



# California Regional Water Quality Control Board San Diego Region



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[http:// www.waterboards.ca.gov/sandiego](http://www.waterboards.ca.gov/sandiego)

October 9, 2008

IN THE MATTER OF )

MCS Civic Center Plaza, LLC )  
Attn: Mr. Matthew C. Strauss )  
990 Highland Avenue, Suite 200 )  
Solana Beach, CA 92075 )

Ralph Stone and Company, Inc. )  
Attn: Messrs. David Klein; )  
Richard Kale, P.E., R.E.A; and )  
James Rowlands, P.E., G.E. )  
10954 Santa Monica Boulevard )  
Los Angeles, CA 90025 )

CMH Environmental Group, Inc. )  
Attn: Mr. Carl Hulick )  
2501 Chapman Ave., Suite 100 )  
Fullerton, CA 92831 )

NOTICE OF VIOLATION  
NO. R9-2008-0109

**Order No. R9-2003-0111 - "General Waste Discharge Requirements for Discharges of Treated Groundwater from Volatile Organic Compound Cleanup Sites to Land in the San Diego Region"**

**Subject Site: Mr. Terry One-Hour Cleaners Site, 431 North Escondido Boulevard, Escondido, California**

**YOU ARE HEREBY NOTIFIED THAT:**

You are in violation of the California Regional Water Quality Control Board, San Diego Region (hereinafter Regional Board) Order No. R9-2003-0111, *General Waste Discharge Requirements for Discharges of Treated Groundwater From Volatile Organic Compound Cleanup Sites to Land in the San Diego Region* (hereinafter Order). Note that violations of the Order subjects responsible parties to possible enforcement action(s) by the Regional Board, including administrative enforcement orders to clean up waste and abate existing or threatened conditions of pollution or nuisance; administrative civil liability in the amounts of \$15,000 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



On October 28, 2003, Ralph Stone and Company, Inc. submitted on behalf of MCS Civic Center Plaza, LLC, in its capacity as "environmental consultant of record for the property owner," an application for enrollment of the discharge of treated groundwater to land under the Order. The enrolled remedial activities were conducted June 2004 through August 2006 at and in the vicinity of a former dry cleaning facility (hereinafter Mr. Terry One-Hour Cleaners) located at 431 North Escondido Boulevard, Escondido, California. Based on the detailed review of submitted documents, the Regional Board identified numerous violations of several Order requirements, including Monitoring and Reporting Program No. R9-2003-0111 (hereinafter MRP, Order Attachment B) requirements. Following is a list of Order and MRP requirement violations noted to date and a brief discussion of each violation. Based on the limited information submitted to date, it is possible that additional violations may be identified in the future.

**SUMMARY OF ORDER VIOLATIONS:**

**Violation of Eligibility Requirement A.2.**

Failure to provide along with the Report of Waste Discharge (hereinafter RoWD), a written description of, or copies of written comments from the affected groundwater management entity, if any, affected public water systems, and the State Department of Health Services concerning the proposed discharge.

**Violation of Eligibility Requirement A.3.**

Failure to provide along with the RoWD, proof of notification of private well owners who own wells within 1,000 feet of the discharge point.

**Violation of Eligibility Requirement A.5.b.**

Failure to include in the RoWD, a sampling and analysis plan (hereinafter SAP) that identifies specific methods of analysis and quality assurance/quality control methods.

**Violation of Eligibility Requirement A.5.c.**

Failure to include in the RoWD a copy of the Interim Remediation Action Plan (hereinafter IRAP) or Corrective Action Plan (hereinafter CAP), including any conditions of implementation required by an oversight agency.

**Violation of Eligibility Requirement A.5.d.**

Failure to include in the RoWD a copy of the Site Conceptual Model (hereinafter SCM).

**Violation of Eligibility Requirement A.5.e.**

Failure to include in the RoWD a copy of laboratory analytical data of the concentrations of chemical constituents in the extracted and receiving groundwater.

**Violation of Prohibition Requirement B.1.**

Failure to comply with waste discharge prohibitions in the Basin Plan.

**Violation of Provision Requirement D.1.**

Failure to comply with the "Standard Provisions Applicable to Waste Discharge Requirements" (Order Attachment D).

**Violation of Monitoring and Reporting Requirement E.1.**

Failure to comply with the MRP.

