CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

CLEANUP AND ABATEMENT ORDER NO. R5-2006-0706

FOR

MR. GHULAM FAREED, MRS. NASEEM FAREED AND MR. SAFDAR NAIZ
SPEEDBIRD #2
5000 FRUITRIDGE ROAD, SACRAMENTO
SACRAMENTO COUNTY

This Order is issued to Ghulam and Naseem Fareed as husband and wife, and Safdar Naiz, all parties having conducted business as Speedbird #2, and hereafter collectively referred to as Dischargers based on provisions of California Water Code (CWC) Section 13304, which authorizes the California Regional Water Quality Control Board, Central Valley Region (hereafter Water Board) to issue a Cleanup and Abatement Order (Order).

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

INTRODUCTION

1. Mr. Ghulam Fareed and Mrs. Naseem Fareed owned the property and Mr. Safdar Naiz owned the underground tanks (Dischargers) at the Speedbird #2 fueling station at 5000 Fruitridge Road in Sacramento, Sacramento County, (site) as shown in Figure 1 which is made part of this Order. Mr. and Mrs. Fareed are subject to this Order because they owned the property from 1986 to the present. Mr. Naiz is subject to this Order because he owned the underground storage tank (UST) system prior to and at the time the release was discovered in November 1998. Mr. and Mrs. Fareed and Mr. Naiz are responsible for causing or permitting waste to be discharged to waters of the state where it has created a condition of pollution and nuisance.

2. In November 1998 Mr. Safdar Naiz removed three 10,000 gallon gasoline tanks and associated dispensers at the site. Field observations and analytical results indicated that soil beneath the tanks and western dispensers were impacted by petroleum constituents. Sacramento County Environmental Management Department (SCEMD) staff provided oversight for UST replacement, investigation and remedial activities conducted at the site until July 2001 when the Central Valley Water Board became the lead regulatory agency providing oversight.

3. Concentrations of petroleum constituents in groundwater samples have been found as high as: total petroleum hydrocarbons as gasoline (TPHg) 89,000 micrograms per liter (µg/L), benzene 41,000 µg/L, toluene 29,000 µg/L, ethylbenzene 3,000 µg/L, total xylenes 13,000 µg/L, methyl tert butyl ether (MtBE) 220,000 µg/L and tertiary butyl alcohol (TBA) 2,100µg/L. Tertrachloroethylene (PCE) has also been detected in on-site wells at concentrations as high as 1,700 µg/l. Depth to first groundwater is around 45 feet below ground surface (bgs).

4. The Fruitridge Valley Water Company (FVWC) utilizes the local groundwater and distributes it to residents in the area. FVWC had three production wells impacted by MtBE from the Speedbird #2 site. These wells have also been impacted by tetrachlorethylene (PCE) from an unknown source.

5. On 23 April 2001 Water Board staff met with the responsible parties and their consultants and directed the Dischargers to submit a Problem Assessment Report (PAR) by 31 August 2001. The PAR was submitted on time and the Discharger was directed to proceed with an Interim Remediation Plan. Since then, the Dischargers have installed 11 shallow (approximately 40 –55 feet bgs) groundwater monitoring wells, 10 intermediate (approximately 88-98 feet bgs) groundwater monitoring wells, and five deep (approximately 140-150 feet bgs) ground water monitoring wells on and off-site. The Dischargers have also installed three groundwater extraction wells, three soil vapor extraction wells, and three air-sparging wells on-site. Operation of a SVE system began in March 2002. A groundwater pump and treat system was installed and began operation in April 2002. In May 2002 an air sparge system began operating on a pulsed 12-hour on and 12-hour off schedule.

6. Waste constituents, including petroleum, at the site have migrated off-site at least 3,000 feet to the south. The current method of soil and groundwater remediation is effectively remediating the source area of petroleum.

7. To date, approximately $1,450,000 of the maximum $1.5 million dollars available from the State Water Resources Control Board (State Water Board) UST Cleanup Fund account has been used by the Dischargers for investigation and cleanup. Water Board staff are concerned that any work necessary to complete additional investigation, soil and groundwater cleanup, and abandonment of all monitoring and extraction wells will incur costs that exceed the maximum funds available from the State Water Board UST Cleanup Fund.

AUTHORITY – LEGAL REQUIREMENTS

8. The Water Board's *Water Quality Control Plan for the Sacramento River and San Joaquin River Basins, Fourth Edition* (hereafter Basin Plan) designates beneficial uses of the waters of the State, establishes water quality objectives to protect these uses, and establishes implementation policies to implement water quality objectives. The beneficial uses of the groundwater beneath this site are domestic, municipal, industrial, and agricultural supply.

9. The constituents listed in Finding No. 3 are wastes as defined in California Water Code Section 13050.

11. The wastes detected at the site are not naturally occurring, and some are known human carcinogens**.** Pollution of groundwater with these constituents impairs or threatens to impair the beneficial uses of the groundwater.

