



California Regional Water Quality Control Board Central Valley Region

Karl E. Longley, ScD, P.E., Chair



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2 June 2009

CERTIFIED MAIL
7007 0220 0003 1934 0938

Steven Boyle
Renn Transportation, Incorporated
1760 South River Road
West Sacramento, CA 95691

CLEANUP AND ABATEMENT ORDER NO., R5-2009-0705, RENN TRANSPORTATION, INC. TRANS-MIX SPILL, QUINCY, PLUMAS COUNTY, SITE CLEANUP PROGRAM CASE NO. 2050326

Enclosed is Cleanup and Abatement Order R5-2009-0705 (Order), issued to Renn Transportation, Inc. (Renn), Discharger, pursuant to Section 13304 of the California Water Code for the discharges of waste, and threatened discharges of waste. This Order instructs Renn to investigate, clean up, and abate forthwith the effects of the waste discharged as a result of a 20 December 2007 tanker truck overturn at Quincy, Plumas County. Compliance with this Order shall include, but is not limited to, completing tasks listed below:

- **Monthly** sample the old Pine Hill Motel wells and new deep well for drinking water volatile organic compounds (VOCs). Notify owners and public agency staffs within 24 hours of results above most stringent Water Quality Objectives. If VOCs occur in the shallow well attributable to the subject waste discharge above Maximum Contaminant Levels, **immediately** provide owners with replacement potable water, pursuant to Section 13304(f), California Water Code.
- **By 26 June 2009**, submit a treatability study and pilot test work plan. Also include in the plan, evaluation of the old Pine Hill Motel wells as potential vertical pollution conduits, and threats to other identified receptors.
- **By 21 August 2009**, submit a report of findings, an appropriate formal Report of Waste Discharge for in situ groundwater remediation, and a time schedule for implementation, which shall become part of this Order. Staff will then prepare Waste Discharge Requirements.
- Submit **Quarterly Status Reports** by the 1st day of the second month after each calendar quarter.

Failure to comply with the enclosed Order may result in further enforcement action pursuant to Section 13350 of the California Water Code, which may result in civil liabilities of up to five thousand dollars (\$5,000) to fifteen thousand dollars (\$15,000) per day for each violation. In addition, the Central Valley Regional Water Quality Control Board may seek injunctive relief by authorizing the Attorney General to petition the Superior Court for an injunction requiring compliance with the Order. The Court may grant a prohibitory injunction stopping all activities until compliance is achieved. If you have any questions, please contact Eric Rapport of my staff at (530) 224-4998 or the letterhead address.



JAMES C. PEDRI, P.E.
Assistant Executive Officer
Shasta Cascade Watershed

EJR: sae

Attachment: Amended Cleanup and Abatement Order R5-2009-0705

cc with attachment: Pamela Creedon, Regional Board, Sacramento
Patrick Pulupa, State Board, Sacramento
Jerry Sipe, Plumas County Environmental Health Department, Quincy
Jim Perez, Plumas County Environmental Health Department, Quincy
Robert Robinette, Plumas County Environmental Health Department,
Quincy
Mark Harvey, P.E., Caltrans, Redding
Margaret Toledo, Mennemeier, Glassman, & Stroud, LLP, Sacramento
David and Marion Perron, Pine Hill Motel, Quincy
Wendy Linck, P.G., Brown and Caldwell, Rancho Cordova
Daniel Sweeney, Nationwide Agribusiness, Des Moines, IA

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

CLEANUP AND ABATEMENT ORDER NO. R5-2009-0705
FOR

RENN TRANSPORTATION, INC.
QUINCY, PLUMAS COUNTY

This Order is issued to Renn Transportation, Inc., (hereafter Discharger), based on provisions of California Water Code (CWC) section 13304, which authorizes the California Regional Water Quality Control Board, Central Valley Region (hereafter Central Valley Water Board) to issue a Cleanup and Abatement Order (Order), and CWC section 13267, which authorizes the Central Valley Water Board to require preparation and submittal of technical and monitoring reports.

