



California Regional Water Quality Control Board Central Valley Region

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



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Secretary for
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Arnold Schwarzenegger
Governor

21 March 2007

Mr. David Warner
Warner Petroleum, Inc.

Mr. Sardar Mohammed
c/o Blue Star Petroleum Inc.

Mr. Greg Barton
Chevron Environmental
Management Company
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FINAL CLEANUP AND ABATEMENT ORDER R5-2007-0707, UST CASE #320063, WARNER'S CHEVRON, 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 Warner Petroleum, Inc., David W. Warner and Stacy Warner, Trustees of the Warner Family Trust B dated 23 June 1996, David W. Warner and Stacy Warner, Trustees of the David and Stacy Warner Family Trust dated 1 June 1995, Jonnie L. Askin, Blue Star Petroleum, Inc., and Chevron U.S.A., Inc. 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
Mike McNamara, P.E., California Department of Health Services, Redding
Jerry Sipe, Plumas County Environmental Health Department, Quincy
Larry Sullivan, Quincy Community Services District, Quincy
Victor Sher, Sher Leff, LLP, San Francisco
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David Herzog, P.G., Cambria Environmental Technology, Roseville
Beverly J. Long, ATC Associates, Inc., Pleasanton



CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

CLEANUP AND ABATEMENT ORDER NO. R5-2007-0707

FOR

WARNER PETROLEUM, INC., DAVID W. WARNER AND STACY WARNER, TRUSTEES OF
THE WARNER FAMILY TRUST B DATED 23 JUNE 1996,
DAVID W. WARNER AND STACY WARNER, TRUSTEES OF THE
DAVID AND STACY WARNER FAMILY TRUST DATED 1 JUNE 1995,
JONNIE L. ASKIN, BLUE STAR PETROLEUM INC., AND
CHEVRON U.S.A., INC.

151 CRESCENT STREET, QUINCY
PLUMAS COUNTY

This Order is issued to Warner Petroleum, Inc., David W. Warner and Stacy Warner, Trustees of the Warner Family Trust B dated 23 June 1996, David W. Warner and Stacy Warner, Trustees of the David and Stacy Warner Family Trust dated 1 June 1995, Jonnie L. Askin, Blue Star Petroleum, Inc., and Chevron U.S.A., Inc., (hereafter 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 Regional Water Board finds, with respect to the Dischargers' acts or failure to act, the following:

INTRODUCTION

1. Blue Star Petroleum, Inc., dba Warner's Chevron (Warner's Chevron), Toms Sierra Company, Inc., dba Sierra Energy (Sierra Energy), and Washoe Fuel, Inc., a Nevada corporation dba Allied Washoe (Allied Washoe) own three parcels on Crescent Street in Quincy, California (Assessors Parcel Numbers 115-011-040, 115-012-032, and 115-080-002 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 threatens at least one of the following receptors: the Norton and Spanish Creek Motel wells, the sanitary sewer, and surface water.

3. This Order only addresses wastes from Warner's Chevron. While preliminary evidence suggests some petroleum-based wastes from Warner's Chevron may migrate in groundwater off-site toward Sierra Energy, Cleanup and Abatement Order No. R5-2007-0706 requires cleanup only of wastes from Sierra Energy. Cleanup and Abatement Order No. R5-2007-0705 requires cleanup only of wastes from Allied Washoe. If new information indicates that wastes discharged from the site has commingled, amendments to some or all of these three Orders may be necessary.

