



California Regional Water Quality Control Board Central Valley Region

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



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Arnold Schwarzenegger
Governor

21 March 2007

Mr. Joe Bridges, Plant Manager
Allied Washoe
P.O. Box 630, 289 Crescent Street
Quincy, CA 95971

FINAL CLEANUP AND ABATEMENT ORDER R5-2007-0705, WASHOE FUEL, INC., A NEVADA CORPORATION DBA ALLIED WASHOE SLIC CASE #2050105, 289 AND 291 CRESCENT STREET, QUINCY, PLUMAS COUNTY

Enclosed for your review is the final version of Cleanup and Abatement Order on the subject petroleum pollution site. This Order requires Washoe Fuel, Inc., a Nevada Corporation dba Allied Washoe to perform the following:

By 16 April 2007, assist with public participation tasks; notify potentially affected landowners, facilitate public comments, survey off-site property owners, compile an interested parties list and related maps. Perform follow-up tasks upon request.

By 16 April 2007, submit a Work Plan and time schedule for a screening level Health Risk Assessment.

By 1 October 2007, submit a Corrective Action Plan as required in Title 23 California Code of Regulations, Division 3, Chapter 16, Article 11, Section 2725. **By 30 November 2007**, implement the work plan in accordance with the approved time schedule, which shall become part of this Order.

By 2 October 2007, meet with Regional Water Board staff and other identified local Dischargers to discuss identified pollutant extent, evidence of commingling plumes, vertical pollution conduits, further threatened sensitive receptors, if any, and appropriate work plans to address remaining data gaps.

Failure to comply with the enclosed Order may result in further enforcement action pursuant to Section 13350 of the California Water Code, which may result in civil liabilities of up to five thousand dollars (\$5,000) to fifteen thousand dollars (\$15,000) per day for each violation. In addition, the Board may seek injunctive relief by authorizing the Attorney General to petition the Superior Court for an injunction requiring compliance with the Order. The Court may grant a prohibitory injunction stopping all activities until compliance is achieved.



In order to conserve paper and postage, paper copies of this Order are only being provided to the Discharger. Electronic copies are available on the Regional Board's Internet site at <http://www.swrcb.ca.gov/rwqcb5/>. Those without internet access can request a copy by contacting Regional Board staff. If you have any questions, please contact Eric Rapport of my staff at (530) 224-4998 or the letterhead address.

Original signed

JAMES C. PEDRI, P.E.
Assistant Executive Officer

EJR: sae

cc: Pamela Creedon, Regional Board, Sacramento
Frances McChesney, Regional Board, Sacramento
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CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

CLEANUP AND ABATEMENT ORDER NO. R5-2007-0705
FOR
WASHOE FUEL, INC., A NEVADA CORPORATION
DBA ALLIED WASHOE

289 AND 291 CRESCENT STREET
QUINCY, PLUMAS COUNTY

This Order is issued to Washoe Fuel, Inc., a Nevada corporation dba Allied Washoe (hereafter Discharger) 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 Regional Water Board Executive Officer finds, with respect to the Discharger's acts or failure to act, the following:

INTRODUCTION

1. Washoe Fuel, Inc., a Nevada corporation dba Allied Washoe (Allied Washoe), Toms Sierra Company, Inc., dba Sierra Energy (Sierra Energy), and Blue Star Petroleum, Inc., dba Warner's Chevron (Warner's Chevron), own three parcels on Crescent Street in Quincy, California (Assessors Parcel Numbers 115-080-002, 115-012-032, and 115-011-040, respectively), as shown on Attachment 1 which is attached to this Order. The Quincy Community Services District Norton Well (Norton Well), Spanish Creek Motel private well (Spanish Creek Motel Well), Quincy Community Services sanitary sewer (sanitary sewer), Cold Stream, and Spanish Creek are nearby.
2. Petroleum from the three identified parcels shown on Attachment 1 has discharged from underground and aboveground storage tank systems to soil and groundwater. The extent of petroleum pollution resulting from each discharge has not been fully investigated beyond parcel boundaries. Related pollution from each subject parcel potentially threatens at least one of the following receptors: the Norton and Spanish Creek Motel wells, the sanitary sewer, and surface water.
3. No current evidence indicates petroleum-based wastes from Allied Washoe has commingled in groundwater with wastes from Warner's Chevron and Sierra Energy; therefore this Order only addresses wastes discharges from Allied Washoe. Cleanup and Abatement Order No. R5-2007-0707 requires cleanup only of waste discharges from Warner's Chevron. Cleanup and Abatement Order No. R5-2007-0706 requires cleanup only of waste discharges from Sierra Energy. If new information indicates that wastes from the sites is commingling, amendments to some or all of these three Orders may be necessary.

