

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL VALLEY REGION

CLEANUP AND ABATEMENT ORDER NO. R5-2007-0725  
FOR

INTERSTATE BRANDS CORPORATION  
TEMPLE OF DELIVERANCE CHURCH OF GOD IN CHRIST  
JASON HUNT  
TIMOTHY KONG  
LORRIE GREENE

DOLLY MADISON / LANGENDORF BAKERY  
1426 S. LINCOLN ST., STOCKTON  
SAN JOAQUIN COUNTY

This Order is issued to Interstate Brands Corporation, Timothy Kong, Temple of Deliverance Church of God in Christ, Jason Hunt, and Lorrie Greene, hereafter referred to as Dischargers, based on provisions of California Water Code section 13304, which authorizes the California Regional Water Quality Control Board, Central Valley Region (hereafter Regional Board) to issue a Cleanup and Abatement Order (Order), and Water Code section 13267, which authorizes the Regional Board to require preparation and submittal of technical and monitoring reports.

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

**PROPERTY OWNERSHIP AND OPERATIONS**

1. The Regional Board has the authority under the California Water Code section 13304 to order persons who are responsible for discharges of waste to cleanup the waste and/or abate the effects of the waste. The Regional Board may revise such orders or issue new orders as appropriate.
2. The property at 1426 S. Lincoln St., Stockton, operated as a bakery from at least 1981 through 1991 and the operators stored petroleum hydrocarbons in an underground tank at the property and used the leaded gasoline for their commercial enterprise. Based on a copy of the 1988 Tank Removal Plan and a San Joaquin County Permit to Remove an Underground Storage Tank dated 3 April 1987 for 1426 S. Lincoln St., Stockton, Interstate Brands Corporation (IBC) owned and operated the underground storage tank (UST) system until the July 1988 UST removal. These documents also included evidence of the discharge of petroleum hydrocarbons from the UST that has impacted soil and groundwater in the vicinity of the UST and has not been cleaned up or abated. IBC is subject to this Order because it owned and operated the UST at the time of the discharge of petroleum hydrocarbons and caused or permitted waste to be discharged to waters of the state where it has created a condition of pollution or nuisance, as further described herein.

3. Based on San Joaquin County Grant Deed dated 11 August 1982, the estate of Edith L. Freeman deeded the property to Frances Friedman Levin. Based on San Joaquin County Individual Grant Deed dated 27 May 1988, Frances Friedman Levin deeded the property to the Frances Friedman Levin Trust (Trust). On 27 July 1988, IBC removed the UST system. Based on San Joaquin County Environmental Health Department (SJCEHD) records, the Trust was dispersed in 1989. The Trust is not subject to this Order because although the Trust owned the property at 1426 S. Lincoln St., Stockton, leased the property to IBC at the time of the release, and had knowledge of the discharge and ability to control access to the property during the period of ownership, the Trust is no longer in existence.
4. Based on San Joaquin County Grant Deed dated 12 April 1989, Richard L. Greene, Successor Trustee of the Frances Friedman Levin Trust, dispersed the Trust and granted Lorrie Greene the property. The Regional Board file also contains a property lease from Lorrie Greene to tenant IBC, which was in effect through June 1991. Lorrie Greene is subject to this Order because she previously owned the property at 1426 S. Lincoln St., Stockton, and leased the property to IBC, had knowledge of IBC's efforts to investigate the discharge, and had the ability to control access to the property during the period of ownership.
5. Based on the San Joaquin County Grant Deed dated 22 March 1999, Lorrie Greene transferred title to the Temple of Deliverance Church of God in Christ (TODCOGIC). On 17 May 2007, former pastor Jason Hunt responded in writing that the TODCOGIC disbanded in 2002 and sold the property in 2004, although the deed says TODCOGIC sold the property in 2003. TODCOGIC is subject to this Order because TODCOGIC previously owned the property at 1426 S. Lincoln St., Stockton, had knowledge of IBC's efforts to investigate the discharge, and had the ability to control access to the property during the period of ownership.
6. Based on a review of business records on file with the California Secretary of State, TODCOGIC was never incorporated as a California Religious Nonprofit Corporation, as required by Cal. Corporations Code § 9130. In a phone conversation on 7 Aug 2007, the Northern California First Jurisdiction Church of God in Christ professed no knowledge of the TODCOGIC congregation. No certificate of dissolution was ever filed on TODCOGIC's behalf with the California Secretary of State, as required by Cal. Corporations Code § 6611. In the absence of all nonprofit corporate records, Jason Hunt will be held personally liable for the actions of TODCOGIC. Jason Hunt is thereby subject to this Order because of his imputed ownership of the property at 1426 S. Lincoln St., Stockton, his imputed knowledge of IBC's efforts to investigate the discharge, and his imputed ability to control access to the property during the period of ownership. The Executive Officer may elect to relieve Jason Hunt of all liability upon a showing that TODCOGIC properly assumed possession of the property as a duly registered California Religious Nonprofit Corporation.

