



California Regional Water Quality Control Board Central Valley Region

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



Arnold
Schwarzenegger
Governor

Linda S. Adams
Secretary for
Environmental
Protection

11020 Sun Center Drive #200, Rancho Cordova, California 95670-6114
Phone (916) 464-3291 • FAX (916) 464-4645
<http://www.waterboards.ca.gov/centralvalley>

27 August 2008

Certified Mail
7007 2560 0001 6522 7420

Certified Mail
7007 2560 0001 6522 7437

Mr. Thomas Tucker
Clark Pacific
1980 South River Road
West Sacramento, California 95691

Ms. Anne Ogrey
Spreckels Sugar Company, Inc.
P.O. Box 60
Tracy, California 95304

ORDER TO SUBMIT TECHNICAL REPORTS IN ACCORDANCE WITH SECTION 13267 OF THE CALIFORNIA WATER CODE, FORMER SPRECKELS AGRICULTURAL REPAIR SHOP AND FARM SHOP, 40600 COUNTY ROAD 18C, WOODLAND, YOLO COUNTY, LUSTIS #570342

You are legally obligated to respond to this Order. Please read this Order carefully.

An unauthorized discharge of petroleum hydrocarbon constituents from two underground storage tank (UST) systems, comprising a total of six USTs, at the former Spreckels Sugar Plant, 40600 County Road 18C in Woodland (the Site), has resulted in undefined impacts to soil and groundwater. In 2007 and 2008, Wallace-Kuhl & Associates, Inc. (WKA) performed site investigations for Clark Pacific to determine current site environmental conditions at the Site. The analytical results of the 2007 and 2008 soil and groundwater investigations conducted by WKA are summarized in Table 1.

Table 1. Maximum Concentrations of Petroleum Hydrocarbons (2007 and 2008)

Location/Data Type	TPHmo	TPHd	TPHg	BTEX	SVOC	1, 2-DCA	EDB	MtBE
Ag Shop								
Soil	<10,000	2,100	<1,000	<0.50	NDa	<0.50	<0.50	NA
Groundwater	12,000	2,300	<50	T/1.5*	NDb	NA	NA	<0.50
Farm Shop								
Soil	<10,000	2,200	<1,000	NA	NDa	NA	NA	NA
Groundwater	<100	75	NA	NA	NDb	NA	NA	NA

Concentrations: soil in micrograms per kilogram (ug/kg); groundwater in micrograms per liter (ug/L). TPHmo: total petroleum hydrocarbons as motor oil. TPHd: total petroleum hydrocarbons as diesel. TPHg: total petroleum hydrocarbons as gasoline. BTEX: benzene, toluene, ethylbenzene, xylenes. T/1.5*: toluene at 1.5 ug/L. SVOCs: semi-volatile organic compounds by EPA Method 8270C. NDa: not detected at detection limits of 500 to 10,000 ug/kg. NDb: not detected at detection limits of 0.10 to 50 ug/L. NA: not analyzed.

The 24 January 2008 *Subsurface Investigation Report of Findings* by WKA indicates that six USTs were removed in 1987 from the Agricultural Repair Shop (Ag Shop) and the Farm Shop locations at the former Spreckels Sugar Plant, and that these are the sources of the releases at the Site. An 8,000-gallon regular gasoline UST, a 6,000-gallon unleaded gasoline UST, and a 1,200-gallon waste oil UST were removed from the Ag Shop area. A 1,000-gallon diesel

UST, a 5,000-gallon diesel UST, and a 750-gallon waste oil UST were removed from the Farm Shop area.

Although the 2007 and 2008 data provides some indication of subsurface conditions, complete delineation of the existing petroleum hydrocarbons in soil and groundwater has not been completed. The Regional Water Board is the lead agency for this UST investigation.

The California Code of Regulations, Title 23, section 2720, defines a responsible party as, "...any owner of property where an unauthorized release of a hazardous substance from an underground storage tank has occurred... 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 is legally obligated to investigate contamination when there is evidence that surface or groundwater has been or may be affected by an unauthorized release. Spreckels Sugar Company, Inc. is subject to this Order because our records indicate it was the owner/operator of the Site when the USTs were removed in 1987, and had legal control over the USTs at the time of the release. Ownership of the Site was subsequently transferred to Sugarland Farms, LLC, and in 2007, Clark Pacific acquired the Site. Clark Pacific is subject to this Order because they are the owner of property where an unauthorized release of a hazardous substance from an UST has occurred.

