

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
COLORADO RIVER BASIN REGION**

CLEANUP AND ABATEMENT ORDER NO. 97-021

**AGAINST
JAMES L. WHITE TRUST
AND
NACHATTAR SINGH CHANDI
Coachella - Riverside County**

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

1. On October 29, 1992, the County of Riverside, Department of Environmental Health Services (CRDEHS) filed an Underground Storage Tank Unauthorized Release/(Leak) Contamination Site Report. The Report indicates that gasoline and/or diesel fuel was discovered in soil and groundwater at 52-138 Harrison Street, Coachella, CA 92236 (hereinafter referred as the facility).
2. James L. White Trust was the owner of the facility when the pollution was identified and when the piping leaks were identified (see Items 33 and 34 of this Cleanup and Abatement Order).
3. Nachattar Singh Chandi is the current owner and operator of the facility. Mr. Chandi's purchase of the property was recorded with the Riverside County Assessor in August of 1996.
4. California Code of Regulation, Title 23, Division 3, Chapter 16, Section 2720, Additional Definitions, in part, states:

"Responsible Party" means one or more of the following:

- (1) Any person who owns or operates an underground storage tank used for the storage for any hazardous substance;
 - (2) In case of any underground storage tank no longer in use, any person who owned or operated the underground storage tank immediately before the discontinuation of its use;
 - (3) Any owner of property where an unauthorized release of a hazardous substance from an underground storage tank has occurred; and
 - (4) Any person who had or has control over an underground storage tank at the time of following an unauthorized release of a hazardous substance.
5. On April 19, 1993, CRDEHS requested a subsurface investigation of the subject facility. This investigation was to delineate the lateral and vertical extent of soil pollution and determine if the groundwater was impacted.
 6. On September 16, 1993, Soil Tech, Inc., submitted, for the James L. White Trust, a Phase II Environmental Property Assessment Report (Assessment). The Assessment reported that levels of Total Petroleum Hydrocarbons as gasoline (TPH-g), Benzene (B), Toluene (T), Ethyl-benzene (E), and xylene (X) existed in the soils. The following were the maximum concentrations found in the subsurface for the above listed pollutants: 10,330 ppm, 141 ppm, 494 ppm, 144 ppm, and 775 ppm.

7. On October 1, 1993, Soil Tech, Inc., submitted, for the James L. White Trust, a Phase IV Environmental Property Assessment. The Assessment reported that the levels of TPH-g, benzene, toluene, ethyl-benzene and xylene existing in the groundwater exceeded the Action Limits in the Leaking Underground Fuel Tank Manual.
8. On January 24, 1994, Soil Tech, Inc., submitted a Remedial Action Plan (RAP) for the subject site. The remedial process proposed in the RAP was in-situ bioremediation by inoculation of the soil and groundwater.
9. On March 16, 1994, Soil Tech, Inc., submitted a revised Remedial Action Plan for the subject facility. This plan also presented the information detailing the effectiveness of the inoculant with investigation of derived waste and revised the scope of the RAP to clean up the soil pollution only.
10. On March 21, 1994, CRDEHS found the RAP unacceptable and responded with a number of comments.
11. On April 4, 1994, Soil Tech, Inc., submitted a second revised Remedial Action Plan for the soil pollution cleanup.
12. On May 18, 1994, the Regional Board staff and CRDEHS responded to the second Revised RAP with a joint comment letter that did not accept the RAP.
13. On June 23, 1994, Soil Tech, Inc., again submitted a revised RAP for the soil pollution.
14. On August 12, 1994, CRDEHS and Regional Board staff produced a joint comment letter on the revised RAP, which did not accept the June 23, 1994 revised RAP.
15. On November 4, 1994, Soil Tech, Inc., submitted a letter that addressed the comments of a joint comment letter from CRDEHS and Regional Board staff, dated August 12, 1994.
16. On January 12, 1995, the in-situ bioremediation plan was accepted by the Regional Board's Executive Officer with additional groundwater monitoring requirements.
17. On January 17, 1995, the Regional Board's Executive Officer issued Cleanup and Abatement Order (CAO) No. 95-031.
18. On May 31, 1995, the accepted Remedial Action Plan (in-situ bioremediation) was implemented and the inoculation of the soil began.
19. On May 31, 1995, CRDEHS referred the site to the Regional Board.
20. On June 8, 1995, Soil Tech, Inc., consultant for the James L. White Trust, informed Regional Board staff that the required monitoring reports would be late and they wished to change the inoculation amount.
21. On June 13, 1995, the Regional Board staff required the suspension of the inoculation for the following reasons:
 - a. To review all the required groundwater data reports which were being submitted late.
 - b. Increased concentrations of nitrates in the ground water reported in earlier groundwater monitoring reports.

