceptual Model:** The Dischargers must submit a site conceptual model (SCM) no later than **February 28, 2007**. The SCM is a written or pictorial representation of the release scenario and the likely distribution of waste at the site, as well as potential pathways and receptors. The SCM must identify and describe the types of wastes present including their distribution in space and time, and how the wastes are changing in space and time.

The SMC also must identify the potential, current and future receptors in the area; link potential sources to potential receptors through transport of wastes in the air, soil and water; and identify the fate and transport characteristics of the site. It should describe or show the physical characteristics and properties of the subsurface and identify the environmental issues that need to be investigated (and those issues that do not need to be addressed). The initial SCM must include a discussion of the level of uncertainty of conclusions, outline data gaps remaining in the conceptual model, and describe the additional work needed to fill identified data gaps.

The SCM must be refined and updated as site characterization data becomes available. Updates to the SCM should be included in all future technical and quarterly monitoring reports submitted. The first SCM must also include the following information that was originally requested by the Regional Board in our letter dated December 24, 2004:

- a. All historic ground water results and supporting laboratory data sheets including data collected prior to the year 1999; and all ground water results and supporting laboratory data sheets that were collected from wells MW-4, MW-12, MW-13 and PRW-A.
- b. Analytical results and narrative interpretation of results from any enhanced leak detection testing performed on the underground storage tank system.

3. Workplan for Soil and Ground Water Investigation: A workplan is due no later than **March 30, 2007**. The soil and ground water investigation must:

- a. Identify all wastes associated with the discharge and the horizontal and vertical extent of the wastes both on and off site to background levels in both the ground water and soil.
- b. Characterize the geology and hydrogeology of the site with respect to transport of the wastes.
- c. Determine the source(s), and nature of the discharge in the subsurface, and evaluate the impacts of the wastes on all existing and future sensitive receptors that could be affected by the wastes.

Based on the SCM (see Task A.2 above), submit an adequate workplan and schedule for the next phase of this investigation. The workplan must propose tasks needed to obtain data to fill the data gaps identified in the SCM. An adequate workplan must be submitted to the Regional Board no later than March 30, 2007.

The Dischargers must execute the workplan and provide a technical report with the results from implementation of the workplan. Implementation of the workplan will commence no later than 60 days after submission of the workplan. Within 60 days of the conclusion of the investigation the Dischargers must submit a technical report including an adequate characterization of the source(s), nature and extent (both laterally and vertically) of the discharge, and addresses any pollutants that have migrated off-site. The information in the report must provide an adequate basis for determining subsequent cleanup and abatement actions.

4. Workplan for Well Destruction: The workplan submitted to the Regional Board by **March 30, 2007** must also include the Dischargers' plan for proper destruction of the ground water monitoring wells identified as MW-2, MW-4, MW-6, MW-12, MW-13 and PRW-A. The workplan must include, but not be limited to, well destruction permits and a schedule to have the work performed. The County of San Diego DEH, Land and Water Quality Division is the agency with the authority to issue permits for well destruction. The Dischargers are required to comply with all local regulations and permit requirements regarding the destruction of the ground water monitoring wells.

- 5. Corrective Action Plan:** The Dischargers must prepare a Corrective Action Plan (CAP) and submit it to the Regional Board no later than **July 30, 2007**. The CAP must satisfy the provisions of section 2725 of the regulations governing underground storage tanks (CCR, Title 23, Chapter 16 section 2600, *et seq.*). The CAP must identify and discuss a range of remedial action alternatives that may be implemented to cleanup petroleum fuel wastes and include a schedule for implementing the preferred remediation alternative. The CAP must consider mitigation of the following constituents in the affected ground water zones: benzene, toluene, total xylenes, ethylbenzene, methyl tertiary butyl ether, tertiary butyl alcohol and any other wastes which may have been released by the Dischargers. All free phase petroleum hydrocarbon product (*i.e.*, light non-aqueous phase liquid or "LNAPL") must be removed and any sources of petroleum hydrocarbon wastes must be removed.
- 6. Interim Remedial Actions:** The Dischargers shall implement interim remedial actions to abate or correct the actual or potential effects of the unauthorized release pursuant to California Code of Regulations (CCR) Title 23, Chapter 16, section 2722(b) as necessary. Interim remedial actions may include but are not limited to: activities that remove all free product, removal of petroleum hydrocarbon sources (*e.g.* soil saturated with petroleum hydrocarbons) and/or mitigation of contamination of all surface and ground waters affected by the waste discharge. The Dischargers must notify the Regional Board in writing with a proposed workplan and schedule at least thirty days prior to initiating any interim remedial actions. The Dischargers must implement their interim remedial actions within 30 days of submitting the workplan to the Regional Board.
- 7. Order R9-2005-0214:** The findings and directives of Order R9-2005-0214 remain in force, and nothing in this Order negates or supersedes the requirements of Order R9-2005-0214.