The Executive Officer finds, with respect to the Discharger's acts or failures to act, the following:

HAZARDOUS MATERIAL INCIDENT AND EMERGENCY RESPONSE

1. On 20 December 2007, a tandem tanker-truck and trailer, owned and operated by the Discharger, lost control on southbound State Highway 70 (SR-70), about ½ mile northwest of Quincy, Plumas County. The tandem slid into the opposing lane, and the trailer overturned on the northbound shoulder near Golden Eagle Avenue, at Milepost 42.13, about 39° 57' 04" north latitude, 120° 57' 36" west longitude, Township 24 North, Range 9 East, northeast quarter of Section 15, Mount Diablo Baseline and Meridian. One of the trailer cells ruptured and discharged about 1,500 gallons of trans-mix, reportedly 80% diesel fuel and 20% gasoline.
2. The Quincy Fire Department (QFD) responded to the accident. Immediately upon arrival, QFD applied aqueous film-forming foam (AFFF, Ansulite® 3X6 Freeze-Protected) to the roadway to suppress vapors. Then, they inspected the trailer, found several leaking punctures, and drilled and tapped the trailer to mitigate product losses. However, because a trailer tire was directly over a storm drain, QFD was unable to prevent a spill. From the storm drain, trans-mix with overlying AFFF entered a sub-grade culvert, flowed southwest, and discharged into an old irrigation ditch west of the southbound shoulder. There, QFD and volunteers effectively controlled waste discharge to surface water, and applied another AFFF blanket. However, the storm drain was also about 270 feet northwest of two adjacent private water supply wells, shallow and deep, at the Pine Hill Motel, (hereafter old Pine Hill Motel wells), 42075 SR70, Assessor's Parcel Number (APN) 115-250-018. Refer to the Attachment, a part of this Order, for relevant site features.
3. Plumas County Department of Environmental Health (PCDEH) staff coordinated the Discharger's emergency cleanup activities; tanker fuel off-loading, waste containment on the northbound SR-70 shoulder, pressure-washing and vacuuming of the storm drain inlet, and preliminary cleanup west of the southbound shoulder with related soil samples, backfill, and erosion controls. Excavators encountered groundwater with floating sheen, likely petroleum, at 4 to 6 feet below ground surface (bgs).

4. On 2 January 2008, the Discharger's contractor facsimiled Central Valley Water Board staff results from 22 December 2007 soil samples of excavation sidewalls and stockpile. Staff review finds no results for Total Petroleum Hydrocarbons as diesel and gasoline (TPHd and TPHg), and no detectable Benzene in the excavation sidewalls likely due to elevated Method Reporting Limits (MRLs), 1.2 to 2.5 milligrams/kilogram (mg/Kg). The following table shows maximum volatile and semi-volatile organic compounds in mg/Kg;

22 December 2007 Excavation Sidewall Maximum Volatile and Semivolatile Organic Compounds, Renn Transportation, Quincy, Plumas County

Constituent	Concentration
n-Butylbenzene	9.7
sec-Butylbenzene	2.0
Ethylbenzene	18
Isopropylbenzene	2.3
Isopropyltoluene	1.7
n-Propylbenzene	9.6
Toluene	40
1,2,4-Trimethylbenzene	73
1,3,5-Trimethylbenzene	21
p- and m-Xylenes	86
o-Xylene	36
Naphthalene	8.3
2-Methylnaphthalene	1.1
1-Methylnaphthalene	7.1

These aromatic compounds, mostly gasoline constituents, sum to about 316 mg/Kg. Assuming aromatics are 20% to 30% by weight of typical gasoline, TPHg ranged about 1,100 to 1,600 mg/Kg. With trans-mix at 20% gasoline, TPHd was up to around 7,900 mg/Kg.

5. As described in Findings 1 through 4, the Discharger is subject to this Order because it caused or permitted, causes or permits, or threatens to cause or permit, the discharge of waste 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.
6. Emergency cleanup generated about 400 gallons of oily water and 100 cubic yards of petroleum polluted soil. Field records indicate the oily water had relatively minor amounts of petroleum; emergency response did not include groundwater extraction. TPHg was not detected in the soil stockpile likely due to elevated MRLs. Based on maximum TPHd in the stockpile, 2,800 mg/Kg, and assuming soil field bulk density of 1.9 grams/cubic centimeter (g/cm^3), the Discharger removed about 147,000 Kg of soil. Assuming trans-mix fluid density of 850 grams/Liter (g/L), and TPHd concentrations from 2,800 to 7,900 mg/Kg, the Discharger may have excavated 600 to 1,400 L, 160 to 360 gallons, of trans-mix west of the culvert.

