
Central Valley Regional Water Quality Control Board

19 October 2023

Addressees (see Attachment 1)

TECHNICAL REPORTING ORDER R5-2023-0812 FOR SUBMITTAL OF TECHNICAL REPORTS, 5017 OLIVEHURST AVENUE AND 5013 OLIVEHURST AVENUE APARTMENT B, OLIVEHURST, YUBA COUNTY

You are legally required to respond to this Order. Please read it carefully.

This Order is issued to the Geneva Kano Revocable Living Trust (Trust) pursuant to Water Code section 13267 which authorizes the Central Valley Water Board to require submission of a technical report. This Order requires you to submit a technical report that documents the collection and laboratory analysis results of groundwater samples collected from your domestic water supply wells located on the properties at 5017 Olivehurst Avenue and 5013 Olivehurst Avenue Apartment B in Olivehurst. These properties have Yuba County Assessor's Parcel Numbers 013-520-006 and 013-520-014, respectively (herein referred to as the subject properties).

This Order outlines the legal and factual bases for this Order and requires the Trust to:

- 1) Collect a representative groundwater sample from any domestic water supply well located on the subject properties.
- 2) Submit all collected samples to an analytical laboratory for analysis of volatile organic compounds by EPA Method 8260.
- 3) Submit a report documenting the collection and analysis results of the groundwater samples.

FINDINGS

Subject Property Operations and Ownership

1. This Order pertains to volatile organic compounds (VOCs), primarily tetrachloroethene (PCE), detected in groundwater near domestic water supply wells located on the subject properties at 5017 Olivehurst Avenue and 5013 Olivehurst Avenue Apartment B in Olivehurst. These subject properties have Yuba County Assessor's Parcel Numbers 013-520-006 and 013-520-014, respectively. The subject properties and the approximate locations of each domestic well are highlighted on the map provided as Attachment 2 to this Order.
2. These domestic water supply wells are suspected of pumping groundwater impacted by VOCs. These wells are suspected of providing VOC impacted water service to a single-story apartment complex and several small commercial buildings on the 5017 Olivehurst Avenue property and a single-family residence on the 5013 Olivehurst Avenue Apartment B property. The 5017 Olivehurst Avenue property also contains numerous outbuildings/structures that may be inhabited, as well as a large quantity of abandoned vehicles, boats, and recreational vehicles. The subject properties are currently not considered to be sources of VOCs.
3. Public records identify the owner of the subject properties as the Geneva Kano Revocable Living Trust (Trust). Geneva Kano (née Allen) is reported to have owned the 5017 Olivehurst Avenue property since at least 1993 and the 5013 Olivehurst Avenue Apartment B property since 2006. Geneva Kano passed away in 2012. Ms. Kano is survived by her son Alvin Allen, who is suspected to be the trustee of the Trust.

Summary of Environmental Investigations

4. The Sierra Superstop #8 underground storage tank (UST) case (Case #580087) is located at 5057 Olivehurst Avenue. 5057 Olivehurst Avenue is located approximately 350 feet north of the subject properties. In August 2000, Augeas Corporation (Augeas), a consultant for the Sierra Superstop #8 UST case, reported observing a domestic water well on the 5017 Olivehurst Avenue property and reported the well was being used to supply water to several small businesses and the apartment complex on the property. Augeas did not identify the exact location of the well but did report the well was located approximately 450 feet south-southeast of the Sierra Superstop #8 case location. Augeas did not report construction details for the well.
5. In October 2019, E2C Remediation (E2C), a consultant for the Sierra Superstop #8 UST case, reported conducting a Surrounding Land Use and Sensitive Receptor Survey Update. E2C identified the 5017 Olivehurst Avenue property as having a domestic supply well that provides water to the occupants of 5017

Olivehurst Avenue. In the 24 October 2019 *Third Quarter 2019 Groundwater Monitoring and Site Remediation Status Report*, E2C reported the well on the 5017 Olivehurst Avenue property was sampled for petroleum hydrocarbons as part of the investigation of the UST case. E2C reported the well water sample was collected via a hose bib on the property. E2C did not provide a map or photographs of the exact sample location. E2C reported that petroleum hydrocarbons were not detected in the sample. E2C reported being unable to contact the owner or manager of the subject property; therefore, E2C did not identify the exact location of the domestic well or provide construction details for the well.

