

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

CLEANUP AND ABATEMENT ORDER NO. R5-2009-0704
FOR
LAKE BERRYESSA ENTERPRISES, INC. II, MR. NICK PETSAS,
AND THE UNITED STATES BUREAU OF RECLAMATION,
PUTAH CREEK RESORT,
7600 KNOXVILLE ROAD, NAPA
NAPA COUNTY

This Order is issued to Lake Berryessa Enterprises, Inc. II, Mr. Nick Petsas, and the United States Bureau of Reclamation, hereafter referred to as Dischargers, based on provisions of California Water Code (CWC) 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 CWC 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. According to Napa County Department of Environmental Management (NCDEM) records, including a NCDEM Underground Storage Tank Permit No. 37565, Lake Berryessa Enterprises, Inc. II owned and operated two underground storage tanks (UST) at the Putah Creek Resort, 7600 Knoxville Road in Napa ("Site") until their removal in April 1995. The State Water Resources Control Board UST Fund Claim #10667 lists the tank owner and operator as Mr. Nick Petsas from 1992 through the date of fund application of 16 August 1995, and additionally lists the tank owner and operator as Lake Berryessa Enterprises from 1986 through 1992. The property was leased by Lake Berryessa Enterprises, Inc. II from the late 1950's through 2008. The Site location is shown on Figure 1, which is made part of this Order.
2. According to U. S. Department of the Interior Bureau of Reclamation documents, the United States Bureau of Reclamation owns the property at 7600 Knoxville Road, Napa.
3. According to Napa County records, on 4 September 1990, approximately 760 gallons of unleaded gasoline was released from an underground storage tank (UST) due to a piping leak. An initial site investigation was conducted in May 1993, and soil and groundwater contamination was discovered. Total petroleum hydrocarbons as gasoline (TPH-G), benzene, toluene, ethylbenzene, and total xylenes (BTEX) were detected in soil samples collected from beneath and in the vicinity of the USTs. Subsequent investigations have shown groundwater has also been impacted by releases at the Site.
4. Lake Berryessa Enterprises, Inc., II is subject to this Order because they owned and operated the USTs and leased the property at the time the UST system caused or

permitted waste to be discharged to waters of the State where it has created a condition of pollution and nuisance.

5. Mr. Nick Petsas is subject to this Order because he was the owner of Lake Berryessa Enterprises, Inc. II, and he exercised substantial control over the day-to-day operations of the corporation, which owned and operated the USTs and leased the property at the time the UST system caused or permitted waste to be discharged to waters of the State where it has created a condition of pollution and nuisance. Mr. Nick Petsas is listed as the owner and operator of the former tanks in UST Fund Claim #10667.
6. The United States Bureau of Reclamation is subject to this Order and is a responsible party because it owns the property, was the property owner when the release occurred, has knowledge of the discharge and an ability to control it, and has an ability to control access to the property.
7. The Site operated as a marina until the concession agreement between Lake Berryessa Enterprises, Inc., II (LBE) and the U. S. Bureau of Reclamation expired. The U. S. Bureau of Reclamation chose not to renew LBE's lease of the property and LBE was required to vacate the property and remove all improvements as of 31 July 2008. The U. S. Bureau of Reclamation is in negotiations to lease the property. Future land use is anticipated to include a marina and resort. The U. S. Bureau of Reclamation will control access to the Site and is responsible for continued operation and cleanup of pollution on its property.