7. Based on the San Joaquin County Grant Deed dated 28 May 2003, Timothy Kong purchased the property from the TODCOGIC, and is subject to this Order because he currently owns the property, and has knowledge of IBC's efforts to investigate the discharge and the ability to control access to the property at 1426 S. Lincoln St., Stockton. The former Dolly Madison / Langendorf Bakery (Site) at 1426 S. Lincoln St., Stockton, in San Joaquin County is currently a storage facility owned by Timothy Kong (Attachment 1).
8. Based on the Industrial Lease dated 1 July 1991 between Lorrie Greene, Landlord and the Rainbo Baking Company of the Sacramento Valley (Rainbo//Earthgrains Inc), Tenant; the Rainbo/Earthgrains Inc operated a bakery at 1426 S. Lincoln St., Stockton until 30 June 1996. Rainbo/Earthgrains Inc was named as a responsible party for the investigation and cleanup on 15 August 1996 by SJCEHD and subsequently removed as a responsible party by SJCEHD after stating they only operated a thrift store at the Site (SJCEHD records). Rainbo/Earthgrains Inc is not subject to this Order because it did not own or operate the UST system that caused or permitted waste to be discharged to waters of the state where it has created a condition of pollution or nuisance, nor did they, as tenants to Lorrie Greene, have the ability to control the discharge. Should information be submitted substantiating Rainbo/Earthgrains Inc responsibility for the subject release, the Regional Board may consider adding Rainbo/Earthgrains to this Order.

## BACKGROUND

9. On 27 July 1988, one 1,000-gallon leaded gasoline UST was removed from the Site by IBC (Attachment 2). Confirmation soil sampling revealed the presence of Total Petroleum Hydrocarbons as gasoline (TPHg) detected at concentrations of 95 milligrams per kilogram (mg/kg), Xylenes at 3 mg/kg, and Lead at 138 mg/kg in one soil sample taken from the UST excavation.
10. On 6 November 1996 the SJCEHD sent a letter to IBC, with a copy to Lorrie Greene, informing IBC that it was a responsible party. Also named as a responsible party in the 6 November 1996 letter was Lorrie Greene. The SJCEHD letter directed IBC *to submit a workplan by 16 December 1996 to "...initiate this investigation..."* and recommended *"...installation of a soil boring through the former tank pit..."* The SJCEHD letter also stated. *"Should this boring indicate vertical spreading to groundwater...additional soil borings and/or groundwater monitoring wells may be required."*
11. IBC hired EMCON as its consultant and submitted a Work Plan on 27 January 1997, proposing the installation of three on-site borings (monitoring wells MW-1 and MW-2, and soil vapor extraction well VW-1). The work was completed in February 1997. The following waste constituents were detected in soil at the specified maximum soil concentrations: TPHg, 1,080 mg/kg; benzene, 9.5 mg/kg; toluene, 35 mg/kg; ethylbenzene, 16.8 mg/kg; xylenes, 76.3 mg/kg; and Methyl tert-Butyl Ether (MtBE), 2.9 mg/kg. Maximum groundwater concentrations from MW-1 were: TPHg,

18,000 micrograms per Liter (ug/L); benzene, 4,400 ug/L; toluene, 280 ug/L; ethylbenzene, 890 ug/L; and xylenes, 1,200 ug/L.