12. Water Quality Objectives (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 water and groundwater. Chapter IV of the Basin Plan contains the *Policy for Application of Water Quality Objectives*, which provides that "where compliance with narrative objectives is required (i.e., where the objectives are applicable to protect specified beneficial uses), the Regional Board will, on a case-by-case basis, adopt numerical limitations in orders which will implement the narrative objectives." The numerical limits for the constituents of concern listed in the following table implement the Basin Plan WQOs.

Constituent	Limits	WQO	Reference
Total Petroleum Hydrocarbons as Gasoline	5 µg/L	Tastes and Odors	McKee & Wolf, *Water Quality Criteria*, SWRCB, p. 230
Benzene	0.15 µg/L	Toxicity	California Public Health Goal (OEHHA)
Toluene	42 µg/l	Taste and Odor	Federal Register, Vol. 54, No. 97
Ethylbenzene	29 µg/l	Taste and Odor	Federal Register, Vol. 54, No. 97
Xylene	17 µg/l	Taste and Odor	Federal Register, Vol. 54, No. 97
Methyl t-butyl ether (MtBE)	13 µg/L	Toxicity	California Public Health Goal (OEHHA)
Tertiary butyl alcohol (TBA)	12 µg/l	Toxicity	California Drinking Water Action Level (DHS)
Tetrachloroethylene (PCE)	0.065 µg/l	Toxicity	California Public Health Goal (OEHHA)

µg/L = micrograms per liter

13. The groundwater exceeds the WQOs for the constituents listed in Finding No. 3. The exceedance of applicable WQOs in the Basin Plan constitutes pollution as defined in California Water Code Section 13050. 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.

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

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

16. The State Water Board's *Water Quality Enforcement Policy* states in part: "At a minimum, cleanup levels must be sufficiently stringent to fully support beneficial uses, unless the Regional Board allows a containment zone. In the interim, and if restoration of background water quality cannot be achieved, the Order 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)

17. 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. 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."

18. 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 on private well owner prior to the discharge of waste."

19. Section 13267(b) 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."

The technical reports required by this Order are necessary to assure compliance with Section 13304 of the California Water Code. Existing data and information about the site indicates that waste has been discharged or is discharging at the property, which is owned and operated by the Dischargers named in this Order.

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

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

21. 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.

22. If the Discharger violates this Order, then the Discharger may be liable civilly in a monetary amount provided by the California Water Code.

23. 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.

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

REQUIRED ACTIONS

IT IS HEREBY ORDERED that, pursuant to California Water Code Section 13267, Section 13300, and Section 13304, Mr. Safdar Naiz and Mr. Ghulam Fareed and Mrs. Naseem Fareed shall:

1. Investigate the discharges of waste, clean up the waste, and abate the effects of the waste, forthwith, resulting from activities at the Speedbird #2, Sacramento, Sacramento 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 Regional Board's *Water Quality Control Plan for the Sacramento River and San Joaquin River Basins* (in particular the Policies and Plans listed within the Control Action Considerations portion of Chapter IV). "Forthwith" means as soon as is reasonably possible. Compliance with this requirement shall include, but not be limited to, completing the tasks listed below.

2. By **15 May 2006** submit a Work Plan for preparing a Health Risk Assessment. The Health Risk Assessment must include evaluation of all exposure pathways including evaluation of indoor air impacts to commercial and residential occupants overlying identified soil and groundwater pollution. The Work Plan must include an implementation schedule and detailed description of the proposed selected site data for comparison to the *Use of California Human Health Screening Levels in Evaluation of Contaminated Properties* as prepared by the California Environmental Protection agency (Cal/EPA). The approved time schedule in the Work Plan shall become part of this Order.

3. By **30 June 2006** submit a Public Participation Plan (PPP) that facilitates notification of the petroleum release, corrective actions, health risks and site closure process to all residents and property owners overlying the groundwater plume. The PPP must include an evaluation of the demographics of the community, a plan for disseminating information to the public including the mailing of fact sheets, and establishing a public repository so that members of the public have easy access to information regarding corrective actions at the site as well as a forum to communicate their comments or concerns.

Remediation

4. Submit **monthly** status reports for the first three months of operation of any new remedial systems, and combine information into quarterly reports thereafter, as required in item 8 below. At a minimum, the monthly status reports of the remediation system performance shall include:

   - Average extraction rates of all treatment systems.
   - Influent and effluent concentrations of TPHg, benzene, toluene, ethylbenzene, xylene, MtBE and other fuel oxygenates.
   - Mass of hydrocarbons treated during the reporting period and cumulative to date.
   - Running and down time for the remediation system(s).
   - Summary of consultant visits to the site.

As shown in Figure 1, there are currently six onsite monitoring wells and 23 offsite monitoring wells. At all offsite monitoring wells there are shallow and intermediately screened wells, and at some offsite locations (MW-2, MW-10, MW-11, MW-12, and MW-13) there are also monitoring wells with well screens at deep intervals. Shallow monitoring wells are designed with an upper case "S", intermediate wells with an upper case "I", and deep wells with an upper case "D". Staff has agreed to the destruction of seven offsite monitoring wells, which includes: MW-3S, MW-3I, MW-4S, MW-4I, MW-11S, MW-11I, MW-11D and MW-14S. The groundwater monitoring program for the 30 monitoring wells shall follow the Monitoring and Reporting Program that will be prepared pursuant to Section 13267 of the California Water Code subsequent to the issuance of this Order.

