

California Regional Water Quality Control Board
North Coast Region

CLEANUP AND ABATEMENT ORDER No. R1-2009-0044

For

Redwood Empire Cleaners
Ms. Mildred Sanchez

69 West Mendocino Avenue
Willits, California

Mendocino County

The California Regional Water Quality Control Board, North Coast Region (hereinafter Regional Water Board), finds that:

1. Redwood Empire Cleaners (Site) is located at 69 West Mendocino Avenue, in Willits, assessor's parcel number 005-2247-04. Ms. Mildred Sanchez is the current property owner, the former owner and operator of Redwood Empire Cleaners. Ms. Sanchez purchased the Site in 1949. Redwood Empire Cleaners was in operation from 1949 through 2004. Operations included the use of tetrachloroethene (PCE).
2. In 2004, PCE and associated breakdown products and other volatile organic compounds were identified in monitoring wells associated with a cleanup site known as Hathaway Property, Regional Water Board Case No. 1TMC537, located at 150 South Main Street, in Willits. A groundwater investigation was conducted at the Hathaway Property related to a discharge from a heating oil tank, and is not considered a source of the PCE contamination. A No Further Action letter was issued for the Hathaway Property site on August 3, 2005.
3. Redwood Empire Cleaners is located within 500 feet of the impacted monitoring wells on the Hathaway Property site. On May 11, 2005 a 13267 Order was issued to Ms. Sanchez requiring submittal of a workplan to conduct a preliminary site investigation to determine if Redwood Empire Cleaners is a source of the PCE contamination identified off-site. The workplan was submitted to the Regional Water Board on March 21, 2008.
4. In June 2008, a preliminary investigation was conducted at the Site, including the collection of soil gas, soil and groundwater samples. PCE was reported in soil gas up to 1,200,000 $\mu\text{g}/\text{m}^3$, PCE in soil up to 191 parts per million (ppm), and PCE in groundwater up to 3,000 part per billion (ppb). Other volatile organic compounds were also detected in soil gas, soil and groundwater during the June 2008 investigation.
5. The chemical PCE is a human carcinogen, and is listed by the State of California, pursuant to the Safe Drinking Water and Toxic Enforcement Act of 1986, as a chemical known to the State to cause cancer. PCE degrades to trichloroethene

(TCE), cis and trans -1,2-dichloroethene (1,2-DCE), and vinyl chloride (VC). These breakdown products are also human carcinogens.

6. The Water Quality Control Plan for the North Coast Region (Basin Plan) designates beneficial uses of the waters of the State, establishes water quality objectives to protect those uses, and establishes implementation policies to attain water quality objectives. The beneficial uses of areal groundwater include domestic, agricultural, and industrial supply.
7. The existing and potential beneficial uses of the Outlet Creek, a tributary to the Eel River, include:
 - Municipal and domestic supply
 - Agricultural supply
 - Industrial service supply
 - Industrial process supply
 - Groundwater recharge
 - Navigation
 - Hydropower generation
 - Water contact recreation
 - Non-contact water recreation
 - Commercial and sport fishing
 - Warm freshwater habitat
 - Cold freshwater habitat
 - Wildlife habitat
 - Rare, threatened, and endangered species
 - Migration of aquatic organisms
 - Spawning, reproduction, and/or early development of fish
 - Aquaculture
8. Existing data and information about the Site indicates that waste in the form of PCE and its break down products has been discharged or is discharging at the property, which is owned by Ms. Mildred Sanchez and at which she operated a drycleaner facility for over 50 years. Given the evidence of past discharges at the Site and current ownership and control, Ms. Mildred Sanchez and Redwood Empire Cleaners are hereinafter referred to as the Dischargers.
9. The Basin Plan includes numeric water quality objectives for groundwater and surface waters, e.g., state drinking water maximum contaminant levels that are incorporated by reference. The Basin Plan also includes narrative water quality objectives, e.g., a narrative taste and odor water quality objective for groundwater, which states "Groundwater shall not contain taste or odor producing substances at concentrations which cause nuisance or adversely affect beneficial uses."
10. The applicable water quality objectives in the Basin Plan have been exceeded and constitute pollution, as defined by Water Code Section 13050(l). Where the Dischargers have caused or permitted, cause or permit, or threaten to cause or

permit 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, Water Code 13304 gives the Regional Water Board the authority to issue an order to the Discharger to clean up the waste and abate the effects of the waste.