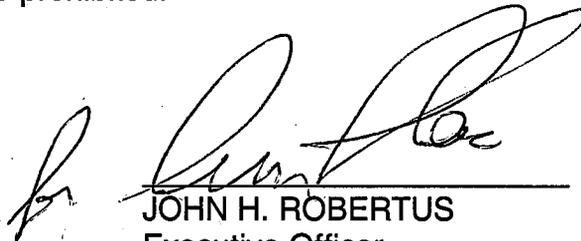
B. PROVISIONS

- 1. No Pollution, Contamination or Nuisance:** The storage, handling, treatment, or disposal of soil containing petroleum hydrocarbon waste or polluted ground water must not create conditions of nuisance as defined in California Water Code section 13050(m). The Dischargers must properly manage, treat and dispose of wastes and polluted ground water in accordance with applicable federal, state and local regulations.

- 2. Good Operation and Maintenance:** The Dischargers must maintain in good working order and operate as efficiently as possible any monitoring system, facility or control system installed to achieve compliance with the requirements of this Order.
- 3. Ground Water Monitoring Program:** The Dischargers must comply with the Ground Water Monitoring Program specified in Enclosure 1 of this Order.
- 4. Contractor/Consultant Qualifications:** All technical documents must be signed by and stamped with the seal of a California licensed professional geologist, or a California licensed civil engineer.
- 5. Lab Qualifications:** All samples must be analyzed by California State-certified laboratories using approved EPA methods for the type of analysis to be performed. All laboratories must maintain quality assurance/quality control (QA/QC) records for Regional Board review.
- 6. Reporting of Changed Owner or Operator:** The Dischargers must notify the Regional Board of any changes in site occupancy or ownership associated with the property described in this Order.
- 7. Penalty of Perjury Statement.** All reports must be signed by the Dischargers' principal executive officer or their duly authorized representative, and must include a statement by the official, under penalty of perjury, that the report is true and correct to the best of the official's knowledge.
- 8. Electronic Data Submittals:** All information submitted to the Regional Board in compliance with this Order in paper copy format is also required to be submitted electronically via the Internet into the GeoTracker database. The GeoTracker website address is <http://geotracker.waterboards.ca.gov>. Deadlines for electronic submittals coincide with deadlines for paper copy submittals. The Discharger shall also comply with the electronic reporting requirements of Order R9-2005-0214.
- 9. Regulations:** All corrective actions must be in accordance with the provisions of California Code of Regulations Title 23, Chapter 16, and the Cleanup and Abatement Policy in the *Water Quality Control Plan for the San Diego Basin (9)*.

C. PROHIBITIONS

1. The discharge of wastes or hazardous substances in a manner that will degrade water quality or adversely affect the water quality needed to sustain beneficial uses of waters of the State is prohibited.
2. Further significant migration of wastes or hazardous substances through subsurface transport to waters of the State is prohibited.
3. Activities associated with the subsurface investigation and cleanup, which will cause significant adverse migration of wastes or hazardous substances, are prohibited.



JOHN H. ROBERTUS
Executive Officer
October 31, 2006

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

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Enclosure 1: Quarterly Ground Water Monitoring Program

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

**ENCLOSURE 1 of R9-2006-0140
QUARTERLY GROUND WATER MONITORING PROGRAM**

**ONE STOP AUTO TECH
(FORMERLY TONY'S AUTO TECH)
9605 CARLTON HILLS ROAD, SANTEE, CALIFORNIA**

- 1. Authority and Purpose:** The Dischargers are directed to submit the technical reports required in this Ground Water Monitoring Program (GMP) pursuant to California Water Code section 13267. This GMP is intended to document compliance with Investigative Order No. R9-2006-0140.
- 2. Monitoring:** The Dischargers must measure ground water elevations quarterly in all monitoring wells. With the exception of MW-2 and MW-6, ground water samples from all the remaining wells must be collected and analyzed using EPA methods 8015 for total petroleum hydrocarbons quantifying gasoline and diesel and EPA method 8260 for volatile organic compounds including benzene, toluene, ethylbenzene, xylenes, methyl tertiary butyl ether (MTBE), tertiary butyl alcohol (TBA) and all other fuel oxygenates.

The Dischargers must sample any new groundwater monitoring or extraction wells quarterly and analyze ground water samples for the same constituents as shown above. The Dischargers may propose changes in the above sampling requirements; any proposed changes are subject to Regional Board approval.

