California Regional Water Quality Control Board
North Coast Region

CLEANUP AND ABATEMENT AND 13267 ORDER No. R1-2012-0049

For

Leo L. Bleier Jr. & Roxanne Bleier

Redwood Valley Shopping Center
999 School Way
Redwood Valley

Mendocino County

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

1. Leo L. Bleier, Jr., and Roxanne Bleier own property at 999 School Way in Redwood Valley (Assessor's Parcel Number 163-131-10 and hereinafter "Site"). Reportedly, two underground fuel storage tanks were installed at the Site in the mid-1960s for the retail sale of gasoline, which ceased in the mid-1990s. Leo L. Bleier, Jr., and Roxanne Bleier are hereinafter referred to as the Dischargers.

2. The Site is located at the southwest corner of the intersection of School Way and East Road in Redwood Valley. The Site contains a commercial shopping center, a post office, and a residence. The surrounding land uses include residential, commercial, and industrial. There are domestic water supply wells located on the Site, on the residential property to the west, and on the church property farther west. The land in the immediate area of the Site generally slopes downwards from east to west, towards the Russian River located approximately 1000 feet from the site. There is also an unnamed creek that flows east to west approximately 600 feet north of the Site.

3. In 1996, two 1,000-gallon underground fuel storage tanks were removed from the northeast area of the Site. The tanks had corrosion holes and soil contamination with fuel was evident. Soil samples collected from the tank pit revealed up to 2200 parts per million total petroleum hydrocarbons as gasoline and 430 parts per million total petroleum hydrocarbons as diesel. No soil removal was performed at the time of the tank removal.

4. Soil and groundwater investigation has been performed at the site, including the installation of monitoring wells. Contamination with total petroleum hydrocarbons as gasoline and gasoline constituents was found in soil and groundwater. The contamination includes the gasoline additive MTBE. The general measured

groundwater gradient is west-southwest. Groundwater contamination has migrated in that general direction, including towards the south and west.

5. The domestic well supplying 981 School Way, the property adjacent to the Site on the west side, was impacted with MTBE. A carbon treatment system was installed in 2007 to treat the water. The system was installed by a consultant working for the Dischargers.

6. A Corrective Action Plan for this site was received February 12, 2007. Regional Water Board staff did not concur with the Corrective Action Plan because the horizontal and vertical extent of contamination was not defined. Additional groundwater investigation was performed in March 2008. On April 21, 2009, Regional Water Board staff concurred with an additional investigation workplan dated May 21, 2008, as modified by an April 9, 2009 addendum. That work has not been performed.

7. Without concurrence from Regional Water Board staff, the Dischargers discontinued quarterly monitoring of the monitoring wells and nearby domestic wells. On December 2, 2010, the Regional Water Board Executive Officer issued Monitoring and Reporting Program No. R1-2010-0098. Requirements of the Monitoring and Reporting Program included semiannual sampling for the monitoring wells and quarterly sampling of the domestic wells for 999 School Way, 981 School Way, and 951 School Way. The required monitoring and reporting has not been performed.

8. This Order requires Dischargers to submit an interim corrective action plan to address known soil and groundwater contaminant impacts associated with the Site, and a schedule to implement the interim action plan, and the May 21, 2008, investigation work plan as modified by the April 9, 2009, addendum. This Order requires Dischargers to prepare a final corrective action plan. This Order also requires Dischargers to comply with the Monitoring and Reporting Program No. R1-2010-0098, and any subsequent monitoring and reporting programs issued by the Regional Water Board.

9. The burden, including the costs to prepare the reports required under this Order bears a reasonable relationship to the need for these reports and the benefits they will provide.

10. Existing and potential beneficial uses of areal groundwater include municipal and domestic supply, agricultural supply, and industrial service and process supply.

11. The existing and potential beneficial uses of the Forsythe Creek Hydrologic Subarea of the Russian River Hydrologic Unit include:

    a. Municipal And Domestic Supply
    b. Agricultural Supply

c. Industrial Service Supply
d. Industrial Process Supply
e. Groundwater Recharge
f. Navigation
g. Hydropower Generation
h. Water Contact Recreation
i. Non-Contact Water Recreation
j. Commercial And Sport Fishing
k. Warm Freshwater Habitat
l. Cold Freshwater Habitat
m. Wildlife Habitat
n. Rare, Threatened, And Endangered Species
o. Migration Of Aquatic Organisms
p. Spawning, Reproduction, and/or Early Development Of Fish
q. Aquaculture

12. The Dischargers have caused or permitted, cause or permit, or threaten to cause or permit waste to be discharged where it is, or probably will be, discharged into waters of the State and creates, or threatens to create, a condition of pollution or nuisance. The discharge and threatened discharge of contaminants may unreasonably affect water quality in that the discharge or threatened discharge is deleterious to the above described beneficial uses of State waters, and may impair water quality to a degree which creates a threat to public health and public resources and therefore, constitutes a condition of pollution or nuisance. These conditions threaten to continue unless the discharge or threatened discharge is permanently cleaned up and abated.

13. The California Water Code, and regulations and policies developed thereunder, require cleanup and abatement of discharges, and threatened discharges of waste to the extent feasible. Cleanup to background levels is the presumptive standard. Alternative cleanup levels greater than background concentrations shall be permitted only if the Dischargers demonstrate 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 prescribed in the Basin Plan and Policies adopted by the State and Regional Water Board. Any proposed alternative that will not achieve cleanup to background levels must be supported with evidence that it is technologically or economically infeasible to achieve background levels, and that the pollutant will not pose a substantial present or potential hazard to human health or the environment for the duration of the exceedance of background levels (SWRCB Res. Nos. 68-16 and 92-49; California Code of Regulations, title 23, section 2550.4, subds. (c), and (d)).

