



# California Regional Water Quality Control Board Central Valley Region

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



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>

Arnold  
Schwarzenegger  
Governor

27 August 2008

Certified Mail  
7007 2560 0001 6522 7444

Certified Mail  
7007 2560 0001 6522 7451

Mr. Greg Andrews  
Interstate Oil Company  
8221 Alpine Avenue  
Sacramento, CA 95826

Mr. Fred Broesch  
Property Owner  
20770 State Hwy 113  
Knights Landing, CA 95645

## **ORDER TO SUBMIT TECHNICAL REPORTS IN ACCORDANCE WITH SECTION 13267 OF THE CALIFORNIA WATER CODE, KNIGHTS LANDING GROCERY FACILITY, 9518 LOCUST STREET, KNIGHTS LANDING, YOLO COUNTY, LUSTIS #570343**

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

An unauthorized discharge of petroleum hydrocarbon constituents from an underground storage tank (UST) system with two gasoline and one diesel USTs located at 9518 Locust Street in Knights Landing (the Site) has resulted in an undefined impact to soil and groundwater. The Underground Storage Tank Unauthorized Release (leak)/Contamination Site Report (UAR) received by Yolo County Environmental Health Services (YCEHS) on 15 July 2008 and at this office 18 July 2008 indicates that Interstate Oil Company is the operator, and has legal control over, the UST system located on the Site. YCEHS indicated on 12 August 2008 in an electronic mail to staff at the California Regional Water Quality Control Board, Central Valley Region (Regional Water Board) that Mr. Fred Broesch is the current property owner.

The 15 May 2008 *Soil Boring Installation Results Report (Report)* by Apex Envirotech (Apex) indicated that on 17 June 2003, three fuel dispensers and associated pipelines were replaced by Walton Engineering, Inc. Apex also states in the *Report* that Grayland Environmental indicated in their 25 July 2003 *Fuel Dispenser Removal Report (Dispenser Report)* that only tertiary butyl alcohol was detected at 1.5 and 0.0087 milligrams per kilogram in soil samples collected three feet below ground surface (bgs) beneath two of the dispensers.

In April 2008, four direct push borings within 7 to 15 feet of the UST system were used to collect soil and groundwater samples for a property transfer assessment of site conditions. Total petroleum hydrocarbons reported as diesel (TPHd) was detected at 1.0 to 1.7 mg/kg in the eight soil samples collected 8 and 14 feet bgs. However, the TPHd reported by the laboratory was described as atypical of diesel fuel, having a higher boiling than typical diesel. MtBE was detected in two of the eight soil samples at 0.001 and 0.0052 mg/kg. TPHd having higher boiling than typical diesel was detected in three of the four grab groundwater samples at 140 to 550 micrograms per liter (ug/L), and MtBE was detected in all four groundwater samples at 1.2 to 77 ug/L.

*California Environmental Protection Agency*

Although the April 2008 investigative activities provide 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 regulatory agency for this UST investigation.

Pursuant to California Water Code (CWC) section 13267, Interstate Oil Company and Mr. Broesch are required by this Order to submit, by **7 November 2008**, a work plan to characterize the lateral and vertical extent of the petroleum fuel hydrocarbons in soil and groundwater beneath the Site. In addition, this work plan must include a complete history of the ownership and operation of the UST systems at the Site, a chronology of the Site's ownership history from the installation of the USTs, up to the current owner, and any evidence detailing the time and origin of the release. Information in this work plan may be used to identify additional responsible parties who may be added to this or future orders.

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. Include a copy of the fee title for indicating the current property owner for this site. Appendix A is available for review at [http://www.swrcb.ca.gov/rwqcb/available\\_documents](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 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. Interstate Oil Company is subject to this Order because they have legal control over the USTs on the Site. Mr. Broesch is subject to this Order because he is the owner of property where an unauthorized release of a hazardous substance from an UST has occurred. 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 **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 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-notice/petitions/water\\_quality](http://www.waterboards.ca.gov/public-notice/petitions/water_quality) or will be provided upon request.

If you have any questions contact David Stavarek at (916) 464-4673, or by e-mail at [dstavarek@waterboards.ca.gov](mailto: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. Jit Ram, Current UST Operator, Knights Landing  
Mr. Michael Sgourakis, Apex Envirotech, Gold River