

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL VALLEY REGION

TECHNICAL REPORTING ORDER R5-2011-0819  
WATER CODE SECTION 13267

FOR  
LAWSON MECHANICAL CONTRACTORS  
AND  
SACRAMENTO HOUSING AND REDEVELOPMENT AGENCY

FORMER LAWSON MECHANICAL  
58 ARDEN WAY, SACRAMENTO  
SACRAMENTO COUNTY

This Order is issued to Lawson Mechanical Contractors, a California Corporation, and the Sacramento Housing and Redevelopment Agency (hereafter collectively referred to as "Dischargers") pursuant to Water Code section 13267, which authorizes the Executive Officer of the California Regional Water Quality Control Board, Central Valley Region ("Central Valley Water Board") to issue an Order ("Order") requiring the submittal of technical reports.

The Executive Officer finds:

**PROPERTY OWNERSHIP AND OPERATIONS**

1. The property at 58 Arden Way, Sacramento (the "Site") is currently owned by the Sacramento Housing and Redevelopment Agency ("SHRA"). (See Figure 1) SRHA purchased the property in January 1991, and intends to redevelop the property.
2. Prior to purchase by SHRA, the property was owned by Mr. Archie Lawson. Mr. Lawson is deceased. The property was leased to Lawson Mechanical Contractors ("Lawson"), a California Corporation, who has taken responsibility for the pollutant release. Lawson leased the property and operated an underground storage tank ("UST") system at the property when the unauthorized release of petroleum fuels was discovered in 1989.

**BACKGROUND**

3. The Site is currently a vacant lot, and surrounding land use is predominantly industrial and commercial, with residential property located to the northeast. In October 1988, a 5,000 gallon gasoline UST was removed, and in August 1989, a 1,000 gallon gasoline UST was removed. A petroleum discharge from the former 1,000-gallon UST has resulted in soil and groundwater pollution.
4. Groundwater is first encountered at approximately 36 feet below ground surface ("bgs"). During the second quarter 2011 groundwater monitoring event, concentrations of petroleum hydrocarbons were detected at maximum concentrations of: total petroleum hydrocarbons as gasoline ("TPH-G") 840 micrograms per liter ("ug/l"), benzene 2.3 ug/l, and 1,2-dichloroethane ("1,2-DCA") 3.4 ug/l. This pollution has impaired the beneficial uses of the underlying water resource.

5. Industrial activities conducted at the Micheletti Property (2147 Barstow Street, Sacramento), a nearby property, have contributed to the local groundwater pollution. During the second quarter 2011 groundwater monitoring event, concentrations of tetrachloroethylene ("PCE") and trichloroethylene ("TCE") were detected in Site wells at maximum concentrations of 29 ug/l and 2,600 ug/l, respectively, and are attributed to past activities on the Micheletti Property.
6. Regional coordination of groundwater monitoring is needed to better understand contributions from adjacent sites to the groundwater pollution plume, and to coordinate and evaluate selected remedial technologies to restore the beneficial uses of the water resource in this area. This Order requires coordinated monitoring and data sharing between the Former Lawson Mechanical site (58 Arden Way, Sacramento), and the Micheletti Property (2147 Barstow Street, Sacramento).
7. This Order replaces the requirements listed in Monitoring and Reporting Program (MRP) R5-2009-0835, which was issued on 21 July 2009. This Order includes changes to MRP R5-2009-0835, which include: the addition of Lawson Mechanical Contractors as a responsible party, the reduction of groundwater monitoring frequency to semi-annual, and the imposition of a requirement to submit a Site Management Plan. The Dischargers shall not implement any changes to this Order unless and until a revised Order is issued by the Executive Officer.

### **DISCHARGER LIABILITY**

8. The California Code of Regulations, title 23, section 2720, defines a responsible party as:

... any person who owns or operates an underground storage tank used for the storage of a hazardous substance... any person who owned or operated the underground storage tank immediately before the discontinuation of its use... any owner of property where an unauthorized release of a hazardous substance from an underground storage tank has occurred, and any person who had or has control over a underground storage tank at the time of or following an unauthorized release of a hazardous substance.

