

California Regional Water Quality Control Board  
North Coast Region

CLEANUP AND ABATEMENT ORDER NO. R1-2004-0043

for

THE CITY OF SANTA ROSA

THIRD STREET

Right-of-way

Between Santa Rosa Creek and the Railroad Tracks

Sonoma County

The California Regional Water Quality Control Board, North Coast Region, (hereinafter Regional Water Board), finds that:

1. The City of Santa Rosa, a Municipal Corporation, owns right-of-way property in Santa Rosa identified as Third Street and includes that portion located west of the railroad tracks, east of the Third Street Bridge, north of No. 2 Third Street and south of No. 3 Third Street (hereinafter Site). A Site location map is included as **Attachment A**.
2. In 1962, the T.M. Cobb Company purchased the No. 2 Third Street property from the Poultry Producers of Central California (Poultry Producers). Poultry Producers used the property to park delivery trucks for the business that operated out of the No. 3 Third Street property and building. On December 27, 1965, the City of Santa Rosa purchased the northern portion of No. 2 Third Street from the T.M. Cobb Company. The acquisition allowed for the widening of Third Street.
3. In October 1983, Regional Water Board staff began receiving complaints regarding an oily discharge to Santa Rosa Creek. Petroleum hydrocarbon impacted groundwater was found emerging from a corrugated steel culvert (Third Street Culvert) protruding from the east side of the creek embankment north of the Third Street Bridge. Analytical results of samples obtained from the discharge revealed the presence of total petroleum hydrocarbons as gasoline, gasoline constituents including benzene, toluene, ethylbenzene and xylenes, and chlorinated hydrocarbons. Numerous unsuccessful attempts were made to determine the source of the culvert discharge using dye tracers, smoke tests, a flexible rod and radio detection.
4. During the late 1980s, numerous groundwater-monitoring wells were installed as part of an investigation to determine the extent of a gasoline plume originating from the former Mead Clark Lumber Company site at 175 Railroad Street. In 1988, three of these wells were installed in Third Street between No. 2 and No. 3 Third Street, identified as GW-23, GW-25 and GW-28. The results of groundwater monitoring and sampling revealed the presence of separate phase hydrocarbons as gasoline in well GW-23 (immediately north of No. 2 Third Street). GW-25, located between GW-23, Santa Rosa Creek and the Third Street Culvert has been shown to contain dissolved gasoline at up to 20,000 parts per billion (ppb). The information documents a separate source of groundwater contamination beneath Third Street in the vicinity of GW-23. The well locations are also shown on **Attachment A**.
5. In June 1989, the Regional Water Board received funding from the State Water Resources Control Board to perform investigative work associated with the Third Street Culvert discharge. The objective was to identify the party responsible for the discharge. The work was conducted in 1990 and included historical research, and the collection of soil and groundwater samples from soil borings and groundwater monitoring wells. The study area included No. 2 Third Street, No. 3 Third Street, the railroad right-of-way, and the former railroad yard located north of Third Street and east of No. 3 Third Street. Staff concluded that the source of the Third Street Culvert discharge originated from the south in the Third Street area.