6. In 2020, Stratus Environmental Inc. (Stratus), a consultant for the Sierra Superstop #8 UST case, contacted tenants of the apartment complex located at 5017 Olivehurst Avenue. Based on this contact, Stratus located an additional well 160 feet south-southeast of the well suspected to have been identified by Augeas on the 5017 Olivehurst Avenue property. Stratus reported this well is located on the property at 5013 Olivehurst Avenue Apartment B having Yuba County Assessor's Parcel Number 013-520-014. At this time, Central Valley Water Board staff (Staff) does not know if the second domestic well identified by Stratus is located on the 5017 Olivehurst Avenue property or the 5013 Olivehurst Avenue Apartment B property.
7. In March 2021, Stratus advanced one hydropunch boring (HP-1) approximately 40 feet south of the intersection of Olivehurst Avenue and 5th Avenue for the Sierra Superstop #8 UST case. The location of HP-1 is approximately 225 feet west of the subject property's northern supply well and approximately 310 feet northwest of the subject property's southern supply well. Stratus collected a groundwater sample from 30 feet below ground surface (bgs) in the HP-1 boring. This sample contained PCE, cis-1,2-dichloroethene (DCE), and trichloroethylene (TCE) at concentrations of 3,200 micrograms per liter ($\mu\text{g/l}$), 50 $\mu\text{g/l}$, and 28 $\mu\text{g/l}$, respectively. VOCs were not detected in a 45 feet bgs groundwater sample Stratus collected from the HP-1 boring.
8. In June 2022, the party responsible for the Sierra Superstop #8 UST case began analyzing groundwater samples from select monitoring wells for VOCs. In June 2022, Stratus collected a groundwater sample from MW-13S that contained PCE at 260 $\mu\text{g/l}$, which exceeds the drinking water maximum contaminant level (MCL) of 5 $\mu\text{g/l}$. Well MW-13S is located approximately 20 feet north of the northern supply well on the subject property and approximately 225 feet east-northeast of HP-1. MW-13S is screened from 20 feet bgs to 35 feet bgs. This detection, and the detections of VOCs in the 30 feet bgs HP-1 sample, indicates a source of VOCs exists at or above a depth of approximately 35 feet in this area.
9. In the 23 June 2022 Sensitive Receptor Survey Update, Stratus reported that multiple attempts to access and sample the two wells related to the subject

properties have been made, but the owner (i.e., the Trust) was unwilling to allow access.

10. On 8 August 2022, 13 September 2022, and 14 March 2023, Staff requested access to the subject properties to collect groundwater samples and indoor air samples because Staff suspects a risk to residences from impacted groundwater consumption and from exposure to vapor intrusion to indoor air. Staff also notified the Trust that if the Trust chose not to grant Staff access to collect samples, then the Trust could itself collect groundwater samples from the wells on the subject properties. The Trust did not respond to any of these requests.
11. In September 2022, Staff conducted a public records search of the area to identify potential PCE sources near the HP-1 sample. Polk City Directories (PCDs) for Yuba County list a Howard's Cleaners as being located primarily at 5042 Olivehurst Avenue, near the HP-1 location. Howard's Cleaners was originally listed at 451 Olivehurst Avenue in the 1959 directory. Prior to 1959 there is no listing for Howard's Cleaners. After 1959, Olivehurst Avenue's numbering appears to have switched to the current convention and Howard's Cleaners was listed at 5042 Olivehurst Avenue until 1965. After this time, PCD does not have a listing for Howard's Cleaners. Currently, there is no building designated as 5042 Olivehurst Avenue. Staff did not identify any other potential sources of PCE along Olivehurst Avenue during the public records search.
12. Also, during the September 2022 public records search, Staff searched California Department of Water Resources (DWR) publicly searchable records for well construction details for each well. Staff did not locate a well completion report for either of the wells.
13. In March 2023, Staff contacted the Yuba County Environmental Health (YCEH) regarding the subject properties. YCEH personnel reported that YCEH and Yuba County Code Enforcement have attempted to contact the Trust on several occasions, including regarding a code enforcement action, without success. YCEH also reported not having well construction information for the domestic supply wells.