11. The State Water Resources Control Board Resolution (State Water Board) has adopted Resolution No. 92-49, "Policies and Procedures for Investigation and Cleanup and Abatement of Discharges under Water Code Section 13304", setting forth the policies and procedures to be used during an investigation or cleanup of a polluted site and requires that cleanup levels be consistent with State Board Resolution 68-16, the "Statement of Policy with Respect to Maintaining High Quality of Waters in California". Resolution 92-49 requires cleanup and abatement of the effects of discharges in a manner that promotes attainment of either background water quality levels, or the best water quality which is reasonable if background levels of water quality cannot be restored, considering all demands being made and to be made on those waters and the total values involved, beneficial and detrimental, economic and social, tangible and intangible.
12. Alternative cleanup levels greater than background concentrations shall be permitted only if the discharger demonstrates that: it is not feasible to attain background levels; the alternative cleanup levels are consistent with the maximum benefit to the people of the State; alternative cleanup levels will not unreasonably affect present and anticipated beneficial uses of such water; and they will not result in water quality less than that prescribed in the Basin Plan and Policies adopted by the State and Regional Water Board. Attachment A includes those water quality objectives that the Regional Water Board believes are necessary to protect the water for its beneficial uses, including domestic water supply and to protect human health and the environment.
13. Section 13267(b) of the Water Code provides that "in conducting an investigation specified in subdivision (a), the regional board may require that any person who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge waste within its region ... shall furnish, under penalty of perjury, technical or monitoring program reports which the regional board requires. The burden, including the costs, of these reports shall bear a reasonable relationship to the need for the report and the benefits to be obtained from the reports. In requiring these reports, the regional board shall provide the person with a written explanation with regard to the need for the reports, and shall identify the evidence that supports requiring that person to provide the reports."
14. The technical reports required by this Order are necessary to assure cleanup of the Site in compliance with 13304 of the Water Code.
15. The Regional Water Board will ensure adequate public participation at key steps in the remedial action process, and shall ensure that concurrence with a remedy for cleanup and abatement of the discharges at the Site shall comply with the

California Environmental Quality Act (Public Resources Code, section 21000 et seq.) ("CEQA").

16. The issuance of this Cleanup and Abatement Order is an enforcement action being taken for the protection of the environment and, therefore, is exempt from the provisions of CEQA in accordance with title 14, California Code of Regulations, sections 15308 and 15321.
17. Reasonable costs incurred by Regional Water Board staff in overseeing cleanup or abatement activities are reimbursable under Water Code section 13304 (c) (1).
18. Any person affected by this action of the Board may petition the State Water Board to review the action in accordance with Water Code section 13320 and title 23, California Code of Regulations, section 2050. The petition must be received by the State Water Board within 30 days of the date of this Order. Copies of the law and regulations applicable to filing petitions will be provided upon request. In addition to filing a petition with the State Water Board, any person affected by this Order may request the Regional Water Board to reconsider this Order. To be timely, such request must be made within 30 days of the date of this Order. Note that even if reconsideration by the Regional Water Board is sought, filing a petition with the State Water Board within the 30-day period is necessary to preserve the petitioner's legal rights. If the Dischargers choose to appeal the Order, the Dischargers are advised that they must comply with the Order while the appeal is being considered. The appeals process is enclosed as Attachment B.
19. This Order in no way limits the authority of the Regional Water Board to institute additional enforcement actions or to require additional investigation and cleanup at the facility consistent with the Water Code. This Order may be revised by the Regional Water Board Executive Officer as additional information becomes available.
20. Failure to comply with the terms of this Order may result in enforcement under the Water Code. Any person failing to provide technical reports containing information required by this Order by the required date(s) or falsifying any information in the technical reports is, pursuant to Water Code section 13268, guilty of a misdemeanor and may be subject to administrative civil liabilities of up to one thousand dollars (\$1,000.00) for each day in which the violation occurs. Any person failing to cleanup or abate threatened or actual discharges as required by this Order is, pursuant to Water Code section 13350(e), subject to administrative civil liabilities of up to five thousand dollars (\$5,000.00) per day or ten dollars (\$10) per gallon of waste discharged.

