

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
COLORADO RIVER BASIN REGION

CLEANUP AND ABATEMENT ORDER NO. 90-050
AGAINST
SANTA FE PACIFIC PIPELINES, INC.

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

1. Santa Fe Pacific Pipelines, Inc. formally Southern Pacific Pipelines, Inc. (hereinafter referred to as the discharger) is the owner of a 12-inch product distribution line which follows the Southern Pacific Railroad alignment as it traverses the Coachella Valley.
2. On April 11, 1968 a leak was discovered in the pipeline, by the discharger, south of the intersection of 52nd Avenue and Highway 111 within the City of Coachella.
3. According to the discharger, efforts were taken to recover the free product and to contain the spill immediately following the discovery of the leak. Approximately 1,135 barrels of gasoline were recovered from the ground surface and 315 barrels from the ground water surface. It cannot be ascertained from the Regional Board files whether or not the release was reported to the Regional Board office at the time of the leak.
4. In April 1988 a petroleum hydrocarbon odor was detected in a soils boring conducted on private property near the site of the 1968 leak. The private property which belongs to the Jones Brothers Construction Company (Jones Bros.) is adjacent to the pipeline where the leak had occurred.
5. In April 1988, the discharger retained Groundwater Management, Inc. and Fred C. Hart Associates, Inc (GMI/HART) to conduct a subsurface investigation of the petroleum hydrocarbon contamination. During that investigation which was conducted between July and August of 1988 petroleum hydrocarbons were detected in the soil and ground water. All the testing was conducted within the Jones Bros. property.
6. In September 21, 1988, Jones Bros notified the Regional Board office of the contamination.
7. On September 26, 1988 staff from the Regional Board contacted a representative of the discharger in regard to the Jones Bros. report of contamination. The discharger reported that an investigation had been conducted by GMI/HART and that a report was in preparation. The Regional Board's position at the time was to wait for the report before further action would be taken.
8. On May 4, 1989 the GMI/HART report was received at the Regional Board office. Staff evaluation of the report concluded that further work was necessary.
9. An enforcement letter dated May 10, 1989 was sent to the discharger requesting a technical report that showed the full vertical and lateral extent of the contamination and a time schedule for submittal. The letter explained that the GMI/HART investigation had been confined to within the boundaries of the Jones Bros. property thereby leaving the boundaries of the contaminant plume in question.

10. By letter dated May 25, 1989 the discharger agreed that the full extent of the contamination had not been completely determined and that additional work remained to be done. In addition the discharger proposed that a 'quantitative risk assessment' be performed first upon which further subsurface investigative work would be based and that a work plan would be developed that would address the Regional Board's concerns.
11. An internal memo dated June 21, 1989 documents a telephone discussion between staff of the Regional Board and the discharger in which the discharger is informed that a risk assessment is not required by the Regional Board. Contamination of the ground water had been established. The discharger was informed that it is the full delineation of the contaminant plume that is necessary and required.
12. After several time extensions given the discharger for delays beyond the discharger's control, the technical report was received in December 1, 1989. The discharger concluded from the findings of the report that no further investigative work is warranted and that there is 'no threat to the quality of the environment.' The conclusion was also based on the discharger's assumption that the 'perched' water in Coachella Valley is not considered to be a beneficial source of drinking water.
13. By letter dated December 19, 1989 the Regional Board informed the discharger that all the ground water in the Coachella Valley including the shallow semi-perched zone is listed in the Water Quality Control Plan for this Region as having a beneficial use for municipal supply. The discharger was further informed that the total dissolved solids (TDS) of the ground water in the semi-perched zone generally ranges from 1000 to 3000 mg/l. The discharger was requested to more accurately define the contaminant plume and to submit a corrective action plan by February 15, 1990.
14. By letter dated February 12, 1990 the discharger reiterated the conclusion that for the reasons stated there is 'no threat to the quality of the environment' at the site. Among the reasons is the discharger's contention that the shallow ground water is of 'poor quality' and not suitable for domestic use; and that the Water Quality Control Plan most likely refers only to the deeper aquifers, as having a municipal beneficial use, and not to the shallow aquifer. Another basis for the discharger's conclusion is the discharger's contention that no free product was reported in two monitoring wells on the Jones Bros. property. The discharger stated in the letter that the wells on the Jones Bros. property would be sampled, by the discharger, on February 19, 1990 to establish the quality of the shallow ground water.
15. On February 26, 1990 staff from the Regional Board office collected ground water samples from Monitoring Wells Nos. 1, 2, and 5 all within the Jones Bros. property and measured the free product. MW-1 had 1.3 feet of free product. MW-2 & 5 had no free product. The TDS for the three wells ranges from 1,055 mg/l to 1,325 mg/l.
16. A meeting was held at the Regional Board office on March 15, 1990 with staff from the Regional Board and representatives for the discharger to resolve the differences that remained. The Jones Bros. audited the meeting. The discharger's main argument was that since the affected ground water does not meet drinking water standards the cleanup requirements should not be based on drinking water standards. Staff cited the Water Quality Control Plan and State Board Resolution No. 88-063 (Adoption of Ruling Entitled "Sources of Drinking Water") as the Regional Board's authority for requiring cleanup to drinking water standards. The discharger then agreed to remove the free product and to extract the contaminated ground water.

17. By letter dated April 6, 1990 the discharger informed the Regional Board that preparations were in progress for the installation of equipment to recover the leaked petroleum products.
18. Internal memos dated May 22 and 24, 1990 document telephone discussions between Regional Board staff and the discharger in which the discharger is reminded of the agreement to submit a corrective action plan for the recovery of the free product and extraction of the contaminated ground water as well as a time schedule for completing the work.
19. By letter dated June 5, 1990 the discharger informed the Regional Board that a consultant had been retained to develop a recovery program and that product thickness measurements and slug testing were scheduled for the week of June 11, 1990.
20. An internal memo dated June 12, 1990 documents a telephone discussion between Regional Board staff and the discharger in which the discharger is again requested to submit a corrective action plan for free product recovery and extraction of the contaminated ground water and a time schedule for completing the work.
21. The discharger has caused or permitted the discharge of waste into the waters of the State and created a condition of pollution.
22. Regional Board staff has determined that the petroleum hydrocarbon contamination presents a threat to the quality of the ground water.
23. Contamination of the ground water with petroleum hydrocarbon would significantly impair the beneficial uses of the ground water.
24. The Water Quality Control Plan for the Colorado River Basin Region identifies the beneficial uses of the ground water in the Coachella hydrologic subunit as:
 - a. Municipal (MUN)
 - b. Industrial (IND)
 - c. Agricultural (AGR)
25. 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."
26. 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.
27. 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 petroleum hydrocarbons at and in the vicinity of the Jones Bros. property in the City of Coachella.

2. Submit a corrective plan, for the recovery of free product and extraction of the contaminated ground water, for review and approval by the Regional Board Executive Officer by July 15, 1990.

ORDERED BY: Philip A. Greenberg
Executive Officer

DATE: 6-14-90