

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL VALLEY REGION

TECHNICAL REPORTING ORDER NO. R5-2009-0863  
CALIFORNIA WATER CODE SECTION 13267  
FOR  
FLYERS, LLC, AUBURN STATION #5  
13461 BOWMAN ROAD, AUBURN, PLACER COUNTY

This Order is issued to Flyers, LLC (hereafter Discharger) pursuant to California Water Code (CWC) section 13267, which authorizes the Executive Officer of the California Regional Water Quality Control Board, Central Valley Region (hereafter Central Valley Water Board) to issue an Order (Order) requiring the submittal of technical reports.

The Executive Officer finds:

**INTRODUCTION**

1. The Discharger owns and operates a gasoline service station at 13461 Bowman Road in Auburn, Placer County (APN 054-143-004-000)(hereafter Site). The Discharger recorded its property interest with the Placer County Recorder's Office on 23 December 2004.
2. In January 1987, an unauthorized release of petroleum fuel was discovered during the installation of a leak detection system. Soil samples collected from beneath the Site in February 1987 contained up to 5,800 mg/kg of total petroleum hydrocarbons as gasoline (TPH-G) and 9,700 mg/kg of TPH as diesel (TPH-D).
3. Free product was noted in MW-4 in October 1992 and has been observed in a total of 4 site wells: MW-3, MW-4, MW-8 and PTW-1.
4. Between September and December 1997, the Site's underground storage tank (UST) system, consisting of three 8,000-gallon USTs and one 12,000-gallon UST, was excavated and removed from the Site along with all associated piping, dispensers and 3,700 cubic yards of contaminated soil. Monitoring wells MW-2, MW-3, MW-4, MW-8 and PTW-1 were abandoned to facilitate the excavation.
5. By April 2001, a groundwater pump and treat system was operating, and this system removed polluted groundwater from a cutoff trench installed during the 1997 excavation. In July 2003, the system was expanded to include recovery wells RW-1 and RW-2 and monitoring well MW-7, which was converted into a 4-inch diameter extraction well.
6. The remedial system was shut down in June 2007 after removing about 102 pounds of methyl tertiary butyl ether (MTBE), and post remedial monitoring began.

7. While constituent concentrations appear to be decreasing in most Site wells, concentrations of MTBE as high as 360 µg/L were detected in the Site's three furthest downgradient wells during the most recent January 2009 groundwater sampling event. Site wells RW-1, RW-2, and MW-7 contained MTBE at 15 µg/L, 80 µg/L and 360 µg/L, respectively, during this sampling event.
8. Tertiary butyl alcohol (TBA) concentrations in monitoring well MW-13, located just outside and downgradient of the Site's UST system, spiked to 1,600 µg/L in May 2008 and concentrations appear to be increasing.
9. Continued monitoring of the Site's monitoring wells is necessary to determine whether increasing concentrations in the downgradient wells are a temporary phenomenon or indicative of a migrating plume.

### LEGAL PROVISIONS

10. CWC section 13267 reads, in part:

(b)(1) In conducting an investigation . . . , the regional board may require that any person who has discharged, discharges, or is suspected of having discharged or, discharging, or who proposes to discharge waste within its region . . . shall furnish, under penalty of perjury, technical or monitoring program reports which the regional board requires. The burden, including costs, of these reports shall bear a reasonable relationship to the need for the report and the benefits to be obtained from the reports. In requiring those reports, the regional board shall provide the person with a written explanation with regard to the need for the reports, and shall identify the evidence that supports requiring that person to provide the reports.

The Discharger is required to provide the reports because it is a responsible party under the California Water Code, as detailed in Finding No. 12. The reports required herein are necessary for the reasons described in this Order, to assure protection of waters of the state, and to protect public health and the environment.

11. CWC section 13268 reads, in relevant part:

(a)(1) Any person failing or refusing to furnish technical or monitoring program reports as required by subdivision (b) of Section 13267 . . . or falsifying any information provided therein, is guilty of a misdemeanor and may be liable civilly in accordance with subdivision (b).

