

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL VALLEY REGION

MONITORING AND REPORTING PROGRAM ORDER NO. R5-2009-0865  
CALIFORNIA WATER CODE SECTION 13267  
FOR  
RESTRUCTURE PETROLEUM MARKETING SERVICES INC,  
VRG PROPERTIES COMPANY AND JEM1, LLC.  
FORMER FILL'EM FAST GAS STATION  
1017 DOUGLAS BOULEVARD, ROSEVILLE, PLACER COUNTY

This Order is issued to Restructure Petroleum Marketing Services Inc, VRG Properties Company, and JEM1, LLC (hereafter Dischargers) pursuant to California Water Code (CWC) section 13267, which authorizes the Executive Officer of the California Regional Water Quality Control Board, Central Valley Region (hereafter Central Valley Water Board) to issue a Monitoring and Reporting Program Order (Order).

The Executive Officer finds:

**INTRODUCTION**

1. The former Fill 'Em Fast Gas Station is located at 1017 Douglas Boulevard, Roseville, Placer County (Site) and is a former retail fuel station. The Site's three 10,000-gallon underground storage tanks (USTs), along with all associated dispensers and piping, were excavated and removed from the Site in March 1992. The Site is currently a vacant lot.
2. Autotronic Systems, Inc. (Autotronic) was operating the Site's former UST system at the time an unauthorized release from the Site's UST system was discovered in January 1984. Autotronic is a subsidiary of Diamond Shamrock, which is now Valero Energy Corporation. Valero Energy Corporation separated all retail and refinery assets into two operating subsidiaries. The subsidiary responsible for managing all retail sites is VRG Properties Company. Therefore, VRG Properties Company is a named Discharger because it is a successor in interest to Autotronic Systems Inc, the company operating the Site's former UST system at the time of the release.
3. Autotronic Systems, Inc, operated the station from December 1971 until the Site's lease was transferred to E-Z Serve Inc. in January 1985. As part of this January 1985 lease transfer agreement between Diamond Shamrock and E-Z Serve, E-Z Serve assumed all assets, liability, and environmental responsibility for the Site, including the release at the Site identified in 1984. Subsequently, the Site was known as E-Z Serve Inc. Service Station #100875 (E-Z Serve #100875). E-Z Serve Inc. operated the UST system until it was removed in March 1992.
4. On 22 April 1997, Restructure Petroleum Marketing Service, Inc. (RPMS) purchased the stock of E-Z Serve Petroleum Marketing Company and E-Z Serve Petroleum Marketing Company of California. RPMS acquired all assets and assumed all liabilities of both petroleum-marketing companies. On 11 June 1997, the former E-Z companies were officially renamed to RPMS and Restructure Petroleum Marketing Services of California. Therefore, RPMS is a named Discharger because it is a successor in interest to E-Z-Serve Inc, the company that assumed all assets, liability, and environmental responsibility for the Site, including the release at the Site identified in 1984.