7. Based on Findings 5 and 6, the Discharger may have removed between 10 to 25 percent of waste trans-mix during emergency cleanup. Most of the remainder appears to have infiltrated into water-bearing alluvium and underlying thinly foliated, fractured, low-grade metamorphic bedrock (weathered and deeper, un-weathered phyllites and slates).

SITE INVESTIGATION

8. On 7 January 2008, PCDEH referred the case to the Central Valley Water Board. On 9 January 2008, Central Valley Water Board staff requested the Discharger submit a work plan by 15 February 2008 to assess the vertical and lateral extent of soil and groundwater pollution, conduct a sensitive receptor survey, and sample the old Pine Hill Motel wells plus other wells threatened by the waste.
9. On 27 February 2009, staff approved the Discharger's Soil and Groundwater Investigation Work Plan, and requested a Site Assessment Report by 15 May 2008.
10. On 24 April 2008, the Discharger reported sampling results of the old Pine Hill Motel wells. The shallow well, a potable water source at about 50 feet bgs, had no detectable Benzene, Toluene, Ethylbenzene, or Xylenes at MRLs of 0.5 to 1.0 micrograms/Liter ($\mu\text{g/L}$), or TPHd, and TPHg at MRLs of 50 $\mu\text{g/L}$. The deep well, an irrigation source from 160 feet bgs due to reported high Iron and Manganese, had Benzene at 18 $\mu\text{g/L}$, total Xylenes at 43 $\mu\text{g/L}$, and TPHg at 250 $\mu\text{g/L}$, but no detectable TPHd or semi-volatile organic compounds. Re-sampling on 7 May 2008, showed the shallow well with Benzene at 0.18 $\mu\text{g/L}$ and Total Xylenes at 1.62 $\mu\text{g/L}$, and the deep well with Benzene at 38 $\mu\text{g/L}$, Total Xylenes at 110 $\mu\text{g/L}$, and TPHg at 590 $\mu\text{g/L}$.
11. During an 8 May 2008 site inspection, Central Valley Water Board staff further sampled the old Pine Hill Motel wells. The following table summarizes key results, in $\mu\text{g/L}$:

8 May 2008 Groundwater Results, Old Shallow and Deep Pine Hill Motel Wells, Renn Transportation, Quincy, Plumas County

	Shallow	Deep	Deep Duplicate	Primary Maximum Contaminant Level ¹	Public Health Goal ²
Constituent:					
Benzene	0.24	48.1	46.3	1	0.15
Toluene	0.07J ³	3.27	3.45	150	150
Ethylbenzene	<0.50	<0.50	<0.50	300	300
Xylenes	1.53	126	121	1750	1800
Naphthalene	<0.50	1.22	1.31	None listed ⁴	None listed ⁴

- Notes:
1. Primary Maximum Contaminant Level, California Department of Health Services.
 2. Public Health Goal, Cal/EPA, Office of Emergency Health Hazard Assessment.
 3. J-flag indicates an estimated, trace concentration, below the Method Reporting Limit.
 4. Most stringent applicable current standard, 17 $\mu\text{g/L}$, the California Notification Level, Department of Health Services.

On 16 May 2008, the Central Valley Water Board issued notification pursuant to California Health and Safety Code Section 25180.7 based on confirmed Benzene above the Public Health Goal, and threatened future increases of Naphthalene in the old Pine Hill Motel wells.