A responsible party has a legal obligation to investigate and remediate contamination. SHRA is the current property owner and is therefore named as a responsible party. Lawson Mechanical Contractors is responsible for the discharge because it leased the property and operated the UST system at the time of the releases.

9. Water Code section 13267 states, in part:

(b)(1) In conducting an investigation..., the regional board may require that any person who has discharged, discharges, or is suspected of having discharged or, discharging, or who proposes to discharge waste within its region . . . shall furnish, under penalty of perjury, technical or monitoring program reports which the regional board requires. The burden, including costs, of these reports shall bear a reasonable relationship to the need for the report and the benefits to be obtained from the reports. In requiring those reports, the regional board shall provide the

person with a written explanation with regard to the need for the reports, and shall identify the evidence that supports requiring that person to provide the reports.

The Dischargers are required to provide the reports because they are the responsible parties under the Water Code, as detailed in Finding No. 8. The reports required herein are necessary to assure protection of waters of the state, and to protect public health and the environment.

10. Water Code section 13268 states, in part:

(a)(1) Any person failing or refusing to furnish technical or monitoring program reports as required by subdivision (b) of Section 13267 . . . or falsifying any information provided therein, is guilty of a misdemeanor and may be liable civilly in accordance with subdivision (b).

(b)(1) Civil liability may be administratively imposed by a regional board in accordance with Article 2.5 (commencing with Section 13323) of Chapter 5 for a violation of subdivision (a) in an amount which shall not exceed one thousand dollars (\$1,000) for each day in which the violation occurs.

(c) Any person discharging hazardous waste, as defined in Section 25117 of the Health and Safety Code, who knowingly fails or refuses to furnish technical or monitoring program reports as required by subdivision (b) of Section 13267, or who knowingly falsifies any information provided in those technical or monitoring program reports, is guilty of a misdemeanor, may be civilly liable in accordance with subdivision (d) . . .

(d)(1) Civil liability may be administratively imposed by a regional board . . . for a violation of subdivision (c) in an amount which shall not exceed five thousand dollars (\$5,000) for each day in which the violation occurs.

Failure to submit the required reports to the Central Valley Water Board according to the schedule detailed herein may result in enforcement action(s) being taken against you, which may include the imposition of administrative civil liability pursuant to Water Code section 13268. The Central Valley Water Board may impose administrative civil liability of up to \$5,000 per day if the Discharger knowingly fails to submit the required reports by the dates set forth below.

11. Compliance with Central Valley Water Board directives is mandatory in order to be eligible for reimbursement of corrective action costs from the State's Underground Storage Tank Cleanup Fund according to California Code of Regulations, title 23, section 2812.2.

### REQUIRED ACTIONS

**IT IS HEREBY ORDERED** that, pursuant to Water Code section 13267, MRP R5-2009-0835 is hereby rescinded, and Lawson Mechanical Contractors and the Sacramento Housing and Redevelopment Agency shall:

1. Perform all work in accordance with permits required by State, County, and Local agencies.
2. Submit a Site Management Plan by **30 March 2012**. The SMP must include the following:

- (a) A project management schedule, (such as a Gantt Chart) showing all major tasks necessary to complete the environmental work at this Site. Include adequate time for subcontractor scheduling, permitting, fieldwork, report preparation, regulatory review, etc. All reports must follow the *Appendix A - Reports, Tri-Regional Recommendations for Preliminary Investigation and Evaluation of Underground Storage Tank Sites* (Appendix A), which is attached hereto and made a part of this Order.
  - (b) A discussion of the current and future uses of the property. Consider that properties may be subject to land use covenants or deed restrictions if remaining contaminants do not allow for unrestricted use.
  - (c) If applicable, the names of other parties who may bear responsibility for this site, along with their contact information and a brief discussion of factors that support their responsibility for the site.
3. As shown on Figure 1, there are currently seven wells, MW-1 through MW-7, associated with the former Lawson Mechanical site. The groundwater monitoring program for the seven wells and any wells installed subsequent to the issuance of this Order, shall follow the schedule below:
- (a) All wells shall be monitored semi-annually for the presence and thickness of free product. Monitoring wells with measurable free phase petroleum shall only be required to monitor for product thickness and depth to water. The volume of purged groundwater, the thickness of any observed free phase petroleum, and the presence of any observed visible sheen shall be recorded and provided in the monitoring reports.
  - (b) Sample collection and analysis shall follow standard EPA protocol.

<b>TABLE 1 – SAMPLING FREQUENCY</b>	
<b>Semi-Annual<sup>1</sup></b>	
<b>Wells</b>	MW-1, MW-2, MW-3, MW-4, MW-5, MW-6, MW-7, New Wells

1. Sample semi-annually during the first and third quarters.

<b>TABLE 2 – ANALYTICAL METHODS</b>		
<b>Constituents<sup>2</sup></b>	<b>EPA Analytical Method</b>	<b>Maximum Practical Quantitation Limit (ug/l)<sup>3</sup></b>
Depth to Groundwater	---	0.01 ft
TPH-G	8015M or 8260B	50
Benzene	8020 or 8260B	0.5
Toluene	8020 or 8260B	0.5
Ethylbenzene	8020 or 8260B	0.5

TABLE 2 – ANALYTICAL METHODS (CONT.)		
Constituents <sup>2</sup>	EPA Analytical Method	Maximum Practical Quantitation Limit (ug/l) <sup>3</sup>
Total Xylenes	8020 or 8260B	0.5
Naphthalene	8260B	0.5
1,2-Dichloroethane	8260B	0.5

2. Report all discrete peaks identified during the normal course of analysis for petroleum constituents.
3. All concentrations between the Method Detection Limit and the Practical Quantitation Limit shall be reported as trace.

4. Prior to construction of any new groundwater monitoring or extraction wells, and prior to destruction of any groundwater monitoring or extraction wells, the Dischargers shall submit plans and specifications to the Central Valley Water Board for review and approval.
5. Submit **Semi-Annual Groundwater Monitoring Reports**, both paper copies to the Central Valley Water Board office and electronic copies to the State Water Resources Control Board’s (State Water Board) GeoTracker database (see Reporting Section below).

### REPORTING

6. When reporting the data, the Dischargers shall arrange the information in tabular form so that the date, the constituents, and the concentrations are readily discernible. The data shall be summarized in such a manner as to illustrate clearly the compliance with this Order.
7. Groundwater monitoring shall be coordinated between the Former Lawson Mechanical site (58 Arden Way, Sacramento), and the Micheletti Property (2147 Barstow Street, Sacramento). The Sacramento Housing and Redevelopment Agency is assisting Mr. Dennis Micheletti in the investigation and cleanup of his property at 2147 Barstow Street. Data generated from each Site is to be shared between Responsible Parties. The monitoring report should include a regional evaluation of the groundwater pollution. All well surveys must be tied to a common datum. Site Maps must show all data from both Sites.
8. As required by the California Business and Professions Code Sections 6735, 7835, and 7835.1, all reports shall be prepared by a registered professional or their subordinate and signed by the registered professional.
9. The Dischargers shall submit a paper copy of the semi-annual report to this Central Valley Water Board office and submit the semi-annual electronic data reports, which conform to the requirements of the California Code of Regulations, Title 23, Division 3, Chapter 30, electronically over the internet to the State Water Boards Geotracker database system. Both the paper copy and the electronic submittal are due by the 15<sup>th</sup> day of the second month following the end of each sampling quarter; **15 May** (1<sup>st</sup> quarter semi-annual report), **and 15 November** (3<sup>rd</sup> quarter semi-annual report). Semi-annual reports shall be

submitted until such time as the Executive Officer determines that the reports are no longer necessary. Each semi-annual report shall include the following minimum information:

- (a) A description and discussion of the groundwater sampling event and results, including trends in the concentrations of pollutants and groundwater elevations in the wells, how and when samples were collected, and whether the pollutant plume(s) is delineated.
  - (b) Field logs that contain, at a minimum, water quality parameters measured before, during, and after purging, method of purging, depth of water, and volume of water purged.
  - (c) Groundwater contour maps for all groundwater zones.
  - (d) Concentration contour maps for all groundwater zones for TPH-G, benzene, and 1,2-DCA.
  - (e) A table showing well construction details such as well number, groundwater zone being monitored, ground surface elevation, screen interval, bentonite interval, filter pack interval, and total depth of the well.
  - (f) A table describing historical lateral and vertical (if applicable) down-gradient directions and gradients.
  - (g) Cumulative data tables containing the water quality analytical results and depth to groundwater.
  - (h) A copy of the laboratory analytical data report.
  - (i) If applicable, the status of any ongoing remediation, including cumulative information on the mass of pollutant removed from the subsurface, system operating time, the effectiveness of the remediation system, and any field notes pertaining to the operation and maintenance of the system.
  - (j) If applicable, the reasons for and duration of all interruptions in the operation of any remediation system, and actions planned or taken to correct and prevent interruptions.
10. The Second Semi-Annual Groundwater Monitoring Report, due **15 November** of each year, shall be an expanded report and will include the following additional information/items:
- (a) Tabular summaries of all data obtained during the year.
  - (b) Graphical summaries, of TPH-G, benzene, and 1,2-DCA concentrations, and groundwater elevation data versus time for Site wells.
  - (c) A rose diagram presenting groundwater flow direction and magnitude data.

- (d) Contaminant concentration contour maps for TPH-G, benzene, and 1,2-DCA for each monitoring event from the previous year.
- (e) A discussion of the long-term trends in the concentrations of the pollutants in the groundwater monitoring wells.
- (f) If applicable, an analysis of whether the pollutant plume is being captured by an extraction system or is continuing to spread.
- (g) If applicable, a description of all remedial activities conducted during the year, an analysis of their effectiveness in removing the pollutants, and plans to improve remediation system effectiveness.
- (h) An identification of any data gaps and potential deficiencies/redundancies in the monitoring system or reporting program.
- (i) If desired, a proposal and rationale for any revisions to the groundwater sampling plan frequency and/or list of analytes.

11. The results of any monitoring done more frequently than required in the Order also shall be reported to the Central Valley Water Board.

Any person aggrieved by this action of the Central Valley Water Board may petition the State Water Board to review the action in accordance with Water Code section 13320 and California Code of Regulations, title 23, sections 2050 and following. The State Water Board must receive the petition by 5:00 p.m., 30 days after the date of this Order, except that if the thirtieth day following the date of this Order falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Water Board by 5:00 p.m. on the next business day. Copies of the law and regulations applicable to filing petitions may be found on the Internet at: [http://www.waterboards.ca.gov/public\\_notices/petitions/water\\_quality](http://www.waterboards.ca.gov/public_notices/petitions/water_quality) or they will be provided upon request.

This Order is effective upon the date of signature.

Ordered by: original signed by Fredrick Moss for  
PAMELA C. CREEDON, Executive Officer

19 October 2011  
(Date)



LEGEND:

- MW-1 Approximate Groundwater Monitoring Well Location
- B1 Approximate Boring Location
- HP-1 Approximate Hydropunch Location
- CPT2 Approximate CPT/Hydropunch Boring Location
- Approximate Bureau Veritas Soil Vapor Sample Location
- Proposed Soil Vapor Well
- UST Underground Storage Tank



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Former Lawson Mechanical		
58 Arden Way Sacramento, California		
<b>SITE PLAN</b>		
S9299-06-03	August 2011	Figure 2