(b)(1) Civil liability may be administratively imposed by a regional board in accordance with Article 2.5 (commencing with Section 13323) of Chapter 5 for a violation of subdivision (a) in an amount which shall not exceed one thousand dollars (\$1,000) for each day in which the violation occurs.

(c) Any person discharging hazardous waste, as defined in Section 25117 of the Health and Safety Code, who knowingly fails or refuses to furnish technical or monitoring program reports as required by subdivision (b) of Section 13267, or who knowingly falsifies any information provided in those technical or monitoring program reports, is guilty of a misdemeanor, may be civilly liable in accordance with subdivision (d) ...

(d)(1) Civil liability may be administratively imposed by a regional board ... for a violation of subdivision (c) in an amount which shall not exceed five thousand dollars (\$5,000) for each day in which the violation occurs.

Failure to submit the required reports to the Central Valley Water Board according to the schedule detailed herein may result in enforcement action being taken against the Discharger, which may include the imposition of administrative civil liability pursuant to CWC section 13268. Since petroleum constituents are considered hazardous waste under Health and Safety Code section 25117, the Central Valley Water Board may impose administrative civil liability of up to \$5,000 per day if the Discharger knowingly fails to submit the required work plan by the date set forth below.

12. The California Code of Regulations, title 23, section 2720, defines a responsible party as:

... any person who owns or operates an underground storage tank used for the storage of an hazardous substance... any person who owned or operated the underground storage tank immediately before the discontinuation of its use... any owner of property where an unauthorized release of a hazardous substance from an underground storage tank has occurred, and any person who had or has control over a underground storage tank at the time of or following an unauthorized release of a hazardous substance.

A responsible party has a legal obligation to investigate and remediate contamination. The Discharger is subject to this Order because it is an owner of property where an unauthorized release of a hazardous substance from an underground storage tank has occurred. Therefore, the Discharger is a "person who has discharged ... waste" within the meaning of CWC section 13267.

13. Compliance with Central Valley Water Board directives is mandatory in order to be eligible for reimbursement of corrective action costs from the State's Underground Storage Tank Cleanup Fund according to California Code of Regulations, title 23, section 2812.2.
14. All work shall be performed according to permits required by State, County, and Local agencies.

### **REQUIRED ACTIONS**

**IT IS HEREBY ORDERED** that, pursuant to CWC section 13267, the Discharger shall:

1. Submit **Semi-Annual Groundwater Monitoring Reports**, both paper copies to the Central Valley Water Board office and electronic copies to the State Water Resources Control Board's (State Water Board) GeoTracker database (see Reporting Section below).

As shown on Figure 1, which is attached hereto and made part of this Order, there are eight groundwater monitoring wells (MW-1, MW-5, MW-6, and MW-9 through MW-13), three extraction wells (RW-1, RW-2 and MW-7), and five cutoff trench access ports (OP-1 through OP-5) associated with the Site. The groundwater monitoring program for all wells, access port OP-2, and any wells installed subsequent to the issuance of this Order, shall follow the schedule below.

Wells with free phase petroleum product or a visible sheen shall be monitored, at a minimum, for product thickness and depth to water, and the volume of extracted free phase product and groundwater shall be documented in the monitoring reports. Sample collection and analysis shall follow standard EPA protocol.

Constituents	EPA Analytical Method	Maximum Practical Quantitation Limit (µg/l)	Sampling Frequency <sup>2</sup>
Depth to Groundwater	---	---	Semi-annual
Total Petroleum Hydrocarbons as gasoline and diesel	8015M	50	Semi-annual
Benzene	8020 or 8260B	0.5	Semi-annual
Toluene	8020 or 8260B	0.5	Semi-annual
Ethylbenzene	8020 or 8260B	0.5	Semi-annual
Xylene	8020 or 8260B	0.5	Semi-annual
Methyl tertiary-butyl ether (MTBE)	8260B	0.5	Semi-annual
Tert butyl alcohol (TBA)	8260B	5	Semi-annual
Tert-amyl methyl ether (TAME)	8260B	0.5	Semi-annual
1,2-Dichloroethane (1,2-DCA)	8260B	0.5	Semi-annual
Ethylene dibromide (EDB).	8260B	0.5	Semi-annual
Naphthalene	8260B	0.5	Semi-annual

<sup>1</sup> For nondetectable results. All concentrations between the Method Detection Limit and the Practical Quantitation Limit shall be reported as trace.