**PROPERTY OWNERSHIP AND OPERATIONS
WARNER'S CHEVRON (APN 115-011-040)**

4. Since the early 1970s, several parties have owned the parcel now known as Assessors Parcel Number (APN) 115-011-040. The current business address is 151 Crescent Street, Quincy, California. In 1973, Orville Howard Basore and Elizabeth E. Basore (hereafter the Basores) sold the parcel to Standard Oil of California (Standard Oil). In 1977, Standard Oil sold the parcel to Chevron U.S.A., Inc. (Chevron), a wholly owned subsidiary of Standard Oil. An automotive service station was reportedly constructed on the parcel and operated as Elam's Chevron Service.
5. In August 1986, Chevron removed five underground storage tanks (USTs) from the parcel, in accordance with Plumas County Environmental Health Department (PCEHD) directives. Soils and groundwater near a gasoline UST showed impacts to groundwater. Although Chevron reported a petroleum release to PCEHD, the Regional Water Board record has no evidence that Chevron submitted an unauthorized release form or cleaned up pollution. PCEHD retained lead agency oversight for the case. Chevron 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.
6. On 26 September 1986, Wallace B. Warner and Marjorie J. Warner, Trustees of the Warner Family Trust dated 16 March 1981, bought APN 115-011-040 from Chevron. In Spring 1987 Warner Petroleum, Inc. installed four double-wall steel USTs (three gasoline and one diesel), piping, and dispensers on the parcel and began doing business as Warner's Chevron. In Spring 1989 Warner Petroleum, Inc. replaced the steel piping with double-wall fiberglass piping and fittings and installed under-dispenser containment boxes, overfill protection devices, and leak detection devices. Warner Petroleum, Inc. is an active California corporation. The corporate agent for service of process is David W. Warner. In a 24 April 2004 letter to Regional Water Board staff, David W. Warner alleged "at this time, there have been no releases on this site since being owned by Warner Petroleum, Inc." This and a subsequent letter allege also that Warner Petroleum, Inc. bought the service station from Chevron in 1985, contrary to Finding 5.

7. On 3 April 1996, Wallace B. Warner and Marjorie J. Warner, Trustees of the Warner Family Trust dated 16 March 1981, gifted 1% undivided interest in the parcel to Christine Anne Askin and 1% undivided interest in the parcel to David W. Warner and Marjorie J. Warner, trustees of the Warner Family Trust dated 1 June 1995. Following the death of Wallace B. Warner, on 5 February 1997, Marjorie J. Warner, granted her remaining 98% interest in the parcel to David W. Warner and Stacey Warner, Trustees of the Warner Family Trust B dated 23 June 1996. Following the February 2003 death of Christine Anne Askin, Jonnie L. Askin acquired 1% parcel interest.
8. David W. Warner and Stacy Warner, trustees of the Warner Family Trust B dated 23 June 1996, owned 98% of the parcel for about 4 years, David W. Warner and Stacy Warner, trustees of the David and Stacey Warner Family Trust dated 1 June 1995, owned 1% of the parcel for about 7 years, and Jonnie L. Askin owned 1% of the parcel for about 8 months. As shown in Findings, 6 and 7, David W. Warner and Stacy Warner, trustees of the Warner Family Trust B dated 23 June 1996, David W. Warner and Stacy Warner, trustees of the David and Stacey Warner Family Trust dated 1 June 1995, and Jonnie L. Askin, former parcel owners, are subject to this Order because they had knowledge of the discharge, which is continuing, and the ability to control it and, therefore, caused or permitted, cause or permit, or threatens to cause or permit, the discharge of waste where it is, or probably will be, discharge into the waters of the state and creates, or threatens to create, a condition of pollution or nuisance.
9. Based on preliminary site investigation results, on 1 February 2003 Warner Petroleum Inc. filed an Underground Storage Tank Unauthorized Release (leak)/Contamination Site Report due to the discharge of petroleum on the parcel. On 13 February 2003, PCEHD transferred lead agency responsibility to the Regional Water Board. On 27 October 2003, Blue Star Petroleum, Inc., purchased APN 015-011-040 from David W. Warner and Stacy Warner, trustees of the Warner Family Trust B dated 23 June 1996, David W. Warner and Stacy Warner, trustees of the David and Stacey Warner Family Trust dated 1 June 1995, and Jonnie L. Askin. Blue Star Petroleum, Inc., is an active California corporation that continues to do business on the subject parcel as Warner's Chevron. The corporate agent for service of process is Sardar Mohammed. Ghulam and Naseem Fareed operate the service station. Although the 27 October 2003 property sale agreement has an indemnity clause that holds the buyer harmless for the seller's waste discharge, Blue Star Petroleum, Inc., current owner, is subject to this Order because it has knowledge of the discharge, which is continuing, and the ability to control it and, therefore, caused or permitted, causes or permits, or threatens to cause or permit, the discharge of waste where it is, or probably will be, discharge into the waters of the state and creates, or threatens to create, a condition of pollution or nuisance.