5. JEM1, LLC is a named Discharger because it is the current property owner.
6. At the time of this Order, RPMS has taken the lead and shall continue to take the lead to comply with this Order. RPMS has engaged consultants to complete the groundwater monitoring and reporting tasks set forth below. If the Central Valley Water Board staff determine that RPMS has failed to comply timely with any requirement(s) of this Order [Unfinished Task(s)] and failed to obtain an extension to perform such requirement(s), then Central Valley Water Board staff may notify and require VRG and/or JEM1, LLC to perform the Unfinished Task(s) in place of RPMS. The transfer of responsibility for unfinished task(s) to other Dischargers does not relieve RPMS of its obligations to comply with this Order or for any enforcement action by the Central Valley Water Board occurring before or after the transfer of Unfinished Tasks(s)
7. If Central Valley Water Board staff determines that VRG and/or JEM1, LLC should perform the Unfinished Task(s) in place of RPMS, the staff will provide those Dischargers with notice of noncompliance and shall grant those Dischargers a reasonable period of time (Cure Period) to complete the Unfinished Task(s). The Central Valley Water Board staff shall determine an appropriate Cure Period on a case-by-case basis, depending upon the nature of the Unfinished Task(s) to be performed, the degree to which performance has already occurred, the need for any corrections to work already performed, and other relevant and appropriate factors. In no event shall the Cure Period be less than 60 days.
8. During the Cure Period, the Central Valley Water Board shall not take enforcement actions against VRG or JEM1, LLC, provided that during the Cure Period those Dischargers promptly commence and diligently perform the work necessary to remedy the Unfinished Task(s). The date of the last day of the Cure Period shall be referred to as the "Cure Date." In the event that the Central Valley Water Board staff requires VRG and/or JEM1, LLC to remedy the Unfinished Task(s) as set forth above, then the Cure Date shall be deemed and shall constitute the compliance deadline for such Unfinished Task(s) for purposes of satisfying the monitoring and reporting tasks set forth in this Order below.
9. From and after any Central Valley Water Board notice of noncompliance directing VRG and/or JEM1, LLC to remedy any Unfinished Task(s), any Discharger performing work under this Order may request, in writing, an extension of the time specified in this Order. The extension request shall include justification for the delay. Any extension request shall be submitted as soon as the situation giving rise to the extension request is recognized and no later than the compliance date. An extension may only be granted by revision of this Order or by a letter from the Central Valley Water Board Executive Officer.
10. Investigations have shown that elevated levels of petroleum hydrocarbons are present in groundwater at the Site, which flows generally to the southwest and is about 15 to 20 feet below ground surface. This pollution impaired the beneficial use of this water resource.
11. An air sparging/soil vapor extraction system was operated at the Site between June 2005 and December 2007. In February 2008, periodic dual phase extraction (DPE) events began, and additional DPE remedial events were proposed for 2009.

12. This Monitoring and Reporting Program (MRP) Order is issued pursuant to California Water Code section 13267 and is necessary to delineate groundwater pollutant plumes and determine whether remediation efforts are effective.
13. Existing data and information about the Site show the presence of various chemicals, including total petroleum hydrocarbons as gasoline (TPH-G), benzene, toluene, ethylbenzene, xylenes, methyl tertiary-butyl ether (MTBE), tert butyl alcohol (TBA) and naphthalene emanating from the property under the control of the Dischargers or due to the Dischargers' past operations.
14. The Dischargers shall not implement any changes to this MRP unless and until a revised MRP is issued by the Executive Officer. This MRP replaces the requirements listed in MRP No. R5-2008-0809, which was issued on 3 April 2008.
15. Prior to construction of any new groundwater monitoring or extraction wells, and prior to destruction of any groundwater monitoring or extraction wells, the Dischargers shall submit plans and specifications to the Central Valley Water Board for review and approval. Once installed, all new wells shall be added to the monitoring program and shall be sampled and analyzed according to the schedule below.

### **LEGAL PROVISIONS**

16. CWC section 13267 states, in part:

(b)(1) In conducting an investigation, the regional board may require that any person who has discharged, discharges, or is suspected of having discharged or, discharging, or who proposes to discharge waste within its region . . . shall furnish, under penalty of perjury, technical or monitoring program reports which the regional board requires. The burden, including costs, of these reports shall bear a reasonable relationship to the need for the report and the benefits to be obtained from the reports. In requiring those reports, the regional board shall provide the person with a written explanation with regard to the need for the reports, and shall identify the evidence that supports requiring that person to provide the reports.

The reports required herein are necessary for the reasons described in this Order, to assure protection of waters of the state, and to protect public health and the environment.

17. CWC section 13268 states, in part:

(a)(1) Any person failing or refusing to furnish technical or monitoring program reports as required by subdivision (b) of Section 13267 . . . or falsifying any information provided therein, is guilty of a misdemeanor and may be liable civilly in accordance with subdivision (b).

(b)(1) Civil liability may be administratively imposed by a regional board in accordance with Article 2.5 (commencing with Section 13323) of Chapter 5 for a violation of subdivision (a) in an amount which shall not exceed one thousand dollars (\$1,000) for each day in which the violation occurs.

Failure to submit the required reports to the Central Valley Water Board according to the schedule detailed herein may result in enforcement action(s) being taken against the responsible Dischargers, which may include the imposition of administrative civil liability pursuant to CWC section 13268. Administrative civil liability of up to \$1,000 per violation per day may be imposed for noncompliance with the directives contained herein.

