



Linda S. Adams
Secretary for
Environmental Protection

California Regional Water Quality Control Board Central Valley Region

Karl E. Longley, ScD, P.E., Chair



Arnold
Schwarzenegger
Governor

Sacramento Main Office

11020 Sun Center Drive #200, Rancho Cordova, California 95670-6114
Phone (916) 464-3291 • FAX (916) 464-4645
<http://www.waterboards.ca.gov/centralvalley>

11 June 2008

Clyde Steagall
PO BOX 350
Loomis, CA 95650

Certified Mail
7007 2560 0001 6522 9363

ORDER TO SUBMIT TECHNICAL REPORTS IN ACCORDANCE WITH SECTION 13267 OF THE CALIFORNIA WATER CODE, 504 SOUTH AUBURN STREET, COLFAX, PLACER COUNTY, LUSTIS # 310201

You are legally obligated to respond to this Order. Please read this Order carefully.

In a 4 June 2007 letter (enclosed), California Regional Water Quality Control Board, Central Valley Region (Regional Water Board) staff provided a review of the following documents submitted on your behalf and with your consent by GHH Engineering, Inc.:

- *Pilot Study and Soil Gas Survey Work Plan (Work Plan)* dated December 2006;
- *Addendum to the Work Plan* dated 17 February 2007;
- *Response to Addendum Review* dated 4 April 2007; and
- *Second Addendum to the Work Plan* dated 17 May 2007.

The *Work Plan* and its accompanying addendums contained proposals to install three new dual completion monitoring wells and one injection well, and to conduct a soil vapor survey and an ozone-sparge test. The Regional Water Board staff letter approved the work and requested that you submit a report documenting the completion of all proposed and approved work by 28 September 2007.

In a 12 September 2007 telephone conversation, your consultant, GHH Engineering Inc., informed Regional Water Board staff that the requested report would be late, but would be submitted by 31 October 2007. The report was not received. In a 20 November 2007 telephone conversation, GHH Engineering Inc. stated that the past due report would be submitted by 7 December 2007, but the report was not submitted by this date. On 8 April 2008, GHH Engineering Inc. stated that the past due report would be submitted by 25 April 2008, but the report still has not been received. Therefore, you have failed to comply with Regional Water Board staff requests and your own assurances that the report will be submitted. As a result of your failure to comply with staff requests, the nature and extent of petroleum hydrocarbons beneath your site, in addition to their threat to waters of the State and human health and safety, remains undefined. This is unacceptable.

Petroleum hydrocarbon impacts to soil beneath your site were first identified in 1991 during the installation of vapor recovery lines, and a subsequent site investigation demonstrated that groundwater had also been impacted from the unauthorized release of petroleum hydrocarbons. This unauthorized release was identified during your ownership and operation of the site underground storage tank (UST) system.

California Environmental Protection Agency

Although the UST system was removed from your site in March 1993, concentrations of total petroleum hydrocarbons as gasoline (TPH-G) remain in groundwater at concentrations up to 2,400 µg/L.

Pursuant to California Water Code (CWC) section 13267, you are required by this Order to submit the report requested in the attached 4 June 2007 staff letter by **25 July 2008**. CWC section 13267 states, in 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.”

You are subject to this Order because, pursuant to California Code of Regulations, title 23, section 2720, “[a]ny person who had or has control over a underground storage tank at the time of or following an unauthorized release of a hazardous substance,” is a responsible party with a legal obligation to investigate and remediate the contamination. Because you owned the property at the time of the release, you had legal control over the underground storage tanks, and you are a “person who has discharged . . . waste” within the meaning of CWC section 13267. The reports are necessary for the reasons described in this letter and as documented in the files of the Regional Water Board to assure protection of waters of the state, and to protect public health and the environment. Failure to submit the required report by **25 July 2008** may result in additional enforcement action, which may include the imposition of administrative civil liability pursuant to CWC section 13268. CWC section 13268 states, in 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.”

Furthermore, compliance with the Regional Water Board requirements is mandatory in order to be eligible for reimbursement of corrective action costs from the State’s Underground Storage Tank Cleanup Fund according to California Code of Regulations, title 23, section 2812.2. All work must be performed according to the Tri-Regional Recommendations for Preliminary Investigation and Evaluation of Underground Storage Tank Sites, and permits required by State, County, and Local agencies. All reports must be submitted to this Regional Water Board.

Electronic copies of all reports and analytical results are to be submitted over the Internet to the State Water Board Geographic Environmental Information Management System database (GeoTracker) at <http://geotracker.swrcb.ca.gov>. Electronic copies are due to GeoTracker concurrent with the corresponding hard copy. Electronic submittals shall comply with GeoTracker standards and procedures as specified on the State Water Resources Control Board's (State Board) web site.

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.

If you have any questions, please contact Paul Sanders at (916) 464-4817 or via e-mail at psanders@waterboards.ca.gov.

Original signed by

PAMELA C. CREEDON
Executive Officer

Enclosure: 4 June 2007 staff letter

cc: w/o enclosures:

Mark Owens, State Water Resources Control Board, UST Cleanup Fund, Sacramento
Billy Harmon, Placer County Environmental Health Department, Auburn
Gary Hall, GHH Engineering, Inc, Auburn