



California Regional Water Quality Control Board Central Coast Region



Linda S. Adams
Secretary for
Environmental
Protection

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Arnold Schwarzenegger
Governor

March 17, 2010

Mr. Gerard Martorano
Wine Country Gateway Recreational Vehicle Park, LLC
Gerard@sunbeltpm.com

RESPONSE TO COMMENTS: 81 WELLSONA ROAD, PASO ROBLES, SAN LUIS OBISPO COUNTY; UNDERGROUND STORAGE TANK CASE # 830

Mr. Martorano,

Central Coast Water Board (Water Board) staff received your comment letter (attached) regarding the above-referenced Underground Storage Tank Case. We will forward the comment letter along with this response to the Board members. As my staff member Chris Adair explained to you in a phone conversation on March 3, 2010, this matter is not on the Board meeting agenda for the meeting scheduled for March 18, 2010. As such, the Board cannot take action on the item except to provide direction to staff. The Board cannot close the case at this meeting.

As staff has discussed with you on several occasions, we do not concur with your request for site closure. As stated below, results from post-remediation monitoring are promising. However, hydrogen peroxide is a powerful oxidizing agent. For sites using hydrogen peroxide, we typically find low petroleum hydrocarbon concentrations in a monitoring well following recent treatment within that well. We also typically require an extended monitoring period to verify the long-term effectiveness of the treatment, to evaluate hydrocarbon concentrations in groundwater beyond the well where treatment occurred.

Staff summarizes your remaining comments below and follows each summary with a response.

Comment: "...Staff seems to think that continued monitoring with no direct end in sight is warranted." "The contamination was old, it sat for 15 years, it was treated, monitoring is not treatment, and there is simply no evidence that would suggest that any flare up in the future would occur from this matter."

Response: The initial post-treatment data (results from samples taken directly after the final treatment event in October 2009) and data from the first quarter 2010 look promising, but we typically require a series of verification monitoring events upon completing any remedial action. Generally we require a minimum of one year (a seasonal rain cycle) of data to verify the effectiveness of the cleanup action. In

addition, we may require confirmation soil sampling and additional site assessment depending on monitoring results.

Beginning on March 19, 2009, consultants conducted six weekly hydrogen peroxide infiltration events. At that time, 15 gallons of hydrogen peroxide (10% solution) were gravity fed into three monitoring wells.

In late July 2009, consultants began a second phase of six bi-weekly (every two weeks) hydrogen peroxide infiltration events. All eight monitoring wells associated with site were used as treatment wells. The consultant staggered the treatments so that each well received six treatments over the course of 12 events. A total of approximately 75 gallons of 10% hydrogen peroxide solution were infiltrated into each of the eight monitoring wells. The second phase was completed in late October 2009. The consultant reported initial results from post-remediation sampling in November 2009.

While remedial treatment with hydrogen peroxide has been shown to be effective in many cases on the Central Coast, staff requires additional monitoring and/or verification sampling when monitoring wells are used for treatment delivery. Monitoring results at the point of treatment (within the wells) will not be representative of the surrounding groundwater until the groundwater has migrated both horizontally and vertically. Depending on groundwater flow velocity, a year of monitoring generally allows for sufficient migration and seasonal fluctuation of groundwater.

Comment: "Staff has several concerns which we feel we have addressed with regards to drinking wells, and we have and are forwarding data to them to show that no drinking wells are or have been contaminated."

Response: Data from the California Department of Public Health shows an active, domestic supply well 260 feet cross-gradient from the initial release. Water Board staff has asked the responsible party to sample this well and any other supply wells close to the site. The Responsible Party has reported to us that they have sampled these wells and that the results show no petroleum hydrocarbon impacts. However, we have not received the results of the requested sampling.

Comment: "Right now, a large sum of money sits unused in a State Fund solely for this sight that can be used far more effectively to benefit the citizens of the region than this site."

Response: This site has an active Letter of Commitment from the Underground Storage Tank Cleanup Fund (Fund) and the site is ranked by the Fund as a Category B priority site. While the Fund had difficulties with their financial commitments in 2009, the Fund has since reimbursed all Category B claims made through the end of 2009 for expenses incurred by tank site owners in the remediation of petroleum released to soil and groundwater. Records in the public Geotracker database show that the responsible party for this site has not made a claim for reimbursement from the Fund since December 2008. There is no reason



to believe that costs incurred for site remediation will not be reimbursed by the Fund. Money is paid into the Fund by underground storage tank owners to assure the cleanup of petroleum releases. Part of that assurance is post-treatment monitoring to verify that treatment activities have been effective.

Comment: "Closing this matter would allow the owners to obtain financing to rehab the station, it would create new jobs, employment, and most importantly revenue going into the UST to fund real public benefits. Also it will allow and ugly building to be cleaned up." "...the banking crisis has now made any site with open matters "Toxic" to Banks. No one wants them as their equity is essentially worthless. However, property changes hands frequently and will more so with this economy. That many sites that are in need of clean up are not being cleaned up because the current owners have no money. No one will want to purchase sites and do any remediation and rehabilitation if they believe they will be tied up with no clear end to having an open environmental matter."

