

## Lahontan Regional Water Quality Control Board

August 2, 2013

Seven Springs Limited Partnership  
c/o Christopher Blair  
The Commerce Trust Company  
P.O. Box 419249  
Kansas City, MO 64141-6248

Fox Capital Management Corporation  
c/o Scott Reisch  
4582 S. Ulster Street Parkway, Suite 100  
Denver, CO 80237

### **ACCEPTANCE OF WORK PLAN FOR REMEDIATION AND ORDER TO SUBMIT TECHNICAL REPORTS, FORMER LAKE TAHOE LAUNDRY WORKS, 1024 LAKE TAHOE BOULEVARD, SOUTH LAKE TAHOE, EL DORADO COUNTY**

#### **INVESTIGATIVE ORDER R6T-2013-0064**

This letter conditionally accepts the cleanup action proposed for the Lake Tahoe Laundry Works property to remediate contamination in soil and groundwater. As responsible parties, Seven Springs Limited Partnership (as current owner) and Fox Capital Management Corporation (as past owner) are directed to continue to implement corrective actions and to submit technical reports to this agency.

#### **BACKGROUND**

The August 12, 2010 document, *Draft Remedial Action Plan (Draft RAP)*, recommends operating a soil vapor extraction (SVE) and air sparge (AS) system to remediate chlorinated hydrocarbons, mostly in the form of tetrachloroethene or PCE, in soil, soil gas, and groundwater at the site. Air sparging involves the injection of air below the water table to strip volatile organic compounds out of groundwater. Mobilized contaminants migrating to soil in the unsaturated zone are extracted by vacuum applied in a SVE well. This SVE/AS system was installed and pilot tested in 2010-12 and has been operational since. As the SVE/AS system becomes less effective with time, ozone sparging will be conducted to remove remaining contaminants at the site.

The remediation system operates under permit by the County Air Pollution Control District. This remedial operation was selected because it appears it would be effective for remediation, its costs are reasonable, and it would have the least disruption to the existing businesses on site. The schedule in the Draft RAP indicates that site cleanup could be achieved within one-and-a-half more years of operation and verification monitoring.

The proposed cleanup action was distributed to the public during a 30-day comment period. The comment period ended on July 15, 2013. No comments were received during this time.

## **DIRECTIVE**

I am accepting the Draft RAP to remediate contaminants in soil, soil gas, and groundwater. Following the completion of remedial actions, verification monitoring will be necessary for at least one year before site closure will be considered to ensure restoration of beneficial uses to the drinking water aquifer.

Pursuant to Water Code sections 13267, Seven Springs Limited Partnership and Fox Capital Management Corporation are required to submit technical reports:

**Beginning August 15, 2013**, and every three months thereafter, submit quarterly remediation status reports that include the following information:

- a. Description of analytical results for vapors samples collected from SVE wells and comparison to past sampling results.
- b. Description of analytical results for water samples collected from monitoring wells and comparison to past sampling results. Hexavalent chromium must be analyzed in water samples whenever ozone sparge is conducted. The detection limit for hexavalent chromium shall be 0.5 parts per billion (ppb).
- c. Site map showing property lines, building footprint, well locations, piping layout, and remediation system location.
- d. Maps showing all monitoring wells associated with the site and contaminant boundaries in groundwater drawn to the following levels: 5 ppb PCE, 5 ppb TCE, and 6 ppb DCE.
- e. Map showing all vapor wells associated with the site and PCE contaminant boundaries in soil drawn to 1  $\mu\text{g}/\text{m}^3$ .
- f. Describe the average vacuum extraction rate during the quarter.
- g. A table of cumulative vacuum extraction at each well location volume back to 2010 when remediation was initiated.
- h. Calculated PCE mass in soil and the aquifer based upon known conditions.
- i. A table of cumulative system down time, reasons for down time, and how the problem was corrected and description in the text section.
- j. Discussion of contaminant concentration trends from past sampling events and remediation system effectiveness.
- k. Description of future activities.
- l. Upload to Geotracker database.