**PROPERTY OWNERSHIP AND OPERATIONS
ALLIED WASHOE (APN 115-180-002)**

4. On 21 April 1964, in a deed of re-conveyance, the Corporation of America, trustee, released the parcel now known as APN 115-180-002 to Thomas Addison and Nellie Addison. On 28 April 1966, in a deed of trust, Thomas Addison and Nellie Addison, trustors, granted power of sale to the Corporation of America.
5. On 19 November 1970, in a grant deed, Nellie Addison Walker, who took the name Nellie Addison, granted the parcel to E. F. Marquardt and Margaret Alys Marquardt. On that date, Nicholas Walker filed a quitclaim deed to the Marquardts. Based on historical Plumas County Fairground advertisements, Ernie Marquardt sold petroleum in Quincy. According to recent consultants' reports, an aboveground storage tank (AST) system was on-site from about 1970. On 12 March 1987, the Marquardts granted the parcel to Allied Petroleum Company, Incorporated, a California corporation. This entity did business on the subject parcel as Allied Washoe. However, based on the California Secretary of State California Business Portal, 'Allied Petroleum Co., Inc.,' Corporation No. C0485014, has been merged out. Another entity, 'Allied Petroleum Corporation,' Corporation No. C024055, has also been forfeited; insufficient evidence currently relates Allied Petroleum Corporation to the subject parcel.
6. According to information provided by the Discharger, in 1995 a merger occurred such that the current responsible party is Washoe Fuel, Inc. a Nevada corporation, listed on the California Business Portal as Corporation No. C1955480. While Plumas County Clerk-Recorder and Tax Assessor Office records show no title transfers since 1987, the Discharger indicates the merger succeeds to property rights. The entity Washoe Fuel, Inc., a Nevada corporation continues to do business on the subject parcel as Allied Washoe.
7. Allied Washoe owns and operates a bulk fueling facility at 289 Crescent Street, Plumas County Assessor's Parcel Number 115-180-002, 1.05 acres, Sections 14 and 15, Township 24 North, Range 9 East, Mount Diablo Baseline and Meridian. Five, 15,000 to 25,000-gallon ASTs in a secondary containment hold gasoline, diesel fuel, and kerosene. Although total capacity is 115,000 gallons, a sixth tank in the containment stands empty. ASTs now connect to near-grade satellite dispensers via underground piping. ASTs formerly connected to a satellite overhead loading rack. Sierra Mountain Sports, lessee to Allied Washoe, operates a sporting goods store in a building at 291 Crescent Street on north side of the parcel. Former lessees at 291 Crescent Street were Herschel Beail dba Quincy Body Shop and the Glass Company.
8. In 1995, Allied Washoe removed a heating oil tank at 291 Crescent Street. Plumas County Department of Environmental Health (PCDEH) documented petroleum waste in soil at the removal site. Beginning in 1996, Allied Washoe investigated soils and groundwater near the former overhead loading rack at 289 Crescent Street and found free phase petroleum on shallow groundwater. Allied Washoe is subject to this Order

because it caused or permitted, causes or permits, or threatens to cause or permit, the discharge of waste 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.

BACKGROUND

9. In 1993 and 1995, staff inspected the bulk fueling facility four times for compliance with Chapter 6.67 California Health and Safety Code sections 25270 to 25270.13, the Aboveground Petroleum Storage Act (APSA). In all inspections, the concrete secondary containment floor had unsealed cracks, the facility lacked a Spill Pollution Countermeasures and Control (SPCC) Plan, and the Discharger had not filed a storage statement or paid fees.
10. On 26 October 1995, the Discharger removed a steel 550-gallon heating oil underground storage tank near the lease building at 291 Crescent Street; see Attachment 2. TPH-d in shallow soil was up to 5,110 milligrams/Kilogram (mg/Kg). Therefore, on 1 November 1995, PCDEH requested further investigation. On 22 November 1995, the Discharger filed an underground storage tank unauthorized release (leak) contamination site report. On 25 January 1996, PCDEH requested further investigation. The Regional Water Board has no record of the Discharger further investigating the identified leak.
11. On 29 January 1996, staff approved a work plan for preliminary site assessment at the overhead loading rack. Shallow soil samples, 12 July 1996, had Total Petroleum Hydrocarbons as gasoline and diesel (TPH-g, TPH-d) up to 12,000 and 8,000 mg/Kg. Grab groundwater samples had Benzene, Ethylbenzene, Toluene, and Xylenes to 25, 21, 2.6, and 16 milligrams/Liter (mg/L).
12. On 2 December 1997, the Discharger installed shallow monitoring wells MW-1 through MW-4 on-site in native clayey silts; see Attachment 2. Groundwater showed no Benzene, Ethylbenzene, Toluene, or Xylenes. MtBE in one well was 19 micrograms/Liter (ug/L). Well MW-4, near the overhead loading rack, had about 2.5 feet of free phase petroleum; the Discharger did not sample associated groundwater. On 5 February 1998, staff requested a Corrective Action Plan (CAP) for further investigation and facility upgrades. On 27 March 1998, without submitting a CAP, the Discharger voluntarily replaced leaking pumps, valves, and fittings, and prepared an SPCC Plan. On 19 December 1998, staff issued a Notice of Violation for failure to submit a CAP.
13. On 16 June 1999, staff conditionally approved a CAP for source excavation and further site investigation. On 10 July 2000, the Discharger installed a peristaltic free product skimmer pump in MW-4, and on 28 July 2000 removed the overhead loading rack and associated piping. The Discharger found evidence of pollution in soil near the loading rack, and on 5 October 2000 excavated about 220 cubic yards of polluted soils and installed well EX-1 into gravel backfill. On 12 December 2000, EX-1 had about one foot of free phase petroleum. Based on excavation dimensions, likely over 1,000 gallons of

free gasoline were in backfill. By May 2001, the Discharger had skimmed about 100 gallons of free phase petroleum, most or all from MW-4, beyond the excavation.

