

California Regional Water Quality Control Board  
North Coast Region

CLEANUP AND ABATEMENT ORDER NO.R1-2000-09

FOR

AURORA AND FERNANDO O'CONNOR  
ROBERT BARBIERI  
REDWOOD OIL COMPANY  
MITRI AND SUAD SHAMI

1333 FOURTH STREET  
SANTA ROSA

Sonoma County

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

1. Mitri and Suad Shami own property at 1333 Fourth Street in Santa Rosa. The Shamis purchased the property from Aurora and Fernando O'Connor, who operated the site as the A.F.O'Connor gasoline station, in October 1997. The O'Connors purchased the property from Robert Barbieri in June 1990. During Mr. Barbieri's ownership, the station was operated by Redwood Oil Company. The site currently is a retail gasoline station operated as B&S Auto.
2. The site is bordered on the north by 13th Street and residential property, to the east by St. Helena Street, to the south by Fourth Street and the Cloudburst Car Wash underground storage tank site, and to the west by residential property and the Unocal Service Station # 3312 underground storage tank site (see Attachment A, which is incorporated herein).
3. On May 31, 1990, the 4,000-gallon unleaded gasoline tank reportedly failed a tank test. The same tank reportedly failed a second test on June 7, 1990. A third test was conducted on June 15, 1990 and the tank reportedly passed. Robert Barbieri owned the station and Redwood Oil Company operated it during this period.
4. Santa Rosa Fire Department records show that Redwood Oil Company operated the station in violation of the Uniform Fire Code by operating a gasoline dispensing service without the supervision of a qualified attendant and failing to obtain a permit to operate an underground storage tank system.
5. On June 20, 1990, Aurora and Fernando O'Connor purchased the property from Robert Barbieri. Santa Rosa Fire Department records show that Aurora and Fernando O'Connor operated the station in violation of the Uniform Fire Code by operating the station without a permit to operate an underground storage tank system, failing to install a monitoring system and failing to conduct annual tank "tightness" tests.
6. Mitri and Suad Shami, Aurora and Fernando O'Connor, Robert Barbieri and Redwood Oil Company are hereinafter referred to as the dischargers.

7. In October 1996, a soil and groundwater investigation was conducted on behalf of the O'Connors. The results showed the presence of petroleum hydrocarbons in soil, including total petroleum hydrocarbons as gasoline (TPHg) at up to 1600 parts per million (ppm), TPH as diesel (TPHd) at up to 2300 ppm and total oil and grease (TOG) at up to 2500 ppm. TPHg, TPHd and TPH as motor oil were reported in groundwater at up to 57,000, 34,000 and 8,400 parts per billion (ppb), respectively.
8. In February 1998, the underground storage tanks were removed from the site. The tanks consisted of two 4,000-gallon gasoline, one 4,000-gallon diesel, one 10,000-gallon diesel and one 300-gallon waste oil. A gasoline tank and the diesel tank removed from the western excavation contained holes. Holes also were observed in the delivery line piping. Floating product was observed on the water in the western tank excavation. Methyl tert Butyl Ether (MTBE) was reported at 24,000 ppb in the tank pit water. Overexcavation of approximately 268 cubic yards was conducted in March 1998. Final excavation results show impacted soil remains in place.
9. The vertical and lateral extent of petroleum hydrocarbons and MTBE contamination has not been defined. A monitoring well installed immediately downgradient of the site consistently has contained floating product. Off-site migration has occurred. A work plan and work plan addendum to define the extent of groundwater contamination were submitted in March and May 1999, respectively; however, the proposed work has not been implemented.
10. Three water supply wells located at 700 McDonald Avenue, 724 McDonald Avenue and 725 McDonald Avenue located west of the subject site have been reported to contain MBTE at up to 90 ppb. The wells are reportedly used for yard irrigation. The subject site may be the source.
11. Water quality objectives exist to ensure protection of the beneficial uses of water. Several beneficial uses of water exist, and 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 need to be considered that 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. The following water quality objectives apply to this site:

Constituent of Concern	Background Level ug/l	Water Quality Objective ug/l	Reference for Objective
Total Petroleum Hydrocarbons as gasoline (TPH-g)	≤50.0	50.0	Published literature provides a taste and odor threshold of 5 ug/l which is applied to the narrative TASTE and ODOR objective of the Basin Plan for domestic supply, but detection limit is 50 ug/l and is controlling

Constituent of Concern	Background Level ug/l	Water Quality Objective ug/l	Reference for Objective
Total Petroleum Hydrocarbons as diesel (TPH-d)	≤50.0	56.0	USEPA health advisory of September 4, 1992, Suggested No Adverse Response Level of 56 ug/l is applied to narrative TOXICITY water quality objective for domestic supply in the Basin Plan
Total Petroleum Hydrocarbons as motor oil	≤50.0	50.0	U.S. EPA National Ambient Water Quality Criteria, Freshwater Aquatic Life Protection, May 1, 1986. SNARL of 0.1 ug/l to 1.0 ug/l is applied to the narrative TOXICITY objective in the Basin Plan and Oil and Grease objective of the Basin Plan, but detection limit is 50 ug/l and is controlling
Benzene	≤0.5	1.0	California DHS MCL, Title 22 of the California Code of Regulations, § 64444 is 1.0 ug/l for domestic supply; USEPA health advisory for cancer risk is 0.7 ug/l; applied to the narrative TOXICITY objective in the Basin Plan
toluene	≤0.5	42	California DHS MCL, Title 22 of the California Code of Regulations, § 64444 is 150 ug/l for domestic supply; USEPA taste and odor threshold is 42 ug/l, Federal Register 54(97):22064-22138; applied to the TASTE

