

Lahontan Regional Water Quality Control Board

June 2, 2014

Eric M. Lane, Trustee
William M. Lane & Lily P. Lane Trust
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Olympia, WA 98512

ACCEPTANCE OF PROPOSAL FOR REMEDIATION OPERATIONAL AND SAMPLING CHANGES, LANE TRUST PROPERTY, 8731 NORTH LAKE BOULEVARD, KINGS BEACH, PLACER COUNTY

INVESTIGATIVE ORDER NO. R6T-2014-0040

This Investigative Order accepts the proposal to change remediation system operation and air monitoring at the Lane Trust property in Kings Beach and requires submittal of technical reports.

Background

Groundwater sampling and reporting at the site is currently on a triannual frequency. Indoor air sampling and reporting, however, is on a quarterly frequency.

On April 21, 2014, the Lahontan Regional Water Quality Control Board (Water Board) received the document, *February 2014 Groundwater Monitoring and Remediation Status Report* (Report) from your consultant, E2C Remediation. The Report contains results of groundwater sampling from first triannual 2014. The results show tetrachloroethene (PCE) concentrations detected at 63 ppb in groundwater at monitoring well MW-2. PCE concentrations were at levels less than 10 ppb in three of the other four monitoring well locations sampled. The Report states that no water sample was collected from MW-3 which was dry in February 2014. Figure 4 in the Report shows separate PCE isoconcentration circles drawn around MW-1, MW-2, and MW-4, indicating three separate plume areas in groundwater. Based on reduced PCE concentrations in groundwater, E2C requests to operate the soil vapor extraction (SVE) system at a reduced level, cycling it for two weeks on and two weeks off.

On May 12, 2014, the Water Board also received the document, *April 2014 Indoor Air Monitoring Report of Findings*. This report states indoor air vapors were not detected in any of the three sample locations during first quarter 2014. Since monitoring reports over the past two years have provided information showing that PCE has not been detected in indoor air samples, E2C Remediation requests to reduce the quarterly sampling frequency to annually.

Remediation Operation and Sampling Changes

Pursuant to section 13267 of the Water Code, the William M. Lane & Lily P. Lane Trust (Lane Trust) is required to submit technical reports to the Water Board.

The Water Board accepts the proposal to change operation of the on-site remediation system. This acceptance is good so long as PCE concentrations do not rebound in groundwater or soil vapor by increasing one order of magnitude above concentrations detected in first triannual 2014. If PCE concentrations should rebound in second triannual 2014 or any subsequent quarter, the SVE system will need to return to full scale operation within 14 days of detection.

In addition, the Water Board accepts the recommendation to reduce the frequency of indoor air monitoring to once annually. Since chlorinated hydrocarbons in indoor air samples have not exceeded Indoor Air Screening Levels in more than two years, the situation no longer warrants quarterly sampling. Such information indicates that mitigation measures at the site are effectively abating chlorinated hydrocarbons, which are no longer a public health threat and nuisance for indoor air. Therefore, Water Board staff is approving the request to reduce the frequency of indoor air sampling reporting. The next indoor air samples shall be collected during the month of **January or February 2015** when past sampling have shown the greatest concentrations of PCE vapors inside the building on site.

Triannual Technical Reports

Water Board staff's January 7, 2014, letter reduced groundwater sampling and reporting at the site to a three-times-per year, or triannual, frequency. For future reports, indoor air sampling results and findings shall be presented in the first triannual groundwater monitoring report for each year. Furthermore, we are requiring that PCE isoconcentration lines drawn on figures in future reports encircle all monitoring wells having similar PCE concentrations with just one line unless monitoring well results in between show lesser concentrations. Reports must continue to be submitted to Geotracker.

Monitoring Well 3

We are concerned about the frequency in which MW-3 is observed being dry. The Report shows in Table 2 that MW-3 has been recorded as being dry in three of the last seven sampling events. In February 2014, depth to groundwater in MW-3 was recorded at >16.68 feet. The same table shows that depth to groundwater in MW-2 was recorded at 21.26 feet. Since both wells are essentially the same design, it appears that there is a problem with groundwater flowing into MW-3. Therefore, if MW-3 is found to be dry again in the second triannual sampling event for 2014, you must take actions to either rehabilitate the well or install a new well so that water samples can be collected in the third triannual sampling event. Sampling results from MW-3 or a replacement well are required to be reported in the triannual technical report **due by January 15, 2015**.