BACKGROUND

10. The site, an active automotive service station since 1973, has shown related pollution since 1986; see Findings 4 and 5. On 3 August 1986, three USTs were in an excavation near the southeast parcel boundary; two were 10,000-gallon capacity, one was 5,000-gallon capacity. All held gasoline. Two USTs, unspecified capacities, were in an excavation near the northwest parcel boundary and held waste oil and diesel fuel oil. On 6 August 1986, two soil samples and groundwater near the south-most 10,000-gallon gasoline UST had petroleum constituents with maximum concentrations, in milligrams/Kilogram (mg/Kg) as follows: Benzene, up to 10, Toluene, up to 14, Xylenes, up to 21, and Total Fuel Hydrocarbons, up to 180. No petroleum constituents were in soil samples from four other excavations. No soil samples had detectable lead. A groundwater sample from the excavation had petroleum constituents, in milligrams/Liter (mg/L), as follows: Benzene, 7.9, Toluene, 32, Xylenes, 24, and Total Fuel Hydrocarbons, 170. As of 1986, identified petroleum constituents in soil and groundwater indicated a condition of pollution or nuisance. Chevron gave no results for Methyl-tert-butyl Ether (MtBE) or other fuel oxygenates.
11. 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, Allied Washoe 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.
12. Warner's Chevron is about 150 feet southeast of the Norton Well and about 200 feet southeast of the Spanish Creek Motel Well. Therefore, on 28 May 2002 Regional Water Board staff requested Warner Petroleum, Inc. to submit a work plan for a soil and groundwater investigation on their parcel for MtBE and other petroleum pollutants. On 31 January 2003, Warner Petroleum Inc.'s initial site investigation results showed MtBE in 9 of 11 soil samples at up to 0.15 mg/Kg. Two soil samples had petroleum constituents; maximum results, in mg/Kg, were as follows: Benzene, 0.110, Toluene, 0.720, Ethylbenzene, 3.6, Xylenes, 17, and Total Petroleum Hydrocarbons as Gasoline (TPHg), 90. Total Petroleum Hydrocarbons as diesel (TPHd) was in one soil sample at 4.0 mg/Kg. Preliminary groundwater samples also had petroleum constituents; maximum concentrations, in micrograms/Liter (ug/L), were as follows: MtBE, 960, Benzene, 14, Toluene, 1.5, Ethylbenzene, 38, Xylenes, 55, and TPHg, 430. Groundwater samples showed no TPHd. Preliminary groundwater data indicated Warner Petroleum, Inc.'s pollution threatened identified receptor wells.
13. On 30 April and 21 May 2003, in part due to identified impacts to receptor wells, Regional Water Board staff requested Warner Petroleum, Inc. to submit a work plan for further investigation and a coordinated pumping test with Allied Washoe and Sierra

Energy. In August 2003, Warner Petroleum, Inc. installed three shallow monitoring wells (MW-1, MW-4, and MW-5), one intermediate monitoring well (MW-3) and one deep monitoring well (MW-2). See Attachment 2, a site map. The pumping test ran in September and October 2003. While shallow monitoring wells showed declining water levels, deep and intermediate wells MW-2 and MW-3 showed drawdown in response to pumping; for example, see Attachment 3, MW-3 data. Quarterly shallow groundwater data from 21 August 2003 to 28 June 2006 show chronic pollution, highest in MW-5 with Benzene in all samples from 1.8 to 45 ug/L and other aromatics sporadically up to 81 ug/L. MtBE was in all MW-5 samples, from 140 to 1,600 ug/L. Tert-Butyl Alcohol (TBA) was sporadically in all shallow wells, up to 300 ug/L in MW-4. MtBE was sporadically in intermediate and deep groundwater, highest in MW-2, up to 3.1 ug/L. Monitoring wells show downward vertical gradients. Therefore, based on Findings 10 through 13, pollution from Warner Petroleum, Inc. may relate to MtBE detections in the Norton and Spanish Creek Motel Wells.