14. Pollution has impacted local receptor wells. In Summer 2000, the Quincy Community Services District (CSD) shut down the Norton Well due to taste and odor complaints. On 16 January 2001, a CSD contractor sampled headspace gas from the Norton Well; results showed volatile organic compounds, Methane, Toluene, and Acetone, but no natural gas constituents, hydrogen sulfide, or mercaptans. On 2 May 2001, the CSD found 3.1 micrograms/Liter (ug/L) of MtBE in the Norton Well. On 30 May 2001, the Discharger found 2.4 ug/L of MtBE in the Spanish Creek Motel well. On 11 July 2001, the CSD again found MtBE at 3.3 ug/L in the Norton Well. Currently, the Norton Well is inactive. The Spanish Creek Motel reportedly uses their well for irrigation.
15. Allied Washoe is about 300 feet northwest of the Spanish Creek Motel Well and 450 feet northwest of the Norton Well. Therefore, on 21 March 2001, staff requested a work plan to map pollution extent relative to off-site receptor wells and optimize further free product removal. On 30 July 2001, staff approved a work plan for off-site investigation of pollution extent contingent on further borings near the Spanish Creek Motel and Norton Wells. In May 2002, the Discharger further investigated shallow groundwater. MtBE detections from native silty clay only occurred within about 100 feet of the secondary containment. MtBE in gravel backfill was over 10,000 ug/L. On 16 July 2002, staff further inspected the Discharger for APSA compliance; site conditions and filing status were similar to prior inspections.
16. On 5 July 2002, staff requested a work plan for deeper site investigation pursuant to an amended CAP. On 22 October 2002, staff approved a work plan for deeper groundwater investigation. On 18 and 19 December 2002, the Discharger installed three deeper on-site monitoring wells MW-5 through -7; see Attachment 2. Maximum MtBE in the deeper wells that month ranged 19 to 64 ug/L. Well MW-7 also showed Toluene up to 44 ug/L. Static water levels in well EX-1 are lower than in wells MW-1 through -4. Static water levels from deeper monitoring wells show downward vertical gradient components from shallow groundwater. Therefore, a pollutant migration pathway likely exists between shallow and deeper groundwater. Total pollution extent has not been defined.
17. On 21 May 2003, in part due to identified impacts to receptor wells, staff requested the Discharger to submit a work plan for further investigation and a coordinated pumping test with Toms Sierra and Warner's Chevron. The pumping test ran in September and October 2003. While shallow monitoring wells MW-1 through -4 showed declining water levels, deep wells MW-5 through -7 showed drawdown in response to pumping; see Attachment 3. From May 2004 to October 2005, shallow monitoring well MW-1 has shown chronic pollution, Benzene in all quarterly samples from 0.52 to 59 ug/L, MtBE, likewise in all samples, from 4.7 to 3,700 ug/L, and sporadic tert-Butyl Alcohol (TBA) up to 190 ug/L. Deep well MW-6 showed MtBE in all quarterly samples, from 1.8 to 4.7 ug/L. Therefore, based on Findings 13 through 16, pollution from Allied Washoe may relate to MtBE detections in the Norton and Spanish Creek Motel Wells.

18. In June 2003, the Discharger pilot tested MW-4 for high-vacuum dual phase extraction (DPE). On 12 August 2004, staff requested further investigation pursuant to an amended CAP. On 16 June 2005, staff conditionally approved a plan to further assess DPE plus other options including, but not limited to, bio-stimulation. On 14 December 2005, the Discharger submitted reported results of further testing; both high vacuum DPE and bio-stimulation (in native soils) appear potentially cost-effective. An estimated 2,250 gallons of free phase petroleum remain. On 3 January 2006, staff requested appropriate Remedial Action, high vacuum DPE or other methods as effective to meet Water Quality Objectives in a reasonable timeframe. On 30 June 2006, the Discharger submitted a work plan to skim free phase petroleum from MW-4. Staff found the work plan insufficient to meet appropriate numerical Water Quality Objectives in a reasonable timeframe.
19. During the 2005 to 2006 wet season, Quincy CSD complained to staff of petroleum pollution in their sanitary sewer system during rainfall events. For example, a 2 December 2005 head works wastewater sample showed TPH-g and TPH-k (k, kerosene) at 18 and 21 mg/L, and Benzene, Toluene, Ethylbenzene, and Xylenes at 30, 23, 45, and 232 ug/L. Fuel odors indicated potential sources near Sierra Energy and the Discharger. On 27 February 2006, staff approved work plans from Sierra Energy and the Discharger to investigate the pollution source. Preliminary data from Sierra Energy counter-indicated a source near their facility. On 27 February 2006, staff approved the Discharger's work plan for direct push borings near their sanitary sewer lateral. On 14 April 2006, the Discharger submitted a replacement work plan for headspace vapor and wastewater sampling. Staff conditionally approved the plan. The Discharger sampled on 25 April 2006; while the CSD did not report related odors, the lateral wastewater had 0.49 mg/L TPHd. According to the Discharger's laboratory, the related gas chromatogram is similar to parking lot run-off. Local meteorological data indicate sampling post-dated the wet season. April 2006 direct push data, published after the replacement work plan, showed free phase petroleum within 20 feet of the lateral; see Attachment 2. Therefore, Allied Washoe's pollution potentially threatens the CSD sanitary sewer system.
20. In November 2006, Quincy CSD expressed to California Department of Health Services (DHS) an interest in re-starting the currently inactive, but open, Norton Well. On 19 December 2006, the Regional Water Board Executive Officer issued an advisory to Quincy CSD not to re-start the Norton Well. The advisory also expressed potential concerns that the inactive well could act as a vertical pollution conduit. On 10 January 2007, a DHS representative and staff met with Quincy CSD; DHS concurred with the advisory and, in lieu of re-starting the well, suggested Quincy CSD apply for a \$1 million treatment and research grant for water supply alternatives. Alternatives may include, but are not limited to, a formalized DHS-approved contract between East Quincy and Quincy, and replacement water supply wells.
21. On 19 January 2007, staff met with Sierra Energy, Warner's Chevron, and Allied Washoe to discuss draft versions of Orders and information in Finding 20. All parties, potentially responsible for MtBE detections in the Norton Well, expressed willingness to