5. Submit **quarterly** monitoring and remediation status reports according to Appendix A of the *Tri-Regional Recommendations for Preliminary Investigation and Evaluation of Underground Tank Sites*, which is hereby made part of this Order, by the 1st day of the second month after each calendar quarter. Appendix A can be found at http://www.swrcb.ca.gov/rwqcb5/available_documents. The reports should include all items in item 5 above in addition to the following items:

- Groundwater elevation contour maps.
- Pollutant concentration contour maps.
- Groundwater purge data sheets.
- Tabular results of all current and previous data.
- A narrative describing the work performed during the reporting period.
- A discussion of the status of investigation and cleanup activities including an evaluation of the effectiveness of cleanup activities.
- An estimate of waste constituents treated/removed for each quarter with cumulative totals.
- A schedule for future activities.
- Documentation of treatment or proper disposal of any polluted soil or groundwater generated during the investigation and cleanup activities.

6. In addition to the items in Order #5, the 1st quarter report of each year shall also include:

- Site maps indicating the capture zone and waste constituent plumes.
- Estimated mass of waste constituents remaining and predicted time frame for meeting cleanup objectives.
- Evaluation of the overall remediation program and recommendations to correct deficiencies or increase efficiency.

7. 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 and the Annual Report.

8. Notify Water Board staff within **24 hours** of any unapproved shutdown of the remediation system(s). Upon startup of any new remediation system(s), and for the continued operation of any remediation systems, the Discharger shall operate the systems continuously, except for periodic and routine maintenance. Any interruptions in the operation of the remediation systems, other than routine maintenance, without prior approval from the Executive Officer are a violation of this Order. Therefore, 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.
   - A Corrective Action Plan (CAP) to ensure that similar shutdowns do not reoccur. Proposed CAPs are to be completed within 30 days of the system shutdown.

Verification Monitoring

9. Stop active remediation and begin verification monitoring upon written authorization from the Executive Officer. Demonstrate through periodic pulsing of the remediation system that concentrations of waste constituents of concern will not rebound to levels requiring additional cleanup activities. The duration of the pulsing must provide sufficient data to show that soil and groundwater cleanup has been achieved and the remediation systems can be permanently shut down. Verification monitoring reports are to follow all applicable directives and include all applicable data in items 6 and 7 above.

10. Upon request by Water Board staff submit a No Further Action Request (NFAR) Report providing the rationale why conditions remaining at the site will not adversely impact water quality, human health and safety, or other beneficial uses. Upon concurrence by the Water Board Executive Officer that the NFAR Report substantiates the closure request all monitoring and remedial wells must be properly destroyed.

11. Upon written directive from Water Board staff you will submit a Work Plan to properly destroy, transfer ownership or propose an alternative use for all piezometers, remediation, monitoring, and observation wells. All wells destructions must be conducted under permit from the Sacramento County Environmental Management Department. A report documenting proper destruction or ultimate use of each well must be submitted within 90 days of Water Board staff's written approval of the Work Plan.

12. Notify Water Board staff at least two working days prior to any fieldwork or sampling activities.

13. Obtain all necessary local and state permits prior to beginning work.

14. Analytical results shall be submitted electronically using the Electronic Deliverable Format (EDF) for analyses of soil and/or groundwater samples to the State Water Board Geographic

Environmental Information Management system database (Geotracker) over the internet, in addition to the customary paper format. In addition to the laboratory data, site specific information is required to be submitted in electronic format for the following: 1) the latitude and longitude of groundwater monitoring wells (including any other well or permanent sampling point designated as part of the site monitoring program) accurate to within one meter; 2) the surveyed elevation, relative to mean sea level, for any groundwater sampled, accurate to within a tenth of a foot; 3) groundwater information, including depth to water, free product/thickness and well status; 4) a site map in electronic format (PDF, JIFF, TIFF, JPEG, etc.) showing property boundaries, buildings, and soil and water sampling locations, and 5) copies of all technical reports (monthly and quarterly monitoring reports, work plans, etc.). The Water Board request one paper copy of all technical data and reports be submitted to the Water Board's office until staff determine such copies are no longer necessary.

15. 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.

16. Ensure that all technical reports and plans, including drilling logs and soil and groundwater sampling, are prepared by, or under the supervision of, signed, and certified by a Registered Geologist, Registered Civil Engineer, Certified Engineering Geologist, or Certified Hydrogeologist (all must be licensed by the State of California).

17. All work and directives referenced in this Order are required regardless of whether the State Water Board UST Cleanup Fund approved the work for reimbursement.

This Order is effective upon the date of signature.

_____
PAMELA C. CREEDON, Executive Officer

7 April 2006
(Date)