14. On 28 October 2003, the State Water Resources Control Board Underground Storage Tank Cleanup Fund (USTCF) issued Warner Petroleum, Inc., a Letter of Commitment to reimburse corrective action costs associated with the petroleum discharge (Claim No. 017740). To date, the USTCF has reimbursed Warner Petroleum, Inc. \$107,607 for cleanup of petroleum pollution; about \$1,400,000 remains. On 12 August 2004, Regional Water Board staff requested Warner Petroleum, Inc. to submit a work plan for further site investigation. Staff approved the off-site investigation work plan submitted on 17 November 2004, which was further amended. On 20 July 2005, staff approved the amended work plan and requested Warner Petroleum, Inc. to submit a Corrective Action Plan (CAP) based on the investigation findings by 23 September 2005. However, with an available USTCF claim, Warner Petroleum, Inc. has failed to perform the approved work scope and submit a CAP.
15. Beginning on 30 March 2006, shallow monitoring wells began showing Ethanol; highest concentration to date has been 28 ug/L. While concentrations are four orders of magnitude less than current Water Quality Objectives, Ethanol, highly soluble and biodegradable, indicates recent gasoline constituent discharges.
16. 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.

17. 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 16. 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 14 February 2007, Warner Petroleum, Inc. sent staff such a letter of commitment; compliance dates for requirements in this Order consider that letter. While other Dischargers are named, Warner Petroleum, Inc. is considered the primarily responsible party. However, if investigation and cleanup do not proceed as required, or if further evidence shows waste discharge in excess of Water Quality Objectives that either pre- or post-dates Warner Petroleum, Inc. parcel ownership, the other named parties will be required to comply with this Order.
18. As described in Findings 10 through 15, Warner Petroleum, Inc., David W. Warner and Stacy Warner, trustees of the Warner Family Trust B dated 23 June 1996, David W. Warner and Stacy Warner, trustees of the David and Stacey Warner Family Trust dated 1 June 1995, Jonnie L. Askin, Blue Star Petroleum, Inc., and Chevron U.S. A., Inc. are jointly and severally responsible for cleanup of waste under this Order because they caused or permitted, cause or permit, or threaten to cause or permit, the discharge of waste where it is, or probably will be, discharged into the waters of the state and create, or threaten to create, a condition of pollution or nuisance. Based on Findings 16 through 17, 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. Based on current Regional Water Board records, Elam's Chevron Service (Finding 4) is not named in this Order because no evidence indicates its operations caused or exacerbated waste discharge. The Regional Water Board may amend this Order if new evidence identifies additional responsible parties for discharges of waste at the site.

AUTHORITY – LEGAL REQUIREMENTS

19. 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.”

21. 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”

22. 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.”

23. 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. . .”

24. 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.

25. 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.

26. 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.)"
27. 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.
28. 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.
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 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

30. The constituents listed in Findings 10 through 13 are wastes as defined in California Water Code Section 13050(d). The groundwater exceeds the WQOs for the constituents listed in Finding No. 29. TPHg, 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).
31. The constituents listed in Finding No. 30 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

32. As described in Findings 8, 9, and 18, the 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 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
33. 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.

34. As described in Findings 8, 9, and 18, the 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.
35. 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.
36. If the Dischargers violate this Order, the Dischargers may be liable civilly in a monetary amount provided by the Water Code.
37. 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.
38. 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, Warner Petroleum, Inc., David W. Warner and Stacy Warner, trustees of the Warner Family Trust B dated 23 June 1996, David W. Warner and Stacy Warner, trustees of the David and Stacey Warner Family Trust dated 1 June 1995, Jonnie L. Askin, Blue Star Petroleum, Inc., and Chevron U.S. A., Inc., shall:

Investigate the discharges of waste, clean up the waste, and abate the effects of the waste, forthwith, resulting from activities at Warner Chevron, Assessors Parcel Number 115-011-040, 151 Crescent Street, Quincy, California, 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.

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
 - Spanish Creek, soils in stream bank and groundwater discharge
 - Indoor air in facility convenience store and office buildingRegarding 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 sorbed and mobile pollutant mass, native bio-degradation, and permeability trends. 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.

REMEDIATION

4. 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.
5. 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.
6. The Dischargers 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 Dischargers 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
7. 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.

8. 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

9. **By 2 October 2007**, meet with Regional Water Board staff and representatives of Sierra Energy and Allied Washoe 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

10. 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.
11. 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.

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. Upon startup of any remediation system(s), operate the remediation system(s) continuously, except for periodic and required maintenance or unpreventable equipment failure. The Dischargers 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 Dischargers 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.
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. 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.
17. 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.