12. On 24 April 2008, the Discharger submitted a preliminary site investigation report that did not correlate the spill with petroleum pollution in the old Pine Hill Motel wells. As follow up, on 20 May 2008 staff further sampled the deeper of the old Pine Hill Motel wells hourly over a pumping interval of 6 hours; aromatic concentrations either held steady or increased with time; therefore staff interpreted a potential pollutant source distant from the well. Because the log of the deep well indicates production from a high-yield fracture at depth, staff postulated that pollutant migration may occur along deep fractures in un-weathered bedrock. Interval sampling was infeasible from the shallower well due to its limited yield from weathered bedrock.
13. On 10 June 2008, the Discharger submitted the Site Assessment Report with sensitive receptor findings, and further near-source soil and groundwater characterization. Identified sensitive receptors within 2,000 feet of the spill (storm drain as reference) included the old Pine Hill Motel wells, plus two others, about 1,300 feet north, and 1,500 feet southwest (not shown on the Attachment). Preliminary groundwater results from a boring west of the culvert showed TPHd, TPHg, Benzene, Ethylbenzene, Toluene, total Xylenes, and Naphthalene of 8,100, 95,000, 890, 1,500, 4,000, 9,700 and 160 µg/L. Therefore, on 18 June 2008, staff requested the Discharger submit a Work Plan for Expedited Site Assessment.
14. On 11 July 2008, the Discharger submitted an Additional Soil and Groundwater Investigation Work Plan with five Phases; Phase 1-provide bottled water to Pine Hill Motel, Phase 2-conduct a door to door canvas and geologic mapping survey, Phase 3-perform a video-inspection and subsurface investigation in the spill vicinity, Phase 4-investigate bedrock, and Phase 5-excavate impacted soil on the west side of SR-70. On 22 July 2008, Regional Water Board staff conditionally approved the work.
15. The owners of the Pine Hill Motel have since November 2008 sampled their old private wells monthly. Their results to date, along with the Discharger's, indicate that the shallow well remains of sufficient quality for potable use. For example, maximum Benzene to date has been 0.63 µg/L, 2 September 2008. Most aromatic results are below MRLs. However, due to concerns about sufficient potable water, as an interim measure on 13 October 2008 the owners installed a new private well (hereafter new deep well) at 42179 SR-70, APN 115-250-029. The new deep well is about 270 feet southeast of the old Pine Hill Motel wells, open to un-weathered bedrock at about 160 ft bgs, and, as of 3 November 2008, with Iron and Manganese at 590, and 200 µg/L, respectively. Secondary Maximum Contaminant Levels for Iron and Manganese are 300, and 50 µg/L; therefore raw water from the new deep well may require treatment prior to its use as a potable source. On 3 November 2008, Toluene also occurred in the new deep well at 1.4 µg/L. Subsequent detections have been below MRLs. However, the earliest Toluene result may warrant further investigation.

16. On 14 October 2008, the Discharger submitted a Site Investigation Report; in part with Phase 3 results; a culvert video-inspection, soil vapor and soil sampling, and shallow groundwater monitoring wells. Video inspection indicated a possible gap between culvert pipe sections near its western end. Soil vapor, soil, and groundwater sampling results showed TPHg greater than 500 µg/L in shallow groundwater from the culvert southeast to near the old Pine Hill Motel wells. Results suggest a shallow pollutant pathway in alluvium, a permeable, buried channelized gravel that trends generally from northwest to southeast and overlies weathered bedrock. Benzene at 150 µg/L is in the gravel within 50 feet of the old Pine Hill Motel wells.
17. On 2 December 2008, as a follow-up to a private party complaint, staff inspected and sampled three previously unidentified private domestic wells, and located two springs within 2,000 feet of the spill (storm drain as reference). Laboratory results from the three newly identified wells indicated no detectable petroleum pollutants that relate to the spill. Results from two wells, about 1,300 and 1,500 feet southeast, show trace, J-flagged, Methyl tert Butyl Ether (MtBE). Because these two wells are in generally un-weathered bedrock, up-slope and likely cross-gradient from the spill, and staff finds no evidence of MtBE in the trans-mix, MtBE suggests a potential pollutant pathway through fractures from an unidentified source, other than the Discharger. A third well, about 1,100 feet southeast, is potentially down-gradient of the waste discharge, and may be a shallow groundwater source due to its limited yield. One spring, about 1,100 feet southeast, is an inactive former potable water source. Another, about 1,000 feet southeast, plumbs to bathroom fixtures. On 4 February 2009, the Discharger submitted an updated sensitive receptor survey that acknowledges these wells and springs.
18. On 16 December 2008, staff conditionally approved a work plan for further source removal, deeper monitoring wells, and treatability studies for potential in situ chemical oxidation and bio-stimulation. On 11 May 2009, the Discharger submitted a Removal Action and Remedial Strategy Report (RARS report). This report describes further source removal west of SR-70, about 60 yd³, and 9,000 gallons of polluted soil and groundwater, respectively. Based on results of deep borings, down-hole geophysics, pumping tests, and subsequent further monitoring well installations, the report describes pollutant flow from shallow alluvium into underlying, hydraulically communicative, weathered and un-weathered bedrock fractures. However, ambient groundwater flows may not be responsible for pollutant migration from the spill to the old Pine Hill Motel wells. Conversely, aquifer stresses due to pumping may have overcome ambient flows and drawn pollutants toward the deeper of the old Pine Hill Motel wells. Based on cost-effectiveness comparisons of feasible cleanup methods, the RARS report recommends potential in situ bio-stimulation with a recirculation system pending results of further bench- and pilot-testing. Staff concurs with the Discharger's recommendations.