### REQUIRED ACTIONS

**IT IS HEREBY ORDERED** that, pursuant to California Water Code section 13267, MRP No. R5-2008-0809 is hereby rescinded and Restructure Petroleum Marketing Services Inc, VRG Properties Company, and JEM1, LLC shall:

1. Conduct monitoring and reporting in compliance with the following specifications.
2. As shown on Figure 1, there are 19 monitoring and extraction wells associated with the Site. They are designated as MW-2, MW-3, MW-4, MW-5, MW-6, MW-7, MW-8, EX-1, EX-2, EX-3, EX-4, EX-5, EXMW-4, EXMW-5, EXMW-9, EXMW-10, EXMW-13, EXMW-14, and EXMW-15. The groundwater monitoring program for the 19 monitoring and extraction wells, and any wells installed subsequent to the issuance of this MRP, shall follow the schedule below.
3. Monitoring wells with free phase petroleum product or visible sheen shall be monitored, at a minimum, for product thickness and depth to water.
4. Sample collection and analysis shall follow standard EPA protocol.

SAMPLING FREQUENCY <sup>1</sup>		
Frequency	Semi-Annually <sup>2</sup>	Annually <sup>3</sup>
<b>Wells</b>	MW-3, MW-4, MW-8, EX-1, EX-2, EX-4, EX-5, EXMW-4, EXMW-5, EXMW-9, EXMW-14, EXMW-15, and all new wells	MW-2, MW-5, MW-6, MW-7, EX-3, EXMW-10, and EXMW-13

<sup>1</sup> All wells shall be monitored semi-annually for water levels and the presence and thickness of free product.

<sup>2</sup> Semi-annual sampling shall occur during the first and third quarters of each calendar year.

<sup>3</sup> Annual sampling shall occur during the first quarter of each calendar year.

Constituent Analysis		
Constituents	EPA Analytical Method	Maximum Practical Quantitation Limit (µg/l) <sup>4</sup>
Depth to Groundwater	---	± 0.01feet
Total Petroleum Hydrocarbons	8015M	50
Benzene	8020 or 8260B	0.5
Toluene	8020 or 8260B	0.5
Ethylbenzene	8020 or 8260B	0.5
Xylene	8020 or 8260B	0.5

<sup>4</sup> For non-detectable results. All concentrations between the Method Detection Limit and the Practical Quantitation Limit shall be reported as trace.

## REPORTING

5. When reporting the data, the Dischargers shall arrange the information in tabular form so that the date, the constituents, and the concentrations are readily discernible. The data shall be summarized in such a manner as to illustrate clearly the compliance with this Order.
6. As required by the California Business and Professions Code sections 6735, 7835, and 7835.1, all reports shall be prepared by a registered professional engineer or geologist or their subordinate and signed by the registered professional under penalty of perjury under the laws of the State of California.
7. Semi-annual electronic reports, which conform to the requirements of the California Code of Regulations, title 23, division 3, chapter 30, shall be submitted electronically over the internet to the State Water Resources Control Board's (State Water Board's) Geotracker database system by **15 April and 15 October**, until such time as the Executive Officer determines that the reports are no longer necessary.
8. Semi-annual paper copy reports shall be submitted to the Central Valley Water Board office by **15 April and 15 October** until such time as the Executive Officer determines that the reports are no longer necessary. Each report shall include the following minimum information:
  - (a) A description and discussion of the groundwater sampling event and results, including trends in the concentrations of pollutants and groundwater elevations in the wells, how and when samples were collected, and whether the pollutant plume(s) is delineated.
  - (b) Field logs that contain, at a minimum, water quality parameters measured before, during, and after purging, method of purging, depth of water, volume of water purged, etc.
  - (c) Groundwater contour maps for all groundwater zones, if applicable.
  - (d) Isocontour pollutant concentration maps for all groundwater zones and all major constituents of concern, if applicable.
  - (e) A table showing well construction details such as well number, groundwater zone being monitored, coordinates (longitude and latitude), ground surface elevation, reference elevation, elevation of screen, elevation of bentonite, elevation of filter pack, and elevation of well bottom.
  - (f) A table showing historical lateral and vertical (if applicable) flow directions and gradients.