cooperate with Quincy CSD. All parties also agreed to submit letters of commitment with appropriate dates to comply with Requirements herein. On 16 February 2007, Allied Washoe sent staff such a letter of commitment; compliance dates for requirements in this Order consider the Discharger's letter.

22. As described in Findings 8 through 19, Washoe Fuel, Inc., a Nevada corporation (Allied Washoe) is responsible for cleanup of waste under this Order because it caused or permitted, causes or permits, or threatens to cause or permit, the discharge of waste 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. Based on current Regional Water Board record, the Corporation of America, Thomas Addison and Nellie Addison, Nicholas Walker, Nellie Addison Walker, E. F. Marquardt and Margaret Alys Marquardt are not named in this Order because no evidence indicates their operations caused or exacerbated waste discharge. Based on Findings 20 through 21, Quincy CSD is not named in this Order because no evidence indicates its actions caused or exacerbated waste discharge, or interfered with investigation and cleanup. The Regional Water Board may amend this Order if new evidence identifies additional responsible parties for the waste.

AUTHORITY – LEGAL REQUIREMENTS

23. 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.”

24. 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”

25. 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.”

26. Section 13304(c)(1) of the California Water Code 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. . .”

27. The State Water Resources Control Board (hereafter State 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 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 Board.

28. Chapter IV of the Basin Plan contains the *Policy for Investigation and Cleanup of Contaminated Sites*, which sets forth the Regional Water Board’s policy for managing contaminated sites. This policy is based on Water Code Sections 13000 and 13304, Title 23 California Code of Regulations (CCR), Division 3, Chapter 15, and 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.

29. The State 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.)”

30. The 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 domestic, municipal, industrial, and agricultural supply.
31. The petroleum hydrocarbon wastes detected at the site are not naturally occurring, and some are known human carcinogens. These wastes impair or threaten to impair the beneficial uses of the groundwater.
32. 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 tastes and odors objective 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." Testing of petroleum hydrocarbons has identified a number of constituents that are not present in groundwater unaffected by the discharge and that could exceed a narrative WQO. All of these are constituents of concern. The numerical limits for the constituents of concern listed in the following table implement the Basin Plan WQOs.

Constituent	Limits	WQO	Reference
Total Petroleum Hydrocarbons as Gasoline	5 ug/L	Tastes and Odors	McKee & Wolf, <i>Water Quality Criteria</i> , SWRCB, p. 230
Total Petroleum Hydrocarbons as Diesel	56 to 140 ug/L	Toxicity	USEPA, Provisional Oral Reference Doses and Slope Factors, JP-4, JP-5, and Diesel Fuel
Benzene	0.15 ug/L	Toxicity	California Public Health Goal (OEHHA)
Toluene	42 ug/L	Taste and Odor	Federal Register, Vol. 54, No. 97
Ethylbenzene	29 ug/L	Taste and Odor	Federal Register, Vol. 54, No. 97
Xylene	17 ug/L	Taste and Odor	Federal Register, Vol. 54, No. 97
MTBE	5 ug/L	Taste and Odor	Federal Register, Vol. 54, No. 97
TBA	12 ug/L	Toxicity	California Notification Level (DHS)

ug/L=micrograms/Liter

33. The constituents listed in Findings 10 through 19 are wastes as defined in California Water Code Section 13050(d). The groundwater exceeds the WQOs for the

constituents listed in Finding No. 32. TPHg, likely TPHd, BTEX, MtBE, and TBA all exceed related numerical limits. The exceedance of applicable WQOs in the Basin Plan constitutes pollution as defined in California Water Code Section 13050(l)(1).

34. The constituents listed in Finding No. 33 are present in groundwater due to the disposal of wastes from the Site, are injurious to health or impart objectionable taste and odor when present in drinking water, and affect a considerable number of persons. As such, a condition of nuisance is created, as defined in California Water Code Section 13050(m).

DISCHARGER LIABILITY

35. As described in Findings 8 and 22, the Discharger is subject to an order pursuant to Water Code section 13304 because the Discharger has caused or permitted waste to be discharged or deposited where it has 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 Water Code Section 13304 is appropriate and consistent with policies of the Water Board
36. 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.
37. As described in Findings 8 and 22, the Discharger is 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 Discharger 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.
38. If the Discharger fails to comply with this Order, the Executive Officer may request the Attorney General to petition the superior court for the issuance of an injunction.
39. If the Discharger violates this Order, the Discharger may be liable civilly in a monetary amount provided by the Water Code.
40. 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.

