

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

CLEANUP AND ABATEMENT ORDER NO. R5-2007-0702
FOR

RONALD ALBERT KING, MARY DEAN KING JESSEN, DEAN MURPHY, AND
THE SIDNEY N. THOMPCKINS LIVING TRUST
MINARETS (AKA GEORGE'S) EXXON
32917 ROAD 222, MADERA COUNTY

This Order is issued to Ronald Albert King, Mary Dean King Jessen, Dean Murphy, and the Sidney N. Tompkins Living Trust, hereafter collectively referred to as Dischargers, based on provisions of California Water Code Section 13304, which authorizes the California Regional Water Quality Control Board, Central Valley Region (hereafter Regional Water Board) to issue a Cleanup and Abatement Order (Order), and Water Code Section 13267, which authorizes the Regional Water Board to require preparation and submittal of technical and monitoring reports.

The Executive Officer finds, with respect to the Dischargers' acts or failure to act, the following:

PROPERTY OWNERSHIP AND OPERATIONS

1. Madera County Recorder's records document that Ronald Albert King and Mary Dean King, husband and wife; and Sidney N. Tompkins and Gwenda M. Tompkins, husband and wife; purchased the property at 32917 Road 222, North Fork, Madera County, which is further identified as Madera County Assessor's Parcel Number 060-160-008 (hereafter, Site). Fresno County Recorders records document that Gwenda M. Tompkins passed away in August 1986. The Sidney N. Tompkins Living Trust (hereafter Trust) was created in September 1986. Ownership of the portion of the Site owned by Mr. And Mrs. Tompkins was transferred to the Trust on 30 September 1986. Sidney N. Tompkins passed away during April 1995 and Theresa Ann Elcess became Successor Trustee of the Trust. A site investigation performed during 1990 and subsequent removal of USTs during January 1995 identified petroleum products in Site soil. Ronald Albert King, Mary Dean King Jessen, and the Trust are subject to this Order because they owned the property at the time the UST system had an unauthorized release of petroleum hydrocarbons and have thus caused or permitted waste to be discharged or deposited where it discharged or probably will be discharged to waters of the State and threatens to create a condition of pollution or nuisance.
2. Dean Murphy purchased the Site from Ronald Albert King, Mary Dean King Jessen, and the Trust on 27 August 1998. As owner of the Site, Mr. Murphy has permitted waste to be discharged or deposited where it discharged or probably will be discharged to waters of the State and threatens to create a condition of pollution or nuisance.

BACKGROUND

3. The Site was a commercial gasoline service station from the 1920s to 1969, and again from 1976 until 1994. The Site last dispensed gasoline and diesel in the late 1980's. An investigation performed in 1990 detected petroleum hydrocarbons in soil in the vicinity of

four underground storage tanks (USTs) and dispensers. On 2 April 1990, the Madera County Environmental Health Department (MCEHD) issued an Unauthorized Release (Leak) Report for gasoline detected at the Site during a subsurface investigation. The Site was identified as Minarets Exxon/Georges Exxon in the leak report. Based on a review of file documents, it is unclear when or if the legal name for the Site was ever Minarets Exxon and when or if the legal name for the Site was ever George's Exxon. For purposes of this Order the Site is referred to as Minarets (aka George's) Exxon.