6. A 1951 fire insurance map, found during the historical research work, shows the location of a fuel pump in the northern portion of the No. 2 Third Street property. The fuel pump location is shown on **Attachment B**.
7. In July 1991, Regional Water Board staff requested the submittal of a work plan to investigate the impact to water quality from the City of Santa Rosa, as owners of Third Street and the T.M. Cobb Company, as owners of No. 2 Third Street. Both parties declined responsibility. At the time, the exact location of the former or still-in-place underground storage tank was unknown.
8. In 1995, due to the ongoing discharge of petroleum hydrocarbons to surface water from the Third Street Culvert, Regional Water Board staff requested the assistance of the U.S. Environmental Protection Agency (EPA) to investigate the former or existing tank location. EPA's subcontractor completed a magnetic survey that provided a strong indication of an underground storage tank in an area beneath Third Street.
9. In December 1995, the City of Santa Rosa conducted limited exploratory trenching at the suspected underground storage tank location. Evidence of an existing tank was not found.
10. On August 9, 1996, Regional Water Board staff located and contacted a former Poultry Producers employee. He indicated that during his employment with Poultry Producers, from 1939 to 1945, he was a delivery driver and he routinely pumped fuel from an underground storage tank. He described the tank location at the northern property boundary immediately south of Third Street. He described the fuel pump as a hand pump located on top of the tank. Therefore, the former pump location would equate to the tank location.
11. In October 1997, the City of Santa Rosa conducted drilling work to investigate the extent of soil and groundwater contamination in the Third Street area. Strong odors and stained soil were reported in some of the boring logs. Analytical testing confirmed the presence of gasoline in soil and groundwater beneath Third Street.
12. In July 1999, an interested party investigated the relationship of the Third Street Culvert and the No. 3 Third Street property due to a potential property transaction associated with No. 3 Third Street. A magnetic survey and an in-pipe video identified the culvert location to be within the eastern creek bank extending south and terminating at the Third Street bridge. The Third Street culvert is not associated with the No. 3 Third Street property. It is a preferential pathway for groundwater contamination in the Third Street area to migrate north and into Santa Rosa Creek.
13. In August 1999, the City of Santa Rosa conducted a preliminary environmental investigation along a portion of Santa Rosa Creek in support of a bike/pedestrian path construction project. Soil boring K26 was located immediately south of the Third Street Bridge. Groundwater collected from K26 at the base of the creek bank contained gasoline at 3,940 parts per billion (ppb). The sampling locations are shown on **Attachment C**.
14. In February 2002, the City of Santa Rosa conducted additional exploratory trenching encompassing a larger area. Evidence of an existing tank was not found.
15. In September 2002, Regional Water Board and City of Santa Rosa staff met at the site with the former Poultry Producers employee. He indicated that the tank was located on the northern portion of the former dirt parking lot (currently No. 2 Third Street). He indicated that it was south-southeast of the center rollup door of No. 3 Third Street and beneath what is now Third Street. Therefore, exploratory trenching work conducted by the City of Santa Rosa may not have included the area where the tank is located. The tank may have also been previously removed.

16. Based on the existing information, the former fuel pump and the (former or existing) underground storage tank location are beneath Third Street, currently owned by the City of Santa Rosa. The City of Santa Rosa is hereinafter referred to as the Discharger.
17. The Discharger has caused or permitted, causes or permits, or threatens to cause or permit waste to be discharged or deposited where it is, or probably will be, discharged into the waters of the state and creates, or threatens to create, a condition of pollution or nuisance. Continuing discharges are in violation of the Porter-Cologne Water Quality Control Act and provisions of the Water Quality Control Plan for the North Coast Region (Basin Plan).
18. Existing and potential beneficial uses of areal groundwater include domestic, irrigation, and industrial supply. Beneficial uses of Santa Rosa Creek, a tributary to the Laguna de Santa Rosa and the Russian River are:
  - a. municipal and domestic supply
  - b. agricultural supply
  - c. industrial process supply
  - d. groundwater recharge
  - e. navigation
  - f. hydropower generation
  - g. water contact recreation
  - h. non-contact water recreation
  - i. commercial and sport fishing
  - j. warm freshwater habitat
  - k. cold freshwater habitat
  - l. wildlife habitat
  - m. migration of aquatic organisms
  - n. spawning, reproduction, and/or early development.
19. The California Water Code, and regulations and policies developed thereunder require cleanup and abatement of discharges and threatened discharges of waste to the extent feasible. Cleanup and abatement activities are to provide attainment of background levels of water quality or the highest water quality that is reasonable if background levels of water quality cannot be restored. Alternative cleanup levels greater than background concentration shall be permitted only if the discharger demonstrates that: it is not feasible to attain background levels; the alternative cleanup levels are consistent with the maximum benefit to the people of the State; alternative cleanup levels will not unreasonably affect present and anticipated beneficial uses of such water; and they will not result in water quality less than prescribed in the Basin Plan and Policies adopted by the State and Regional Water Board.
20. Water quality objectives in the Basin Plan are adopted to ensure protection of the beneficial uses of water. The most stringent water quality objectives for protection of all beneficial uses are selected as the protective water quality criteria. Alternative cleanup and abatement actions must evaluate the feasibility of, at a minimum: (1) cleanup to background levels, (2) cleanup to levels attainable through application of best practicable technology, and (3) cleanup to protective water quality criteria levels. **Exhibit 1**, attached to and made part of this Order, sets out the water quality objectives for groundwater.
21. Discharge prohibitions contained in the Basin Plan apply to this site. State Water Resources Control Board Resolution 68-16 applies to this site. State Water Resources Control Board Resolution 92-49 applies to this site and sets out the "Policies and Procedures for Investigation and Cleanup and Abatement of Discharges under Section 13304 of the California Water Code."