41. 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 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 Section 13000, Section 13304 and Section 13267, Washoe Fuel, Inc., a Nevada corporation, dba Allied Washoe shall:

Investigate the discharges of waste, clean up the waste, and abate the effects of the waste, forthwith, resulting from activities at Assessor's Parcel Number 115-180-002, 289 and 291 Crescent Street, Quincy, Plumas County, in conformance with State Board Resolution No. 92 - 49 *Policies and Procedures for Investigation and Cleanup and Abatement of Discharges Under Water Code Section 13304* and with the 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* (which may be found at http://www.waterboards.ca.gov/centralvalley.available_documents/ug_tanks/Tri-Regionals_Appendix_A.pdf) and under permits required by State, County, and/or Local agencies.

PUBLIC PARTICIPATION

1. **By 16 April 2007**, facilitate the Regional Water Board's duty to notify landowners of property where constituents from a pollution 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 pollution 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. The three parties listed in Finding 1 are encouraged to work cooperatively on the Survey; upon Regional Water Board request, follow-up tasks may include, but are not limited to, mailing of appropriate fact sheets to interested parties, and coordinating public meetings.

HEALTH RISK ASSESSMENT

2. **By 16 April 2007**, submit a Work Plan and time schedule for performing a screening level Health Risk Assessment to assess potential human health risks associated with chronic exposure to contaminated drinking water, worker exposure to pollutants in the local sanitary sewer, worker exposure to contaminated soil, and worker exposure to subsurface vapor intrusion into indoor air. Site-specific exposure pathways from source to potential receptors shall include, but are not limited to:
- Norton, Spanish Creek Motel, and any other relevant identified water supply wells, both static and pumping
 - Sanitary sewer system, from private and public underground utilities, and farther, to the processing plant, as warranted
 - Cold Stream, soils in stream bank and groundwater discharge
 - Indoor air in Allied Washoe shop, 289 Crescent Street, and lease buildings, 291 Crescent Street

Regarding indoor air, the Work Plan shall be prepared in conformance with Department of Toxic Substances Control's "Guidance for Evaluation and Mitigation of Subsurface Vapor Intrusion to Indoor Air" (Interim Final, February 7, 2005). The Dischargers shall complete this Assessment in accordance with the work plan and the approved time schedule, which shall become part of this Order.

CORRECTIVE ACTION PLAN

3. **By 1 October 2007**, submit a Corrective Action Plan (CAP) 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 Corrective Action Plan 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 Corrective Action Plan shall include the rationale for selecting the preferred remedial alternative Corrective Action Plan as required in Title 23 California Code of Regulations, Division 3, Chapter 16, Article 11, Section 2725. Such rationale may include, but is not limited to, estimates of recoverable free phase product, sorbed and mobile pollutant mass, native bio-degradation, and permeability trends. The Discharger 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.

ABOVEGROUND PETROLEUM STORAGE TANK FACILITY

4. **By 1 October 2007**, submit an *Upgrade Work Plan (Work Plan)* to bring the facility into current compliance with Chapter 6.67 of the California Health and Safety Code. A qualified California Registered Civil or Mechanical Engineer must certify the work plan.

5. **By 30 November 2007**, implement the work plan in accordance with the approved time schedule, which shall become part of this Order.

REMEDIATION

6. Within **60 days** of Regional Water Board staff's approval of the CAP **but no later than 30 November 2007**, begin implementation of the approved remedial actions.
7. Submit for remediation system(s), **Monthly Status Reports** for the first three months of operation of any new systems. At a minimum, the monthly status reports shall include:
- site maps indicating the capture zone and waste plumes,
 - average extraction rates of all treatment systems,
 - influent and effluent concentrations of TPHg, TPHd, Benzene, Toluene, Ethylbenzene, Xylenes, MtBE and other fuel oxygenates
 - mass of hydrocarbons treated during the reporting period and cumulative to date,
 - estimated mass of wastes remaining and predicted time frame for meeting cleanup objectives,
 - running and down time for the remediation system(s),
 - summary of consultant visits to the site, and evaluation of the overall remediation program and recommendations to correct deficiencies or increase efficiency.
8. The Discharger shall ensure that cleanup methods cause no further migration of the waste constituents in groundwater. If monthly or quarterly sampling results indicate further migration of petroleum waste constituents beyond the treatment volume, the Discharger shall include **with the second status report** a proposal to correct the condition. The proposed actions shall be completed **within 60 days** of staff approval of the proposal
9. Monitor and sample **quarterly** all monitoring wells for TPHg, TPHd, Benzene, Toluene, Ethylbenzene, total Xylenes, seven fuel oxygenates (MtBE and others), dissolved oxygen, oxidation-reduction potential, pH, Iron II, nitrate, sulfate, and Methane until otherwise directed in writing by the Executive Officer or her representative(s). Also sample **quarterly** domestic wells potentially threatened by the waste discharge for drinking water analytical methods of full list volatile organic compounds. Method Detection Limits (MDLs) shall be derived by the laboratory for each analytical procedure, according to State of California laboratory accreditation procedures. The MDLs shall reflect the detection capabilities of the specific analytical procedure and equipment used by the lab, rather than simply being quoted from USEPA analytical method manuals. In relatively interference-free water, laboratory-derived MDLs are expected to closely agree with published USEPA MDLs.
10. Submit **Quarterly Status Reports** by the 1st day of the second month after the calendar quarter in which the samples were collected. The first quarter report is due **1 May**,

the second quarter report is due **1 August**, the third quarter report is due **1 November**, and the fourth quarter report is due **1 February**. Quarterly reports are to include the information specified in *Appendix A - Reports, Tri-Regional Recommendations for Preliminary Investigation and Evaluation of Underground Storage Tank Sites*. Regional Water Board staff will review Quarterly Status Reports for adequacy relative to further site investigation and cleanup. Based on such reviews, the Regional Water Board Executive Officer may, at her discretion, issue additional site-specific monitoring and reporting requirements, which would become part of this Order.