22. On June 20, 1995, the Regional Board's Executive Officer rescinded Cleanup and Abatement Order No. 95-031 and issued Cleanup and Abatement Order No. 95-078.
23. On June 21, 1995, James L. White Trust's consultant submitted a site characterization work plan as required by CAO No. 95-078.
24. On July 12, 1995, a report detailing all of the groundwater monitoring during the bioremediation project was submitted.
25. On July 26, 1995, Regional Board staff found the site characterization work plan dated June 21, 1995, to be unacceptable, and requested another workplan to be submitted.
26. On September 26, 1995, a revised site characterization work plan was accepted by the Regional Board staff.
27. On October 27, 1995, Regional Board staff observed the presence of over two feet of free product in Monitoring Well MW-1.
28. On November 3, 1995, staff requested a free product (gasoline) removal program be implemented to remove free product from the subsurface.
29. On January 29, 1996, the revised site characterization results were submitted for Regional Board staff review.
30. On March 14, 1996, Regional Board staff's letter notified representatives of the James L. White Trust that the additional site investigation submitted did not delineate the pollution, and staff requested further delineation of the site.
31. On June 19, 1996, the Engen Corporation, representing the James L. White Trust, requested the Regional Board staff to only allow for pollution delineation up to the residential property line. Staff did not accept this request in a letter dated July 26, 1996.
32. On August 22, 1996, Mr. Paul Stoddard, representing the James L. White Trust informed Regional Board staff, by letter, of the sale of the property to the current operator, Nachattar Singh Chandi.
33. On October 9, 1996, Regional Board staff received information that piping leaks were detected on June 10, 1996 during a test of the product piping.
34. On October 28, 1996, Regional Board staff received information of a historical piping leak that was detected in January 1994.
35. 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 the waste or abate the effects of the water or, in the case of threatened pollution or nuisance, take other necessary remedial action".
36. The James L. White Trust and Mr. Chandi have caused or permitted the discharge of gasoline into the waters of the State and created a condition of pollution.

37. The Water Quality Control Plan for the Colorado River Basin Region of California was adopted on November 17, 1993, and designated the beneficial uses of ground and surface water in this Region.
38. The beneficial uses of groundwater in the Coachella Hydrologic Unit are:
 - a. Municipal supply (MUN)
 - b. Industrial supply (IND)
 - c. Agricultural supply (AGR)
39. Pollution of the groundwater with elevated levels of total petroleum hydrocarbons, benzene, toluene, ethyl-benzene, and xylene will significantly impair the beneficial uses of the groundwater.
40. 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 cleanup and abatement order issued pursuant to Section 13304 of the Water Code..."
41. Section 13267 of the California Water Code states, in part, that;
 - "(b)(1) In conducting an investigation specified in subdivision (a), the regional board may require that any person who has discharged, discharges, or is suspected of discharging, or who proposed to discharge waste within its region, or any citizen of domiciliary, or political agency or entity of this state who has discharged, discharges, or is suspected of discharging, or who proposed 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 regional board requires..."
42. This enforcement action is exempt from the California Environmental Quality act pursuant to Section 15321, Chapter 3, Title 14 of the California Code of Regulations.

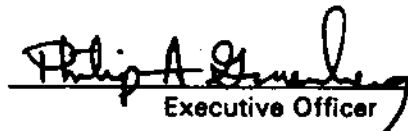
IT IS HEREBY ORDERED that this Cleanup and Abatement Order No. 97-021 supersedes Cleanup and Abatement Order No. 95-078. Pursuant to Sections 13304 and 13267 of the California Water code, and Section 25299.37 of the California Health and Safety Code, the James L. White Trust and Nachattar Singh Chandi, their agents or assigns, shall prepare technical reports and shall clean up and abate the effects of the discharge of gasoline and diesel fuel by complying with the following:

1. By March 21, 1997, submit a technical report that proposes a method to remove free product from the subsurface to the Regional Board for review and acceptance.
2. By April 21, 1997, submit a technical report to the Regional Board for review and acceptance. The report shall consist of a workplan that will include, but not be limited to, a description of how the following activities will be performed;
 - a. Delineate the lateral extent of the petroleum pollution in the groundwater.

- b. Characterize the site hydrology such that an assessment of the pollution migration pathway can be made.
 - c. Provide a time schedule for the performance of the activities described in the workplan.
3. By August 15, 1997, submit a groundwater remediation proposal, and a time schedule for the implementation of the remediation for review and acceptance.
4. Submit quarterly status and progress reports on the subject facility. The quarterly reports need to include the reporting of free product removal in addition to the status of the project. The quarterly reports are to be submitted on January 15, April 15, July 15, and October 15 of every year until the Regional Board's Executive Officer determines the pollution no longer poses a threat to water quality.

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 discharge 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
1-15-97

Date