California Regional Water Quality Control Board
North Coast Region

Cleanup and Abatement Order No. 99-3

for

Hyampom General Store
Leslie and Marion Shere
10 Main Street
Hyampom

Trinity County

The Regional Water Quality Control Board, North Coast Region, finds that:

1. Leslie and Marion Shere own and operate a general store and aboveground petroleum fueling facility at 10 Main Street in Hyampom identified as APN # 11-340-24 and depicted in Attachment 1 (hereinafter "site"). In October 9, 1998, the Sheres purchased the facility. Petroleum fuel products are stored in several aboveground petroleum tanks alternating among one 2,000-gallon tank and two 1,000-gallon tanks.

2. Between October 23, 1998, and October 31, 1998, approximately 1,850 gallons of gasoline discharged to subsurface soils and groundwater through a broken fuel line adjacent to the pump island at the Hyampom Store. Leslie and Marion Shere are hereinafter referred to as the discharger.

3. During the week of November 16, 1998, a gasoline odor was detected in the drinking water from a well located at the site approximately 100 feet southeast of the broken fuel line.

4. On December 8, 1998, a gasoline odor was detected in the drinking water from a well on the adjacent property owned by Mr. R. Stringall. The Stringall water well is located approximately 180 feet south of the broken fuel line. These contaminated wells are located approximately 1200 feet from the South Fork Trinity River.

5. On December 31, 1998, Regional Water Board concurred with a Letter Work Plan developed by consultants for the discharger to take interim corrective action by removing contaminated soil from the area of the broken pipe and to commence determining the horizontal extent of the groundwater contamination. This workplan has not yet been implemented.

6. The site overlies shallow groundwaters, and these groundwaters may be in continuity with surface waters of the South Fork Trinity River. The depth to the first groundwater transmissive zone is very shallow, approximately twenty feet below the surface, and the zone likely consists of alluvial deposits.

7. Pursuant to the North Coast Region's Water Quality Control Plan and State Water Resources Control Board Resolution 88-63, the beneficial uses of areal groundwaters include:

a. domestic water supply
b. agricultural supply
c. industrial supply

8 The beneficial uses of the South Fork Trinity River include:

a. municipal and domestic supply
b. agricultural supply
c. industrial service supply
d. industrial process supply
e. freshwater replenishment
f. water contact recreation
g. non-contact water recreation
h. commercial and sport fishing
i. cold freshwater habitat
j. wildlife habitat
k. fish migration
l. fish spawning
m. aquaculture

9 The dischargers named in this Order 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 create, or threaten to create, a condition of pollution or nuisance. The discharge or threatened discharge of petroleum hydrocarbons and other chemicals has unreasonably affected water quality in that the discharge or threatened discharge is deleterious to the above described beneficial uses of groundwater, and have impaired water quality to a degree which creates a threat to public health and public resources and therefore, has created a condition of pollution and nuisance which threatens to continue unless the discharge or threatened discharge is permanently cleaned up and abated.

10. 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 and abatement activities are to provide attainment of background levels of water quality, or the highest water quality which is reasonable if background levels of water quality cannot be restored. Alternative cleanup levels less than background shall be consistent with maximum benefit to the people of the State, not unreasonably affect present and anticipated beneficial uses of such water, and not result in water quality less than that prescribed in the Water Quality Control Plans and Policies adopted by the State and Regional Water Boards.

11. The constituents of concern at the site do not occur naturally in background groundwaters or surface waters. Accordingly, the minimum levels of detection for petroleum hydrocarbons and other chemicals are established as the background level.

12. Water Quality Objectives exist to ensure protection of the beneficial uses of water. The highest beneficial use to be protected at or near the site is domestic water supply. However, other beneficial uses of water exist, and the most stringent objective for protection of all beneficial uses is selected as the protective water quality. This area is

within a quarter mile of the Trinity River. Alternative cleanup and abatement actions need to be considered that 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 objective levels. The following table sets out the protective water quality objective.