LEGAL AUTHORITY

14. Water Code section 13267, subdivision (a) provides that "[a] regional board...in connection with any action relating to any plan or requirement authorized by [Water Code division 7] may investigate the quality of any waters of the state within its region."
15. Water Code section 13267, subdivision (b)(1) further provides that "in conducting an investigation specified in subdivision (a), 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...that could affect the quality of waters 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 regarding the need for the reports and shall identify the evidence that supports requiring that person to provide the reports.”

16. The Central Valley Water Board’s Water Quality Control Plan for the Sacramento and San Joaquin River Basins (Basin Plan) designates beneficial uses for groundwater within that region. The Basin Plan designates the groundwater beneath the subject properties for municipal and domestic supply (MUN) and provides that the groundwater shall not contain chemical constituents that adversely affect beneficial uses, shall not contain taste- or -odor-producing substances in concentrations that cause nuisance or adversely affect beneficial uses, and shall be maintained free of toxic substances. The State Water Board, Department of Drinking Water has determined that the MCL for PCE is 5 µg/l. Water containing a chemical at a concentration greater than the MCL should not be provided as drinking water.
17. The Trust is suspected of discharging groundwater impacted by VOCs. The Trust is also suspected of providing contaminated drinking water for domestic use. Therefore, pursuant to Water Code section 13267, this Order requires the Trust to investigate and submit a technical report concerning the quality of groundwater discharged by the domestic water supply wells on the subject properties.
18. The investigation and reporting required under this Order are reasonably necessary to ascertain the risk posed to human health by the water supplied for domestic use by the domestic supply wells on the subject properties and to determine the need for corrective action, cleanup, abatement, and/or remediation. The burden, including costs, of compliance with this Order is reasonable in relation to the need for the required reports and the benefits to be obtained thereby.
19. Estimated costs of compliance with this Order are described in the attached cost estimate table (Attachment 3). Staff derived the estimated costs from the State Water Board’s 2018 Cost Guidelines Update¹. The State Water Board developed the Cost Guidelines pursuant to Health and Safety Code section 25299.57(h), which states, in part, that the State Water Board “shall develop a summary of expected costs for common remedial actions. This summary of expected costs may be used by claimants as a guide in the selection and supervision of

¹ State Water Resources Control Board, 2018 Cost Guidelines Update,
https://www.waterboards.ca.gov/water_issues/programs/ustcf/docs/cost_guidelines/2018_cost_guidelines_update.pdf

consultants and contractors.” The costs provided in Attachment 3 are estimates only, the purpose of which is to provide guidance to the Trust.

20. In issuing this Order, the Executive Officer is acting pursuant to delegated authority under Water Code section 13223.

REQUIRED ACTIONS

IT IS HEREBY ORDERED that, pursuant to Water Code section 13267, the Trust shall submit a technical report in accordance with the following:

Within 30 days of the date of this Order, contract a professional environmental consultant to collect representative groundwater samples from each domestic supply well(s) located on the subject properties and submit those samples to a State Water Board Environmental Accreditation Program (ELAP) accredited laboratory for analysis of VOCs by EPA Method 8260.

Within 90 days of the date of this Order, submit a summary report to the Central Valley Water Board detailing the location and method of sample collection, supply well construction information for each supply well, and the results of sample analysis.

