

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
COLORADO RIVER BASIN REGION

CLEANUP AND ABATEMENT ORDER NO. 92-082  
AGAINST  
ELIZABETH ADAMS  
AND  
PETE ORTIZ, PETE ORTIZ CONSTRUCTION, INC.

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

1. Property located at 83-579 Indio Boulevard, Indio, California, is the site of an unauthorized release of contaminants into the soil and ground water as per Notification No. 7T2201026, an Underground Storage Tank Unauthorized Release Report dated June 5, 1987.
2. Four (4) 10,000 gallon tanks have been identified on the property. Records indicate the tanks have been in place since 1964. All tanks were used to store motor fuel. By LUFT report 7T2201026, dated June 5, 1987, there is notation that the tanks have not been used since 1984.
3. The parties listed below (hereinafter referred to as the dischargers) have discharged gasoline fuel to the waters of the State of California based on the facts herein:
  - a. Ms. Elizabeth Adams, 82-358 Oleander Avenue, Indio, California, 92201, is the former owner and operator of the station located at 83-579 Indio Boulevard, Indio, California 92201.
  - b. By Grant deed, dated March 31, 1988, title was transferred to Pete Ortiz, Pete Ortiz Construction, Inc., 76-655 California Drive, Palm Desert, California, 92260, who is the present owner of the property located at 83-579 Indio Boulevard, Indio, California, 92201.
4. On June 4, 1987, Pioneer Consultants drilled two exploratory boreholes to assess ground water and soil contamination at the subject facility. Project Geologist Kyle D. Emerson notified the City of Indio Fire Department that soil and water samples obtained from both borings were found to have hydrocarbon concentrations above State Action Levels through laboratory analyses.
5. The Regional Board received an Underground Storage Tank Unauthorized Release Report on June 9, 1987, indicating that motor fuel had leaked from the underground storage tank system at the subject facility, resulting in soil and ground water contamination. This report was provided by the Indio Fire Department.
6. By letter dated July 10, 1987, the discharger was requested to conduct a remedial investigation of the contamination, and submit a technical report containing the results to this office by August 31, 1987.
7. By letter dated October 23, 1987, the discharger was notified that the technical report was delinquent, and was granted a time extension for submittal of the report to November 22, 1987.

*Rescinded  
11/8/87*

8. A letter dated November 12, 1987 was received from the Elizabeth Adams' daughter, Cecelia E. Hickey, notifying the Regional Board of the discharger's inability to fund the required subsurface investigation of contamination at the subject facility.
9. A certified mailed copy of Cleanup and Abatement Order No. 89-061 was received by Elizabeth Adams on June 29, 1989.
10. By Record of Communication dated July 12, 1989, Cecelia Hickey, Elizabeth Adams' daughter, contacted Julie Maurer by telephone to inform Regional Board staff of the sale of property located at 83-579 Indio Boulevard, Indio, California 92201, to Pete Ortiz, Pete Ortiz Construction, Inc. Title was transferred on March 31, 1988 from Elizabeth Adams to Pete Ortiz.
11. By letter dated February 13, 1990 from the Regional Board staff, Pete Ortiz was requested to remove any and all underground storage tanks on the property. Soil samples were to be taken, and analyzed by a California Department of Health Services certified laboratory for the presence of total petroleum hydrocarbons (TPH). A technical report containing the findings was to be submitted by March 1, 1990.
12. By letter dated August 30, 1990, to the dischargers from the City of Indio, a Notice of Reimbursement was sent to the responsible parties.
13. A letter dated May 29, 1991 was sent to Pete Ortiz requesting a subsurface investigation and workplan by County of Riverside, Department of Health Services.
14. By letter dated August 16, 1991 Riverside County Environmental Health requested of the discharger the status of the site, based on the workplan dated February 1991.
15. On January 16, 1991, fuel tanks were removed. The City of Indio Fire Department monitored this action.
16. A letter dated January 29, 1992 to the discharger from the Riverside County Environmental Health accepted the report entitled "Results of the Site Investigation at 83-579 Indio Boulevard, Indio, California" dated October 1, 1991, prepared by Environmental Geoscience Engineering. This was for the SB2004 application being made for this site.
17. 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."
18. The discharger has caused or permitted the discharge of gasoline into the waters of the State and created a condition of pollution.
19. The Water Quality Control Plan for the Colorado River Basin Region of California was adopted on May 15, 1991, and designates the beneficial uses of ground and surface waters in this Region.

20. The beneficial uses of ground waters in the Coachella Hydrologic Subunit are:
  - a. Municipal supply (MUN)
  - b. Industrial supply (IND)
  - c. Agricultural supply (AGR)
21. Contamination of the ground water with gasoline would significantly impair the beneficial uses of the ground water.
22. 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 Sections 13304 and 13267 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 gasoline.
2. By February 26, 1993, submit a workplan to the Regional Board for review and acceptance. The workplan will include, but not be limited to, a description by which tasks a. through c. will be accomplished.
  - a. Fully delineate the vertical and lateral extent of contamination of soil and ground water at the subject site;
  - b. Characterize the site hydrology, to insure an adequate assessment of contamination migration;
  - c. Evaluate actual and potential off-site migration of contaminants.
3. By April 30, 1993, submit a progress report which details the progress being made towards the goals outlined in the February 1, 1993 workplan.
4. By June 30, 1993, submit a cleanup proposal to remediate all soil and ground water at the site which resulted from the leaking underground storage tanks.
5. By August 30, 1993, implement the cleanup plan to remediate all soil and ground water at this site.
6. All technical and monitoring reports required in conjunction with this Order are required pursuant to Section 13267 of the California Water Code and shall include a statement by the discharger or an authorized representative of the discharger certifying under penalty of perjury under the laws of the State of California that the report is true, complete and accurate.
7. All technical reports submitted to CRDEHS and this Regional Board for consideration shall be prepared by a professional who is registered as a civil engineer, or certified as an engineering geologist in the State of California.
8. Failure to comply with the provision of this Order may subject you to further enforcement action including, but not limited to, assessment of civil liability pursuant to Section 13323 (a), Article 25, of Division 7 of the California Water Code.

IT IS FURTHER ORDERED that Cleanup and Abatement Order No. 89-061 be superseded by this Cleanup and Abatement Order No. 92-082.

Phil H. Rosenberg  
Executive Officer

12-15-92  
Date