Pursuant to California Water Code (CWC) section 13267, you are required by this Order to submit by **7 November 2008** a work plan to characterize the lateral and vertical extent of the petroleum hydrocarbons in soil and groundwater beneath the Site. The work plan must include a proposal to install a sufficient number of monitoring wells to define the groundwater gradients at the two UST locations, and scaled maps that show the location of the former UST systems. A sufficient number of soil and groundwater samples must be collected at and around the former UST locations to determine the mass of secondary source material beneath the Site, if this data has not previously been collected. In addition, this work plan must include a complete history of the ownership and operation of the UST systems at the Ag and Farm Shops, a chronology of the Site's ownership history from the installation of the USTs up to the current owner, any evidence detailing the time and origin of the release, and all investigative activities conducted to date regarding the UST systems. Information in this work plan may be used to identify additional responsible parties who may be added to this or future orders.

In addition to analysis for total petroleum hydrocarbons as diesel (TPHd), TPH motor oil (TPHmo), and semi-volatile organic compounds by Environmental Protection Agency (EPA) Method 8270C, the work plan must include analysis of samples from the Ag and Farm Shops for volatile organic compounds using EPA Method 8260B that includes gasoline hydrocarbons (total petroleum hydrocarbons as gasoline, benzene, toluene, ethylbenzene, and total xylenes, MtBE, tertiary butyl alcohol, di-isopropyl ether, ethyl tertiary butyl ether, tertiary amyl methyl ether, ethanol, methanol, ethylene dibromide, and 1,2-dichloroethane) and organic solvents (possible constituents found in a waste oil tank). The WKA reports indicate that silica gel was used on samples from both UST locations before TPHd and/or TPHmo analysis. Please note that you are not to use silica gel cleanup for sample analysis of TPHd and/or TPHmo. Our chemist indicates that after silica gel is used, the most likely hydrocarbons removed are polar degradation products from petroleum hydrocarbons, not naturally occurring hydrocarbons. Therefore, the portion of TPHd and TPHmo removed by silica gel must be considered petroleum hydrocarbons from anthropomorphic source areas and not naturally occurring hydrocarbons, unless the laboratory identifies naturally occurring hydrocarbons as the hydrocarbons removed by the silica gel.

The work plan must be prepared according to Appendix A of the *Tri-Regional Recommendations for Preliminary Investigation Evaluation of Underground Storage Tank Sites*, which is hereby made a part of this Order. Appendix A is available for review at http://www.swrcb.ca.gov/rwqcb/available_documents.

CWC 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 work plan is necessary for the reasons described in this letter and as documented in the files of the Regional Water Board to assure protection of waters of the state, and to protect public health and the environment. Failure to submit the required work plan by **7 November 2008** may result in additional enforcement action, which may include the imposition of administrative civil liability pursuant to CWC section 13268.

CWC 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.”

Furthermore, compliance with the Regional Water Board requirements 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. All work must be performed according to the Tri-Regional Recommendations for Preliminary Investigation and Evaluation of Underground Storage Tank Sites, and permits required by State, County, and Local agencies. All reports must be submitted to this Regional Water Board. Submit only electronic copies of all documents in PDF format to YCEHS; however, they request that documents 3 megabytes and larger should be sent on CD.

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 copies are due to GeoTracker concurrent with the corresponding hard copy. Electronic submittals shall comply with GeoTracker standards and procedures as specified on the State Water Resources Control Board's (State Board) web site.

Any person aggrieved by this action of the Regional Water Board may petition the State Water Board to review the action in accordance with CWC section 13320 and California Code of Regulations, Title 23, Section 2050 and following. The State 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/wter-quality> or will be provided upon request.

If you have any questions please contact David Stavarek at (916) 464-4673, or by e-mail at dstavarek@waterboards.ca.gov.

PAMELA C. CREEDON
Executive Officer

cc: Mr. Mark Owens, SWRCB, UST Cleanup Fund, Sacramento
Mr. Michael Sears, Yolo County Environmental Health Services, Woodland
Mr. Chris Ochoa, Sugarland Farms, LLC, Woodland
Mr. Chris Kadi, Wallace-Kuhl and Associates, Inc., West Sacramento