

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

**CLEANUP AND ABATEMENT ORDER NO. 97-105
FOR
WILLIAM WARD DABELSTEIN, OWNER
LARRY'S RADIATOR AND MUFFLER SERVICE
AND
LARRY'S RADIATOR AND MUFFLER SERVICE, INC.
CALIFORNIA CORPORATION #1957930, OPERATOR
Cathedral City - Riverside County**

The Executive Officer of the California Regional Water Quality Control Board, Colorado River Basin Region (hereinafter referred to as the Regional Board), finds that:

1. William Ward Dabelstein, owner of Larry's Radiator and Muffler Service, Inc., A California Corporation at 36-839 Bankside Drive, Cathedral City, CA, is hereinafter referred to as a discharger.
2. Larry's Radiator and Muffler Service, Inc., A California Corporation since December 18, 1995 located at 36-839 Bankside Drive, Cathedral City, CA operates an automotive radiator and muffler repair and service shop. Radiator fluid (ethylene glycol) is extracted as a waste product during repair and service operations. Larry's Radiator and Muffler Service, Inc., A California Corporation, is hereinafter referred to as a discharger.
3. Ethylene glycol, as defined in Section 66261.24(a)(8), Title 22, California Code of Regulations states, in part: "Because of it's toxicity to animals, ethylene glycol exhibits the characteristics of toxicity...". This determination applies to any waste radiator fluid which contains ethylene glycol at a concentration of greater than 33 percent by weight.
4. On May 1, 1996, a representative of Riverside County Department of Environmental Health Services (RCDEHS) witnessed the discharge of radiator fluid to a parking lot drain while having a vehicle serviced at Larry's Radiator and Muffler Service, Inc.
5. On May 6, 1996, Regional Board staff conducted an inspection at Elephant Car Wash, located at 68-279 East Palm Canyon Drive, Cathedral City, adjacent to Larry's Radiator and Muffler Service, Inc. During this inspection, staff noticed soil staining along the retaining wall which separates Larry's Radiator and Muffler Service, Inc., and the car wash. The operator of the Elephant Car Wash told staff that liquid has been seeping through the block wall from the radiator shop and flowing onto the car wash property.
6. On May 10, 1996, Regional Board staff notified RCDEHS of their observations from the Elephant Car Wash inspection.
7. On May 17, 1996, investigators from RCDEHS interviewed the operator of the Elephant Car Wash. The operator stated that he had witnessed radiator fluid being dumped onto the ground and into a parking lot drain by Larry's Radiator and Muffler Service employees on numerous occasions.

8. Records maintained by RCDEHS contain three prior complaints of radiator fluid being discharged to the ground and to the parking lot drain on June 29, 1988, June 23, 1993, and August 29, 1995.
9. On June 3, 1996 video surveillance of vehicles being serviced at Larry's Radiator and Muffler Service, Inc., indicates that radiator fluid was being allowed to flow onto the ground and was being poured into a parking lot drain.
10. On June 11, 1996, video surveillance of vehicles being serviced at Larry's Radiator and Muffler Service, Inc., depicts that radiator fluid was being allowed to flow onto the ground and was being intentionally poured into a parking lot drain. A sample of the radiator fluid discharged was analyzed and the percent of ethyl glycol was 46, a hazardous waste per Title 22, California Code of Regulations.
11. On July 9, 1996, RCDEHS conducted a Hazardous Waste Generator inspection at Larry's Radiator and Muffler Service, Inc. During the course of the inspection, the discharger stated that radiator fluid was recycled and the radiator fluid was never discharged to the ground or floor drains.
12. On July 17, 1996, video surveillance of vehicles being serviced at Larry's Radiator and Muffler Service, Inc., indicates radiator fluid was still being allowed to flow onto the ground and was being poured into a parking lot drain. Mr. Dabelstein was observed standing near the employee conducting the service while radiator fluid was being discharged onto the ground where it flowed into the parking lot drain. A sample of the radiator fluid discharged was analyzed and the percent of ethylene glycol was 72, a hazardous waste per Title 22, California Code of Regulations.
13. On August 10, 1996, RCDEHS referred this case to the Regional Board of remedial oversight.
14. On April 4, 1997, Cleanup and Abatement Order No. 97-034 was issued to the dischargers for immediate action. This order required the discharge to submit a corrective action plan to the Executive Officer by May 15, 1997.
15. On June 3, 1997, Notice of Violation No. 97-099 was issued to the dischargers for failing to submit the corrective action plan required by Cleanup and Abatement Order No. 97-034 by May 15, 1997.
16. On June 12, 1997, this office received a letter dated, June 11, 1997, from Earth Systems, consultant for the dischargers, requesting a time extension.
17. The dischargers site is located within the Coachella Hydrological Unit. The beneficial uses of the Coachella Hydrological Unit are:
 - a. Municipal Supply
 - b. Industrial Supply
 - c. Agricultural Supply
18. The dischargers site is located in the western Coachella Valley at the base of the San Jacinto Mountains. The Cathedral Levee and Storm Drain, which connects to the Whitewater River, runs parallel to the site. The site is underlain by Recent Alluvium, poorly graded, to silty sands.

