

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
COLORADO RIVER BASIN REGION

CLEANUP AND ABATEMENT ORDER NO. 93-099  
AGAINST  
LIP NGEE KUEY  
Blythe - Riverside County

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

1. Lip Ngee Kuey, 9232 East Hobson Way, Blythe, CA 92225 (hereinafter referred to as the discharger), is the owner and operator of the Flying Inn Motel located at 9232 East Hobson Way, Blythe, California, 92225.
2. On December 23, 1988, the County of Riverside, Department of Environmental Health Services (CRDEHS) filed an Unauthorized Release Report. The report indicates that gasoline and or diesel fuel has leaked from underground storage tanks, contaminating the soil and groundwater.
3. During tank removal on December 22, 1988, soil and ground water were found to be contaminated by petroleum hydrocarbons.
4. By letter dated April 18, 1989 from the County of Riverside Department to Environmental Health Services to your consultant Schaefer Dixon Associates, it is indicated free product was found in Test Well No. 4.
5. On May 26, 1993, the Regional Board, the CRDEHS, and the U. S. Environmental Protection Agency consultants, determined that elevated levels of petroleum hydrocarbon vapors exceeding upper explosive levels were present in the City of Blythe (hereinafter the City) sewer laterals.
6. On July 26, 1993, CRDEHS notified the Regional Board that elevated levels of petroleum hydrocarbon vapors and natural gas were detected at several locations in the City sewer and a telephone service utility vault.
7. 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 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."
8. The discharger has caused or permitted the discharge of gasoline waste or wastewater into the waters of the State and created a condition of pollution.
9. The Water Quality Control Plan for the Colorado River Basin Region of California was adopted on May 15, 1991, and designated the beneficial uses of ground and surface water in this Region.

CAD WAS RESCINDED ON 10/03/96

10. The beneficial uses of ground waters in the Colorado Hydrologic Unit are:

- a. Municipal supply (MUN)
- b. Industrial supply (IND)
- c. Agricultural supply (AGR)

11. Contamination of the ground water with elevated levels of total petroleum hydrocarbons, benzene, toluene, and ethyl benzene will significantly impair the beneficial uses of the ground water and cause a potential explosive hazard.

12. Section 25299.37 of the California Health and Safety Code states, in part:

"(a) Each owner, operator, or other responsible party shall take corrective action in response to an unauthorized release."

"(b) Any corrective action conducted pursuant to this section shall ensure protection of human health, safety, and the environment..."

"(c) The regional board may require compliance with California Health and Safety Code Section 25299.37 as part of a clean up and abatement order issued pursuant to Section 13304 of the Water Code..."

"(f) If a person to whom an order is issued pursuant to subdivision (c) does not comply with the order, the regional board may undertake or contract for corrective action and recover cost pursuant to Section 25299.70..."

13. Section 13267 of the California Water Code states, in part, that:

"(a), The regional board may require that any person discharging or proposing to discharge waste within its region, or any citizen or domiciliary, or political agency or entity of this state discharging or proposing to discharge waste outside of this region that could affect the quality of waters within its region shall furnish, under penalty of perjury, these technical or monitoring program reports as the board may specify..."

14. This enforcement action is exempt from the California Environmental Quality Act pursuant to Section 15321, Chapter 3, Title 24 of the California Code of Regulations.

**IT IS HEREBY ORDERED, that pursuant to Sections 13304 and 13267 of the California Water Code, and Section 25299.37 of the California Health and Safety Code, the discharger, his agents or assigns, shall prepare technical reports and shall cleanup and abate the effects of the discharge of gasoline and diesel fuel by complying with the following:**

1. By August 27, 1993, submit a technical report, for review and approval by the Regional Board's Executive Officer, including, but not limited to, proposed method(s) to recover gasoline or diesel 'free product' from the site, a time schedule for implementation of the removal, and proposed disposal or treatment.
2. By September 15, 1993, implement gasoline and/or diesel product recovery from the subsurface. The free product recovery shall continue until such time as the Regional Board's Executive Officer deems the amount of free product removed acceptable.
3. By October 1, 1993 - Submit a technical report to the Regional Board for review and approval. The report will consist of a work plan including, but not limited to, a description of the activities and proposed time schedule by which tasks a. through c. as outlined below will be completed. If site remediation is currently in progress then said work plan shall summarize completed work at the site.

- a. Fully delineate the vertical and lateral extent of contamination of the soil and ground water at the subject site.
  - b. Characterize the site hydrology such that an adequate assessment of contamination migration pathways can be made.
  - c. Evaluate actual or potential off-site migration of contaminants and methods to mitigate or prevent such an occurrence.
4. By December 1, 1993 - Submit a progress report which details the progress being made toward the completion of the tasks outlined in the work plan, including progress towards obtaining proper permits for the work.
  5. By January 1, 1994 - Submit another progress report as stated in b., above.
  6. By March 1, 1994 - Submit a technical report containing remediation measures and a proposed time schedule to remediate all soil and groundwater contamination at the subject site which resulted from the leaks described in this Order to levels acceptable to the Regional Board's Executive Officer.
  7. Implement the remediation plan described in 3., above, in accordance with the time schedule approved by the Regional Board's Executive Officer. Cleanup efforts shall continue until such time that the Regional Board's Executive Officer considers the site to be remediated to the fullest extent practical, based on the then current best available technology.

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 the penalty of perjury under the laws of the State of California that the report is true, complete, and accurate.

Failure to comply with any provision of this Order may subject you to further enforcement action including, but not limited to, assessment of civil liability pursuant to Sections 13268 and 13350 of the California Water Code, referral for injunctive relief and civil or criminal liability, or reimbursement for corrective action undertaken by the Regional Board to protect human health or the environment pursuant to Section 25299.36, of the California Health and Safety Code.

  
Executive Officer

8-6-93

Date