Constituent of Concern	Background Level ug/l	Water Quality Objective ug/l	Reference for Objective
Total Petroleum Hydrocarbons as gasoline (TPH-g)	≤50.0	50.0	Published literature provides a taste and odor threshold of 5 ug/l which is applied to the narrative TASTE and ODOR objective of the Basin Plan, but detection limit is 50 ug/l and is controlling
benzene	≤0.5	1.0	California DHS MCL, Title 22 of the California Code of Regulations, ə 64444 is 1.0 ug/l; USEPA health advisory for cancer risk is 0.7 ug/l; applied to the narrative TOXICITY objective in the Basin Plan
toluene	≤0.5	42	California DHS MCL, Title 22 of the California Code of Regulations, ə 64444 is 150 ug/l; USEPA taste and odor threshold of 42 ug/l, Federal Register 54(97):22064-22138; applied to the TASTE AND ODOR water quality objective in the Basin Plan
xylene	≤0.5	42	California DHS MCL, Title 22 of the California Code of Regulations, ə 64444 is 1750 ug/l.: USEPA taste and odor threshold, Federal Register 54(97):22064-22138; applied TASTE AND ODOR water quality objective
ethylbenzene	≤0.5	29	California DHS MCL, Title 22 of the California Code of Regulations, ə 64444 is 700 ug/l; USEPA taste and odor threshold, Federal Register 54(97):22064-22138; applied to the TASTE AND ODOR water quality objective in the Basin Plan

13. This enforcement action is being taken for the protection of the environment and to enforce a general standard as set forth in the Basin Plan. Therefore, 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, Chapter 3, Title 14, California Code of Regulations.

14. The aboveground tanks at this site and the discharges from this site are subject to Chapter 6.67 of the California Health and Safety Code, and pursuant to section 25270.9 of the Health and Safety Code and 13304 of the California Water Code, the California Regional Water Quality Control Board, North Coast Region, intends to recover costs for overseeing cleanup and abatement activities at this facility.

THEREFORE, IT IS HEREBY ORDERED that pursuant to California Water Code Sections 13267 and 13304, Leslie and Marion Shere shall cleanup and abate the discharge and threatened discharge of petroleum hydrocarbons and other chemicals discharged to waters of the state or

deposited where they probably will be discharged to waters of the state, and shall comply with the provisions of this order.

1. The discharger shall conduct the investigation and cleanup tasks under the direction of a California registered geologist or registered civil engineer experienced in the area of groundwater and surface water pollution cleanup.

2. The discharger shall take no action that causes or permits or threatens to cause or permit any waste to be discharged or deposited where it is, or probably will be discharged to waters of the state.

3. The discharger shall implement the Letter Work Plan developed by SHN Consulting Engineers and Geologists on or before February 1, 1999.

4. The discharger shall submit the report of field work completed under Provision 3 to the Executive Officer by March 5, 1999, and this report shall contain conclusions relating to the magnitude of the release and recommendations for further assessment of contamination in soils and groundwater and threat to the South Fork Trinity River.

5. The discharger shall submit a time schedule for sampling all domestic wells between the site and the South Fork Trinity River to the Executive Officer by February 1, 1999. Upon concurrence by the Executive Officer with the schedule, the discharger shall sample the wells in accordance with the schedule.

6. The discharger shall submit a workplan and time schedule for implementation for the further investigation of the extent of soil and groundwater contamination to the Executive Officer on or before March 15, 1999. Upon concurrence by the Executive Officer with the workplan and schedule, the discharger shall conduct the work in accordance with the schedule.

7. If for any reason the dischargers is unable to perform any activity or submit any documents in compliance with the schedule set forth herein or in compliance with any work schedule submitted pursuant to this Order and concurred in or revised by the Executive Officer, the dischargers may request, in writing, an extension of the time specified. The extension request must be submitted five days in advance of the due date and shall include justification for this delay including a description of the good faith effort performed to achieve compliance with the due date. The extension request shall also include a proposed time schedule with new performance dates for the due date in question and all subsequent dates dependent on the extension. An extension may be granted for good cause, in which case this Order will be automatically revised.

Ordered by _____

Lee A. Michlin
Executive Officer

January 20, 1999

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