

California Regional Water Quality Control Board  
North Coast Region

CLEANUP AND ABATEMENT ORDER NO. R1-2000-78

FOR

JOHN R. BRAUN  
AND  
THE COUNTY OF HUMBOLDT  
FIFTH AND J STREETS  
EUREKA, CALIFORNIA

Humboldt County

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

1. From 1948 to 1973 Frank J. and Persia E. Roberts operated Eureka Cleaners, a dry-cleaning business, at 918 Fourth Street in Eureka, California, Assessors Parcel Number (APN No.) 01-183-09 (hereinafter site). Dry-cleaning activities occurring at the site included the use of the chlorinated solvent tetrachloroethylene also known as Perchloroethylene, Perc, and PCE. Operations at Eureka Cleaners reportedly included the collection of PCE condensate, which discharged through a pipe to a dry-well, located at the rear of the facility.
2. Commercial businesses other than dry-cleaning operated at the site between 1974 and 1993. Mr. John R. Braun purchased the site on December 10, 1975.
3. Mr. John R. Braun sold the site to the County of Humboldt on December 16, 1993 for development of a new jail.
4. The County of Humboldt and Mr. John R. Braun entered a written agreement as a contingency of the property sale. This agreement includes the following statements:

“Braun is responsible for all costs of hazardous waste cleanup originating on Braun property including demolition of all structures on the parcel referred to and described as Exhibit ‘D’ which are required in order to perform a full and complete cleanup”

“Braun’s responsibilities for hazardous waste cleanup shall terminate upon obtaining certification from the North Coast Water Quality Control Board (the Board) of full compliance with the approved remedial cleanup plan (the Plan) and certification that any properties described herein with hazardous waste meet applicable regulations such that additional monitoring and/or cleanup is no longer required.”

John R. Braun is named in this Order as the primary discharger responsible for investigation and cleanup activities, given the agreement between the County of Humboldt and Mr. Braun. The County of Humboldt is named as a secondary discharger. Mr. Braun and the County of Humboldt are hereinafter collectively referred to as “the dischargers”.

5. Testing in 1994 of groundwater on the former dry-cleaning site found PCE contamination at 5,500 parts per billion (ppb) downgradient of the suspected dry-well area which had received discharges of PCE condensate.
6. Groundwater testing in 1999 of offsite monitoring wells approximately 300 feet downgradient of the former dry-cleaners found PCE contamination at 15,000 ppb. Testing in January 2000 of offsite groundwater monitoring wells approximately five (5) blocks downgradient of the former dry-cleaners found PCE contamination at 9.9 ppb.
7. The U.S. Environmental Protection Agency’s Maximum Contaminant Level for PCE in drinking water is 5.0 ppb. The U.S. Environmental Protection Agency has issued a health advisory of 0.7 ppb for PCE.
8. PCE is commonly used in the dry-cleaning industry as a cleaning solvent. PCE is a suspected carcinogen, and is listed by the State of California pursuant to the Safe Drinking water and Toxic Enforcement Act of 1986 as a chemical known to the State to cause cancer.
9. PCE is a dense non-aqueous phase liquid (DNAPL) that is heavier than water in product form. PCE discharges reportedly occurred at this site from a dry-cleaning machine condensate pipe that emptied directly into a dry well at the rear of the facility. Reported site lithology consists of permeable materials including sands, gravel, and intermittent clays underling the site and vicinity. PCE contamination at this site is likely to have traveled to deeper portions of the aquifer.
10. Regional Water Board staff contacted John R. Braun and the County of Humboldt in writing eight times between 1993 and 1997 requesting the submittal of a preliminary site assessment workplan to determine the extent of soil and groundwater contamination. No workplan was submitted.
11. On September 2, 1997, the Executive Officer issued Cleanup and Abatement Order 97-100, requiring the collection of technical data to define the vertical and horizontal extent of site contamination. A limited assessment of shallow groundwater occurred in late 1999 and early 2000 to comply with some provisions of Order No. 97-100, however the dischargers failed to fully comply with the Cleanup and Abatement Order. The limited investigation results confirm significant contamination of onsite and offsite areal groundwaters. Cleanup and abatement activities remain to be performed at the site. These activities include, but are not limited to:

- a. complete definition of the horizontal and vertical extent of contamination;
  - b. conducting a feasibility study assessing remedial alternatives including performing needed risk assessments, performing appropriate cleanup and abatement activities,
  - c. performing quarterly monitoring. The remaining activities require a new schedule for completion. Therefore, this Order replaces Cleanup and Abatement Order No. 97-100 as to the cleanup and abatement activities required to be conducted on the site and reflects the new schedule for completion of required activities.
12. Site groundwater has been impacted with PCE. Shallow groundwater is seven (7) to ten (10) feet below the ground surface. The potential beneficial uses of areal groundwater include:
- a. domestic water supply
  - b. agricultural supply
  - c. industrial supply
13. The site is located approximately seven (7) blocks upgradient from Humboldt Bay. The beneficial uses of Humboldt Bay include:
- a. industrial supply
  - b. navigation
  - c. water contact recreation
  - d. non-contact water recreation
  - e. ocean commercial and sport fishing
  - f. saline water habitat
  - g. wildlife habitat
  - h. preservation of rare and endangered species
  - i. marine habitat
  - j. fish migration
  - k. fish spawning
  - l. shellfish harvesting
14. The dischargers have caused or permitted waste, including but not limited to hazardous substances containing PCE and its degradation products, to be discharged or deposited where it is, or probably will be, discharged into waters of the state and creates or threatens to create, a condition of pollution or nuisance. The discharge and threatened discharge of PCE and its degradation products is deleterious to the above beneficial uses of groundwater and/or Humboldt Bay to a degree that has created and threatens to create a condition of pollution and nuisance unless the discharge or threatened discharge is permanently cleaned up and abated.

15. The California Water Code, and regulations and policies developed thereunder, require cleanup and abatement to provide attainment of background levels of water quality, or the highest water quality which is reasonable if background levels of water quality cannot be restored, considering all demands being made and to be made on those waters and the total values involved, beneficial and deleterious, economic and social, tangible and intangible. Alternative cleanup levels less stringent than background concentrations shall be consistent with the maximum benefit to the people of the state, not unreasonably affect present and anticipated beneficial uses of such water, and not result in water quality less than prescribed in the Water Quality Control Plans and Policies adopted by the State and Regional Water Boards.
16. Water quality objectives exist to ensure the beneficial uses of water. The highest beneficial use to be protected at or near the site is domestic water supply. However, other beneficial uses of water exist, and the most stringent objective for protection of all beneficial uses is selected as protective for water quality. The following table sets out water quality objectives for this site:

Constituent of Concern	Background Level ug/l	Water Quality Objective ug/l	Reference for Objective
Tetrachloroethene	<0.5	5	for protection of domestic supply, Title 22 § 64444.5
Trichloroethene	<0.5	5	for protection of domestic supply, Title 22 § 64444.5
cis-1,2-Dichloroethene	<0.5	6	For protection of domestic supply, Title 22 § 64444.5
Trans-1,2-Dichloroethene	<0.5	10	for protection of domestic supply, Title 22 § 64444.5
Vinyl Chloride	<0.5	0.5	for protection of domestic supply, Title 22 § 64444.5
1,1,2-Trichloroethane	<0.5	5	for protection of domestic supply, Title 22 § 64444.5
1,2-Dichloroethane	<0.5	0.5	for protection of domestic supply, Title 22 § 64444.5
1,1-Dichloroethane	<0.5	5	for protection of domestic supply, Title 22 § 64444.5
1,1-Dichloroethene	<0.5	6	for protection of domestic supply, Title 22 § 64444.5
1,1,1-Trichloroethane	<0.5	200	for protection of domestic supply, Title 22, § 64444.5
1,1,2,2-Tetrachloroethane	<0.1	1	for protection of domestic supply, Title 22 § 64444.5

17. Reasonable costs incurred by Regional Water Board staff in overseeing cleanup or abatement activities are reimbursable under Section 13304 of the California Water Code.