4. Three 8,000-gallon gasoline USTs and one 10,000-gallon diesel UST were removed from the site on 30 December 1994. Gasoline or diesel constituents were detected in soil beneath each of the USTs and dispensers. Total petroleum hydrocarbons as gasoline (TPHg) were as high as 4,600 milligrams per kilogram (mg/kg) and total petroleum hydrocarbons as diesel (TPHd) were as high as 13,000 mg/kg. Benzene, toluene, ethyl benzene, and xylenes (BTEX) concentrations were up to 8.8, 220, 81, and 540 mg/kg, respectively. The samples were collected from depths of 3 to 15 feet. No groundwater wells have been installed at the Site. First encountered groundwater at 33127 Road 222, a nearby similar site, has been measured at depths ranging from 4 to 26 feet.
5. Mr. Dean Murphy purchased the property on 27 August 1998. The MCEHD notified Mr. Murphy in a telephone conversation during October 1999 that an investigation needed to be performed at the Site. The MCEHD issued a letter on 13 January 2000 requesting Mr. Murphy perform an investigation.
6. By letter dated 8 November 2001, the MCEHD referred the case to the Regional Water Board for regulatory oversight. Regional Water Board staff (hereafter staff) issued a letter dated 10 December 2001, requesting a corrective action workplan be prepared to perform a soil and groundwater investigation. Section 25296.10 of the Health and Safety Code requires that parties responsible for an unauthorized release from an UST prepare a workplan for corrective action. A workplan was submitted during March 2002 and a workplan addendum submitted during April 2002. The schedule in the workplan stated that work would commence within four weeks of Regional Water Board approval of the workplan and Underground Storage Tank Cleanup Fund (USTCF) funding approval. In a letter dated 6 May 2002 staff approved the workplan with addendum. The Dischargers have not completed an application with the USTCF and have not commenced the work proposed in the workplan.
7. The Regional Water Board, under authority of CWC Section 13267, issued an order dated 28 April 2004 requiring that Mr. Dean Murphy and Mr. Ron King submit a technical report of the investigation by 6 July 2004. A letter dated 2 July 2004 from BSK & Associates notified the Regional Water Board that Mr. Dean Murphy had recently retained it as technical consultant for the project and requested an extension for preparation of the required report. In correspondence dated 12 July 2004, the Regional Water Board approved the extension to 18 October 2004.
8. Despite other staff correspondence and a subsequent 13267 order, the Dischargers have not submitted the required technical report.

9. The geology in North Fork consists of granitic bedrock overlain by decomposed granite which in turn is overlain by a soil veneer. Groundwater occurs within fractures in bedrock and is also perched on top of bedrock in the decomposed granite. The perched groundwater is generally encountered within the top 5 to 30 feet and is believed to recharge the deeper fractured bedrock aquifer. Municipal and domestic water supplies are derived solely from groundwater, and primarily from the deeper, fractured bedrock, aquifer.
10. The Site is across the street from a North Fork community well, the main municipal water supply for most residents of North Fork. Construction details for this well have not been provided, but the MCEHD reported the well draws from the fractured bedrock aquifer. Laboratory analyses of samples of water from this well performed periodically by Madera County have not detected petroleum hydrocarbons. Sampling of this well performed by Regional Water Board staff in September 2006 also did not detect petroleum hydrocarbons. The municipal well is threatened by its proximity to the release. Private domestic wells also exist in North Fork. A sensitive receptor search has not been performed in the vicinity of the Site to ensure no private well is at risk.

AUTHORITY – LEGAL REQUIREMENTS

11. Section 13304(a) of the California Water Code provides that:

“Any person who has discharged or discharges waste into waters of the state in violation of any waste discharge requirements or other order or prohibition issued by a regional board or the state board, or who has caused or permitted, causes or permits, or threatens to cause or permit any 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 or nuisance, shall upon order of the regional board clean up the waste or abate the effects of the waste, or, in the case of threatened pollution or nuisance, take other necessary remedial action, including but not limited to, overseeing cleanup and abatement efforts. A cleanup and abatement order issued by the state board or a regional board may require the provision of, or payment for, uninterrupted replacement water service, which may include wellhead treatment, to each affected public water supplier or private well owner. Upon failure of any person to comply with the cleanup or abatement order, the Attorney General, at the request of the regional board, shall petition the superior court for that county for the issuance of an injunction requiring the person to comply with the order. In the suit, the court shall have jurisdiction to grant a prohibitory or mandatory injunction, either preliminary or permanent, as the facts may warrant.”

12. Section 13304(f) of the California Water Code provides that:

“Replacement water provided pursuant to subdivision (a) shall meet all applicable federal, state and local drinking water standards and shall have comparable quality to that pumped by the public water system or private well owner prior to the discharge of waste”

13. Section 13267(b)(1) of the California 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, or any citizen or domiciliary, or political agency or entity of this state who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge, waste outside of its region that could affect the quality of waters 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.”

14. Section 13304(c)(1) of the California Water Code provides that:

“. . . the person or persons who discharged the waste, discharges the waste, or threatened to cause or permit the discharge of the waste within the meaning of subdivision (a), are liable to that government agency to the extent of the reasonable costs actually incurred in cleaning up the waste, abating the effects of the waste, supervising cleanup or abatement activities, or taking other remedial actions. . .”