19. Ground water flow is estimated to be the northeastward or eastward, toward the Whitewater River, based on local topography. The porosity of the underlying soils contribute to downward migration of pollutants. Therefore, ethylene glycol poses a threat to the groundwater.
20. The dischargers have allowed the discharge of 46% and 72% ethylene glycol by weight (radiator fluid), respectively, onto the soil. Therefore, the dischargers' site has created, or threatens to create, a condition of pollution.
21. Section 13304 of the California Water Code states:

"Any person who has discharged or discharges waste into the waters of the state in violation of any waste discharge requirement or other order or prohibition issued by a regional board or the state board, or who has caused or permitted, 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."
22. This enforcement action is exempt from the provisions of the California Environmental Quality Act (Public Resources Code, Section 21000, et. seq.) in accordance with Section 15321, Article 19, Division 3, Title 14, California Code of Regulations.

IT IS HEREBY ORDERED Cleanup and Abatement Order No. 97-034 is rescinded and that pursuant to Section 13304 of the California Water Code, the dischargers, their agents or assigns, shall abate the pollution and nuisance threat by complying with the following:

1. By June 27, 1997, the dischargers shall submit a corrective action work plan for the Regional Board's Executive Officer Review and approval. The work plan shall include the following tasks to be performed:
 - a. Source reduction/abatement proposal;
 - b. A plan to delineate the vertical and horizontal extent of the pollutant plume in the soil and ground water;
2. By July 15, 1997, the dischargers shall implement the accepted work plan in Item No. 1 above.
3. By August 15, 1997, the dischargers shall submit a report of the findings from Item No. 2 above, and propose a remedial action plan to remediate both soil and ground water pollution.
4. By September 15, 1997, the dischargers shall implement the remedial action plan described in Item No. 3 above. Cleanup efforts shall continue until such time 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.
5. Submit quarterly status and progress reports on the subject facility. The quarterly reports are to be submitted on January 15, April 15, July 15, and October 15 of each year until the Regional Board's Executive Officer decides the subject facility is no longer polluted.

Pursuant to Section 13304 of the California Water Code, the dischargers are hereby notified that the Regional Board is entitled to, and may seek reimbursement for all reasonable costs actually incurred by the Board to investigate the pollution and to oversee the actions required by this Order. The dischargers shall reimburse the Regional Board upon receipt of a billing statement for those costs.

If, in the opinion of the Regional Board's Executive Officer, the dischargers fail to comply with the provisions of this Order in a timely manner, the dischargers may be subject to further enforcement action. Such actions may include, but not be limited to, the assessment of administrative civil liability pursuant to Section 13323 and 13350 of Article 5, Division 7 of the California Water Code, and referral for any injunctive relief and civil or criminal liability.

ORDERED BY: Philip A. Guahery
Executive Officer

6-20-97
Date