**Violation of Monitoring and Reporting Requirement E.2.**

Failure to promptly submit relevant facts that were not submitted in the RoWD or any report. Failure to promptly submit corrected information that was presented in the RoWD or any report that following submittal was determined to be incorrect.

**Violation of Monitoring and Reporting Requirement E.3.**

Failure to submit written statement of actions, including a timetable, undertaken or proposed, to achieve compliance when Order requirements were not met.

**Violation of Monitoring and Reporting Requirement E.5.a.**

Failure to provide a RoWD signed by a principal executive officer or at least the level of vice president for a corporation.

**Violation of Monitoring and Reporting Requirement E.5.b.**

Failure to provide reports and information required by the Executive Officer that are signed by a principal executive officer or at least the level of vice president for a corporation or by a duly authorized representative of that person.

**Violation of Monitoring and Reporting Requirement E.6.**

Failure to provide documents that contain the required certification statement.

**Violation of Monitoring and Reporting Requirement E.7.**

Failure to submit required reports and other required information to:

Executive Officer

California Regional Water Quality Control Board, San Diego Region

9174 Sky Park Court, Suite 100

San Diego, CA 92123-4340

Attn: Supervisor, Tank Site Mitigation and Cleanup Unit.

**SUMMARY OF MRP VIOLATIONS:**

**Violation of Monitoring Provision Requirement A.1.**

Failure to acquire samples and measurements that are representative of the volume and nature of the discharge and receiving water.

**Violation of Monitoring Provision Requirement A.2.**

Failure to provide a laboratory report that is appropriately signed and certified.

**Violation of Influent, Effluent, and Receiving Groundwater Monitoring Requirement B.1.**

Failure to monitor receiving groundwater at a location unaffected by the discharge.

**Violation of Influent, Effluent, and Receiving Groundwater Monitoring Requirement B.2.**

Failure to monitor for and report on volatile organic compounds (VOCs) and total petroleum hydrocarbons (TPH) in the treatment system influent and effluent, and receiving groundwater.

**Violation of Influent, Effluent, and Receiving Groundwater Monitoring Requirement B.6.**

Failure to monitor for and report on the constituents identified in MRP Directives B.3. and B.5. in the treatment system influent and effluent, and receiving groundwater.

**Violation of Reporting Requirement C.1.**

Failure to submit quarterly monitoring reports no later than 30 days following the end of each quarter.

**Violation of Reporting Requirement C.3.**

Failure to provide sufficient information in monitoring reports to demonstrate compliance with the discharge limitations in the Order.

**Violation of Reporting Requirement C.4.**

Failure to arrange monitoring data in a tabular form so that the date, constituents, concentrations, and monitoring locations are readily discernible; and summarized to demonstrate compliance with waste discharge requirements. Additionally, failure to report laboratory analytical data to the Geotracker data warehouse.

**Violation of Reporting Requirement C.5.**

Failure to submit reports under cover of a transmittal letter that summarizes the essential points of each report, and discusses any Order requirement violation(s) and action(s) taken or planned for correcting violation(s). If no violation(s) occurred, this was to be stated in the transmittal letter.

**Violation of Reporting Requirement C.6.**

Failure to include the required affirmation statement in each monitoring report.

**Violation of Reporting Requirement C.7.**

Failure to include the required certification statement in submitted documents.

Messrs. Strauss, Klein, Kahle, and Rowlands - 5 -  
Mr. Terry One-Hour Cleaners Site - NOV  
Escondido, California

October 9, 2008

**Violation of Reporting Requirement C.8.**

Failure to submit reports to:

Executive Officer  
California Regional Water Quality Control Board, San Diego Region  
9174 Sky Park Court, Suite 100  
San Diego, CA 92123-4340  
Attn: Supervisor, Tank Site Mitigation and Cleanup Unit.

Questions pertaining to the issuance of this Notice of Violation are to be directed to Ms. Beatrice Griffey via phone at (858) 467-2728 or via e-mail at [BGriffey@waterboards.ca.gov](mailto:BGriffey@waterboards.ca.gov). Written correspondence pertaining to this Notice of Violation are to be directed to the following address:

Mr. Michael P. McCann  
Assistant Executive Officer  
Attn: Ms. Beatrice Griffey  
California Regional Water Quality Control Board, San Diego Region  
9174 Sky Park Court, Suite 100  
San Diego, California 92123-4340



Michael P. McCann, P.E.  
Assistant Executive Officer

Date: October 9, 2008

*California Environmental Protection Agency*