15. The State Water Resources Control Board (hereafter State Water Board) has adopted Resolution No. 92-49, the *Policies and Procedures for Investigation and Cleanup and Abatement of Discharges Under Water Code Section 13304*. This Policy sets 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 Water Board Resolution 68-16, the *Statement of Policy With Respect to Maintaining High Quality of Waters in California*. Resolution 92-49 and the Basin Plan establish the cleanup levels to be achieved. Resolution 92-49 requires the waste to be cleaned up to background, or if that is not reasonable, to an alternative level that is the most stringent level that is economically and technologically feasible in accordance with Title 23, California Code of Regulations (CCR) Section 2550.4. Any alternative cleanup level to background must: (1) be consistent with the maximum benefit to the people of the state; (2) not unreasonably affect present and anticipated beneficial use of such water; and (3) not result in water quality less than that prescribed in the Basin Plan and applicable Water Quality Control Plans and Policies of the State Water Board.

16. Chapter IV of the Basin Plan contains the *Policy for Investigation and Cleanup of Contaminated Sites*, which describes the Regional Water Board’s policy for managing contaminated sites. This policy is based on Water Code Sections 13000 and 13304, the Title 27, Division 2, Subdivision 1 regulations, and State Water Board Resolution Nos. 68-16 and 92-49. The policy includes site investigation, source removal or containment, information required to be submitted for consideration in establishing cleanup levels, and the bases for establishment of soil and groundwater cleanup levels.

17. The State Water Board adopted the Water Quality Enforcement Policy, which states in part:
"At a minimum, cleanup levels must be sufficiently stringent to fully support beneficial uses,

unless the RWQCB allows a containment zone. In the interim, and if restoration of background water quality cannot be achieved, the CAO should require the discharger(s) to abate the effects of the discharge. Abatement activities may include the provision of alternate water supplies." (Enforcement Policy, p. 19.)

18. The Regional Water Board's *Water Quality Control Plan for the Sacramento River and San Joaquin River Basins, 4th Edition* (hereafter Basin Plan) designates beneficial uses of the waters of the State, establishes water quality objectives (WQOs) to protect these uses, and establishes implementation policies to implement WQOs. The designated beneficial uses of the groundwater beneath the Site are municipal and domestic, industrial, and agricultural supply.
19. Sampling conducted by the Dischargers has identified constituents not present in naturally occurring background soil that have degraded or threaten to degrade the groundwater due to the discharge resulting from an unauthorized release of gasoline. All of these constituents are wastes as defined in California Water Code Section 13050(d). Consistent with Water Code Section 13263 and the Basin Plan, the Regional Water Board establishes numerical limitations in its orders to implement applicable WQOs. Investigation, cleanup, and/or abatement of these wastes must be addressed to the satisfaction of the Regional Water Board pursuant to Resolution 92-49.
20. The Basin Plan contains numerical WQOs that apply to surface water and groundwater, including, for example, drinking water maximum contaminant levels (MCLs) promulgated in Title 22, California Code of Regulations, Division 4, Chapter 15 (hereafter Title 22) that the Basin Plan applies directly to waters designated as a municipal and domestic water supply. Waste constituents released by the discharge for which there is a numerical WQOs are as follows:

Constituent	Limits*	WQO	Reference
Benzene	1	Chemical	Primary MCL, Title 22
Toluene	150	Chemical	Primary MCL, Title 22
Ethylbenzene	300	Chemical	Primary MCL, Title 22
Xylene	1750	Chemical	Primary MCL, Title 22

* In micrograms per liter ($\mu\text{g/L}$)

21. The concentrations detected in soil (Finding 4) of the waste constituents listed in Finding 20, above, are of sufficient magnitude that they may have already leached to groundwater, or likely will leach to groundwater in the future, in concentrations that threaten to exceed the numerical WQOs for the constituents and affect individual and municipal domestic water supply wells (Finding 10). As the Dischargers have discharged or deposited waste where it may cause the exceedence of numerical WQOs and cause or threaten to cause an adverse effect on water supply wells, they threaten to create a condition of pollution, as defined in California Water Code Section 13050(l)(1).