<sup>2</sup> Semi-annual sampling shall occur during the first and third quarters of each calendar year.

## REPORTING

2. When reporting data, the Discharger shall arrange the information in tabular form so that the date, the constituents, and the concentrations are readily discernible. The data shall be summarized in such a manner as to illustrate clearly the compliance with this Order.

3. As required by the California Business and Professions Code sections 6735, 7835, and 7835.1, all reports shall be prepared by a registered professional or their subordinate and signed by the registered professional.
4. The Discharger shall submit semi-annual hard-copy monitoring reports to the Central Valley Water Board by the **15<sup>th</sup> day of the first month following the end of each quarter during which samples were collected (i.e. by 15 April and 15 October)** until such time as the Executive Officer determines that the reports are no longer necessary. In addition, concurrently with the hard-copy reports, the Discharger shall submit electronic copies of the reports and electronic data reports, which conform to the requirements of the California Code of Regulations, Title 23, Division 3, Chapter 30, over the Internet to the State Water Board's Geographic Environmental Information Management System (Geotracker) database system at <https://geotracker.waterboards.ca.gov>. Electronic submittals shall comply with GeoTracker standards and procedures as specified on the State Water Board's web site.

All reports must follow the *Appendix A - Reports, Tri-Regional Recommendations for Preliminary Investigation and Evaluation of Underground Storage Tank Sites* (Appendix A), which is attached and made a part of this Order. Each semi-annual report shall include the following minimum information:

- a) A description and discussion of the groundwater sampling event and results, including trends in the concentrations of pollutants and groundwater elevations in the wells, how and when samples were collected, and whether the pollutant plume(s) is delineated.
- b) Field logs that contain, at a minimum, water quality parameters measured before, during, and after purging, method of purging, depth of water, volume of water purged, etc.
- c) Groundwater contour maps for all groundwater zones, if applicable.
- d) Isocontour pollutant concentration maps for all groundwater zones, if applicable.
- e) A table showing well construction details such as well number, groundwater zone being monitored, coordinates (longitude and latitude), ground surface elevation, reference elevation, elevation of screen, elevation of bentonite, elevation of filter pack, and elevation of well bottom.
- f) A table showing historical lateral and vertical (if applicable) flow directions and gradients.

- g) Cumulative data tables containing the water quality analytical results and depth to groundwater.
  - h) A copy of the laboratory analytical data report.
  - i) If applicable, the status of any ongoing remediation, including cumulative information on the mass of pollutant removed from the subsurface, system operating time, the effectiveness of the remediation system, and any field notes pertaining to the operation and maintenance of the system.
  - j) If applicable, the reasons for and duration of all interruptions in the operation of any remediation system, and actions planned or taken to correct and prevent interruptions.
5. The results of any monitoring done more frequently than required at the locations specified in the MRP also shall be reported to the Central Valley Water Board. The Discharger shall implement the above monitoring program as of the date of the Order.

Any person aggrieved by this action of the Central Valley Water Board may petition the State Water Board to review the action in accordance with CWC 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 this Order, except that if the thirtieth day following the date of this Order falls on a Saturday, Sunday, or state holiday (including mandatory furlough days), 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 they will be provided upon request.

This Order is effective upon the date of signature.