BACKGROUND

8. LBE operated the Site as a recreational facility, which included campgrounds, a motel, RV trailer rental spots, a restaurant, boat docks, and boat launch, from the late 1950's through 2008. Two USTs, and associated product dispensers and associated product lines, were operated until their removal in April 1995. An above ground storage tank system was installed after the USTs were removed. Fuel was stored and sold on-site to the public for refilling of personal vehicles and watercraft.
9. In May 1993, three exploratory soil borings were advanced and petroleum hydrocarbon contamination was detected in soil and groundwater in the vicinity of on-site USTs. Petroleum hydrocarbons were detected in soil samples at concentrations as high as TPH-G 3,600 mg/kg, benzene 87 mg/kg, toluene 440 mg/kg, ethylbenzene 110 mg/kg, and total xylenes 590 mg/kg. Fuel oxygenates were not analyzed at the time.
10. In April 1995, the two 8,000 gallon USTs were removed. Approximately 4,000 cubic yards of contaminated soil was excavated to a depth of approximately 23 feet below ground surface (bgs). Petroleum hydrocarbons were detected in soil samples collected during the excavation at concentrations as high as TPH-G 2,300 mg/kg, benzene 41 mg/kg, toluene 160 mg/kg, ethylbenzene 42 mg/kg, and total xylenes 220 mg/kg. Soil samples were not analyzed for fuel oxygenates. Soil was aerated on-site and then

graded and compacted on the western side of Knoxville Road under permit from the Napa County Department of Environmental Management (NCDEM).

11. NCDEM staff provided oversight of the Site until May 2000, at which time this case was referred to the Regional Water Board. Since May 2000, the Regional Water Board staff has been providing regulatory oversight of the investigation and cleanup of this Site.
12. Groundwater monitoring well MW-1 was installed in January 1999, wells MW-2 and MW-3 were installed in May 1999, and from September 1999 through August 2000 wells MW-4 through MW-14 were installed. Pollution has been detected in groundwater at maximum concentrations of TPH-G 380,000 micrograms per liter (ug/L), benzene 84,000 ug/L, toluene 79,000 ug/L, ethylbenzene 16,000 ug/L, total xylenes 42,000 ug/L of, methyl tert butyl ether (MTBE) 10,000 ug/L, tert butyl alcohol (TBA) 3,000 ug/L, and 1,2-dichloroethane (1,2-DCA) 18 ug/L. These petroleum constituents constitute "waste" as defined in Water Code section 13050.
13. During September 2008, petroleum constituents in groundwater are reported as high as; TPH-G 83,000 ug/L, benzene 37,000 ug/L, toluene 23,000 ug/L, ethylbenzene 2,700 ug/L, total xylenes 11,600 ug/L, MTBE 2,300 ug/L, and TBA 1,200 ug/L. The following constituents had elevated detection limits: DIPE <250 ug/L, ETBE <250 ug/L, TAME <250 ug/L, 1,2-DCA <250 ug/L, and EDB <250 ug/l. Groundwater is hydraulically connected with water stored in Lake Berryessa. Detections of petroleum constituents in the lake are, however, associated with recreation boating activities, and have historically only been detected immediately after holiday weekends when recreational boating activities at the lake peak.
14. The Water Quality Objectives (WQO) for protection of beneficial uses of groundwater in the area of the Site are: 5 ug/L for TPH-G, 0.15 ug/L for benzene, 42 ug/L toluene, 29 ug/L ethylbenzene, 17 ug/L total xylenes, 5 ug/L for MTBE, 0.8 ug/L for DIPE, 13 ug/l for ETBE, 13 ug/l for TAME, 12 ug/L for TBA, and 0.4 ug/L for 1,2-DCA (see references in Finding 29).
15. Depth to groundwater at the Site ranges from 2 to 25 feet below ground surface (bgs) and correlates with water levels in Lake Berryessa.
16. In April 2004, an interim groundwater extraction and treatment system began operation. A Supplemental Remediation Plan was submitted on 25 April 2006, which proposed groundwater extraction and treatment. The interim groundwater extraction system was expanded, and operated through February 2009. An ozone injection system operated from October 2002 through April 2003.
17. Soil and groundwater remediation, to date, has not completed cleanup of the petroleum fuel plume. Continued monitoring and remedial action is needed to restore the beneficial uses of the waters of the State to protect against nuisance, and to protect human health and the environment.