22. The Basin Plan contains narrative WQOs that apply to both surface and groundwater for tastes and odors, toxicity, and chemical constituents. The taste and odor WQO requires, in part, that groundwater and surface water not contain substances in concentrations that cause nuisance, adversely affect beneficial uses, or impart undesirable tastes and odors to municipal and domestic water supplies. The toxicity WQO requires, in part, that groundwater be maintained free of toxic substances in concentrations that produce detrimental physiological responses in humans. The chemical constituent WQO requires, in part, that groundwater not contain chemical constituents in concentrations that adversely affect any beneficial use. Chapter IV of the Basin Plan contains the *Policy for Application of Water Quality Objectives*, (WQO Policy) which provides that “[w]here compliance with narrative objectives is required (i.e., where the objectives are applicable to protect specified beneficial uses), the Regional Water Board will, on a case-by-case basis, adopt numerical limitations in orders which will implement the narrative objectives.” Compliance with narrative WQO requires consideration of site-specific information, relevant numerical criteria and guidelines developed or published by other agencies and organizations. Such numerical criteria and guidelines relevant to the waste constituents described in Finding 4 include the following:

Constituent	Limits*	WQO	Reference
TPH as Gasoline	5	Taste and Odor	(1) McKee & Wolf, <i>Water Quality Criteria</i> , SWRCB, p. 230 (2) USEPA Drinking Water Health Advisory
Toluene	42	Taste and Odor	Federal Register, Vol. 54, No. 97
Ethylbenzene	29	Taste and Odor	Federal Register, Vol. 54, No. 97
Xylene	17	Taste and Odor	Federal Register, Vol. 54, No. 97
Benzene	0.15	Toxicity	California Public Health Goal (OEHHA)

* in micrograms per liter (µg/L)

23. Consistent with the WQO Policy, the limits for the waste constituents listed in Finding 22, above, are relevant and appropriate to use to evaluate compliance with the narrative WQOs for taste and odor, chemical constituents, and toxicity. The concentrations of waste constituents in soil (Finding 4) are of sufficient magnitude that they may have already leached to groundwater, or likely will leach to groundwater in the future and cause it to significantly exceed the groundwater limits set forth in Finding 22. Therefore, the Dischargers have created a situation that threatens to cause a violation of the narrative taste and odor and toxicity WQOs and threatens to create a condition of pollution.

24. The waste constituents listed in Findings 20 and 22, when present in groundwater, are injurious to health or impart objectionable taste and odor to drinking water supplies. A considerable number of persons or a neighborhood are dependent upon this groundwater

for drinking water supplies. Thus, the Dischargers have created and/or threaten to create a condition of nuisance, as defined in California Water Code Section 13050(m).

25. This Order requires the Dischargers to cleanup the waste consistent with State Water Board Resolution 92-49. This Order requires the Dischargers to submit a feasibility study report that evaluates the feasibility of cleanup to background or to other levels consistent with Resolution 92-49 if the Dischargers demonstrate that cleanup to background is not reasonable. The Regional Water Board will consider information with respect to compliance with numeric and narrative WQOs for the waste constituents, the impacts to the beneficial uses of waters of the State, and all material and relevant information submitted by the Dischargers under this Order to establish numerical cleanup levels for waste constituents consistent with State Water Board Resolution 92-49 and will revise this Order to include appropriate cleanup levels.

DISCHARGER LIABILITY

26. As described in Findings 1, 2, 3, and 4, Dischargers are subject to an order pursuant to Water Code section 13304 because the Dischargers have caused or permitted waste to be discharged or deposited where it could be discharged to waters of the State and have created or threaten to create a condition of pollution and nuisance. The condition of pollution is a priority violation and issuance or adoption of a cleanup or abatement order pursuant to Water Code Section 13304 is appropriate and consistent with policies of the Regional Water Board.
27. This Order requires investigation and cleanup of the Site in compliance with the Water Code, the applicable Basin Plan, Resolution 92-49, and other applicable plans, policies, and regulations.
28. As described in Finding 13, Dischargers are subject to an order pursuant to Water Code Section 13267 to submit technical reports 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/or operated by the Dischargers named in this Order. The technical reports required by this Order are necessary to assure compliance with Section 13304 of the California Water Code, including 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.
29. If the Dischargers fail to comply with this Order, the Executive Officer may request the Attorney General to petition the superior court for the issuance of an injunction.
30. If the Dischargers violate this Order, the Dischargers may be liable civilly in a monetary amount provided by the Water Code.
31. The issuance of this Order is an enforcement action taken by a regulatory agency and is exempt from the provisions of the California Environmental Quality Act (Public Resources Code, Section 21000, et seq.), pursuant to Title 14 CCR Section 15321(a)(2). The implementation of this Order is also an action to assure the restoration of the environment

and is exempt from the provisions of the California Environmental Quality Act (Public Resources Code, Section 21000, et seq.), in accordance with Title 14 CCR, Sections 15308 and 15330.