AUTHORITY – LEGAL REQUIREMENTS

19. CWC section 13304(a) provides that:

“Any person who has discharged or discharges waste into waters of the state in violation of any waste discharge requirements or other order or prohibition issued by a regional board or the state board, or who has caused or permitted, causes or permits, or threatens to cause or permit 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 clean up the waste or abate the effects of the waste, or, in the case of threatened pollution or nuisance, take other necessary remedial action, including but not limited to, overseeing cleanup and abatement efforts. A cleanup and abatement order issued by the state board or a regional board may require the provision of, or payment for, uninterrupted replacement water service, which may include wellhead treatment, to each affected public water supplier or private well owner. Upon failure of any person to comply with the cleanup or abatement order, the Attorney General, at the request of the regional board, shall petition the superior court for that county for the issuance of an injunction requiring the person to comply with the order. In the suit, the court shall have jurisdiction to grant a prohibitory or mandatory injunction, either preliminary or permanent, as the facts may warrant.”

20. CWC section 13304(f) provides that:

“Replacement water provided pursuant to subdivision (a) shall meet all applicable federal, state and local drinking water standards and shall have comparable quality to that pumped by the public water system or private well owner prior to the discharge of waste”

21. CWC section 13267(b)(1) provides that:

“In conducting an investigation specified in subdivision (a), 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, or any citizen or domiciliary, or political agency or entity of this state who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge, waste outside of its region that could affect the quality of waters 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.”

22. CWC section 13304(c)(1) provides that:

“If waste is cleaned up or the effects of the waste are abated, or, in the case of threatened pollution or nuisance, other necessary remedial action is taken by any government agency, the person or persons who discharged the waste, discharges the waste, or threatened to cause or permit the discharge of the waste within the meaning of subdivision (a), are liable to that government agency to the extent of the reasonable costs actually incurred in cleaning up the waste, abating the effects of the waste, supervising cleanup or abatement activities, or taking other remedial actions. . . .”

23. The State Water Resources Control Board (hereafter State Board) has adopted Resolution No. 92-49, the *Policies and Procedures for Investigation and Cleanup and Abatement of Discharges Under Water Code Section 13304*. This Policy sets forth the

policies and procedures to be used during an investigation or cleanup of a polluted site and requires that cleanup levels be consistent with State Board Resolution 68-16, the *Statement of Policy With Respect to Maintaining High Quality of Waters in California*. Resolution 92-49 and the Basin Plan establish the cleanup levels to be achieved. Resolution 92-49 requires the waste to be cleaned up to background, or if that is not reasonable, to an alternative level that is the most stringent level that is economically and technologically feasible in accordance with California Code of Regulations, title 23, section 2550.4. Any alternative cleanup level to background must (1) be consistent with the maximum benefit to the people of the state; (2) not unreasonably affect present and anticipated beneficial use of such water; and (3) not result in water quality less than that prescribed in the Basin Plan and applicable Water Quality Control Plans and Policies of the State Board.