18. This enforcement action is being taken for the protection of the environment and, therefore, is exempt from the provisions of the California Environmental Quality Act (Public Resources Code, Section 21000 e. seq.) in accordance with Section 15308 and 15321, Chapter 3, Title 14 of the California Code of Regulations.

THEREFORE, IT IS HEREBY ORDERED that Cleanup and Abatement Order No. 97-100 is rescinded and pursuant to California Water Code Sections 13267(b) and 13304, the dischargers shall cleanup and abate the discharge and threatened discharge and shall comply with the provisions of this Order:

1. The dischargers shall conduct all work under the direction of a California registered engineer or geologist experienced in pollution investigation and cleanup in accordance with all local ordinances. All necessary permits shall be obtained.
2. By December 1, 2000, the dischargers shall submit for concurrence by the Executive Officer, a workplan to define the horizontal and vertical extent of contamination. The required workplan shall include at a minimum:
  - a. Lithologic cross sections of soils explored related to site investigations and all other offsite investigations between the site and Humboldt Bay at a minimum the cross sections shall interpret lithologic information gathered from: 1) all current and historic contaminant site investigations; 2) geotechnical data generated during development of the jail facilities; and 3) all current and historic site contaminant investigations related to the Courthouse Union 76 gas station and the Humboldt County Garage site;
  - b. The depths and locations of subsurface utilities;
  - c. Proposed methods and locations to define the horizontal extent of contamination; and
  - d. Proposed methods and locations for investigation of deeper water bearing zones.
3. Any and all workplans submitted for concurrence by the Executive Officer shall be implemented within 15 days of concurrence with the workplan.
4. By December 15, 2000, the dischargers shall submit for concurrence by the Executive Officer, a public participation plan including, but not limited to the following items:
  - a. A description of the purpose of the public participation plan and brief summary of the site history;
  - b. Background information on the site and overview of the demographics of the nearby community;
  - c. A summary of community issues or concerns expressed during interviews or other information gathering efforts;

- d. A list of activities to be conducted to accomplish public involvement with the project as well as personnel who will implement the public participation plan. This section shall include public notices for availability of the feasibility study, draft remedial action plan, and other relevant documents for public review, the identity of public document repositories, and a description of the public meeting to be held to gather comments and address any concerns related to the draft Remedial Action Plan once accepted by Regional Water Board staff;
  - e. An outline schedule for activities to be conducted at the site; and
  - f. A list of references used to develop the public participation plan.
5. By June 15, 2001, the dischargers shall submit the final Remedial Investigation Report (RI) presenting information gathered pursuant to Provision 2, above and documenting complete horizontal and vertical definition of contamination related to the site.
  6. Within 45 days of the Executive Officer's concurrence with the final RI, the dischargers shall submit a combined Feasibility Study and draft Remedial Action Plan (FS/draft RAP) evaluating all appropriate cleanup and abatement alternatives for the site, summarizing each of the remedial alternatives considered, and describing the preferred remedies to address final soil and groundwater cleanup and including a post remedial action monitoring program.
  7. The final Remedial Action Plan (RAP) shall include all necessary revisions identified during the public comment and review period as well as any recognized from the subsequent public meeting. The RAP, including the time schedule for implementation, shall be submitted for concurrence by the Executive Officer within 30 days after the public meeting.
  8. The dischargers shall comply with Provisions of Monitoring and Reporting Program Order No. R1-2000-79 and shall submit quarterly reports detailing their progress to comply with the provisions of this Order in accordance with the following schedule:

<u>Reporting Period</u>	<u>Due Date</u>
May, June, July	August 15
August, September, October	November 15
November, December, January	February 15
February, March, April	May 15

9. The dischargers shall promptly pay in accordance with the invoicing instructions all invoices for Regional Water Board oversight.

10. If, for any reason, the dischargers are unable to perform any activity or submit any documentation in compliance with the work schedule submitted pursuant to this Order and approved by the Executive Officer, the discharger may request, in writing, an extension of the time as specified. The extension request shall include justification for this delay. An extension may be granted for good cause, in which case this Order will be accordingly revised.

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

Lee A. Michlin  
Executive Officer

October 30, 2000

(C&A No R1-2000-78)