12. Although EMCON recommended Soil Vapor Extraction (SVE) as the remedial option in its 5 August 1997 *Subsurface Soil and Groundwater Investigation Report*, there is no record that SVE was implemented at the Site. Two Cone Penetrometer Borings were installed in May 2000 to further investigate the extent of the release. IBC continued submitting quarterly groundwater monitoring reports for the three wells through various consultants through the second quarter of 2004, when all monitoring ceased. Court records show that IBC filed for bankruptcy on 23 September 2004 and is awaiting a final determination for the bankruptcy.
13. On 4 August 2005, SJCEHD issued a letter to Timothy Kong that required resumption of quarterly monitoring by 30 August 2005 and submittal of a workplan to define vertical and lateral extent of waste constituents by 30 September 2005. On 8 August 2005, the SJCEHD issued the same directive to IBC. SJCEHD records show that Timothy Kong met with the SJCEHD on 11 August 2005, however the workplan was not submitted. On 5 October 2005, the SJCEHD sent letters to Timothy Kong and IBC, which required the submittal of a workplan within 14 days. On 31 October 2005, the SJCEHD sent letters to Timothy Kong and IBC requested a meeting on 28 November 2005, to discuss the lack of compliance with the SJCEHD directives. On 15 November 2005, the SJCEHD issued Notice of Responsibility (NOR) letters to Lorrie Greene and the TODCOGIC. The SJCEHD records show that Timothy Kong met with the SJCEHD on 28 November 2005 and agreed to submit a workplan. On 27 March 2006, Timothy Kong sent a letter to the SJCEHD, stating that the workplan was delayed due to financial and legal setbacks. The workplan was not submitted.
14. Efforts by the SJCEHD to ensure the Dischargers compliance were unsuccessful and on 31 August 2006, the SJCEHD referred the Site to the Regional Board for enforcement action.
15. On 26 September 2006, Regional Board staff issued a letter to IBC, Timothy Kong, Lorrie Greene and the TODCOGIC, acknowledging the change of lead agency, and requested a workplan for an additional investigation to delineate the vertical and lateral extent of the petroleum hydrocarbon release to soil and groundwater by 31 October 2006 and a report of the investigation by 3 January 2006 (correct date: 2007). At the time of this Order, the workplan has not been received.
16. Timothy Kong conducted one groundwater monitoring event on 22 November 2005. Maximum concentrations were: TPHg, 1,400 ug/L; benzene, 280 ug/L; toluene, 3.4 ug/L; ethylbenzene, 73 ug/L; xylenes, 190 ug/L; MtBE, 2.8 ug/L and 1,2-DCA, 9.3 ug/L.
17. To date, the State Water Resource Control Board's Underground Storage Tank Cleanup Fund has not received a claim for the Site. However, Lorrie Greene and Timothy Kong have applied to the Orphan Sites Cleanup Account. Timothy Kong has agreed to conduct

the work. Both parties responded to the draft Cleanup and Abatement Order issued 12 April 2007, and met with Regional Board staff on 30 May 2007.

### **AUTHORITY – LEGAL REQUIREMENTS**

18. 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.”*

19. 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”*

20. 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.”*

21. 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. . .”*

22. 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.

23. Chapter IV of the Basin Plan contains the *Policy for Investigation and Cleanup of Contaminated Sites*, which describes the Regional Board’s policy for managing contaminated sites. This Policy is based on Water Code Sections 13000 and 13304, the Title 27 California Code of Regulations (CCR), Division 2, Subdivision 1, and Title 23 CCR, Division 7, Chapter 15 regulations, and State Water Board Resolutions 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.

24. 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.)