- (g) Cumulative data tables for all major constituents of concern containing the water quality analytical results and depth to groundwater for all monitoring wells for the past five years, if applicable. Raw laboratory data shall be provided on CD or DVD and included in the report. The Central Valley Water Board may request additional data as necessary.
  - (h) A copy of the laboratory analytical data report.
  - (i) If applicable, the status of any ongoing remediation, including cumulative information on the mass of pollutant removed from the subsurface, system operating time, the effectiveness of the remediation system, and any field notes pertaining to the operation and maintenance of the system.
  - (j) If applicable, the reasons for and duration of all interruptions in the operation of any remediation system, and actions planned or taken to correct and prevent interruptions.
9. An Annual Report shall be submitted to the Central Valley Water Board by **15 October** of each year. This report shall contain an evaluation of the effectiveness and progress of the investigation and remediation, and may be substituted for the second semi-annual monitoring report. The Annual Report shall include all the information required to be in the second semi-annual report and the following additional minimum information:
- (a) Both tabular and graphical summaries of all data obtained during the year.
  - (b) Groundwater contour maps and pollutant concentration maps containing all data obtained during the previous year.
  - (c) A discussion of the long-term trends in the concentrations of the pollutants in the groundwater monitoring wells.
  - (d) An analysis of whether the pollutant plume is being captured by an extraction system or is continuing to spread.
  - (e) A description of all remedial activities conducted during the year, an analysis of their effectiveness in removing the pollutants, and plans to improve remediation system effectiveness.
  - (f) An identification of any data gaps and potential deficiencies/redundancies in the monitoring system or reporting program.
  - (g) If desired, a proposal and rationale for any revisions to the groundwater sampling plan frequency and/or list of analytes.
10. The results of any monitoring done more frequently than required at the locations specified in the MRP also shall be reported to the Central Valley Water Board.

The Dischargers shall implement the above monitoring program as of the effective date of the Order.

Any person aggrieved by this action of the Central Valley Water Board may petition the State Water Board to review the action in accordance with CWC section 13320 and California Code of Regulations, title 23, sections 2050 et seq. The State Water Board must receive the petition by 5:00 p.m., 30 days after the date of this Order, except that if the 30th day following the date of this Order falls on a Saturday, Sunday, or state holiday (including mandatory furlough days), 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 applicable to filing petitions may be found on the Internet at:  
[http://www.waterboards.ca.gov/public\\_notices/petitions/water\\_quality](http://www.waterboards.ca.gov/public_notices/petitions/water_quality),  
or they will be provided upon request.

This Order is effective upon the date of signature.

Ordered by:

*Original signed by*

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PAMELA C. CREEDON, Executive Officer

11/9/2009

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(Date)

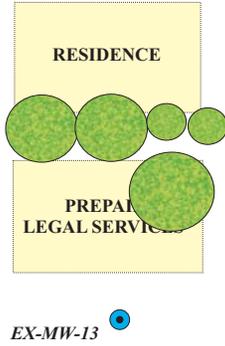
**EXPLANATION**

- (MW) EZ-Serve Groundwater Monitoring Well Locations
- (EX-MW) EXXON Groundwater Monitoring Well Locations
- (EX) Groundwater Extraction Well Locations
- (GA-1) Proposed Exploratory Soil Boring locations
- (GMW-1) Proposed Groundwater Monitoring Well Locations

**SCALE**



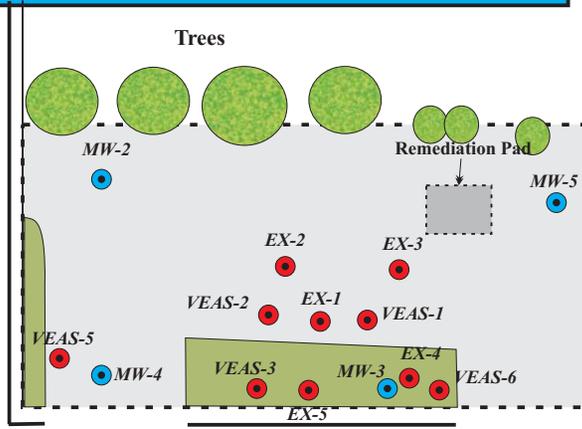
Approximate Direction of Groundwater Flow.



