

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL VALLEY REGION

TECHNICAL REPORTING ORDER R5-2010-0820  
CALIFORNIA WATER CODE SECTION 13267  
FOR  
MATTHEW J. MAZZEI  
FORMER MAZZEI AUTOMOBILE DEALERSHIP  
1530 WEST 10<sup>TH</sup> STREET, ANTIOCH  
CONTRA COSTA COUNTY

This Order is issued to Matthew J. Mazzei (hereafter "Discharger") pursuant to California Water Code (CWC) section 13267, which authorizes the California Regional Water Quality Control Board, Central Valley Region (Central Valley Water Board or Board) to require the preparation and submittal of technical and monitoring reports.

The Executive Officer of the Central Valley Water Board finds:

**PROPERTY OWNERSHIP AND OPERATIONS**

1. The Discharger owns the property at 1530 West 10<sup>th</sup> Street, Antioch, Contra Costa County (hereafter the "Site") since 1982. The Discharger was also the owner and operator of the underground storage tanks that were the source of the identified unauthorized release that was identified in 1998.

**BACKGROUND**

2. Beginning in 1998, investigation of an unauthorized release of petroleum hydrocarbons from two USTs, a gasoline and a waste oil tank, has been conducted at the Site. Two tanks were removed from the Site that year; one was a 550-gallon gasoline UST (T1) and the second was a 500-gallon waste oil tank (T2). Soil surrounding the tanks was excavated and sampled at the time of excavation. Soil sample results showed 51 mg/kg MtBE and 49 mg/kg benzene at the base of the T1 excavation, and 1,700 mg/kg total oil and grease and 1,300 mg/kg Total Petroleum Hydrocarbons as diesel (TPHd) at the base of the T2 excavation. A total of approximately 60 cubic yards of soil was removed from the two UST excavations.
3. Since 1998, a total of 40 borings have been drilled at the Site for investigation purposes. Nine have been converted to monitoring wells. The extent of the contaminants of concern (COCs) at the T1 and T2 areas has been defined to extend to approximately 60 to 100 ft laterally from each former tank location, and vertically to 16 feet below ground surface (bgs). Depth to groundwater varies from three to seven feet bgs. Groundwater gradient is towards the east, with winter seasonal reversals to the west.
4. COCs in shallow groundwater in the T1 area have contained concentrations of MtBE up to 17,000 ug/L, Total Petroleum Hydrocarbons as gasoline (TPHg) up to 13,000 ug/L, and TBA up to 8,400 ug/L. COCs in the T2 area have contained TPHd at a maximum concentration of 1,600 ug/L and TPHmo at a maximum concentration of 48,000 ug/L in

unfiltered groundwater samples. Filtered groundwater samples contained up to 890 ug/L TPHd and 2,100 ug/L Total Petroleum Hydrocarbons as motor oil (TPHmo); the maximum reported for any soil sample is 61 mg/kg TPHd and 770 mg/kg TPHmo. The TPHd and TPHmo in the T2 area appears to originate mainly from the subsurface hydraulic lift systems in the service bay adjacent to T2, according to the Discharger's former consultant, Weiss Associates.

5. Site investigation was completed in 2005 and Weiss proposed thermal remediation on the T1 tank area in 2006. The State Water Board's UST Cleanup Fund (CUF) rejected the method as too expensive and unproven. Weiss submitted an alternate remediation plan for excavation of the residual source area. The CUF rejected the scope of the excavation as too expensive so Weiss reduced the excavation limits to the amount approved by the UST CUF in 2008. The addendum was approved, but has not been implemented due to the Discharger's financial hardship and delayed reimbursements from the UST CUF.
6. On 21 December 2009, the Discharger filed bankruptcy (Chapter 7, No. 4:09-BK-72176). The Discharger has recently met with Board staff to outline a plan to get the Site in compliance and move it towards closure. Currently, a human health risk assessment work plan and a current round of groundwater sampling results are overdue as of 16 April 2010.

