

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
COLORADO RIVER BASIN REGION

CLEANUP AND ABATEMENT ORDER NO. 90-028

AGAINST

VALLEY NITROGEN PRODUCERS, INC.

AND

J.R. SIMPLOT COMPANY

AND

SOUTHERN PACIFIC TRANSPORTATION COMPANY

Northwest of Holtville - Imperial County

The Executive Officer of the California Water Quality Control Board, Colorado River Basin Region, finds that:

1. Valley Nitrogen Producers, Inc., doing business as Agriform Company of Imperial Valley, Inc. (hereinafter referred to as the discharger), 1221 Van Ness Avenue, Fresno, California 92721 used the property located at the northwest corner of Highway 115 and Harris Road in the County of Imperial, California for the formulation of pesticides and liquid fertilizers. The property is known as the Sandia Railroad Siding Plant. The discharger used the property from 1952 until 1978.
2. J.R. Simplot (hereinafter referred to as the discharger), 16777 Holland Road, P.O. Box 198, Lathrop, California 95330, leases the above identified property.
3. Southern Pacific Transportation Company (hereinafter referred to as the discharger), 1200 Corporate Center Drive, Suite 100, Monterey Park, California 91754, owns the above identified property.
4. On December 15, 1989, the Regional Board staff received a complaint report from the Imperial County Environmental Health Division, concerning the discovery of a pesticide spill at the above described site.
5. The discovery came to light when workers salvaging scrap lumber and iron from a demolished warehouse at the site became ill and notified the County of Imperial Health Services.
6. On December 21, 1989 and January 9, 1990, the site was inspected by Regional Board staff. The remains of a recently demolished warehouse were visible, which included some concrete walls, slabs, foundations, and a lot of debris. A concrete lined earthen basin had several inches of wet sludge. Two piles of unknown powdered substances were noticed at the site. These substances appear to be either pesticide or fertilizer wastes. Among the debris, there was asbestos from pipe insulation. At the north end of the property there was a 15 foot high pile of apparently fertilizer residue.
7. The Regional Board records indicate that the Sandia operation began as a pesticide formulation plant in 1952 and ceased formulating in 1968. The plant was used as a retail store for liquid fertilizers until 1978 when the plant was permanently closed. J.R. Simplot acquired the facility on October 28, 1980.

8. The Regional Board records indicate that a truckload of old pesticide chemicals was buried at the site in 1976.
9. The Water Quality Control Plan for the Colorado River Basin Region of California identifies the beneficial uses of the ground waters in the Imperial Hydrologic Subunit as:
 - a. Municipal (MUN)
 - b. Industrial (IND)

Within the Imperial Hydrologic Subunit, much of the ground water is too saline for municipal use. However, portions of said subunit contain ground water which could be used for municipal supply. The physical and chemical characteristics of the ground water in said subunit must be determined, at any site within the subunit, in order to evaluate the beneficial uses.

10. Contamination of ground water at this site will adversely impact the above listed beneficial uses.
11. Section 13304 of the California Water Code states, in part, that:

"Any person...who has caused or permitted...any 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, shall upon order of the regional board cleanup such waste or abate the effects thereof, or, in the case of threatened pollution or nuisance, take other necessary remedial action."

12. This enforcement action is exempt from the California Environmental Quality Act pursuant to Section 15308 and 15321, Chapter 3, Title 14 of the California Code of Regulations.

IT IS HEREBY ORDERED, that pursuant to Section 13304 of Division 7 of the California Water Code, the discharger shall comply with the following:

1. Cleanup and abate the effects of the discharge of pesticides, asbestos, fertilizer wastes, and any other wastes at the above described site.
2. By April 1, 1990, submit to the Regional Board, a technical report containing the results of a complete subsurface investigation of the contamination. The report must contain, as a minimum, the following:
 - a. A delineation and evaluation of the lateral and vertical extent of the contamination in the soil and ground water at the site.
 - b. The hydrogeologic characterization of the soil and unconsolidated materials underlying and adjacent to the site.
 - c. A hazardous waste characterization of all the wastes, structures and debris at the site.

The technical report must be prepared by a qualified professional who is registered as a Civil Engineer, or certified as an Engineering Geologist, in the State of California.

3. Within two weeks of receipt of this Order, submit to the Regional Board office, the name and address of the qualified professional retained to perform the required investigation.
4. By May 15, 1990, submit a cleanup proposal to the Regional Board based on the finding of the subsurface investigation. An acceptable level of cleanup must be identified in the proposal.

Ordered By

Phil Gruenberg

Executive Officer

1-22-90

Date