



California Regional Water Quality Control Board Central Valley Region

Katherine Hart, Chair



Linda S. Adams
Secretary for
Environmental
Protection

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**Arnold
Schwarzenegger**
Governor

12 October 2010

Certified Mail No.
7009 1410 0002 1422 1352

Ms. Pamela A. Bair or Mr. Steven R. Bair
105 E Street, #2G
Davis, California 95616

**TECHNICAL REPORTING ORDER R5-2010-0827, CALIFORNIA WATER CODE
SECTION 13267, CIGNA ESPARTO/VALLE VISTA FARMS/NEVIS RANCH,
26361 COUNTY ROAD 25/86a, ESPARTO, YOLO COUNTY (LUSTIS NO. 570094)**

Enclosed is a copy of Technical Reporting Order No. R5-2010-0827 issued 7 October 2010 to Pamela A. Bair and Steven R. Bair for the Cigna Esparto/Valle Vista Farms/Nevis Ranch, 26361 County Road 25/86A, Esparto, Yolo County (Site), in accordance with California Water Code section 13267. This Order directs Pamela A. Bair and Steven R. Bair to submit a groundwater monitoring report and work plan.

If you have any questions please contact David Stavarek at (916) 464-4673, or by e-mail at dstavarek@waterboards.ca.gov.

BRIAN NEWMAN, P.E.
Underground Storage Tank Program Manager

cc.: Mr. Mark Owens, SWRCB, UST Cleanup Fund, Sacramento
Mr. Jeff Pinnow, Yolo County Environmental Health Services, Woodland
Mr. Mike Gereghty, Ramcon, West Sacramento

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California Environmental Protection Agency



CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

TECHNICAL REPORTING ORDER R5-2010-0827
CALIFORNIA WATER CODE SECTION 13267
FOR

STEVEN R. BAIR AND PAMELA A. BAIR
CIGNA ESPARTO RANCH/VALLE VISTA FARMS/NEVIS RANCH,
26361 COUNTY ROADS 25 & 86A, ESPARTO
YOLO COUNTY

You are legally obligated to respond to this Order. Please read this Order carefully

This Order is issued to the Steven R. Bair and Pamela A. Bair (hereafter referred to as the Discharger) pursuant to California Water Code section 13267, which authorizes the Executive Officer of the California Regional Water Quality Control Board, Central Valley Region (hereafter Central Valley Water Board or Board) to issue an Order requiring the submittal of technical reports regarding property known as Cigna Esparto Ranch/Valle Vista Farms/Nevis Ranch.

The Executive Officer of the Central Valley Water Board finds:

PROPERTY OWNERSHIP AND OPERATIONS

1. Yolo County records show that Lewis E. Bair and Lois Bair owned the property known as Cigna Esparto Ranch/Valle Vista Farms/Nevis Ranch (the "Site"), which then passed to the Bair Family trust, and in 1994 to Steven R. Bair and Pamela A. Bair, husband and wife.

BACKGROUND

2. In 1988 three underground storage tanks (USTs) were removed from the Site, and a soil sample collected beneath the dispensers contained 1,800, 25, 110, 100, and 200 milligrams per kilogram (mg/kg) of total petroleum hydrocarbons as gasoline (TPHg), benzene, toluene, ethylbenzene, and total xylenes (BTEX), respectively. In October 1990, the gasoline and diesel UST cavities and dispenser area were over excavated to remove contaminated soil. Soil analytical data indicated TPHg and BTEX were up to 2,800, 0.081, 33, 21, and 93 mg/kg, respectively, at the limits of the over excavation to 31 feet below ground surface (bgs). Total petroleum hydrocarbons as diesel (TPHd) was not detected in soil at the base of the former diesel UST cavity.
3. In 1988 six groundwater monitoring wells were installed to approximately 40 feet bgs. Groundwater data from the wells indicated four inches of floating petroleum hydrocarbon fuel product in monitoring well MW-2. On 13 January 1989, TPHg and BTEX were detected in MW-2 at 10,000, 360, 270, 400, and 1,600 micrograms per liter (ug/L), respectively. In a 19 February 1992 letter from Yolo County Environmental Health Services (YCEHS) to Steven R. Bair, YCEHS approved a proposal for additional excavation of contaminated soils and further characterization of petroleum hydrocarbons in soil and groundwater beneath the Site. Board files do not indicate this approved scope of work was even performed.