32. Any person affected by this action of the Regional Water Board may petition the State Water Board to review the action in accordance with Title 23 CCR Sections 2050-2068. The regulations may be provided upon request and are available at www.swrcb.ca.gov. The State Water Board must receive the petition within 30 days of the date of this Order.

REQUIRED ACTIONS

IT IS HEREBY ORDERED that, pursuant to California Water Code Sections 13304 and 13267, Ronald Albert King, Mary Dean King Jessen, Dean Murphy, and the Sidney N. Tompkins Living Trust shall:

1. Investigate the discharges of waste, clean up the waste, and abate the effects of the waste forthwith at 32917 Road 222, North Fork, Madera County, CA, in conformance with State Water Board Resolution No. 92-49 *Policies and Procedures for Investigation and Cleanup and Abatement of Discharges Under Water Code Section 13304* and with the Regional Water Board's *Water Quality Control Plan for the Sacramento River and San Joaquin River Basins* (in particular the Policies and Plans listed within the Control Action Considerations portion of Chapter IV). "Forthwith" means as soon as is reasonably possible. Compliance with this requirement shall include, but not be limited to, completing the tasks listed below. All work and reports shall follow the *Appendix A - Reports, Tri-Regional Recommendations for Preliminary Investigation and Evaluation of Underground Storage Tank Sites* (Appendix A - Reports) which is attached and made a part of this Order, and under permits required by State, County, and/or Local agencies.

WATER SUPPLY WELL SURVEY

2. By **1 June 2007**, submit the results of a water supply well survey within 1,000 feet of the Site and a sampling plan to sample any water supply well(s) threatened to be polluted by waste originating from the Site. The sampling plan shall include specific actions and a proposed time schedule for such actions and a commitment by the Dischargers to implement the sampling plan, including obtaining any necessary agreements.
3. Within **30 days** of Executive Officer acceptance of the water supply well sampling plan, begin to **implement** the sampling plan and submit the initial results in accordance with the time schedule approved by the Executive Officer, which shall become part of this Order.
4. Within **10 days** of written notification from the Executive Officer that an alternate water supply shall be provided to a party due to pollution impacts from the Site, submit a workplan and schedule for provision of, or payment for, uninterrupted replacement water service, which may include wellhead treatment, to each identified party. In addition, when directed by the Executive Officer in writing, provide bottled water as a temporary supply to identified impacted parties within 48 hours. The Dischargers shall implement the workplan

in accordance with a time schedule subject to approval of the Executive Officer, which shall become part of this Order.

SITE ASSESSMENT

5. **By 1 June 2007**, submit a proposed corrective action time schedule to investigate and remediate the Site, including implementation of the March 2002 workplan and April 2002 workplan addendum. Within 15 days of approval of the time schedule by the Executive Officer, but not later than **16 July 2007**, the Discharger shall implement the March 2002 workplan and April 2002 workplan addendum in accordance with the time schedule approved by the Executive Officer, which shall become part of this Order.
6. Submit a *Preliminary Investigation and Evaluation Report* (PIER) for soil and groundwater investigation in accordance with paragraph 5, above, but no later than **17 September 2007**. The PIER shall contain the information specified for a PIER in Attachment 1 and include recommendations and a workplan for additional investigation, if justified by the findings of the investigation. The workplan for additional investigation shall contain information specified for a SIW in Attachment 1, including a sufficient number of sampling points and wells to determine the vertical and lateral extent of pollutants. If no additional investigation is justified, the PIER shall serve as the *Final Investigation and Evaluation Report* (FIER).
7. Within **30 days** of staff concurrence with the workplan for additional site assessment and its contained time schedule, or within 30 days of Executive Officer approval of same, implement the workplan.
8. Upon defining the extent of wastes, but no later than **December 2007**, submit a *Problem Assessment Report* (PAR) that includes information from the implementation of the Workplan and sufficient detail on the nature and extent of the release to provide a basis for future decisions regarding subsequent cleanup and abatement actions. The PAR shall contain the information specified for a PAR in Attachment 2.