REPORTING REQUIREMENTS

The following provisions apply to any report submitted under this Order:

1. All reports shall be submitted as electronic copies to the State Water Board's GeoTracker database at <https://geotracker.waterboards.ca.gov>, in accordance with California Code of Regulations, title 23, division 3, chapter 30 and also with GeoTracker standards and procedures, as specified on the State Water Board's website at https://www.waterboards.ca.gov/ust/electronic_submittal/.
2. Appropriate reports shall be prepared by, or under the supervision of, a registered professional engineer or geologist and signed and stamped by the registered professional. (See Bus. & Prof. Code, §§ 6735, 7832, and 7835.1.)
3. All technical reports shall include a cover letter signed by the submitting party (or their authorized agents), certifying under penalty of perjury under the laws of the State of California that the signer has examined and is familiar with the report and that the report is true, complete, and accurate. The submitting party shall also state if they agree with any recommendations or proposals and whether they approved implementation of said proposals.

ENFORCEMENT

Failure to comply with the provisions of this Order, and in conformity with the schedule set forth above, may result in the assessment of administrative civil liability of up to

\$1,000 per violation, per day, depending on the violation, pursuant to the Water Code, including sections 13268. The Central Valley Water Board further reserves its right to take any additional enforcement actions authorized by law.

ADMINISTRATIVE REVIEW

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 Water Code section 13320 and California Code of Regulations, title 23, section 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 if the thirtieth day following the date of this Order falls on a Saturday, Sunday, or state holiday, in which case 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 will be provided upon request or may be found on the Internet at: https://www.waterboards.ca.gov/public_notices/petitions/water_quality.

If you have any questions about this Order, please contact Michael DeSmet at (916) 464-4830, or at michael.desmet@waterboards.ca.gov.

This Order is effective upon the date of signature.

For PATRICK PULUPA
Executive Officer

Attachments: 1. Address List
2. Area Map
3. Cost Estimate Table

cc: Clark Pickell, Yuba County Environmental Health (email)