Ordered by:

*Original signed by*

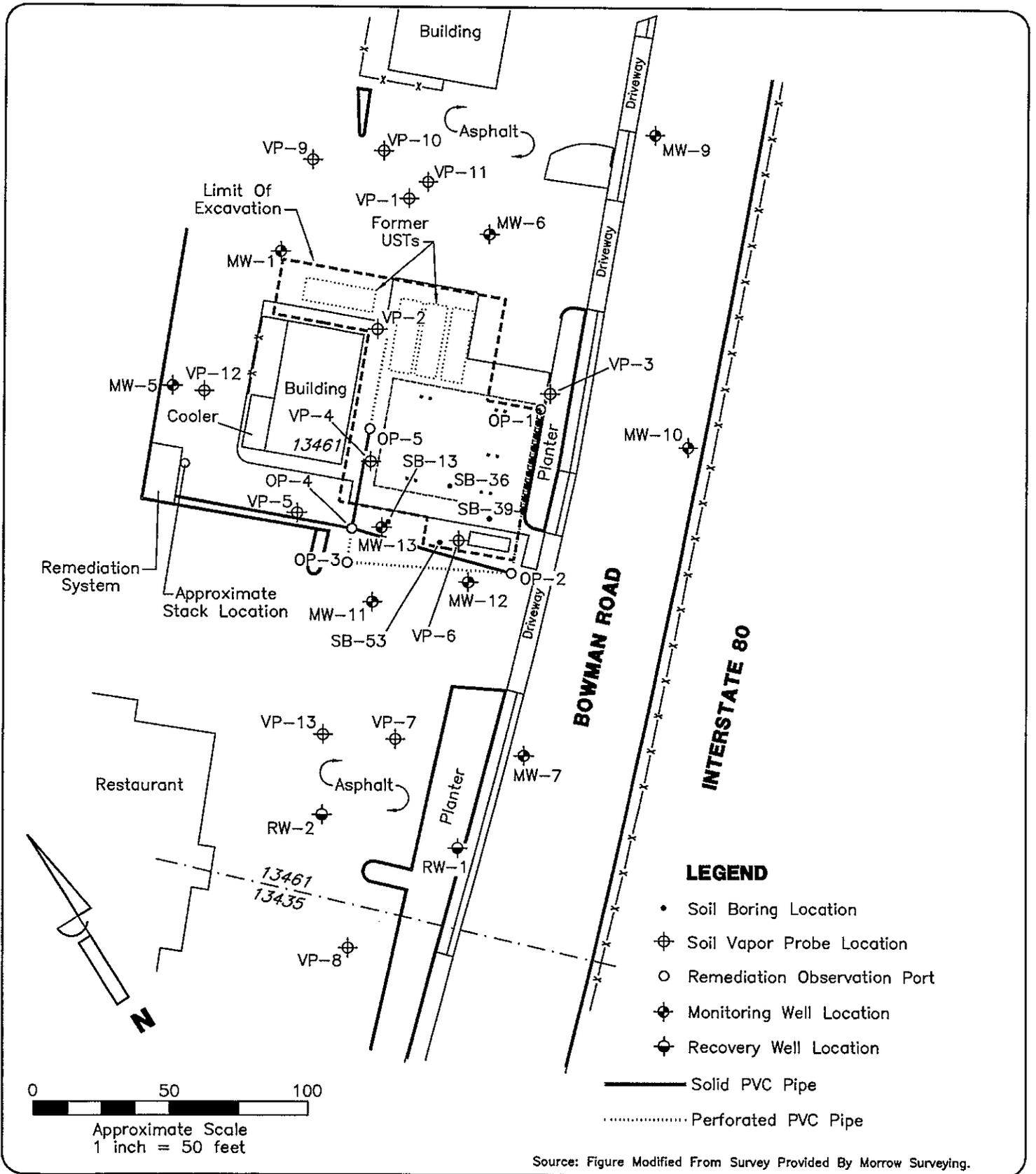
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PAMELA C. CREEDON, Executive Officer

11/9/2009

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(Date)



	DRAWN BY: D. Alston	<b>SOIL VAPOR PROBE LOCATION MAP</b>	<b>FIGURE 3</b>
	DATE: 7/2/08		
	REVISIONS	Nella No. 5 Station 13461 Bowman Road Auburn, California	PROJECT NUMBER:
			ERA02.016A