PUBLIC PARTICIPATION

9. As notified in writing by the Executive Officer after staff review of the PIER or PAR, so as to facilitate the Regional Water Board's duty to notify landowners of property where constituents from a UST release are present and to provide opportunity for public comment on the site cleanup process, conduct an Off-Site Property Owner Survey (Survey). Conduct the Survey by obtaining the property owner names and mailing addresses, the mailing addresses of all business and residences on the properties, and assessors' parcel numbers for all properties overlying soil and groundwater where constituents from the UST release are present and all properties adjacent to parcels where constituents from the release are present. Submit the data in a table or spreadsheet. Include assessor's parcel maps for the properties and a map depicting the extent of impacted groundwater by the date specified in writing by the Executive Officer.

FEASIBILITY STUDY

10. As notified in writing by the Executive Officer after staff review of the PIER or PAR, submit a Feasibility Study (FS) by the date specified in writing by the Executive Officer that provides a summary of remedial alternatives evaluated to address applicable cleanup levels for the affected or threatened human health and/or waters of the State. The Feasibility Study shall propose at least two remedial technologies that have a substantial likelihood to achieve cleanup of all impacted soils and groundwater and shall include a schedule for achieving cleanup. The remedial technologies must be evaluated with respect to their ability to be implemented, cost, and effectiveness. The Feasibility Study shall include the rationale for selecting the preferred remedial alternative. The Dischargers shall attempt to clean up each constituent to background concentrations, or to the lowest level that is technically and economically achievable and which complies with all applicable WQOs of the Basin Plan and promulgated water quality criteria.

GROUNDWATER MONITORING

11. Conduct monitoring of groundwater in accordance with any Monitoring and Reporting Program (MRP) issued by the Executive Officer after review of the PIER, as well as any amendments to the MRP by the Executive Officer, all of which shall become part of this Order.

GENERAL REQUIREMENTS

12. As required by the California Business and Professions Code Sections 6735, 7835, and 7835.1, have appropriate reports prepared by, or under the supervision of, a registered professional engineer or geologist and signed by the registered professional. All technical reports submitted by the Dischargers shall include a cover letter signed by the Dischargers, or an authorized representative, certifying under penalty of law that the signer has examined and is familiar with the report and that to their knowledge, the report is true, complete, and accurate. The Dischargers shall also state if they agree with any recommendations/proposals and whether they approved implementation of said proposals.
13. Notify staff at least three working days prior to any onsite work, testing, or sampling that pertains to environmental remediation and investigation and is not routine monitoring, maintenance, or inspection.
14. Obtain all local and state permits and access agreements necessary to fulfill the requirements of this Order prior to beginning the work.
15. Continue any required remediation or monitoring activities until such time as the Executive Officer determines that sufficient cleanup has been accomplished to fully comply with this Order and this Order has been either amended or rescinded in writing.
16. If a monitoring and reporting program is issued by the Executive Officer, maintain a sufficient number of monitoring wells to completely define and encompass the waste plume(s). If groundwater monitoring indicates the waste in groundwater has migrated

beyond laterally or vertically defined limits during the quarter, then the quarterly monitoring reports must include a work plan and schedule, with work to begin within thirty days of staff approval, to install additional monitoring wells to define the new plume limits.

17. Submit electronic copies of all reports and analytical results over the Internet to the State Water Board Geographic Environmental Information Management System database (GeoTracker) at <http://geotracker.swrcb.ca.gov>. Electronic submittals shall comply with GeoTracker standards and procedures as specified on the State Board's web site.

If the Dischargers for reasons beyond their control are unable to perform any activity or submit any document in compliance with the schedule set forth herein, or as subsequently approved by the Executive Officer to become part of this Order, the Dischargers may request, in writing, an extension of the time specified. The extension request shall include justification for the delay. Any extension request shall be submitted as soon as the situation is recognized and no later than the compliance date. Such an extension is at the discretion of the Executive Officer and, unless authorized in writing within ten working days of the extension request, or within five working days after the compliance date, whichever comes first, shall be considered denied and if the submittal for which the extension is requested is not submitted by the compliance date, shall be considered a violation of this Order.

All work and directives referenced in this Order are required regardless of whether or not the UST Cleanup Fund approves the work for reimbursement.

If, in the opinion of the Executive Officer, the Dischargers fail to comply with the provisions of this Order, the Executive Officer may refer this matter to the Attorney General for judicial enforcement or may issue a complaint for administrative civil liability.

This Order is effective upon the date of signature.

Original Signed By

PAMELA C. CREEDON, Executive Officer

3/1/07

(Date)

[Attachment 1: Appendix A: Tri-Regional Board Staff Recommendations for Preliminary Investigation and Evaluation of Underground Tank sites.](#)