18. 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.
19. 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.
20. If, for any reason, 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. An extension may be granted by revision of this Order.
21. All work and directives referenced in this Order are required regardless of whether or not the UST Cleanup Fund approves the work for reimbursement.
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

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

21 March 2007

(Date)

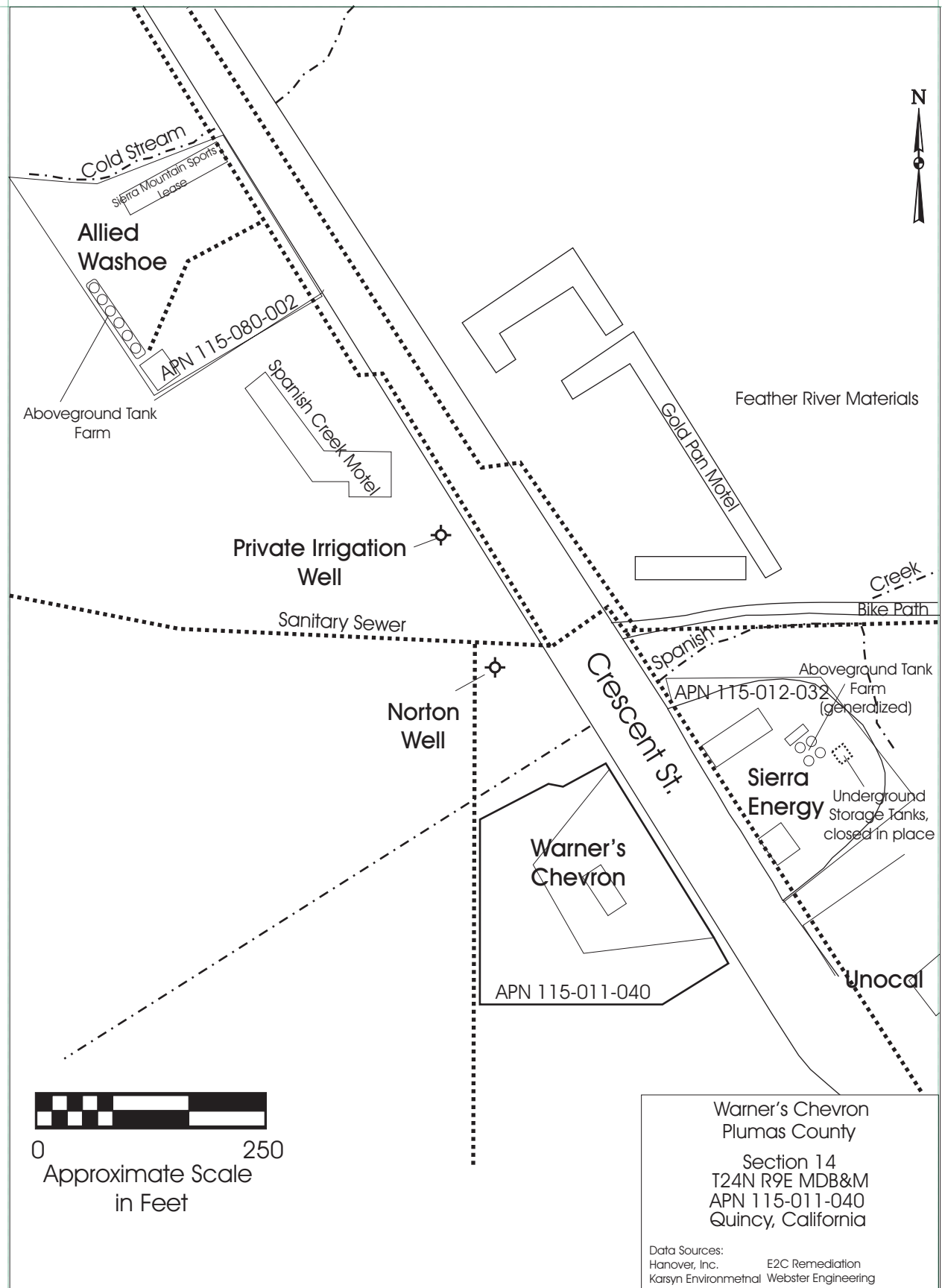
Attachment 1: Vicinity Map

Attachment 2: Site Map

Attachment 3: Plot, Drawdown over Time, Warner's Chevron monitoring wells

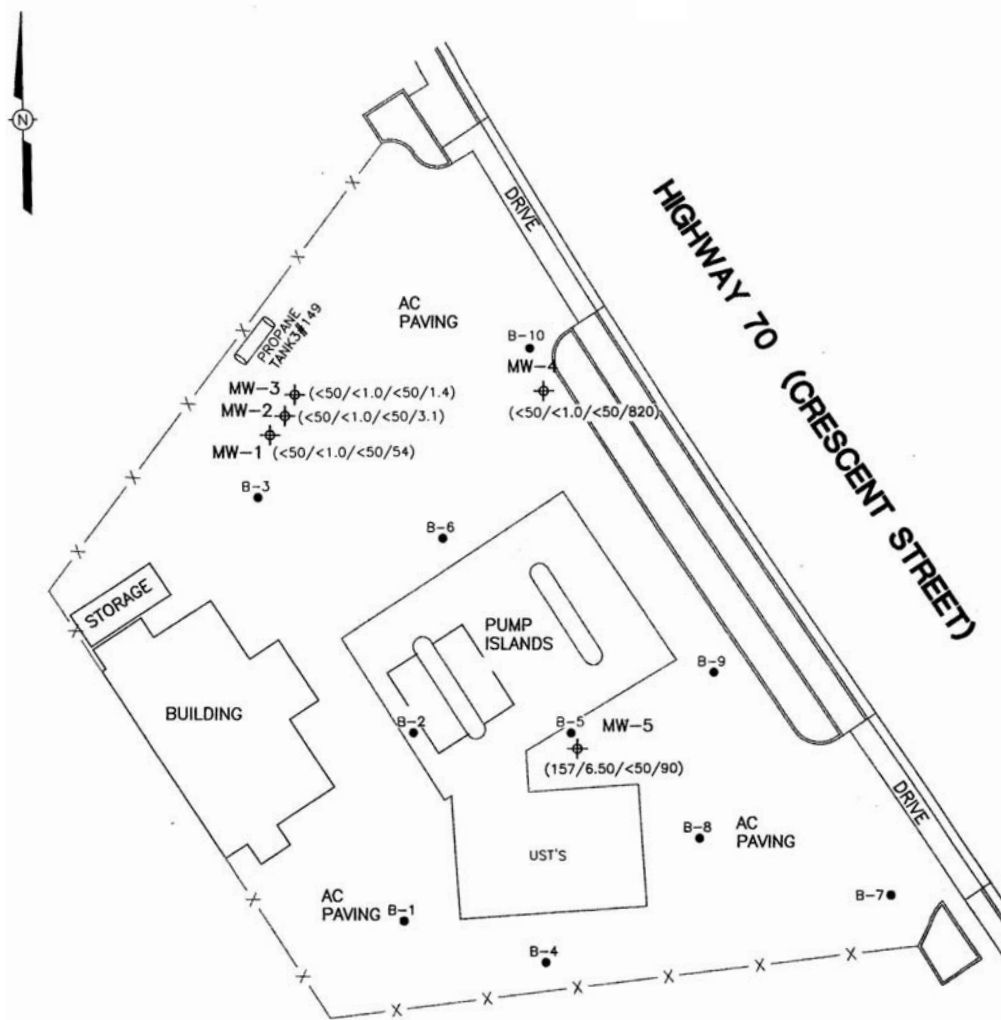
EJR: sae

3/21/2007



Warner's Chevron
 Plumas County
 Section 14
 T24N R9E MDB&M
 APN 115-011-040
 Quincy, California