FURTHER SITE ASSESSMENT

11. **By 2 October 2007**, meet with Regional Water Board staff and representatives of Sierra Energy and Warner's Chevron to discuss identified pollutant extent relative to each site, evidence of commingling plumes, vertical pollution conduits, and further threatened sensitive receptors, if any, and appropriate work plans to address remaining data gaps. Such plans shall include a sufficient number of soil, soil vapor, and groundwater samples to further determine the lateral and vertical extent of waste constituents, including but limited to, TPHg, TPHd, TPH o&g, Benzene, Toluene, Ethylbenzene, Xylenes, fuel oxygenates, organic lead, lead scavengers, and poly-aromatic hydrocarbons for complete site characterizations. Work plans shall contain the information in Appendix A, and include a time schedule for implementation, both of which will be made part of this Order.

GENERAL REQUIREMENTS

12. Continue to reimburse the Regional Water Board for reasonable costs associated with staff oversight of investigation and cleanup. Failure to do so shall be considered a violation of this Order.
13. All work and reports shall generally follow the *Appendix A - Reports, Tri-Regional Recommendations for Preliminary Investigation and Evaluation of Underground Storage Tank Sites* (Appendix A - Reports) and under permits required by State, County, and/or Local agencies.
14. 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 Discharger shall include a cover letter signed by the Discharger, 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 Discharger shall also state if it agrees with any recommendations/proposals and whether they approved implementation of said proposals.
15. Upon startup of any remediation system(s), operate the remediation system(s) continuously, except for periodic and required maintenance or unpreventable equipment

failure. The Discharger shall notify the 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 Discharger shall submit a Technical Report containing at a minimum, but not limited to the following information:

- times and dates equipment were not working,
 - cause of shutdown,
 - if not already restarted, a time schedule for restarting the equipment, and,
 - 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.
16. 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.
 17. Obtain all local and state permits and access agreements necessary to fulfill the requirements of this Order prior to beginning the work.
 18. Continue any 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.
 19. 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 quarterly reports.
 20. 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 Regional Water Board staff approval, to define the new plume limits.
 21. Submit all written reports and analytical results to the Regional Water Board and 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.
 22. If, for any reason, the Discharger is 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 Discharger may request, in writing, an extension of the time specified. The extension request shall include justification for the delay. An extension may be granted by revision of this Order.

23. All work and directives referenced in this Order are required regardless of whether or not the UST Cleanup Fund approves the work for reimbursement.
24. If, in the opinion of the Executive Officer, the Discharger fails 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

JAMES C. PEDRI, P.E. Assistant Executive Officer

21 March 2007

(Date)