18. To date, approximately \$1.28 million, of the maximum 1.5 million dollars available from the State Water Board's UST Cleanup Fund account, has been used by the Dischargers for investigation and cleanup. Regional Water Board staff are concerned that the work necessary to complete the investigation and remediation of soil and groundwater may exceed the maximum funds available from the State Water Board's UST Cleanup Fund.
19. The Bureau of Reclamation has received grant money under the Federal Government's Economic Recovery Program. The Bureau of Reclamation has received permission to spend \$25,000 for a Feasibility Study Report to address pollution at this Site. The total dollar amount available under the Economic Recovery Program is unknown at this time because it is dependent on the outcome of the Feasibility Study.

AUTHORITY – LEGAL REQUIREMENTS

20. CWC section 13304(a) 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.”

21. CWC section 13304(f) 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”

22. CWC section 13267(b)(1) 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.”

23. CWC section 13304(c)(1) provides that:

“If waste is cleaned up or the effects of the waste are abated, or, in the case of threatened pollution or nuisance, other necessary remedial action is taken by any government agency, 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. . .”

24. 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 beneficial uses of the groundwater beneath the Site are domestic, municipal, industrial, and agricultural water supply.

25. 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 No. 68-16, the *Statement of Policy With Respect to Maintaining High Quality of Waters in California*. Resolution No. 92-49 and the Basin Plan establish the cleanup levels to be achieved.

Resolution No. 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 California Code of Regulations, Title 23, 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.

26. 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 CWC sections 13000 and 13304, the California Code of Regulations, 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 basis for establishment of soil and groundwater cleanup levels.
27. 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 (Regional Water Board) 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.)
28. The wastes detected at the site are not naturally occurring, and some are known human carcinogens. Pollution of groundwater with these wastes impairs or threatens to impair the beneficial uses of the groundwater.
29. WQOs listed in the Basin Plan include numeric WQOs, e.g., state drinking water maximum contaminant levels (MCLs), and narrative WQOs, including the narrative toxicity objective and the narrative taste and odor objectives for surface and groundwater. Chapter IV of the Basin Plan contains the *Policy for Application of Water Quality Objectives*, 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." The numerical limits for the constituents of concern listed in the following table implement the Basin Plan WQOs.

Constituent	Limits	WQO	Reference
TPH-G	5 µg/l	Tastes and Odors	McKee & Wolf, <i>Water Quality Criteria</i> , SWRCB, p. 230
Benzene	1 µg/l	Chemical Constituents	California Primary MCL
Toluene	42 µg/l	Taste and Odor	Federal Register, Vol. 54, No. 97
Ethylbenzene	29 µg/l	Taste and Odor	Federal Register, Vol. 54, No. 97
Total Xylenes	17 µg/l	Taste and Odor	Federal Register, Vol. 54, No. 97

Constituent	Limits	WQO	Reference
MTBE	5 µg/l	Taste and Odor	Federal Register, Vol. 54, No. 97
TBA	12 µg/l	Toxicity	California Drinking Water Action Level (DHS)
DIPE	0.8 µg/l	Taste and Odors	Amoore and Hautala, J. <i>Applied Tox.</i> , Vol. 3, No. 6, 1983
1,2-DCA	0.4 µg/l	Toxicity	California public health Goal (OEHHA)
ETBE	13 ug/L	Toxicity	Guidance Levels based on MTBE MCL
TAME	13 ug/L	Toxicity	Guidance level based on MTBE MCL

WQO = Water Quality Objective
 TPH-G = total petroleum hydrocarbons as gasoline
 TPH-D = total petroleum hydrocarbons as Diesel
 MTBE = methyl tert butyl ether
 TBA = tertiary butyl alcohol
 DIPE = di isoproryl ether
 1,2-DCA = 1,2-dichloroethane
 EDB = ethylene dibromide
 ETBE = ethyl tert butyl ether
 TAME = tert amyl methyl ether
 µg/L= micrograms per liter

30. The constituents listed in Finding No. 9, 10, 12 and 13 are “wastes” as defined in CWC section 13050(d). The groundwater exceeds the WQOs for the constituents listed in Finding No. 14. The exceedance of applicable WQOs in the Basin Plan constitutes pollution as defined in California Water Code Section 13050(l)(1).