Constituent of Concern	Background Level ug/l	Water Quality Objective ug/l	Reference for Objective
			AND ODOR water quality objective for domestic supply in the Basin Plan
ethylbenzene	≤0.5	29	California DHS MCL, Title 22 of the California Code of Regulations, § 64444 is 700 ug/l; USEPA taste and odor threshold is 29 ug/l, Federal Register 54(97):22064-22138; applied to the TASTE AND ODOR water quality objective for domestic supply in the Basin Plan
xylene	<0.5	17	California DHS MCL, Title 22 of the California Code of Regulations, § 64444 is 1750 ug/l for domestic supply; USEPA taste and odor threshold, Federal Register 54(97):22064-22138 is 17 ug/l; applied to the TASTE AND ODOR water quality objective for domestic supply in the Basin Plan
Methyl-tertiary butyl ether (MTBE)	<5 ug/l	13	California Office of Environmental Health Hazard Assessment Public Health Goal; applied TOXICITY water quality objective for domestic supply
Polynuclear aromatic	≤0.031	0.031 <sup>1</sup>	U.S. EPA Human Health Protection for

<sup>1</sup> For sum of acenaphthylene, anthracene, benz(a)anthracene, benzo(a)anthracene, benzo(b) fluoranthene, benzo(k)fluoranthene, benzo(g,h,i)perylene, benzo(a)pyrene, chrysene, dibenz(a,h)anthracene, fluorene, indeno(1,2,3-c,d)pyrene, phenanthrene, and pyrene

Constituent of Concern	Background Level ug/l	Water Quality Objective ug/l	Reference for Objective
hydrocarbons (PAH)			Other Waters (aquatic organism consumption only) is applied to the narrative TOXICITY objective in the Basin Plan for domestic supply
Polynuclear aromatic hydrocarbons (PAH)	≤0.0028	0.0028 <sup>2</sup>	U.S. EPA Human Health Protection for Sources of Drinking Water is applied to the narrative TOXICITY objective in the Basin Plan for domestic supply

<sup>2</sup> For sum of acenaphthylene, anthracene, benz(a)anthracene, benzo(a)anthracene, benzo(b) fluoranthene, benzo(k)fluoranthene, benzo(g,h,i)perylene, benzo(a)pyrene, chrysene, dibenz(a,h)anthracene, fluorene, indeno(1,2,3-c,d)pyrene, phenanthrene, and pyrene

12. Existing and potential beneficial uses of the groundwater include domestic, agricultural, industrial and municipal water supply.
13. The dischargers have caused or permitted, cause or permit, or threaten to cause or permit waste to be discharged or deposited where it is, or probably will be, discharged into waters of the state and create, or threaten to create, a condition of pollution or nuisance. The discharge and threatened discharge of waste is deleterious to the beneficial uses of water and is creating and threatens to create a condition of pollution which threatens to continue unless the discharge and threatened discharge is permanently abated.
14. This enforcement action is being taken for the protection of the environment and, therefore, is exempt from provisions of the California Environmental Quality Act (Public Resources Code, Section 21000 *et seq.*) in accordance with Section 15321, Chapter 3, Title 14, California Code of Regulations.

**THEREFORE, IT IS HEREBY ORDERED** that, pursuant to California Water Code Sections 13267(b) and 13304, the dischargers shall cleanup and abate the discharge and threatened discharge of waste by complying with the following tasks:

- A. Implement the proposed scope of work to define the lateral and vertical extent of soil and groundwater contamination within 60 days of issuance of this Order.
- B. Submit a report of completed work, with a workplan for any needed additional effort to define the extent of contamination, within 60 days of work plan implementation.

- C. Submit a proposed Corrective Action Plan (CAP) according to the requirements of the California Code of Regulations (Title 23, Division 3, Chapter 16, Article 11, Section 2725) within 60 days of Regional Water Board staff comments on Item B above.
- D. Implement the CAP within 60 days of Regional Water Board Executive Officer concurrence with the proposed CAP.
- E. Submit a report of completed work within 90 days of CAP implementation.
- F. Complete all other work deemed necessary by the Executive Officer until project completion.
- G. If, for any reason, the discharger is unable to perform any activity or submit any documentation in compliance with the work schedule set forth herein or in compliance with any schedule submitted pursuant to the Order and approved by the Executive Officer, the dischargers may request, in writing, a time extension. The extension request must be submitted at least 15 days in advance of the due date and shall include justification for the delay. The ordered compliance dates allow for sufficient time to obtain pre-approval from the Petroleum Underground Storage Tank Cleanup Fund.

Ordered by \_\_\_\_\_

Lee A. Michlin  
Executive Officer

February 8, 2000