THEREFORE, IT IS HEREBY ORDERED that, pursuant to Water Code Sections 13267 and 13304, the Dischargers shall cleanup and abate the discharge and threatened discharge forthwith and shall comply with the following provisions of this Order:

- A. All work shall be conducted in accordance with all applicable local ordinances and under the direction of a California Professional Geologist or Civil Engineer

experienced in soil and groundwater pollution investigations and remediation projects including chlorinated hydrocarbons. All necessary permits shall be obtained prior to conducting work.

- B. Submit an updated sensitive receptor survey within 90 days from the date of this Order. The survey shall include a search for domestic water supply wells within a 1,000-foot radius of the site. Additionally, the survey must also include identification of surface water bodies, potential preferential pathways, including on-site subsurface utilities, and sensitive environmental habitats within a 1,000-foot radius of the site.

Groundwater Contaminant Delineation/Definition

- C. Submit an acceptable workplan within 45 days from the date of this Order, to propose complete site characterization activities including delineation of all source and release areas, definition of the vertical and lateral extent of contamination, and a complete monitoring well network to monitor source areas, sentry wells, and plume boundaries in all affected water bearing zones.
- D. Implement the workplan described in Task C within 30 days of the Regional Water Board Executive Officer's concurrence with the workplan.
- E. Submit a report of findings for work completed under Tasks D within 90 days of workplan implementation. The report shall include an adequate workplan for any additional effort necessary to complete site characterization activities.

Soil Vapor

- F. Submit a workplan within 45 days of issuance of this Order to conduct a vapor intrusion study. The workplan must include a scope of work to define the extent of soil vapor impacts and to evaluate the potential vapor intrusion pathways at adjacent commercial and residential buildings.
- G. Implement the workplan described in Task F within 30 days of the Regional Water Board Executive Officer's concurrence with the workplan.
- H. Submit a report of findings for work completed under Task G within 45 days of workplan implementation, including a workplan with a proposed scope of work to mitigate any identified potential vapor intrusion exposure risk.

Remedial Action Plan

- I. Submit an acceptable Remedial Action Plan (RAP) within 90 days of the Regional Water Board Executive Officer's determination that Tasks C through H have been adequately completed.
- J. Implement the RAP described in Task I within 60 days of the Regional Water Board Executive Officer's concurrence with the RAP.

- K. Submit a report of RAP implementation for work completed under Task J within 90 days of completion.

Geotracker

- L. The following information shall be submitted electronically to the State Water Board's Geo Tracker database, as generated¹:
1. All chemical analytical results for soil, water and vapor samples.
 2. The latitude and longitude of any permanent sampling point for which data is reported, accurate to within 1 meter and referenced to a minimum of two reference points from the California Spatial Reference System, if available.
 3. The surveyed elevation relative to a geodetic datum of any permanent sampling point.
 4. The elevation of groundwater in any permanent monitoring well relative to the surveyed elevation.
 5. A site-map or maps showing the location of all sampling points.
 6. The depth of the screened interval and the length of screened interval for any permanent monitoring well.
 7. PDF copies of boring logs.
 8. PDF copies of all reports, work plans, and other documents, including the signed transmittal letter and professional certification by a California Licensed Civil Engineer or a Registered Geologist, and all relevant information contained in the November 2, 2008 *Site Investigation Report*.

Other

- M. Complete any additional work deemed reasonably necessary by the Regional Water Board's Executive Officer to abate and cleanup the discharge of waste or threatened discharge of waste, and to protect beneficial uses of surface and groundwater, human health and the environment.
- N. If, for any reason, the Dischargers are unable to perform any activity or submit any documentation in compliance with the work schedule contained in this Order or submitted pursuant to this Order and approved by the Executive Officer, the Dischargers may request in writing, an extension of time. The extension request must be submitted a minimum of five business days in advance of the due date sought to be extended and shall include justification for the delay and a demonstration of a good faith effort to achieve compliance with the due date. The extension request shall also include a proposed time schedule with a new performance date for the due date in question and all subsequent dates dependent on the extension. An extension may be granted for good cause by written concurrence from the Executive Officer.
- O. Violations of any of the terms and conditions of this Order may subject Dischargers to possible enforcement action, including civil liability under applicable provisions of the Water Code.

Ordered By: _____

Catherine Kuhlman
Executive Officer
May 7, 2009

Attachment A: Water Quality Objectives
Attachment B: Appeals Process