Enforcement

Technical reports required by this Investigative Order are necessary to investigate the water quality in the Lake Tahoe basin, based on Water Board's findings that:

- Wastes were illegally disposed on the property currently owned by the Lane Trust,
- Water samples from on-and off-site monitoring wells contain chlorinated hydrocarbons concentrations up to 63 ppb,
- Detected levels of PCE in groundwater exceed the drinking water standard of 5 ppb, and
- Technical reports are required to evaluate impacts to the drinking water aquifer and evaluate the effectiveness of remediation efforts.

The need for these technical reports outweighs the burden on the responsible party to produce water quality information concerning cleanup of chlorinated hydrocarbons in groundwater.

Pursuant to section 13268 of the Water Code, a violation of Water Code Section 13267 requirement may subject you to civil liability of up to \$1,000 per day for each day in which the violation occurs.

You may contact Lisa Dernbach at (530) 542-5424 if you have any questions.



LAURI KEMPER, P.E.
ASSISTANT EXECUTIVE OFFICER

Enclosure: 13267 Fact Sheet

cc: Placer County Environmental Health, Vicki Sandoval
Placer County Air Pollution Control
Bruce Lane
Perry and Cindy Deas, Lake Tahoe Specialty Stove and Fireplace
Mark Hollerbach
E2C Remediation, Phil Goalwin

**Fact Sheet – Requirements for Submitting Technical Reports
Under Section 13267 of the California Water Code**

October 8, 2008

What does it mean when the regional water board requires a technical report?

Section 13267¹ of the California Water Code provides that "...the regional board may require that any person who has discharged, discharges, or who is suspected of having discharged...waste that could affect the quality of waters...shall furnish, under penalty of perjury, technical or monitoring program reports which the regional board requires".

This requirement for a technical report seems to mean that I am guilty of something, or at least responsible for cleaning something up. What if that is not so?

Providing the required information in a technical report is not an admission of guilt or responsibility. However, the information provided can be used by the regional water board to clarify whether a given party has responsibility.

Are there limits to what the regional water board can ask for?

Yes. The information required must relate to an actual or suspected discharge of waste, and the burden of compliance must bear a reasonable relationship to the need for the report and the benefits obtained. The regional water board is required to explain the reasons for its request.

What if I can provide the information, but not by the date specified?

A time extension can be given for good cause. Your request should be submitted in writing, giving reasons. A request for a time extension should be made as soon as it is apparent that additional time will be needed and preferably before the due date for the information.

Are there penalties if I don't comply?

Depending on the situation, the regional water board can impose a fine of up to \$1,000 per day, and a court can impose fines of up to \$25,000 per day as well as criminal penalties. A person who submits false information is guilty of a misdemeanor and may be fined as well.

What if I disagree with the 13267 requirement and the regional water board staff will not change the requirement and/or date to comply?

Any person aggrieved by this action of the Regional Water Board may petition the State Water Board to review the action in accordance with Water Code section 13320 and California Code of Regulations, title 23, sections 2050 and following. The State Water Board must *receive* the petition by 5:00 p.m., 30 days after the date of the Order, except that if the thirtieth day following the date of this Order falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Water Board by 5:00 p.m. on the next business day. Copies of the law and regulations applicable to filing petitions may be found on the Internet at:

http://www.waterboards.ca.gov/public_notices/petitions/water_quality or will be provided upon request.

Claim of Copyright or other Protection

Any and all reports and other documents submitted to the Regional Board pursuant to this request will need to be copied for some or all of the following reasons: 1) normal internal use of the document, including staff copies, record copies, copies for Board members and agenda packets, 2) any further proceedings of the Regional Board and the State Water Resources Control Board, 3) any court proceeding that may involve the document, and 4) any copies requested by members of the public pursuant to the Public Records Act or other legal proceeding.

If the discharger or its contractor claims any copyright or other protection, the submittal must include a notice, and the notice will accompany all documents copied for the reasons stated above. If copyright protection for a submitted document is claimed, failure to expressly grant permission for the copying stated above will render the document unusable for the Regional Board's purposes, and will result in the document being returned to the discharger as if the task had not been completed.

If I have more questions, who do I ask?

Requirements for technical reports normally indicate the name, telephone number, and email address of the regional water board staff person involved at the end of the letter.

¹ All code sections referenced herein can be found by going to www.leginfo.ca.gov . Copies of the regulations cited are available from the Regional Board upon request.