24. Chapter IV of the Basin Plan contains the *Policy for Investigation and Cleanup of Contaminated Sites*, which sets forth the Central Valley Water Board's policy for managing contaminated sites. This policy is based on CWC sections 13000 and 13304, California Code of Regulations, title 23, division 3, chapter 15, and California Code of Regulations, title 27, Division 2, Subdivision 1, and State Water Board Resolution Nos. 68-16 and 92-49. The policy includes site investigation, source removal or containment, information required to be submitted for consideration in establishing cleanup levels, and the bases for establishment of soil and groundwater cleanup levels.
25. The State Board adopted the *Water Quality Enforcement Policy*, which states in part:

"At a minimum, cleanup levels must be sufficiently stringent to fully support beneficial uses, unless the RWQCB allows a containment zone. In the interim, and if restoration of background water quality cannot be achieved, the CAO should require the discharger(s) to abate the effects of the discharge. Abatement activities may include the provision of alternate water supplies." (Enforcement Policy, p. 19.)"
26. The Water Board's *Water Quality Control Plan for the Sacramento River and San Joaquin River Basins, 4th Edition* (hereafter Basin Plan) designates beneficial uses of the waters of the State, establishes water quality objectives (WQOs) to protect these uses, and establishes implementation policies to implement WQOs. The designated beneficial uses of the groundwater beneath the Site are domestic, municipal, industrial, and agricultural supply.
27. The wastes detected at the site are not naturally occurring, and some are known human carcinogens. These wastes impair or threaten to impair the beneficial uses of the groundwater.
28. WQOs listed in the Basin Plan include numeric WQOs, e.g., state drinking water maximum contaminant levels (MCLs), and narrative WQOs, including the narrative toxicity objective and the narrative tastes and odors objective for surface and groundwater. Chapter IV of the Basin Plan contains the *Policy for Application of Water Quality Objectives*, which provides that "[w]here compliance with narrative objectives is required (i.e., where the objectives are applicable to protect specified beneficial uses), the Central Valley Water Board will, on a case-by-case basis, adopt numerical

limitations in orders which will implement the narrative objectives.” Testing of petroleum hydrocarbons has identified a number of constituents that are not present in groundwater unaffected by the discharge and that could exceed a narrative WQO. All of these are constituents of concern. The numerical limits for the constituents of concern listed in the following table implement the Basin Plan WQOs.

Constituent	Limits	WQO	Reference
Benzene	0.15 µg/L	Toxicity	California Public Health Goal (OEHHA)
Toluene	42 µg/L	Taste and Odor	Federal Register, Vol. 54, No. 97
Ethylbenzene	29 µg/L	Taste and Odor	Federal Register, Vol. 54, No. 97
Total Xylenes	17 µg/L	Taste and Odor	Federal Register, Vol. 54, No. 97
Naphthalene	17 µg/L	Toxicity	California Notification Level (Department of Health Services)
Gasoline	5 µg/L	Tastes and Odor	Taste and Odor Threshold
Diesel	56 µg/L	Toxicity	USEPA Integrated Risk Information System Reference Dose as a drinking water level

29. The constituents listed in Findings 4, 10, 11, and 13 are wastes as defined in CWC section 13050(d). The contaminated groundwater exceeds the WQOs for the constituents listed in Finding 28. The exceedance of applicable WQOs in the Basin Plan constitutes pollution as defined in CWC section 13050(l)(1).
30. The constituents listed in Finding No. 28 are present in groundwater due to the wastes from discharge, are injurious to health or impart objectionable taste and odor when present in drinking water, and affect a considerable number of persons. As such, a condition of nuisance is created, as defined in CWC section 13050(m).

DISCHARGER LIABILITY

31. As described in Findings 1 through 4, the Discharger is subject to an order pursuant to CWC section 13304 because the Discharger has caused or permitted waste to be discharged or deposited where it has discharged to waters of the state and has created, and continues to threaten to create, a condition of pollution or nuisance. The condition of pollution is a priority violation and issuance or adoption of a cleanup or abatement order pursuant to CWC section 13304 is appropriate and consistent with policies of the State Board and the Central Valley Water Board.