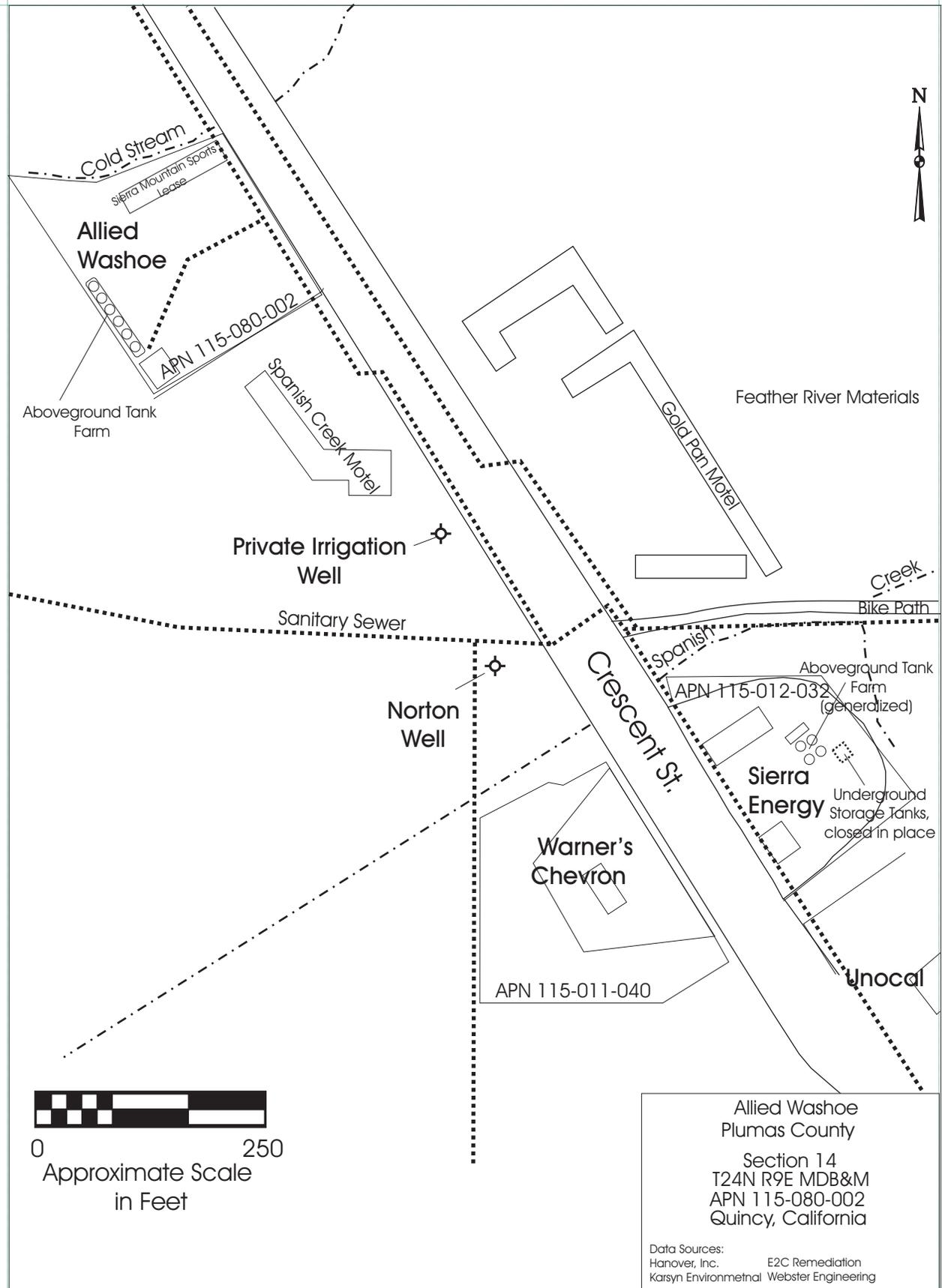
Attachment 1: Vicinity Map

Attachment 2: Site Map

Attachment 3: Plot, Drawdown over Time, Allied Washoe monitoring wells

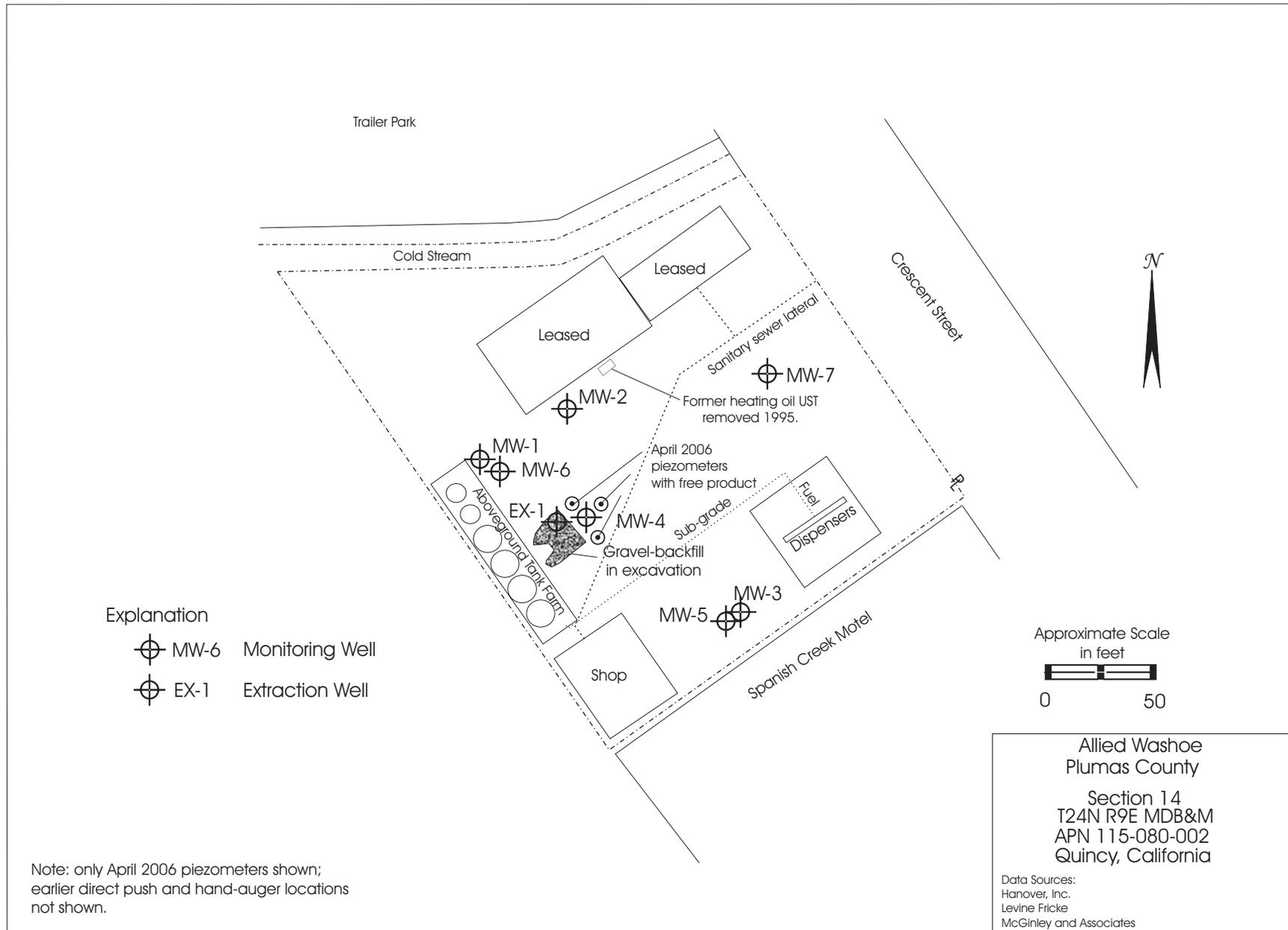
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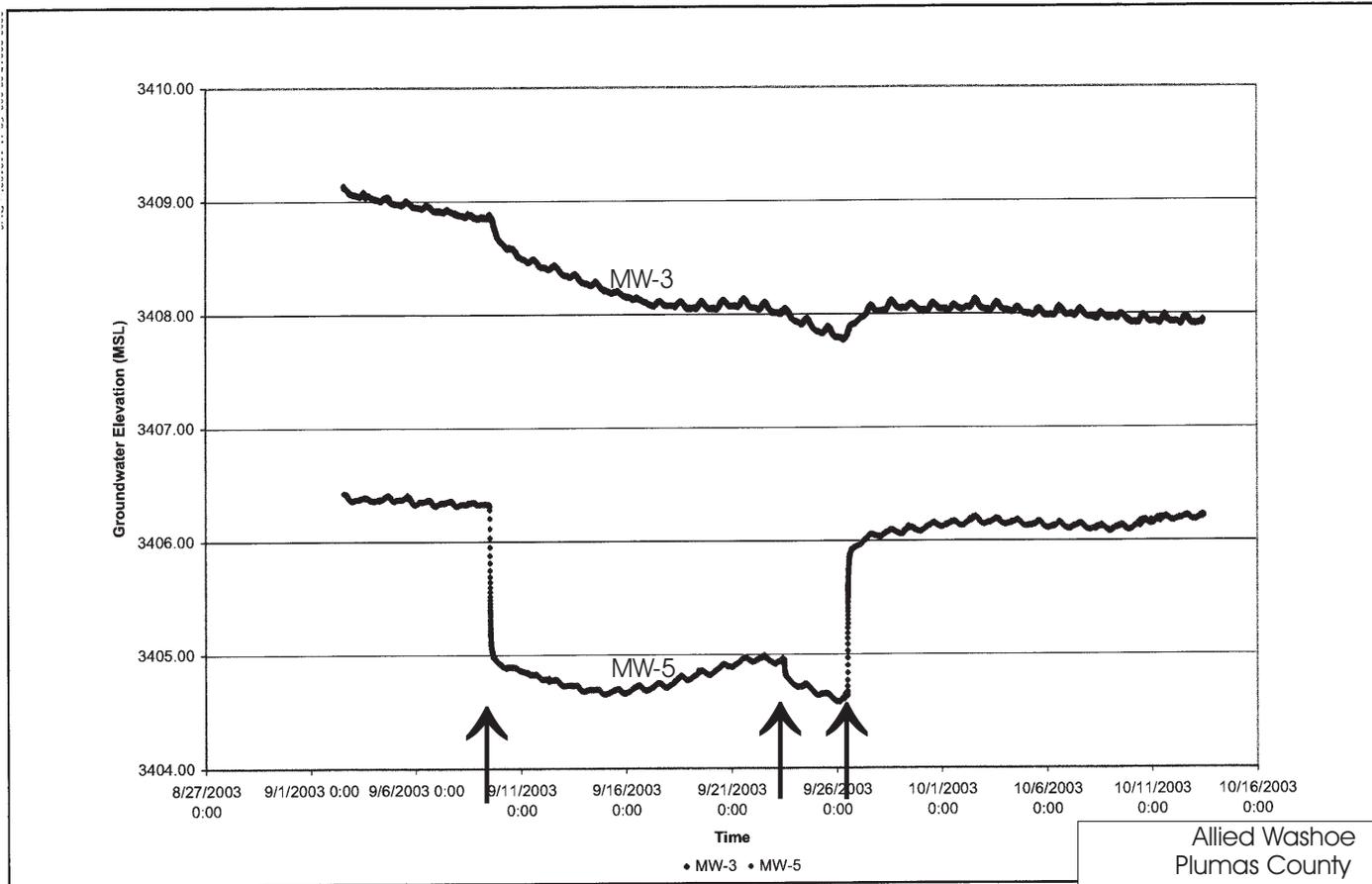
3/21/07



Allied Washoe
Plumas County
Section 14
T24N R9E MDB&M
APN 115-080-002
Quincy, California

Data Sources:
Hanover, Inc. E2C Remediation
Karsyn Environmental Webster Engineering





Comparison of Shallow vs. Deeper Well Hydrograph Data

Allied Washoe, 289 Crescent Street, Quincy, California
 Norton Well pumping starts. Spanish Creek Motel Well pumping starts. Both pumping wells stop.

Allied Washoe
 Plumas County
 Section 14
 T24N R9E MDB&M
 APN 115-080-002
 Quincy, California

Data Source:
 Levine Fricke