

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

TECHNICAL REPORTING ORDER R5-2013-0809
FOR
ALL SEASONS CLEANERS,
6705 WINDING WAY, FAIR OAKS
SACRAMENTO COUNTY

This Order is issued to the Kelly Trust and Mong Cho (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 (Central Valley Water Board or Board) to issue Orders requiring the submittal of technical reports.

The Executive Officer finds:

INTRODUCTION

1. The property located at 6705 Winding Way in Fair Oaks is currently owned by the Kelly Trust. As the current property owner, the Kelly Trust has the ability and authority to control discharges at the property.
2. All Seasons Cleaners currently operates as a dry cleaning facility at 6705 Winding Way. Mong Cho is listed as the business owner on the current and previous Sacramento Metropolitan Air Quality Management District (SMAQMD) permits. As the current business owner, Mong Cho has the ability and authority to control discharges at the property
3. According to SMAQMD, All Seasons Cleaners used tetrachloroethylene (also known as perchloroethylene, perc or PCE) in its dry cleaning process until November 2011 when the dry cleaner changed to a different process.
4. The facility is located in a primarily residential area of Fair Oaks, in Sacramento County. Dry cleaning businesses have operated at the Site since at least 1991 through the present. According to County records the current property owner is the Kelly Trust.
5. Based on reviews of other groundwater investigations in Fair Oaks and Carmichael, groundwater at the Site is likely to be encountered between 60 and 75 feet below ground surface (bgs). Regional groundwater flow is most likely to the southwest, with gradients on the order of 0.001 to 0.006 ft/ft.
6. California Department of Public Health records indicate concentrations of PCE in the three closest municipal wells to the site, which are all owned by the Carmichael Water District. The closest of these wells is located adjacent to the water tank on Dewey Drive and behind the dry cleaning facility. The Dewey Drive Well has had PCE detected up to a maximum concentration of 0.85 micrograms per liter ($\mu\text{g}/\text{L}$) in groundwater. The

Barrett Road Well located on Barrett Road between Perrin Way and Rampart Drive has recently contained PCE as high as 32 $\mu\text{g}/\text{L}$. The Winding Way Well located off of Charleston Drive between O'Donnell Park and Rustic Road recently had PCE as high as 2.9 $\mu\text{g}/\text{L}$. PCE in all three of these wells has generally been increasing in concentration with time.

LEGAL PROVISIONS

7. The Central Valley Water Board's *Water Quality Control Plan for the Sacramento River and San Joaquin River Basins, 4th Edition* (Basin Plan) designates beneficial uses of the waters of the State, establishes water quality objectives (WQOs) to protect these uses, and establishes implementation policies to implement WQOs. The designated beneficial uses of the groundwater beneath the Site are domestic, municipal, industrial, and agricultural supply.
8. 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 Dischargers own the property or operate the dry cleaning facility, which resulted in the suspected discharge of wastes, specifically PCE, to groundwater. Therefore, the Discharger is a "person who has discharged, or is suspected of having discharged waste" within the meaning of CWC section 13267. The reports required herein are necessary to delineate the nature and extent of the contamination beneath the Site, to assure protection of waters of the state, and to protect public health and the environment.

9. 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.

(c) Any person discharging hazardous waste, as defined in Section 25117 of the Health and Safety Code, who knowingly fails or refuses to furnish technical or monitoring program reports as required by subdivision (b) of Section 13267, or who knowingly falsifies any information provided in those technical or monitoring program reports, is guilty of a misdemeanor, may be civilly liable in accordance with subdivision (d), and is subject to criminal penalties pursuant to subdivision (e).

(d)(1) Civil liability may be administratively imposed by a regional board ... for a violation of subdivision (c) in an amount which shall not exceed five thousand dollars (\$5,000) for each day in which the violation occurs.

8. Failure to submit the required report to the Central Valley Water Board according to the schedule detailed herein may result in enforcement action(s) being taken against you, which may include the imposition of administrative civil liability pursuant to CWC section 13268. Because PCE is a hazardous waste, administrative civil liability of up to \$5,000 per violation per day may be imposed by the Central Valley Water Board for non-compliance with the directives contained herein.

REQUIRED ACTIONS

IT IS HEREBY ORDERED that, pursuant to California Water Code section 13267, Dischargers shall submit the following technical reports:

1. A Site Investigation Work Plan to define the extent of groundwater and soil gas polluted with volatile organic compounds (VOCs) including PCE. The Investigation Work Plan must include, at a minimum, the following:
 - a) Collection of soil gas samples as necessary to assess the vertical and lateral extent of VOCs in soil gas at the Site
 - b) Collection of groundwater samples as necessary to delineate the vertical and lateral extent of the groundwater impacted by VOCs.
 - c) A sensitive receptor survey and a health risk assessment for indoor air .
2. A Site Historical Activity Report that includes a history of dry cleaning operations at the Site, equipment currently and formerly used, type(s) of solvent used, amount of solvent used, and records of waste solvent and filter disposal.

The Site Historical Activity Report and Investigation Work Plan shall be submitted no later than **31 October 2013**. Following approval of the Investigation Work Plan by the Central Valley Water Board, the work plan shall be implemented and a report of investigation results shall be submitted no later than **1 March 2015**.

REPORTING

3. When reporting data, the Discharger 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.
4. As required by the California Business and Professions Code sections 6735, 7835, and 7835.1, all reports shall be prepared by a registered professional or their subordinate and signed by the registered professional.
5. All reports must be submitted to the Central Valley Water Board. Electronic copies of all reports and analytical results are to be submitted over the Internet to the State Water Board Geographic Environmental Information Management System database (GeoTracker) at <http://geotracker.swrcb.ca.gov>. Electronic copies are due to GeoTracker concurrent with the corresponding hard copy. Electronic submittals shall comply with GeoTracker standards and procedures as specified on the State Water Board's web site.

Any person aggrieved by this action of the Central Valley Water Board may petition the State Water Resources Control Board's (State Water Board) to review the action in accordance with CWC section 13320 and California Code of Regulations, title 23, sections 2050 and following. 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 thirtieth day following the date of this 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 applicable to filing petitions may be found on the Internet at: http://www.waterboards.ca.gov/public_notices/petitions/water_quality or will be provided upon request.

This Order is effective upon the date of signature.

Ordered by:

ORIGINAL SIGNED BY ANDREW ALTEVOGT FOR

PAMELA C. CREEDON, Executive Officer

8/20/13

(Date)