Seven Springs Limited Partnership  
c/o Christopher Blair  
Fox Capital Management Corporation  
c/o Scott Reisch

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## **ENFORCEMENT**

Technical reports required by this Order are necessary during ongoing cleanup of chlorinated hydrocarbons. The need for these reports outweighs the burden on the responsible parties to produce the information verifying cleanup actions and restoration of the drinking water aquifer.

Pursuant to section 13268 of the Water Code, a violation of Water Code Section 13267 requirement may subject you to civil liability of up to \$1,000 per day for each day in which the violation occurs.

I appreciate your attention in this matter and your efforts to cleanup discharges affecting the Lake Tahoe Basin. You may contact Lisa Dernbach of this office at (530) 542-5424 if you have any questions.



LAURI KEMPER, P.E.  
ACTING EXECUTIVE OFFICER

Enclosure: Section 13267 Fact Sheet

cc: PCE Interested Party Mail List

LSD/adw/T: LTLW RAP acceptance 7-30-13 lsd  
Send to file: SLIC, El Dorado Co., T6S043

**Fact Sheet – Requirements for Submitting Technical Reports  
Under Section 13267 of the California Water Code**

October 8, 2008

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**What does it mean when the regional water board requires a technical report?**

Section 13267<sup>1</sup> of the California Water Code provides that "...the regional board may require that any person who has discharged, discharges, or who is suspected of having discharged...waste that could affect the quality of waters...shall furnish, under penalty of perjury, technical or monitoring program reports which the regional board requires".

**This requirement for a technical report seems to mean that I am guilty of something, or at least responsible for cleaning something up. What if that is not so?**

Providing the required information in a technical report is not an admission of guilt or responsibility. However, the information provided can be used by the regional water board to clarify whether a given party has responsibility.

**Are there limits to what the regional water board can ask for?**

Yes. The information required must relate to an actual or suspected discharge of waste, and the burden of compliance must bear a reasonable relationship to the need for the report and the benefits obtained. The regional water board is required to explain the reasons for its request.

**What if I can provide the information, but not by the date specified?**

A time extension can be given for good cause. Your request should be submitted in writing, giving reasons. A request for a time extension should be made as soon as it is apparent that additional time will be needed and preferably before the due date for the information.

**Are there penalties if I don't comply?**

Depending on the situation, the regional water board can impose a fine of up to \$1,000 per day, and a court can impose fines of up to \$25,000 per day as well as criminal penalties. A person who submits false information is guilty of a misdemeanor and may be fined as well.

**What if I disagree with the 13267 requirement and the regional water board staff will not change the requirement and/or date to comply?**

Any person aggrieved by this action of the Regional 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, sections 2050 and following. The State Water Board must *receive* the petition by 5:00 p.m., 30 days after the date of the 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](http://www.waterboards.ca.gov/public_notices/petitions/water_quality) or will be provided upon request.

**Claim of Copyright or other Protection**

Any and all reports and other documents submitted to the Regional Board pursuant to this request will need to be copied for some or all of the following reasons: 1) normal internal use of the document, including staff copies, record copies, copies for Board members and agenda packets, 2) any further proceedings of the Regional Board and the State Water Resources Control Board, 3) any court proceeding that may involve the document, and 4) any copies requested by members of the public pursuant to the Public Records Act or other legal proceeding.

If the discharger or its contractor claims any copyright or other protection, the submittal must include a notice, and the notice will accompany all documents copied for the reasons stated above. If copyright protection for a submitted document is claimed, failure to expressly grant permission for the copying stated above will render the document unusable for the Regional Board's purposes, and will result in the document being returned to the discharger as if the task had not been completed.

**If I have more questions, who do I ask?**

Requirements for technical reports normally indicate the name, telephone number, and email address of the regional water board staff person involved at the end of the letter.

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<sup>1</sup> All code sections referenced herein can be found by going to [www.leginfo.ca.gov](http://www.leginfo.ca.gov). Copies of the regulations cited are available from the Regional Board upon request.