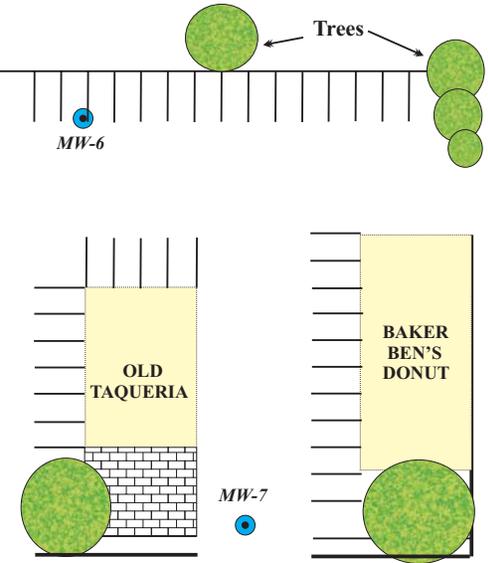
**GALLARDO & ASSOCIATES, INC.**  
*Environmental and Geological Services*

PROPOSED DRILLING LOCATION MAP AND OFF-SITE REMEDIATION  
MAP: Former EZ-Serve No. 100875  
Project 003D.07 Roseville Site

DONNER AVENUE

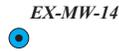


ALLEY WAY



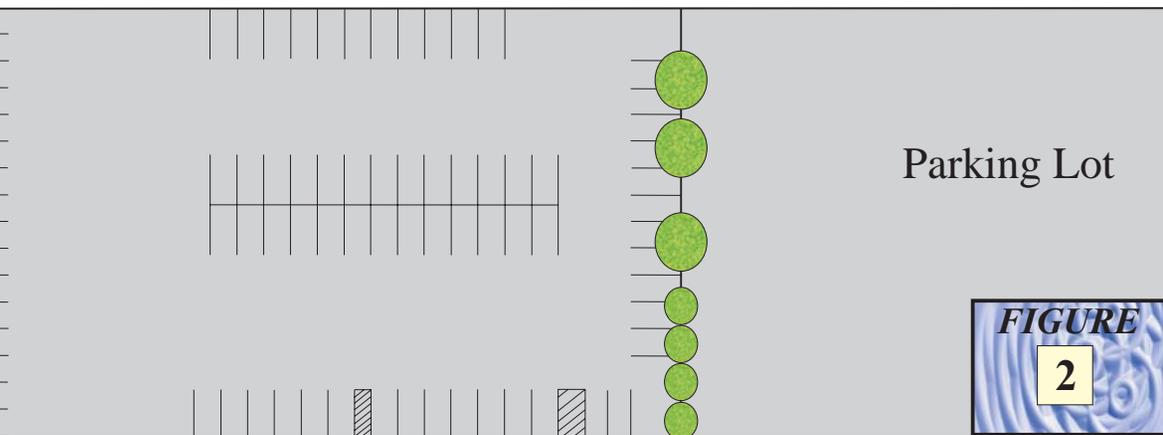
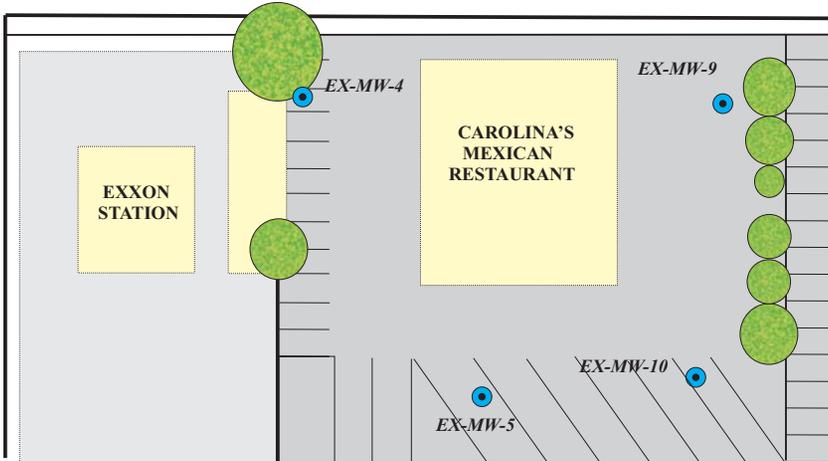
FOLSOM ROAD

DOUGLAS



BOULEVARD

KEENNER AVENUE



FIGURE

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