32. This Order requires investigation and cleanup of the site in compliance with the CWC, the applicable Basin Plan, Resolution 92-49, and other applicable plans, policies, and regulations.
33. As described in Findings 5, 15, 17, and 18, the Discharger is subject to an order pursuant to CWC section 13267 to submit technical reports because existing data and information about the site indicate that waste has been discharged, is discharging, or is suspected of discharging, at the property, which is or was owned and/or operated by the Discharger named in this Order. The technical reports required by this Order are necessary to assure compliance with CWC section 13304, including to adequately investigate and cleanup the site to protect the beneficial uses of waters of the state, to protect against nuisance, and to protect human health and the environment.
34. The issuance of this Order is an enforcement action taken by a regulatory agency and is exempt from the provisions of the California Environmental Quality Act (Pub. Resources Code section 21000 et seq.), in accordance with California Code of Regulations, title 14, section 15321(a)(2). The issuance of this Order is also an action to assure the restoration of the environment and is exempt from the provisions of the California Environmental Quality Act (Pub. Resources Code section 21000 et seq.) in accordance with California Code of Regulations, title 14, sections 15308 and 15330.
35. Any person aggrieved by this action of the Central Valley Water Board may petition the State Board to review the action in accordance with CWC section 13320 and California Code of Regulations, title 23, sections 2050 and following. The State 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, the petition must be received by the State 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, or will be provided upon request.

REQUIRED ACTIONS

IT IS HEREBY ORDERED that, pursuant to CWC sections 13000, 13304 and 13267, Renn Transportation, Inc., shall:

Investigate, clean up, and abate forthwith the effects of the waste discharged as a result of the 20 December 2007 tanker-trailer overturn on southbound State Highway 70, Milepost 42.13, Plumas County, in conformance with State Board Resolution No. 92 - 49 *Policies and Procedures for Investigation and Cleanup and Abatement of Discharges Under Water Code Section 13304* and with the Water Board's *Water Quality Control Plan for the Sacramento River and San Joaquin River Basins* (in particular the Policies and Plans listed within the Control Action Considerations portion of Chapter IV). "Forthwith" means as soon as is reasonably possible. Compliance with this requirement shall include, but not be limited to, completing the tasks listed below.

1. **Monthly** sample the old Pine Hill Motel wells and new deep well for full list drinking water volatile organic compounds (VOCs). Notify the owners, and Central Valley Water Board and PCDEH staffs within 24 hours of any VOC laboratory result above its most stringent numerical WQO. In the event of any VOC in the shallow well attributable to the subject waste discharge and greater than a Maximum Contaminant Level, for example Benzene greater than 1.0 µg/L, **immediately** provide the owners with appropriate replacement potable water, pursuant to Section 13304(f), California Water Code. Replacement water shall be sufficient to allow total domestic use (e.g., drinking, cooking, bathing, laundry, and lawn irrigation) for the motel owners, employees, and guests.
2. **By 26 June 2009**, submit a treatability study and pilot test work plan for Central Valley Water Board staff concurrence. Also include in the plan, evaluation of the old Pine Hill Motel wells as potential vertical pollution conduits, and threats to other identified receptors.
3. **By 21 August 2009**, submit a report of findings, an appropriate formal Report of Waste Discharge for in situ groundwater remediation, and a time schedule for implementation, which shall become part of this Order. Staff will then prepare Waste Discharge Requirements.

QUARTERLY MONITORING

4. Submit **Quarterly Status Reports** by the 1st day of the second month after the calendar quarter in which the samples were collected. The first quarter report is due **1 May**, the second quarter report is due **1 August**, the third quarter report is due **1 November**, and the fourth quarter report is due **1 February**. Regional Water Board staff will review Quarterly Status Reports for adequacy relative to further site investigation and cleanup. Based on such reviews, the Regional Water Board Executive Officer may, at her discretion, issue additional site-specific monitoring and reporting requirements.