Attachment 1 – Address List

Geneva Kano Revocable Living Trust
5017 Olivehurst Avenue
Olivehurst, CA 95961

CERTIFIED MAIL
7017-1070-0000-8876-6794

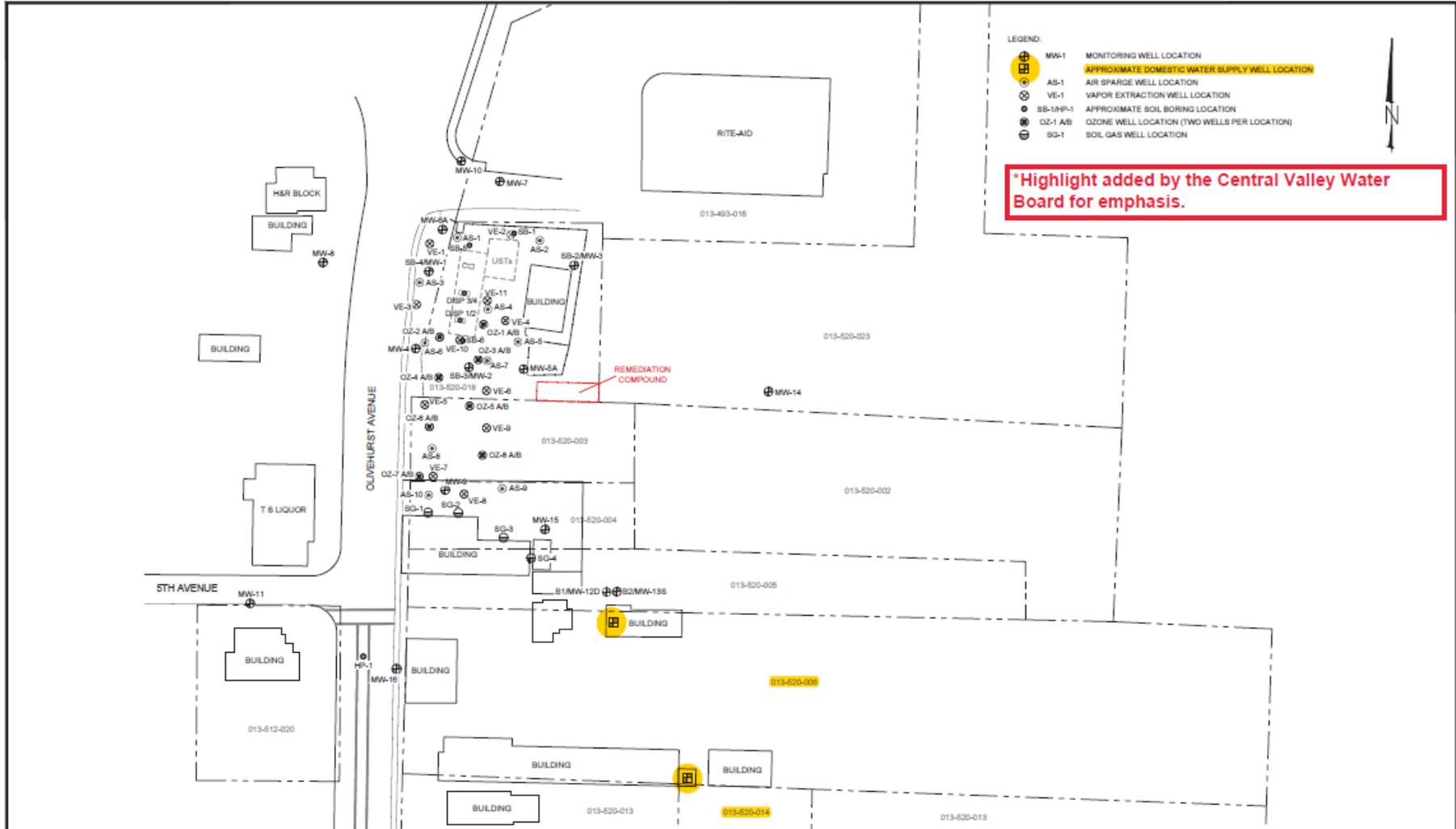
Geneva Kano Revocable Living Trust
c/o Alvin Allen
P.O. Box 60
Olivehurst, CA 95961

CERTIFIED MAIL
7017-1070-0000-8876-6787

Geneva Kano Revocable Living Trust
c/o Alvin Allen
P.O. Box 1611
Olivehurst, CA 95961

CERTIFIED MAIL
7017-1070-0000-8876-6770

Attachment 2 – Area Map



PATH NAME: Sierra Energy
 DRAFTER INITIALS: DMG
 DATE LAST REVISED: May 27, 2022
 FILENAME: Sierra Energy Site Plan



FORMER SIERRA SUPERSTOP #8
 5057 OLIVEHURST AVENUE
 OLIVEHURST, CALIFORNIA
 SITE PLAN

FIGURE
 2

Attachment 3 - Cost Estimate Table

5017 Olivehurst Avenue and 5013 Olivehurst Avenue B, Olivehurst,
CA

Groundwater Sample Collection, Analysis, and Reporting - Two Domestic Water Supply Wells

Task	Personnel	Description of Work	Unit	Unit Rate	Units Needed	Total Cost	Comments
Domestic Well Sampling and Reporting	Project Manager	Report Review	Hour	\$152.00	4	\$608.00	2018 Cost Guidelines ¹ - Typical Personnel Labor Rates
	Staff Engineer/Geologist	Report Drafting	Hour	\$109.00	8	\$872.00	
	Technician	Sample Collection	Hour	\$87.00	6	\$522.00	
	Subcontractor - Analytical Laboratory	Sample Analysis	Each	\$218.00	2	\$436.00	2018 Cost Guidelines - Groundwater Monitoring Event: Analytical (EPA 8260)
					TOTAL	\$2,438.00	

Notes:

¹ State Water Resources Control Board, 2018 Cost Guidelines Update,

https://www.waterboards.ca.gov/water_issues/programs/ustcf/docs/cost_guidelines/2018_cost_guidelines_update.pdf