25. The Regional Board's *Water Quality Control Plan for the Sacramento River and San Joaquin River Basins, 4<sup>th</sup> 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 beneficial uses of the groundwater beneath the site are domestic, municipal, industrial, and agricultural supply.
26. The wastes detected at the site are not naturally occurring, and some are known human carcinogens (Benzene, TBA, Lead and 1,2-DCA) or suspected carcinogens (MtBE). Pollution of groundwater with these wastes impairs or threatens to impair the beneficial uses of the groundwater.
27. 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 Board will, on a case-by-case basis, adopt numerical limitations in orders which will implement the narrative objectives.” The numerical limits for the waste constituents of concern listed in the following table implement the Basin Plan WQOs.

<b>Constituent</b>	<b>Limits</b>	<b>WQO</b>	<b>Reference</b>
Total Petroleum Hydrocarbons as Gasoline	5 ug/l	Tastes and Odor	McKee & Wolf, <i>Water Quality Criteria</i> , SWRCB, p. 230
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
Xylenes	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
1,2-DCA	0.4 ug/l	PHG	California Public Health Goal (OEHHA)

28. The constituents listed in Finding Nos. 9, 11, and 16 are wastes as defined in California Water Code Section 13050(d). The groundwater exceeds the WQOs for the constituents listed in Finding No. 27. The exceeding of applicable WQOs in the Basin Plan constitutes pollution as defined in California Water Code Section 13050(l)(1).

### **DISCHARGER LIABILITY**

29. As described in Findings 2, 3, 4, 5, 6 and 7, the Dischargers are subject to an order pursuant to Water Code section 13304 because the Dischargers have either caused or permitted or had control over property where a waste was allowed 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 Regional Board.
30. 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.
31. As described in Finding 20, 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.
32. 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.
33. If the Dischargers violate this Order, the Dischargers may be liable civilly in a monetary amount provided by the Water Code.
34. 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.
35. Any person affected by this action of the Regional 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](http://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, Interstate Brands Corporation, Timothy Kong, Lorrie Greene, Temple of Deliverance Church of God in Christ, and Jason Hunt, shall:

1. Investigate the discharges of waste, clean up the waste, and abate the effects of the waste, forthwith, resulting from activities from the former UST system at 1426 S. Lincoln St., in Stockton, 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. All work and reports shall follow the Appendix A - Reports, Tri-Regional Recommendations for Preliminary Investigation and Evaluation of Underground Storage Tank Sites (Appendix A - Reports) which is attached and made a part of this Order, and under permits required by State, County, and/or Local agencies.

## PUBLIC PARTICIPATION

3. By **16 November 2007**, submit a *Public Participation Plan*. The *Public Participation Plan* shall solicit the public's concerns and disseminate information to the public regarding the investigation and proposed cleanup activities at the sites. The *Public Participation Plan* shall be updated as necessary to reflect any significant changes in the degree of public interest as the site investigation and cleanup process moves toward completion.

## SITE HISTORY

4. By **16 November 2007**, submit a report to the best of the Discharger's abilities documenting the site's history since the tanks were installed including a chronology of the site's ownership and operator history, any evidence detailing the time and origin of the discharges of waste, and the fee title owner. Information in this report may be used to identify additional responsible parties who may be added to this or future orders, or revise this Order.

## RISK ASSESSMENT

5. By **16 November 2007**, submit a risk assessment to demonstrate whether the discharges of waste pose unacceptable risks to human health or the environment. The site-specific risk assessment must use the Office of Environmental Health Hazard Assessment (OEHHA) toxicity data (California cancer slopes). If the risk assessment suggests that the discharges of waste pose a threat to human health, the report shall include a workplan to abate the risk or exposure. The proposed abatement work shall begin within 60 days of approval by Regional Board staff, or by **1 February 2008**, whichever is sooner.