DISCHARGERS LIABILITY

31. As described in Findings 1 through 19, the Dischargers are subject to an order pursuant to CWC section 13304 because the Dischargers have caused or permitted waste to be discharged to waters of the state and has created, and continues to threaten to create, a condition of pollution or nuisance. The condition of pollution is a priority violation and issuance or adoption of a cleanup or abatement order pursuant to CWC section 13304 is appropriate and consistent with policies of the Regional Water Board.
32. This Order requires investigation and cleanup of the Site in compliance with the Water Code, the applicable Basin Plan, Resolution No. 92-49, and other applicable plans, policies, and regulations.
33. As described in Findings 1 through 19, the Dischargers are subject to an order pursuant to CWC 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 owned and/or operated by Lake Berryessa

Enterprises, Inc. II, Mr. Nick Petsas, and the United States Bureau of Reclamation, collectively the Dischargers named in this Order. The technical reports required by this Order are necessary to assure compliance with the portions of this Order adopted pursuant CWC section 13304, 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.

34. If the Dischargers violate this Order, the Regional Water Board may impose administrative civil liability pursuant to CWC section 13350 or any other applicable statute, or may refer the matter to the Attorney General for judicial enforcement.
35. 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 California Code of Regulations, Title 14, 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 California Code of Regulations, Title 14, sections 15308 and 15330.
36. Any person affected by this action of the Regional Water Board may petition the State Board to review the action in accordance with CWC section 13320 and California Code of Regulations, Title 23, section 2050. The petition must be received by the State Board, Office of Chief Counsel, P. O. Box 100 Sacramento, 95812 within 30 days of the date of this order. Copies of the law and regulations applicable to filing petitions will be provided upon request.

REQUIRED ACTIONS

IT IS HEREBY ORDERED that, pursuant to CWC sections 13000, 13267, and 13304, Lake Berryessa Enterprises, Inc. II, Mr. Nick Petsas, and the United States Bureau of Reclamation (Dischargers) shall:

1. Investigate the discharges of waste, clean up the waste, and abate the effects of the waste, forthwith, resulting from activities at Putah Creek Resort, 7600 Knoxville Road, Napa (Site), 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.
2. All work plans 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.

SITE HISTORY

3. If the Dischargers do not agree with the site history as described in findings 1 through 19, and/or believe that other parties should be named to this order, then by **15 September 2009**, they are to submit a report to the best of the Discharger's abilities documenting the site's history since the tanks were installed, including a chronology of the site's ownership and operator history, any evidence detailing the time and origin of the release, and the fee title owner. Information in this report may be used to identify additional responsible parties who may be added to this or future orders.

SITE ASSESSMENT

4. By **31 October 2009** submit a *Site Investigation Work Plan (Work Plan)* to collect a sufficient number of soil, soil vapor, and/or groundwater samples to determine the lateral and vertical extent of waste constituents, to complete site characterization, and to collect sufficient data to complete a Feasibility Study Report for selection of a remedial technology capable of completing cleanup at the site. Within **30 days** of staff concurrence with the *Work Plan*, but no later than **31 December 2009** implement the Work Plan in accordance with the approved time schedule, which shall become part of this Order.

FEASIBILITY STUDY

5. Upon defining the extent of wastes, but no later than **15 March 2010**, submit a combined *Site Conceptual Model and Feasibility Study Report (FS Report)*, which includes all information on the nature and extent of the release to provide a basis for future decisions regarding subsequent cleanup and abatement actions, that provides a summary of remedial alternatives evaluated to address applicable cleanup levels for the soil and groundwater, and that proposes a preferred remedial approach to achieve site cleanup. The FS Report shall evaluate at least two remedial technologies that have a substantial likelihood to achieve cleanup of all impacted soils and groundwater. The remedial technologies must be evaluated with respect to their ability to be implemented, cost, anticipated operational duration, and effectiveness. The FS Report shall include a detailed cost to closure analysis for the selected remedial technologies, and shall include the rationale for selecting the preferred remedial technology. 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 within a reasonable timeframe.