- 3. Quarterly Ground Water Monitoring Reports:** The Dischargers must submit quarterly ground water monitoring reports to the Regional Board commencing with **January 30, 2007**. Subsequent reports shall be submitted no later than 30 days following the end of the quarter according to the following schedule:

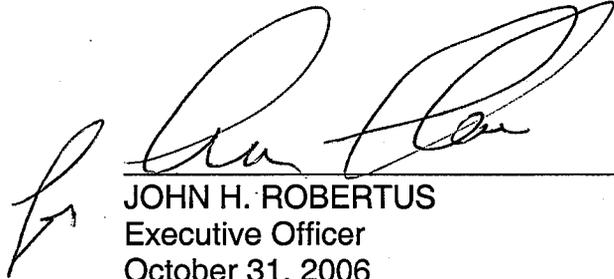
Monitoring Period	Due Date for Report
First Quarter (Jan-Mar)	Due no later than April 30
Second Quarter (Apr-Jun)	Due no later than July 30
Third Quarter (Jul-Sep)	Due no later than October 30
Fourth Quarter (Oct-Dec)	Due no later than January 30

The quarterly ground water monitoring reports must include:

- A. Transmittal Letter with Penalty of Perjury Statement.** The transmittal letter must discuss any violations during the reporting period and actions taken or planned to correct the problem. The letter must be signed by the Discharger's principal executive officer or their duly authorized representative, and must include a statement by the official, under penalty of perjury, that the report is true and correct to the best of the official's knowledge.
- B. Ground Water Elevations.** Ground water elevation data must be presented in tabular format with: depth to ground water (in feet below ground surface), top of casing elevations, depths to the top of well screens, length of well screens and total depth for each well included in the monitoring program. For all wells containing floating "free petroleum product" (A.K.A. light non-aqueous phase liquid or LNAPL) include the measured thickness of LNAPL in a tabular format. A ground water elevation map must be prepared for each monitored water-bearing zone with the ground water flow direction and calculated hydrologic gradients(s) clearly indicated in the figures(s). A complete tabulation of historical ground water elevations must be included in the fourth quarterly report each year.
- C. Reporting Ground Water Results:** All monitoring reports must:
- i. Present all ground water sampling data in tabular format. Isoconcentration map(s) must be prepared for constituents of concern (COCs) for each monitored water-bearing zone, as appropriate. Time versus concentration plots and distance versus concentration plots that also show ground water elevations must be prepared for constituents of concern for appropriate wells.
 - ii. Provide a site plot plan which clearly illustrates the locations of monitoring wells, former/current underground storage tank systems (and product piping) and buildings located on site and immediately adjacent to the property lines of the site.
 - iii. Provide a site plot plan with the most recent concentrations of total petroleum hydrocarbons and volatile aromatic hydrocarbons (*e.g.* benzene, toluene, ethylbenzene, total xylenes, MTBE, TBA and other fuel oxygenates).

- iv. The report must provide technical interpretations of the ground water data, and describe any significant increases in pollutant concentrations since the last report, any measures proposed to address the increases, any changes to the site conceptual model, any conclusions and recommendations for future action with each report.
 - v. The report must describe analytical methods used, detection limits obtained for each reported constituent, and a summary of QA/QC data.
 - vi. The report must indicate sample collection protocol(s), describe how investigation derived wastes are managed at the site, and include documentation of proper disposal of contaminated well purge water and/or soil cuttings removed from the site.
 - vii. Historical ground water sampling results must be listed in tabular form and included in the fourth quarterly report each year.
- D. Paper Copy and Electronic Data Submittals:** All data and reports must be submitted both in paper copy and electronic formats. Deadlines for paper copy submittals also extend to electronic copy submittals. The electronic reporting requirements as of January 1, 2005 include well location data, survey data, sampling data, ground water elevation data, boring logs, well screen information, site maps, and copies of reports in PDF format. These must be submitted electronically via the Internet into the GeoTracker data warehouse in the appropriate electronic deliverable format according to the schedule in item 3 above. The GeoTracker website address is <http://geotracker.waterboards.ca.gov>.
- E. Ground Water Extraction:** If applicable, the report must include ground water extraction results in tabular form, for each extraction well and for the site as a whole, expressed in gallons per minute and total ground water volume for the quarter. The report must also include contaminant removal results, from ground water extraction wells and from other cleanup and abatement systems (e.g. soil vapor extraction), expressed in units of chemical mass per day and mass for the quarter. Historical mass removal results must be included in the fourth quarterly report each year.
- F. Status Report:** The quarterly report must describe relevant work completed during the reporting period (e.g. site investigation, interim remedial measures) and work planned for the following quarter.

4. **Violation Reports:** If the Dischargers violate any requirements of this Order, then the Dischargers must notify the Regional Board office by telephone as soon as practicable once the Dischargers have knowledge of the violation. Regional Board staff may, depending on violation severity, require the Dischargers to submit a separate technical report on the violation within five working days of telephone notification.
5. **Other Reports:** The Dischargers must notify the Regional Board in writing prior to any site activities, such as construction or removal of an underground tank, which have the potential to cause further migration of contaminants or which would provide new opportunities for site investigation.
6. **Record Keeping:** The Dischargers or their agent must retain data generated for the above reports, including lab results and QA/QC data, for a minimum of six years after origination and must make them available to the Regional Board upon request.
7. **Ground Water Monitoring Program (GMP) Revisions:** Revisions to the GMP may be ordered by the Regional Board, or at the request of the Dischargers. Prior to making GMP revisions, the Regional Board will consider the burden, including costs, of the ground water monitoring reports relative to the benefits to be obtained from these reports.



JOHN H. ROBERTUS
Executive Officer
October 31, 2006