## SITE ASSESSMENT

6. By **16 November 2007** submit a *Site Investigation Workplan (Workplan)* to collect a sufficient number of soil, soil vapor and groundwater samples to determine the lateral and vertical extent of waste constituents and the complete site characterization. The work plan shall contain the information in Appendix A, which is made part of this Order.
7. Within **30 days** of staff concurrence with the *Workplan*, but no later than **1 January 2008**, implement the work plan in accordance with the approved time schedule, which shall become part of this Order.
8. Submit results of the site investigation in a *Preliminary Investigation and Evaluation Report (PIER)* in accordance with the approved time schedule, but no later than **1 March 2008**. The *PIER* shall include recommendations and, if needed, a second Workplan for additional investigation. If additional investigation is necessary, the Workplan shall include a time schedule for completing the work and submitting the results.
9. Within **30 days** of staff concurrence with the Workplan for additional site assessment, and in accordance with the approved time schedule, implement the Workplan.
10. Upon defining the extent of wastes, but no later than **1 May 2008**, submit a *Problem Assessment Report (PAR)* which includes information from the implementation of the Workplan and sufficient detail on the nature and extent of the discharges of waste to provide a basis for future decisions regarding subsequent cleanup and abatement actions.

## FEASIBILITY STUDY

11. By **1 July 2008**, submit a Feasibility Study 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 Feasibility Study 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 Feasibility Study shall include the rationale for selecting the preferred remedial alternative. The Discharger shall attempt to clean up each waste 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 as set forth in Finding 27.

## REMEDICATION

12. Within **90 days** of Regional Board staff concurrence with the proposed remedial action described in the Feasibility Study but no later than **1 November 2008**, submit a Final Remedial Plan (FRP). The FRP must include a detailed description of the remedial actions to address cleanup of the entire groundwater plume and source area soils. The FRP shall also include a schedule to implement all remedial actions.
13. Within 60 days of Regional Board staff's approval of the FRP but no later than **1 February 2009**, begin implementation of the approved remedial actions.
14. 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, benzene, toluene, ethylbenzene, xylenes, MtBE and other fuel oxygenates, 1,2 DCA, EDB, and Organic Lead,
  - 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.

15. The Discharger shall insure that any soil vapor or groundwater extraction system(s) “zone of capture” completely envelops and controls the waste plume(s) (lines of zero waste in all targeted zones). If sampling results in any two consecutive months (or quarters) demonstrate that any part of the waste plume(s) is not within the “zone of capture”, the Discharger shall include with the second status report a proposal to resolve the condition. The proposed actions shall be completed within 60 days (adjust as appropriate) of staff approval of the proposal.

### GROUNDWATER MONITORING

16. Monitor and sample **quarterly** all monitoring wells and threatened offsite water supply wells for TPHg, benzene, toluene, ethyl benzene, total xylenes, and fuel oxygenates including MtBE until otherwise directed in writing by the Executive Officer or her representative(s). 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.
17. Submit **Quarterly Status Reports** by the 1<sup>st</sup> 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.

### GENERAL REQUIREMENTS

18. 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 they agree with any recommendations/proposals and whether they approved implementation of said proposals.
19. 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 Regional 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 Board staff or without notifying the Regional 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.

20. Notify Regional 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.
21. Obtain all local and state permits and access agreements necessary to fulfill the requirements of this Order prior to beginning the work.
22. 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.
23. 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.
24. 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 Board staff approval, to define the new plume limits.
25. Electronic copies of all reports and analytical results are to be submitted over the Internet to the State Water Board Geographic Environmental Information Management System database (GeoTracker) at <http://geotracker.swrcb.ca.gov>. Electronic submittals shall comply with GeoTracker standards and procedures as specified on the State Board's web site and shall be submitted by the due dates for the corresponding copies ordered elsewhere in this Order.

26. If 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. Any extension request shall be submitted as soon as the situation is recognized and no later than the compliance date. An extension may be granted by revision of this Order or by a letter from the Executive Officer. Extension requests not approved in writing by the Executive Officer with reference to this order are denied.
27. All work and directives referenced in this Order are required regardless of whether or not the UST Cleanup Fund approves the work for reimbursement.
28. If 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 and/or may issue a complaint for administrative civil liability.

This Order is effective upon the date of signature.

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PAMELA C. CREEDON, Executive Officer

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9 October 2007

(Date)