REMEDIATION

6. Within **30 days** of Regional Water Board staff concurrence with the proposed remedial action described in the FS Report, but no later than **15 June 2010**, submit a *Final Remediation Plan (FRP)*. The FRP must include a detailed description of the remedial actions to address cleanup of the entire groundwater plume and impacted soils. The

FRP shall also include a schedule to implement all remedial actions. A 30-day public comment period will commence starting the day the FRP is submitted. Within **30** days of Regional Water Board staff's approval of the FRP, but no later than **15 August 2010**, begin implementation of the approved final remedial actions.

7. The time schedule included in the FRP will become a part of this Order. In addition, the FRP must include a proposed remedial monitoring and reporting schedule. At a minimum, remediation monitoring reports shall include the following:
 - a. Site maps indicating the capture zone and lateral and vertical extent of waste plumes.
 - b. Average extraction rates of all treatment systems.
 - c. Influent and effluent concentrations of TPH-G, benzene, toluene, ethylbenzene, total xylenes, MTBE, DIPE, ETBE, TAME, and TBA, and disposal location.
 - d. Mass of hydrocarbons treated during the reporting period and cumulative to date.
 - e. Estimated mass of wastes remaining and predicted time frame for meeting cleanup objectives.
 - f. Running and down time for the remediation system(s).
 - g. Summary of consultant visits to the site, for performance of system operation and maintenance.
 - h. Evaluation of the overall remediation program and recommendations to correct deficiencies or increase efficiency.
8. The Dischargers shall insure that any soil vapor or groundwater extraction system(s) "zone of capture" completely contains and controls the contaminant plume(s) (lines of zero pollution in all targeted zones). If sampling results in any two consecutive months (or quarters) demonstrate that any part of the pollution plume(s) is not within the "zone of capture", the Dischargers shall include with the second status report a proposal to mitigate the condition. The proposed actions shall be completed within 60 days of staff approval of the proposal.

GROUNDWATER MONITORING

9. Conduct monitoring of the existing wells and any additional wells in accordance with MRP No. R5-2009-0819 or any revised MRP issued by the Executive Officer.

RISK ASSESSMENT

10. By **31 December 2011**, submit a Work Plan for preparing a Human Health Risk Assessment (HHRA). Within **90** days of Regional Water Board staff's concurrence of the HHRA Work Plan, but no later than **31 March 2012**, submit the HHRA Report. The Human Health Risk Assessment must include evaluation of all exposure pathways including evaluation of potential indoor air impacts to commercial and residential occupants overlying identified soil and groundwater pollution. The Work Plan must include an implementation schedule and detailed description of the proposed selected site data for comparison to the *Use of California Human Health Screening Levels in*

Evaluation of Contaminated Properties prepared by the California Environmental Protection Agency (Cal/EPA). The site-specific risk assessment must use the Office of Environmental Health Hazard Assessment (OEHHA) toxicity data (California cancer slopes). If the risk assessment suggests that the pollution poses a threat to human health, the report shall include a work plan to abate the risk or exposure. The proposed abatement work, if required, shall begin within **90 days** of approval by Regional Water Board staff, or by **31 July 2012**, whichever is sooner. The approved time schedule in the Work Plan shall become part of the Order.

PUBLIC PARTICIPATION

11. By **30 September 2009**, submit a *Public Participation Plan*. The *Public Participation Plan* shall propose methods to solicit the public's concerns and disseminate information to the public regarding the investigation and proposed cleanup activities at the Site. The *Public Participation Plan* shall be updated as necessary to reflect any significant changes in the degree of public interest as the Site investigation and cleanup process moves toward completion.

