

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

**CLEANUP AND ABATEMENT ORDER NO. 97-145
FOR
DONALD BORDA, SR., SITE OWNER/OPERATOR
MEADERS CLEANERS OF SAN FRANCISCO
AND
THE RUDERMAN FAMILY TRUST, LANDOWNER
MICHAEL M. SACK, LANDOWNER
SARA SACK, LANDOWNER
Palm Springs - 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. Donald Borda, Sr., owns and operates Meaders Cleaners of San Francisco (MCSF), a dry cleaning business, at 711 South Palm Canyon Drive, Palm Springs, CA 92264. Michael M. Sack, Sara Sack, and the Ruderman Family Trust are the landowners of the real estate property at 711 South Palm Canyon Drive, Palm Springs, CA 92264 (hereinafter referred to as the site). Donald Borda, Sr., Michael M. Sack, Sara Sack, and the Ruderman Family Trust are hereinafter referred to collectively as the Discharge. Mr. Steven H. Wade is the successor trustee for the Ruderman Family Trust.
2. The site covers approximately one acre, consists of four commercial buildings and a parking lot, and is near the intersection of Sunny Dunes Road and Palm Canyon Drive in the industrial sector of the City of Palm Springs. One of the buildings is vacant; MCSF and fast-food restaurants occupy the other buildings.
3. MCSF has been in operation at the site since 1969. On-site domestic wastes and wastes from sinks and floor drains from MCSF were discharged to an on-site tank for treatment and to six on-site seepage pits (a.k.a. dry wells) for final disposal. In 1991, MCSF began discharging its domestic wastes to the sewage collection system of the City of Palm Springs. The floors and drains were not connected to the City's collection system until 1995.
4. Soils beneath the site to uppermost groundwater consists of Holocene fanglomerates containing significant amounts of very coarse-grained clasts interbedded with sands and silts. Areal groundwater occurs in an unconfined aquifer, is found at approximately 235 feet below ground surface (bgs), and moves regionally to the southeast. Locally, it is estimated that groundwater moves east-northeast due to the recharge effects of Tahquitz Creek Diversion Channel, which is adjacent to the southern property boundary of the site.
5. Desert Water Agency (DWA) owns and operates a series of municipal supply wells (No. 2, 6, 11, 14, 16, 20, and 32) that service the community of Palm Springs and are within one-and-one-half miles downgradient of the site. Wells No. 2 and 6 are approximately 800 feet east from the site.
6. In January 1987, DWA's No. 6 well was found to be polluted with perchloroethylene (PCE) above the maximum contaminant level (MCL) of 5 $\mu\text{g/L}$ established by the State Department of Health Services, and polluted with other volatile organic compounds (VOCs) below the MCL. DWA also found Well No. 2 contaminated with VOCs, but the VOC's concentrations do not yet exceed MCLs. On May 29, 1987, MCSF reported to the Regional Board that it used and stored PCE on-site.

7. Soils samples collected by the Discharger's consultant on July 31, 1995, revealed that soils to a depth of 65 feet bgs contained VOCs originating from the site, including acetone (1,500 µg/kg), carbon disulfide (11 µg/kg), PCE (140 µg/kg), and toluene (980 µg/kg). An 80-foot deep soil sample collected the same date did not contain PCE above 5 µg/kg. In June 1996, the discharger installed a 302-foot deep groundwater monitoring well on-site. Periodic monitoring of the well shows that PCE and toluene have been detected in groundwater beneath the site at concentrations as high as 1,200 and 2 µg/L, respectively. The MCL for toluene is 150 µg/L.
8. DWA installed a groundwater cleanup system (GWCS) for Well No. 6 and began discharging effluent from the GWCS into Tahquitz Creek, in August 1994, under Waste Discharge Requirements Order No. 92-010 (NPDES Permit No. CAG917001). The GWCS was shut down in August 1996 reportedly due to operational costs.
9. The site lies within the Coachella Hydrologic Unit, as depicted on interagency hydrologic maps prepared by the Department of Water Resources in August 1986. The beneficial uses of groundwater for the Coachella Hydrologic Unit, as described in the Water Quality Control Plan for the Colorado River Basin Region (Basin Plan), are municipal supply, agricultural supply, and industrial supply.
10. Water Code Section 13050 states that "pollution" may include "contamination". It defines each of these terms and nuisance as:
 - "(k) 'Contamination' means an impairment of the quality of the waters of the state by waste to a degree which creates a hazard to the public health through poisoning or through the spread of disease."
 - "(l) 'Pollution' means an alteration of the quality of the waters of the state by waste to a degree which unreasonably affects...(1) The waters for beneficial uses [or]...(2) Facilities which serve these beneficial uses..."
 - "(m) 'Nuisance' means anything which meets all of the following requirement:
 - "a. Is injurious to health, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property.
 - "b. Affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal.
 - "c. Occurs during, or as a result of, the treatment or disposal of wastes."
11. Section 13304(a) of the California Water Code states:

"Any person who has discharged or discharges waste into the waters of this 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, causes or permits, 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 cleanup 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."