### **DISCHARGER LIABILITY**

7. CWC section 13267 states, in relevant part:

(b)(1) In conducting an investigation. . . , 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 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 those 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.

As described in Findings 1 through 6, the Discharger is subject to an order pursuant to CWC section 13267 because existing data and information about the Site indicate that waste has been discharged, is discharging, or is suspected of discharging, at the property, which is or was owned and operated by the Discharger. The technical reports required by this Order are necessary to adequately investigate and cleanup the site to protect the beneficial uses of waters of the state, to protect against nuisance, and to protect human health and the environment.

8. CWC section 13268 states, in relevant part:

(a)(1) Any person failing or refusing to furnish technical or monitoring program reports as required by subdivision (b) of Section 13267 . . . or falsifying any information provided

therein, is guilty of a misdemeanor and may be liable civilly in accordance with subdivision (b).

(b)(1) Civil liability may be administratively imposed by a regional board in accordance with Article 2.5 (commencing with Section 13323) of Chapter 5 for a violation of subdivision (a) in an amount which shall not exceed one thousand dollars (\$1,000) for each day in which the violation occurs.

(c) Any person discharging hazardous waste, as defined in Section 25117 of the Health and Safety Code, who knowingly fails or refuses to furnish technical or monitoring program reports as required by subdivision (b) of Section 13267, or who knowingly falsifies any information provided in those technical or monitoring program reports, is guilty of a misdemeanor, may be civilly liable in accordance with subdivision (d), and is subject to criminal penalties pursuant to subdivision (e).

(d)(1) Civil liability may be administratively imposed by a regional board in accordance with Article 2.5 (commencing with Section 13323) of Chapter 5 for a violation of subdivision (c) in an amount which shall not exceed five thousand dollars (\$5,000) for each day in which the violation occurs.

Failure to submit the required report(s) to the Central Valley Water Board according to the schedule detailed herein may result in enforcement action(s) being taken against you, which may include the imposition of administrative civil liability pursuant to CWC section 13268. Administrative civil liability of up to \$5,000 per violation per day may be imposed for non-compliance with the directives contained herein.

## REQUIRED ACTIONS

**IT IS HEREBY ORDERED** that, pursuant to California Water Code section 13267, the Discharger shall:

1. Conduct a round of groundwater sampling of all site groundwater monitoring wells and submit the report of results by **30 October 2010**. The report must contain a discussion of contaminant trends; if the results have decreased since the last sampling event in the 2<sup>nd</sup> Quarter 2008 calculate degradation rates for the constituents of concern and determine when water quality objectives will be met in the most impacted wells.
2. Compare historic soil results at the site to Region 2 Environmental Screening Levels (ESLs) for vapor intrusion purposes to demonstrate that the existing contamination does not pose a threat to humans within the occupied structures. If the soil results exceed the ESLs, submit a work plan for soil vapor sampling by **30 October 2010**. The field work for the soil vapor survey is to be completed by **15 December 2010**, and a report of the results submitted no later than **20 January 2011**.
3. Based upon the results of the groundwater monitoring (Ordered No. 1) and human health risk assessment (Ordered No. 2), upon direction by Board staff, prepare and submit, in accordance with Section 6 of [Appendix A - Reports, Tri-Regional Board Staff](#)

[Recommendation for Preliminary Investigations and Evaluation of Underground Tank Sites, April 2004](#), a No Further Action Request (NFAR) report. The NFAR is to be submitted by **30 January 2011**.

As required by the California Business and Professions Code sections 6735, 7835, and 7835.1, all work plans and reports shall be prepared by a registered professional or their subordinate and signed by the registered professional.

Any person aggrieved by this action of the Central Valley Water Board may petition the State Water Board to review the action in accordance with CWC 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 this Order, except that if the thirtieth day following the date of this Order falls on a Saturday, Sunday, or state holiday (including mandatory furlough days), 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](http://www.waterboards.ca.gov/public_notices/petitions/water_quality)

or will be provided upon request.

This Order is effective upon the date of signature.

Ordered by:

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PAMELA C. CREEDON, Executive Officer

31 August 2010

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Date