GENERAL REQUIREMENTS

12. As required by the California Business and Professions Code sections 6735, 7835, and 7835.1, all reports shall be prepared by, or under the supervision of, a registered professional engineer or geologist, and signed and stamped 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. Upon startup of any remediation system(s), operate the remediation system(s) continuously, except for periodic and required scheduled maintenance or unpreventable equipment failure. The Dischargers shall notify the Regional Water Board within 24 hours of any unscheduled shutdown of the remediation system(s) that lasts longer than 48 hours. This notification shall include the cause of the shutdown and the corrective action taken (or proposed to be taken) to restart the system. Any interruptions in the operation of the remediation system(s), other than for maintenance, emergencies, or equipment failure, without prior approval from Regional Water Board staff or without notifying the Regional Water Board within the specified time is a violation of this Order. Within 7 working days of a shutdown, the Dischargers shall submit a Technical Report containing at a minimum, but not limited to the following information:
 - a. Times and dates equipment were not working.
 - b. Cause of shutdown.
 - c. If not already restarted, a time schedule for restarting the equipment.

- d. A Cleanup Assurance Plan to ensure that similar shutdowns do not reoccur. Proposed Cleanup Assurance Plans are to be completed within 30 days of the system shutdown.
14. Notify Regional Water Board 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.
15. Obtain all local and state permits and access agreements necessary to fulfill the requirements of this Order prior to beginning the work.
16. Optimize remedial systems as needed to improve system efficiency, operating time, and/or waste removal rates, and report on the effectiveness of the optimization in the monitoring reports.
17. 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 monitoring period, then the monitoring reports must include recommendations and a proposed work plan and schedule, with work to begin within thirty days of Regional Water Board staff approval, to define the extent of the plume limits.
18. The Dischargers shall submit a paper copy of all reports and work plans to this Regional Water Board office and submit electronic copies of all reports and work plans, which conform to the requirements of the California Code of Regulations, Title 23, Division 3, Chapter 30, electronically over the internet to the State Water Board's GeoTracker database system. The electronic copy and all associated electronic files are due to the GeoTracker database the same day the paper copy is due to this office. Reports and work plans are not considered submitted to the regulatory agency until all required files have been uploaded to the State Water Board's GeoTracker database. Electronic submittals shall comply with GeoTracker standards and procedures as specified on the State Water Board's web site, at <http://www.waterboards.ca.gov/>.
19. If the Dischargers are unable to perform any activity or submit any document in compliance with the schedule set forth herein, or in compliance with any work schedule submitted pursuant to this Order and approved by the Executive Officer, 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. An extension may be granted by revision of this Order or by a letter from the Executive Officer. Extension requests not approved in writing by the Executive Officer with reference to this order are denied.
20. All work and directives referenced in this Order are required regardless of whether or not the UST Cleanup Fund approves the work for reimbursement.

21. If additional time is needed due to financial hardship, you must submit the following information to Regional Water Board staff to support your claim:
- a. Audited Federal tax returns for the last two years;
 - b. Audited balance sheets, and profit and loss statements for the two most recent years of operation for your business or corporation;
 - c. A schedule detailing all real property interests and liabilities associated with those interests;
 - d. Information regarding all other business interests;
 - e. Information regarding all other assets and/or sources of income; and
 - f. A detailed estimate of the costs to prepare and implement the requested work.

While additional time could be granted, the investigation work will still be required. Be aware that information provided to Regional Water Board staff is available to the public, and cannot be held confidentially by the Regional Water Board.

22. 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.