12. In conducting an investigation of the quality of any waters of the State within its region, the Regional Board may require that any person who has discharged, discharges, or is suspected of discharging, or who proposes to discharge waste within its region, or any citizen or domiciliary, or political agency or entity of its state who has discharged, discharges, or is suspected of discharging, or who proposes to discharge, waste outside its region that could affect the quality of waters 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 [California Water Code, Section 13267(b)(1)].
13. The Discharger has caused and threatens to cause waste to be discharged into waters of the state, and thereby, has created a condition of pollution.
14. Cleanup and Abatement Order No. 96-057 (CAO) was issued by the Regional Board's Executive Officer on December 3, 1996. It required the Discharger to submit a corrective action work plan addressing:
 - a. Source reduction/abatement proposal;
 - b. A plan to delineate the vertical and lateral extent of contamination in groundwater;
 - c. A remediation plan to clean up polluted soil and groundwater in the vicinity of the site; and
 - d. A time schedule to implement the tasks listed above.
15. In February 1997, and in response to CAO No. 96-057, the Discharger submitted a work plan proposing a series of tasks for determining the extent of PCE contamination in areal soils and groundwater and remediating polluted soils and groundwater in accordance with a time schedule. The Regional Board's Executive Officer approved the work plan, but the work plan and time schedule for implementation are no longer adequate to ensure prompt and effective characterization of the PCE plume and remediation of impacted soils and groundwater.
16. Attempts to properly decommission the dry wells have not been successful because the wells tend to collapse on themselves due to very coarse soils around them. Nevertheless, information to demonstrate that the work performed on-site to date is sufficient to protect underlying groundwater has not yet been provided.
17. CAO No. 96-057 no longer reflects the current status of work at the site, and the Discharger's February 1997 proposed work plan and time schedule for implementation are no longer adequate to ensure prompt and effective characterization of the PCE plume and remediation of impacted soils and groundwater.
18. Work remaining to be done at the site includes:
 - a. Cleanup areas of affected soils and contaminated remains of dry wells that present a continued threat to groundwater or demonstrate that site soils and contaminate remains to not present a threat to groundwater;
 - b. Define the lateral and vertical extent of groundwater degradation; and
 - c. Contain and cleanup affected groundwater.
19. Interim controls in the area of the affected municipal supply wells are essential to clean up, contain, or otherwise attenuate the further migration of pollutants that threaten other municipal wells.

20. In overseeing all cleanup and abatement efforts, the Regional Board is a governmental agency that must expend limited staff resources to assure compliance with the law. Section 13304(c) of the Water Code states, in part, that:

"...the person or persons who discharged the waste, discharges the water, or threatened to cause or permit the discharge of the waste within the meaning of subdivision (a) [Finding No. 13], are liable to that governmental agency to the extent of the reasonable costs actually incurred in...supervising cleanup or abatement activities, or taking other remedial action.

21. Issuance of this Order is an enforcement action taken by a regulatory agency and is exempt from the provisions of the California Environmental Quality Act [Public Resources Code, Section 21000, et seq., in accordance with Title 14, CCR, Section 15321(a)(2)].

IT IS HEREBY ORDERED that Cleanup and Abatement Order No. 96-057 is rescinded and that, pursuant to Sections 13267 and 13304 of the California Water Code, the Discharger, its agents, assigns, or designees, shall clean up and abate the pollution and threatened pollution described above by complying with the following:

Complete the following tasks in accordance with the prescribed time schedules. All work outlined below shall be performed under the direction of a California registered civil engineer or certified engineering geologist. All plans and time schedules are subject to review and approval by the Regional Board's Executive Officer. Submitted time schedules become part of this Order once approved or revised by the Regional Board's Executive Officer.

1. PLUME CHARACTERIZATION

- a. By **February 15, 1998**, provide a technical report in the form of a work plan and time schedule for implementation to define the lateral and vertical extent of soils and groundwater degradation resulting from the past operations at the site. The work plan shall also include a proposal to install a minimum of two groundwater monitoring wells downgradient of the site by no later than April 1, 1998, and additional wells as necessary to define the extent of the plume.
- b. By **August 15, 1998**, complete all work necessary to define the lateral and vertical extent of contaminants in groundwater.
- c. On **April 15, May 15, and July 15, 1998**, provide a report of progress for work accomplished to comply with Items "a" and "b", above.

2. INTERIM REMEDIAL ACTION PLAN (IRAP)

- a. By **February 15, 1998**, provide a technical report in the form of an IRAP with a time schedule for implementation to (i) cleanup/close all affected on-site soils, including affected soils and dry well remains, that may cause continued groundwater degradation, or demonstrate that affected soils and dry well remains to not present a threat to groundwater; and (ii) clean up, prevent, or otherwise attenuate further migration of contaminants in groundwater in the vicinity of the site and downgradient of DWA's Wells No. 2 and 6 (i.e., in known or identifiable "hot spot" areas).
- b. By **April 15, 1998**, initiate interim containment and cleanup of contaminants in soils, dry well remains, and groundwater; and submit a technical report that certifies compliance with this item.
- c. On **June 15, 1998 and each calendar quarter thereafter**, provide technical reports on the effectiveness of the interim containment and cleanup of contaminants.

3. LONG-TERM REMEDIAL ACTION PLAN (LRAP)

- a. By **August 15, 1998**, provide a technical report in the form of an LRAP with a time schedule for implementation to (i) identify, investigate, and cleanup/close all affected off-site soils that may cause continued groundwater degradation, or demonstrate that solids do not present a threat to groundwater; and (ii) contain and cleanup all impacted groundwater.
- b. On **December 15, and each calendar quarter thereafter** until cleanup is completed, provide technical reports on the work accomplished to comply with item "a", above, and the effectiveness of remedial activities.
- c. In accordance with the time schedule approved in Task 3.a., above, complete cleanup/closure of impacted soils and cleanup of degraded groundwater.

If, in the opinion of the Regional Board's Executive Officer, the Discharger violates this Order, the Regional Board's Executive Officer may apply to the Attorney General for judicial enforcement or issue a complaint for Administrative Civil Liability.

The Discharger is required to pay the Regional Board reasonable staff costs for supervision and oversight of the cleanup and abatement activities associated with the aforescribed problems. Payment is due within 30 days of receipt of an invoice presented by the State Water Resources Control Board for such costs.

Philip A. Greenberg
Executive Officer

12-30-97
Date