14. Water quality objectives in the Basin Plan are adopted to ensure protection of the beneficial uses of water. The most stringent water quality objectives for protection of all beneficial uses are selected as the protective water quality criteria. Alternative cleanup and abatement actions must evaluate the feasibility of, at a minimum: (1) cleanup to background levels, (2) cleanup to levels attainable through application of best practicable technology, and (3) cleanup to protective water quality criteria levels. Narrative water quality objectives are interpreted through application of available scientific information and numerical limits are thence derived from such information. A table of water quality objectives for groundwater is presented in Attachment A and is incorporated in this Order.

15. Discharge prohibitions contained in the Basin Plan apply to this discharge. State Water Resources Control Board Resolution 68-16 (Non-Degradation Policy) applies to this discharge. State Water Resources Control Board Resolution 92-49 applies to this discharge and sets out the “Policies and Procedures for Investigation and Cleanup and Abatement of Discharges under section 13304 of the California Water Code.”

16. 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.

17. Issuance of this Order is being taken for the protection of the environment and as such is exempt from provisions of the California Environmental Quality Act (CEQA) (Public Resources Code section 21000 et seq.) in accordance with California Code of Regulations, title 14, sections 15061(b)(3), 15306, 15307, 15308, and 15321. This Order generally requires the Discharger to submit plans for approval prior to implementation of cleanup activities at the Site. Mere submittal of plans is exempt from CEQA as submittal will not cause a direct or indirect physical change in the environment and/or is an activity that cannot possibly have a significant effect on the environment. CEQA review at this time would be premature and speculative, as there is simply not enough information concerning the Discharger’s proposed remedial activities and possible associated environmental impacts. If the Regional Board determines that implementation of any plan required by this Order will have

a significant effect on the environment, the necessary and appropriate environmental review must be conducted prior to Executive Officer approval of the applicable plan.

18. 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 California Water Code sections 13267(b) and 13304, the Dischargers must cleanup and abate the discharge and threatened discharges forthwith and must comply with the following provisions of this Order:

1. The Dischargers must comply with the requirements of Monitoring and Reporting Program No. R1-2010-0098, and any subsequent monitoring and reporting programs issued by the Regional Water Board Executive Officer replacing Monitoring and Reporting Program No. R1-2010-0098.

2. By July 18, 2012, the Dischargers must submit to the Executive Officer an interim corrective action plan to address known soil and groundwater contaminant impacts associated with the Site.

3. By July 18, 2012, the Dischargers must submit a schedule to implement the interim remedial action plan, to implement the May 21, 2008, investigation work plan as modified by the April 9, 2009, addendum, and to prepare a final corrective action plan for the Site.

4. The Dischargers must conduct all work under the direction of a California registered civil engineer or professional geologist experienced in soil and groundwater investigation and remediation. All work plans and technical reports submitted to the Regional Water Board must be signed and stamped by a licensed professional.

5. If, for any reason, the Dischargers are unable to perform any activity or submit any documentation in compliance with the directives 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 as specified. The

extension request must be submitted five days in advance, if possible, of the due date and must include justification for this delay including the good faith effort performed to achieve compliance with the due date. The extension request must also include a proposed time schedule with new performance dates for the due date in question and all subsequent dates dependent on the extension. A written extension may be granted for good cause, in which case the order will be revised accordingly.

This Order in no way limits the authority of this Regional Water Board to institute additional enforcement actions or to require additional investigation and cleanup at the site consistent with state and federal law. This Order may be revised by the Executive Officer as additional information becomes available.

Ordered by: _____
Catherine Kuhlman
Executive Officer

April 19, 2012

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Attachment A

Groundwater Water Quality Objectives

Constituent of Concern	Practical Quantitation Limit µg/L	Water Quality Objective[1] µg/L
Gasoline	50	5[2]
Diesel	50	100[3]
Benzene	0.5	0.15[4]
Toluene	0.5	42[5]
Ethylbenzene	0.5	3.2[6]
Xylenes	0.5	17[5]
Methyl tert-butyl ether	0.5	5[7]
Tert-butyl alcohol	5	12[8]
Diisopropyl ether	0.5	0.8[9]

1. Practical quantitation limits are based on current technology. For instances when technology cannot achieve the water quality objective the practical quantitation limit will be used.
2. Published literature provides a taste and odor threshold of 5 µg/L, applied to the narrative TASTE AND ODOR water quality objective of the Basin Plan.
3. Published literature provides a taste and odor threshold of 100 µg/L, applied to the narrative TASTE AND ODOR water quality objective of the Basin Plan.
4. California Public Health Goal in Drinking Water (Office of Environmental Health Hazard Assessment), applied to the GENERAL water quality objective in the Basin Plan.
5. US EPA taste and odor threshold, Federal Register 54 (97):22064-22138, which is applied to the narrative TASTE AND ODOR water quality objective in the Basin Plan.
6. Cal/EPA Cancer Potency Factor, applied to the GENERAL water quality objective in the Basin Plan.
7. California Department of Health Services Secondary Maximum Contaminant Level, applied to TASTE AND ODOR water quality objective in the Basin Plan.
8. California Department of Public Health Drinking Water Notification Level, applied to the GENERAL water quality objective in the Basin Plan.
9. Published literature provides a taste and odor threshold of 0.8 µg/L, applied to the narrative TASTE AND ODOR water quality objective of the Basin Plan.