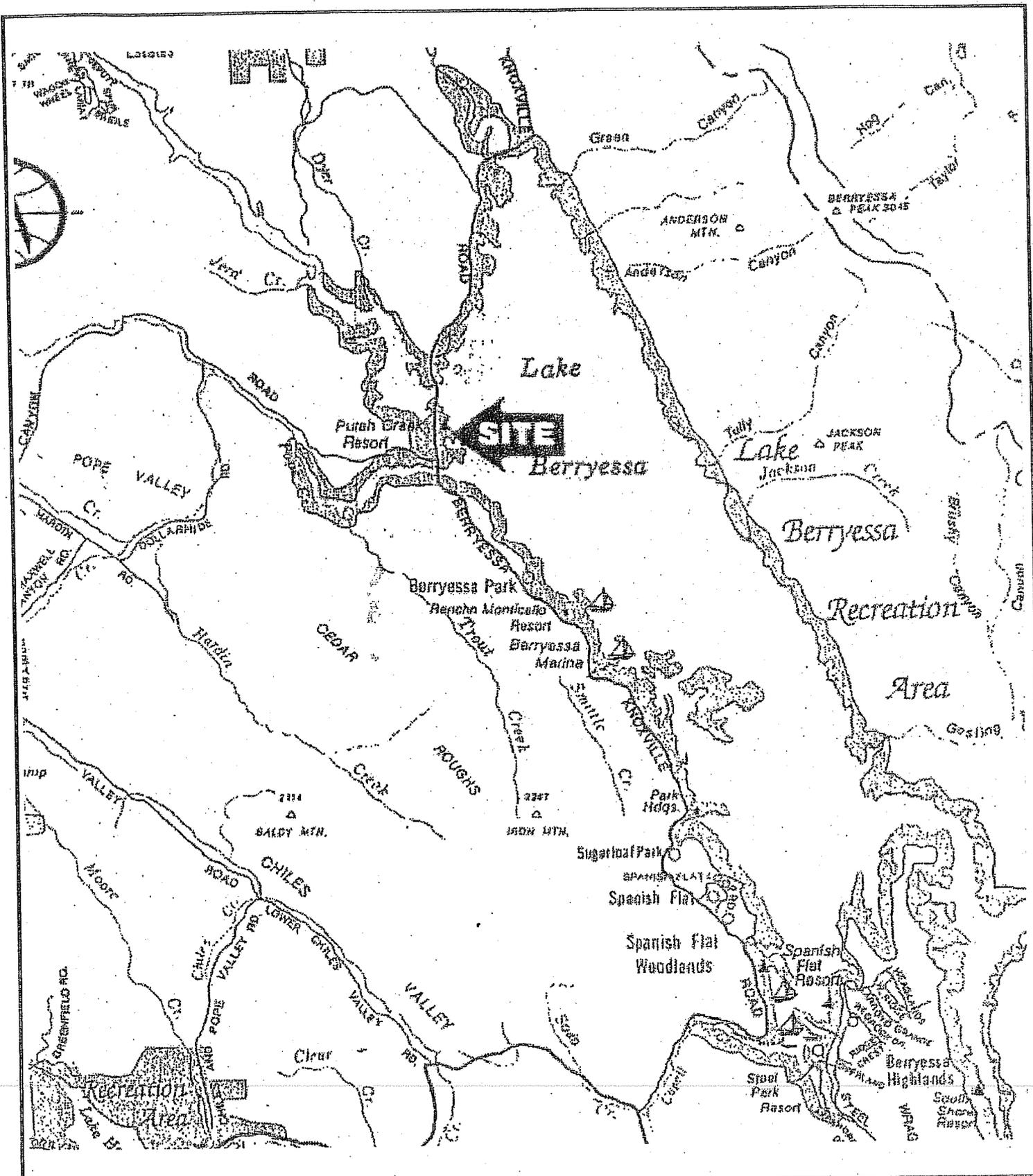
This Order is effective upon the date of signature.

original signed by

PAMELA C. CREEDON
Executive Officer

6 July 2009

(Date)



Environmental
Geology
Services
707-528-0810

CLIENT:
Petsas
PROJECT:
402.0703
DRAFTED BY:
DLB
DATE:
SEPT 2008

SITE LOCATION MAP

Putah Creek Resort
7600 Knoxville Road
Napa, California

Figure:

1