4. In a 23 November 1999 letter Central Valley Water Board staff requested that the Discharger submit a work plan for Site characterization. Central Valley Water Board staff issued another letter 27 June 2000 with a new submittal date of 21 July 2000 for the work plan, followed by a 6 February 2001 letter requesting quarterly groundwater sampling. The work plan was not submitted, but four of six groundwater monitoring wells were sampled on 11 October 2001. A quarterly report was not submitted, and the Board only received the laboratory data.
5. Groundwater data collected on 11 October 2001 submitted to the Central Valley Water Board indicated TPHg, BTEX, acetone, MtBE, and methyl ethyl ketone in MW-2 at 244, 2.6, 0.5, 73, 122, 102, less than 0.5, and 11.2 ug/L, respectively. A groundwater sample from a domestic water supply well 195 feet downgradient of the former USTs had 2,500 ug/L of TPHd. The laboratory report indicates the samples were analyzed one day past the standard 14 day holding time.
6. On 20 December 2001 Central Valley Water Board staff received an undated *Status Report on Investigation of Fuel Leak at Valle Vista Farm (Report)* attached to a 18 December 2001 cover letter from the Discharger. The Discharger requested closure as recommended in the *Report*.
7. In a 4 September 2002 letter to the Discharger in response to the *Report*, Central Valley Water Board staff indicated that the extent of petroleum hydrocarbons in soil and groundwater had not been defined, the source for diesel in the domestic water supply well had not been determined, and concentrations of gasoline hydrocarbons in MW-2 remain above water quality goals. As previously requested, Central Valley Water Board staff requested in their September 2002 letter to the Discharger that a work plan be submitted by 4 October 2002. A work plan was not submitted by the Discharger, therefore, Central Valley Water Board staff followed with letters on 4 August 2003 (work plan due 3 October 2003), and 21 January 2004 (work plan due 26 March 2004). The work plan was not submitted after each of these two requests.
8. Central Valley Water Board staff issued a letter 4 August 2003 requesting a quarterly groundwater monitoring report by 31 October 2003 followed by a 21 January 2004 letter requesting the quarterly groundwater monitoring report by 31 January 2004.
9. In a letter dated 23 March 2004, the Discharger (Pamela A. Bair) stated they are "...in the process of locating another consultant to prepare a work plan pursuant to the request contained in your letter of January 21, 2004." However, the Discharger subsequently requested an additional 90 days due to numerous family medical emergencies. The Discharger proposed to submit a work plan by 26 June 2004. Central Valley Water Board staff agreed to the 26 June 2004 submittal date for the work plan. The Discharger did not submit a work plan by 26 June 2004.
10. In a 24 March 2006 letter Central Valley Water Board staff requested that the Discharger submit a work plan by 31 May 2006. No work plan was submitted.
11. On 7 January 2009 the Central Valley Water Board issued a 13267 Order to the Discharger requesting a work plan be submitted by 3 April 2009. This Order was returned by the US

Postal Service due to a mailing address change for the Discharger. As such, this Order was reissued on 21 January 2009 to the Discharger's new mailing address.

12. On 6 May 2009, Board staff received a work plan dated 5 May 2009 from Ramcon Engineering and Environmental Contracting, 33 days late. On 18 May 2009 Board staff issued a letter to the Discharger accepting their work plan with provisions, and requested that a report of the results of the proposed work be submitted by 17 July 2009 to Board staff. To date, no report has been submitted.
13. As a result of the Discharger's failure to comply with the Board's directives, the source and nature, as well as the extent of petroleum hydrocarbons beneath the Site, in addition to the potential threat to waters of the State and human health and safety, remain unanswered and undefined.

LEGAL PROVISIONS

14. CWC section 13267 states, 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.

As stated in Findings Nos. 1-3, and 5, the Discharger is subject to this Order because they are the owners of property where an unauthorized release has occurred. 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.

15. CWC section 13268 states, in 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 3267, 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), and is subject o criminal penalties pursuant to subdivision (e).

(d)(1) Civil liability may be administratively imposed by a region board in accordance with Article 2.5 (commencing with Section 13323) of Chapter 5 for 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 report(s) to the Central Valley Water Board according to the schedule detailed herein may result in enforcement action(s) being taken against you, which may include the imposition of administrative civil liability pursuant to CWC section 13268. Administrative civil liability of up to \$5,000 per violation per day may be imposed for non-compliance with the directives contained herein.

16. 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. All work should be performed according to the *Tri-Regional Recommendations for Preliminary Investigation and Evaluation of Underground Storage Tank Sites*, and permits required by State, County, and Local agencies. All reports must be submitted to the Central Valley Water Board. Failure to comply with Central Valley Water Board directives will result in a Cleanup and Abatement Order issued under CWC section 13304.

REQUIRED ACTIONS

IT IS HEREBY ORDERED that, pursuant to CWC section 13267, the Discharger shall submit the following technical reports:

1. **Report of Quarterly Groundwater Sampling by 30 January 2011** that provides groundwater analytical data for all monitoring wells, domestic and other water supply wells onsite, a map prepared by a licensed land surveyor showing the location of all monitoring wells, water supply wells, and general site features, and recommendations for additional work as warranted by previous and new data. In addition, all analytical and geographical data and documents must be submitted to the State Water Resources Control Board (State Water Board) Geotracker database by **30 January 2011**. In addition, quarterly groundwater sampling is to continue until otherwise directed by Board staff, with first, second, third, and fourth quarter reports due 30 April, 30 July, 30 October, and 30 January, respectively.
2. **An Addendum to the Work Plan dated 5 May 2009 by 30 January 2011**. Based on the data to be obtained in item 1 above, the required addendum work plan must contain a proposal for sufficient work to delineate the lateral and vertical extent of petroleum hydrocarbons in soil and groundwater beneath the Site, determine the mass of petroleum hydrocarbons remaining in soil and groundwater beneath site, and evaluate appropriate remedial alternatives. This addendum work plan is to include a detailed schedule with specific dates for initiation of field work, completion of field work, and submittal of the report of results of the conducted investigation work.

This Order is effective upon the date of signature.

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 (or mandatory furlough day), 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
or will be provided upon request.

Ordered by:

original signed by

PAMELA C. CREEDON
Executive Officer

7 October 2010

(Date)