GENERAL REQUIREMENTS

5. Continue to reimburse the Regional Water Board for reasonable costs associated with staff oversight of investigation and cleanup. Failure to do so shall be considered a violation of this Order.
6. As required by the California Business and Professions Code sections 6735, 7835, and 7835.1, have appropriate reports prepared by, or under the supervision of, a registered professional engineer or geologist and signed by the registered professional. All technical reports submitted by the Discharger shall include a cover letter signed by the Discharger, or an authorized representative, certifying under penalty of law that the signer has examined and is familiar with the report and that to their knowledge, the report is true, complete, and accurate. The Discharger shall also state if it agrees with any recommendations/proposals and whether they approved implementation of said proposals.

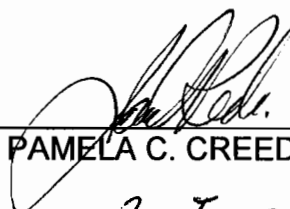
7. Upon startup of any remediation system(s), operate the remediation system(s) continuously, except for periodic and required maintenance or unpreventable equipment failure. The Discharger shall notify the Water Board within 24 hours of any unscheduled shutdown of the remediation system(s) that lasts longer than 48 hours. This notification shall include the cause of the shutdown and the corrective action taken (or proposed to be taken) to restart the system. Any interruptions in the operation of the remediation system(s), other than for maintenance, emergencies, or equipment failure, without prior approval from Regional Water Board staff or without notifying the Regional Water Board within the specified time is a violation of this Order. Within 7 working days of a shutdown, the Discharger shall submit a Technical Report containing at a minimum, the following information:
 - times and dates equipment were not working,
 - cause of shutdown,
 - if not already restarted, a time schedule for restarting the equipment, and,
 - a Cleanup Assurance Plan to ensure that similar shutdowns do not reoccur. Proposed Cleanup Assurance Plans are to be completed within 30 days of the system shutdown.
8. Notify Regional Water Board staff at least three working days prior to any onsite work, testing, or sampling that pertains to environmental remediation and investigation and is not routine monitoring, maintenance, or inspection.
9. Obtain all local and state permits and access agreements necessary to fulfill the requirements of this Order prior to beginning the work.
10. Continue any remediation or monitoring activities until such time as the Executive Officer determines that sufficient cleanup has been accomplished to fully comply with this Order and this Order has been either amended or rescinded in writing.
11. Optimize remedial systems as needed to improve system efficiency, operating time, and/or waste removal rates, and report on the effectiveness of the optimization in the quarterly reports.
12. Maintain a sufficient number of monitoring wells to completely define and encompass the waste plume(s). If groundwater monitoring indicates the waste in groundwater has migrated beyond laterally or vertically defined limits during the quarter, then the quarterly monitoring reports must include a work plan and schedule, with work to begin within thirty days of Regional Water Board staff approval, to define the new plume limits.
13. Submit all written reports and analytical results to the Regional Water Board and electronic copies of all reports and analytical results over the Internet to the State Water Board Geographic Environmental Information Management System database (GeoTracker) at <http://geotracker.swrcb.ca.gov>. Electronic submittals shall comply with GeoTracker standards and procedures as specified on the State Board's web site.

14. If the Discharger is unable to perform any activity or submit any document in compliance with the schedule set forth herein, or in compliance with any work schedule submitted pursuant to this Order and approved by the Executive Officer, the Discharger may request, in writing, an extension of the time specified. The extension request shall include justification for the delay. Any extension request shall be submitted as soon as the situation is recognized and no later than the compliance date. An extension may be granted by revision of this Order or by a letter from the Executive Officer. Extension requests not approved in writing by the Executive Officer with reference to this Order are denied, and failure to perform tasks according to the original time schedule will be considered violations of this Order.
15. All work and directives referenced in this Order are required regardless of whether or not the UST Cleanup Fund approves the work for reimbursement.

If, in the opinion of the Executive Officer, the Discharger fails to comply with the provisions of this Order, the Executive Officer may refer this matter to the Attorney General for judicial enforcement, or may issue a complaint for administrative civil liability.

Failure to comply with this Order may result in the assessment of an Administrative Civil Liability up to \$10,000 per day of violation pursuant to CWC sections 13350, 13385, and/or 13268. The Central Valley Water Board reserves the right to take any enforcement actions authorized by law.

This Order is effective upon the date of signature.

 FOR

PAMELA C. CREEDON, Executive Officer
2 JUNE 2009

(Date)



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