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

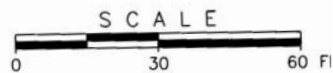


LEGEND

B-1 ● BORING LOCATION

MW-4 ⊕ MONITORING WELL

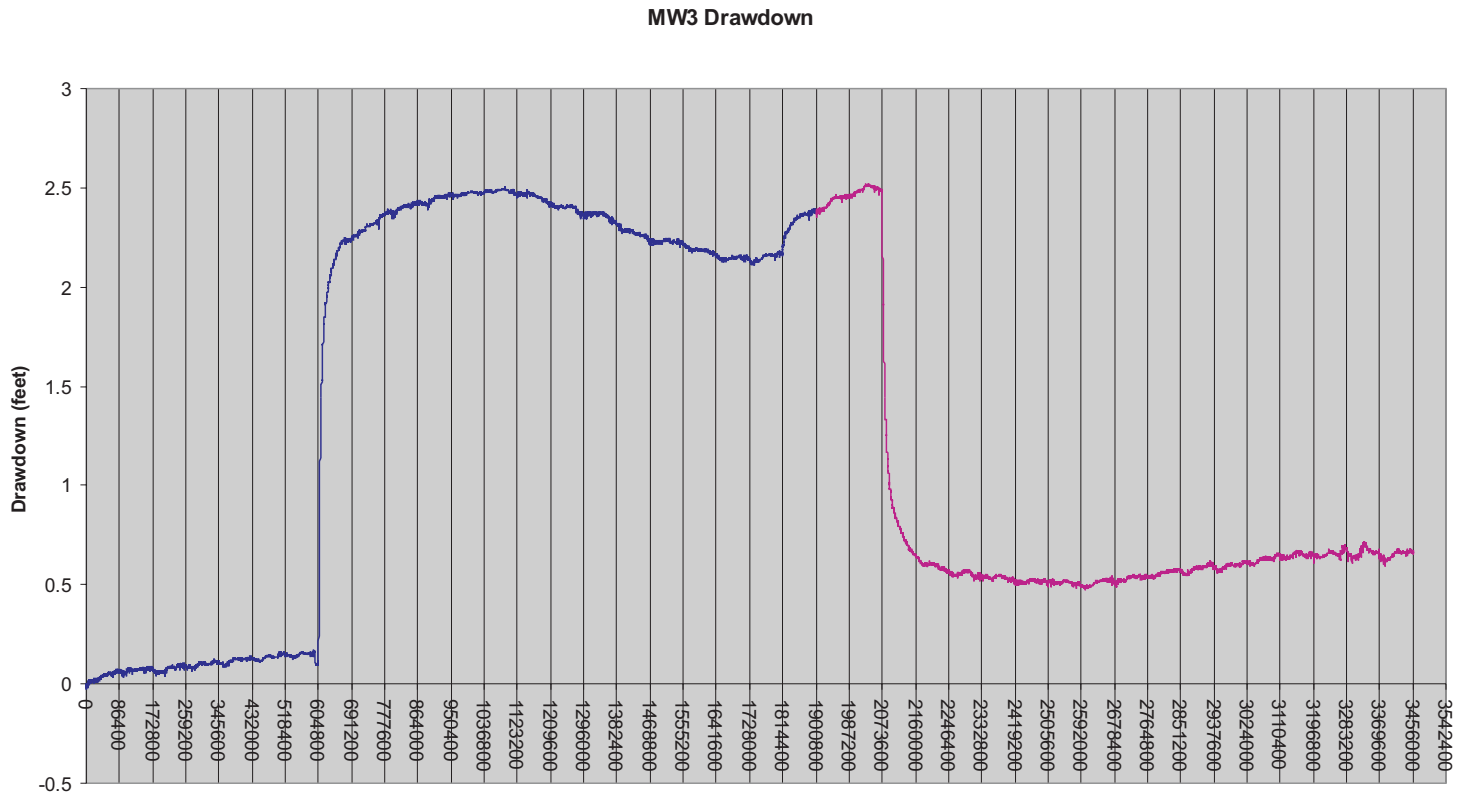
<50/<1.0/<50/54) TPHg/BENZENE/TPHd/MTBE
REPORTED IN MICROGRAMS PER LITER (ug/L)
SAMPLED 12/22/03



Warner's Chevron
Plumas County

Section 14
T24N R9E MDB&M
APN 115-011-040
Quincy, California

Data Source:
Shaw Environmental, Inc.



↑
Norton Well
pumping
starts.

↑
Spanish Creek
Motel Well
pumping starts.

↑
Both pumping
wells stop.

Warner's Chevron
Plumas County
Section 14
T24N R9E MDB&M
APN 115-011-040
Quincy, CA

Data Source: Shaw Environmental