22. The Regional Water Board will ensure adequate public participation at key steps in the remedial action process, and shall ensure that concurrence with a remedy for cleanup and abatement of the discharges at the site shall comply with the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) (“CEQA”).
23. The issuance of this Cleanup and Abatement Order is an enforcement action being taken for the protection of the environment and, therefore, is exempt from the provisions of CEQA in accordance with Section 15308 and 15321, Chapter 3, Title 14 of the California Code of Regulations.
24. Pursuant to CWC Section 13304, the Regional Board is entitled to, and may seek reimbursement for, all reasonable costs actually incurred by the Regional Board to investigate unauthorized discharges of waste and to oversee cleanup of such waste, abatement of the effects thereof, or other remedial action, required by this order
25. Any person affected by this action of the Board may petition the State Water Resources Control Board (State Water Board) to review the action in accordance with Section 13320 of the California Water Code and Title 23, California Code of Regulations, Section 2050. The petition must be received by the State Water Board within 30 days of the date of this Order. Copies of the law and regulations applicable to filing petitions will be provided upon request. In addition to filing a petition with the State Water Board, any person affected by this Order may request the Regional Water Board to reconsider this Order. Such request should be made within 30 days of the date of this Order. Note that even if reconsideration by the Regional Water Board is sought, filing a petition with the State Water Board within the 30-day period is necessary to preserve the petitioner's legal rights. If you choose to appeal the Order, be advised that you must comply with the Order while your appeal is being considered.
26. This CAO in no way limits the authority of this Regional Board to institute additional enforcement actions or to require additional investigation and cleanup at the Site consistent with California Water Code. This CAO may be revised by the Executive Officer, as additional information becomes available.

THEREFORE, IT IS HEREBY ORDERED that, pursuant to California Water Code Sections 13267(b) and 13304, the Discharger shall cleanup and abate the discharge and threatened discharges forthwith and shall comply with the following provisions of this Order:

- A. Conduct all investigative work under the direction of a California registered civil engineer or geologist experienced in soil, groundwater and surface water assessment and remediation.
- B. Conduct all engineering work including any treatment system design and installation under the direction of a California professional civil engineer.
- C. Submit a work plan to define the lateral and vertical extent of soil and groundwater contamination, including in Santa Rosa Creek, within 60 days of issuance of this order.
- D. Implement the work plan described in Task C within 45 days of the Regional Water Board's Executive Officer's approval of the work plan.
- E. Submit a report of findings within 60 days of work plan implementation including an adequate work plan of any additional effort necessary to define the extent of contamination. Implement the additional work plan, if necessary, within 45 days of the Regional Water Board's Executive Officer's approval of the report of findings and work plan.

- F. Continue with Tasks C, D and E until the horizontal and vertical extent of groundwater contamination has been defined.
- G. Submit a Corrective Action Plan (CAP) according to the requirements of Title 23, Division 3, Chapter 16, Article 11, Section 2725 within 60 days of Regional Water Board Executive Officer's determination that Provisions C – F have been completed. The CAP must include a means of permanently abating the discharge to Santa Rosa Creek.
- H. Implement the CAP required in Task G above, as approved by the Executive Officer.
- I. Complete any additional work deemed reasonably necessary by the Regional Water Board Executive Officer to abate and cleanup the discharge of waste.
- J. If, for any reason, the Dischargers are unable to perform any activity or submit any documentation in compliance with the work schedule contained in this Order or submitted pursuant to this Order and approved by the Executive Officer, the Dischargers may request in writing, an extension of time as specified. The extension request must be submitted 5 days in advance of the due date and shall include justification for this delay including the good faith effort performed to achieve compliance with the due date. The extension request shall also include a proposed time schedule with new performance dates for the due date in question and all subsequent dates dependent on the extension. A written extension may be granted for good cause, in which case the Order will be revised accordingly.

Ordered by \_\_\_\_\_  
Catherine E. Kuhlman  
Executive Officer

May 14, 2004