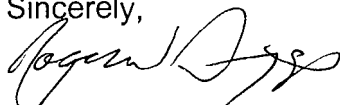
Response: We share a common goal of cleaning up sites so that these cases can be closed. But cleanup must be adequate such that it protects the beneficial uses of groundwater. At the request of the responsible parties, staff is prepared to work with the banks and responsible parties to facilitate better understanding of the remaining liability associated with this discharge. The case is clearly moving towards closure and the owners have been instrumental in that progress. However, it is staff's professional opinion that we cannot recommend closure without verification that remedial activities in both soil and groundwater have been effective. This verification includes the following:

- 1) At a minimum depending on monitoring results, a year of post-remediation groundwater monitoring, and
- 2) Confirmation soil sampling.

The people of California have charged the Central Coast Water Board with protecting the beneficial uses of water on the Central Coast for present and future generations. Both line and senior staff have met with you and expressed expectations for the site with you and your consultants. It is not in the public interest to close this site at this time.

If you have further questions or comments, please contact **Corey Walsh at 805-542-4781** or Chris Adair at 805-549-3761.

Sincerely,



Roger W. Briggs
Executive Officer

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Attachment: March 4, 2010 Comment Letter

Cc: Board Members



To the Regional Water Quality Board
From: Wine Country Gateway Recreational Vehicle Park LLC

Dear Sirs / Madams

I work for the current owners of 81 Wellsona Road in Paso Robles, (Wine Country Gateway Recreational Vehicle Park LLC "WCG" a currently closed service station, located on the southwest corner Wellsona Road, and the 101 Freeway, I am sure you have driven past it for many years. The current owners purchased the property November of 2007. At that time the current tenant was Eagle Energy who was operating the station under lease. The current owners terminated Eagles tenancy as soon as possible as they did operate the station in a fashion commensurate with what the public is entitled to.

HISTORY

In or near 1993 your staff would have the exact records, the Owners and Operators of the station, John and Pennie Wolf (The "Wolfs" who were and remain the "Responsible Parties") had a small leak from a tank and or fuel line. The leak was repaired and soil was dug up and remediated according to your records. I cannot attest to any of these matters as they occurred almost 15 years prior to current owners purchasing the property. However, prior to purchasing the property we met with a member of the Staff for this board, and were informed that there was some residual contamination in the shallow groundwater and that was above acceptable levels. That sat for almost 15 years untreated, even by the parties that purchased the station from the Wolfs in 2000.

Monitoring results show that these levels have been steadily decreasing over the past 15 years, but that no treatment was mandated or ever required by your staff during that period. Both the Wolfs and the Party they sold the property to in 2000 (San Paso Truck Stop LLC), never took any further action other than monitoring. However, a fund of over \$1,000,000 was set aside from the UST funds for the clean up of this station.

Please bear in mind that the current owners are not the responsible parties and never were, the Wolfs have always been and remain so. They have given me the authority to work on closing this matter. Personally they have not the slightest interest in the matter anymore. They are retired and Mr. Wolf was severely injured last year, they lost all of their savings in due to the Economic "recession". They live on social security in rural part of Idaho. While I have been working on this matter, on their behalf I am not receiving any compensation from them. In fact I have incurred measurable out of pocket costs in this matter.

CURRENT STATUS

Upon purchasing the property, the current owners immediately hired Stantec (Then Secor) engineering to supervise the clean up of the property. Stantec looked for the quickest and most expeditious way to clean up the site without wasting UST funds on overly elaborate methods, that had been bandied about by the previous engineer who was supervising the monitoring. Also a member of your staff had asked that we not turn this molehill into a mountain, of expenditures.

Since then the current owners have been moving as fast as your staff will allow to clean up the site and close this matter so that the funds set aside for this matter can be put to other uses to benefit the public.

The current owners feel they have achieved this, the Hydrogen Peroxide injections, your staff can inform you of the most recent monitoring numbers, rather than accept my word for it. With all but a minor exception of Benzene in two wells being very very slightly above closure levels.

WHAT WE FEEL THE STAFF'S POSITION IS

This is solely based on conversations with various Staff Members, and not on any writings, and welcome staff to place and such positions in writing. Based those conversations Staff seems to think that continued monitoring with no direct end in sight is warranted.

Staff has several concerns which we feel we have addressed with regards to drinking wells, and we have and are forwarding data to them to show that no drinking wells are or have been contaminated.

There is one allegorical reference to a drinking well being tested and coming back high that is referred to in the State Review, however, there is no data that identifies the test date, the location (specifically) of the well, and or the actual test result, or performed it. For all we know the entry in geotracker could very well simply be an error. We certainly cannot verify what this refers to. However, the well on this property is not and never has been shown in a test (to the owners knowledge) to contaminated and it is by far the closest well to the clean up.

WHAT WE ARE REQUESTING

We asked to be placed on the calendar for this meeting. The current owners would like this matter closed.

Why? There are several factors to consider that the owners feel merit consideration.

1. They did not create this problem, nor are they the responsible party yet have expend considerable time and effort to remedy this problem

2. The current owners are now facing considerable hardship, the prior owners were allowing the operator to run the station in violation of Environmental Health Services, they hid this from the current owners who upon discovering this shut down the station.
3. At the time the this property was purchased, the current owners did know that the station needed upgrading and rehabilitation and had sufficient equity in the land to accomplish this. However, with the collapse of the Banking system, it is now impossible to obtain financing on the equity in the land in order to rehab and re-open station. If it were not, the owners would allow staff to monitor the site until the old proverb of the cows returning.

SUMMARY

Quite simply it is in no ones interest to keep this site open any more for the following reasons.

1. The contamination was old, it sat for 15 years, it was treated, monitoring is not treatment, and there is simply no evidence that would suggest that any flare up in the future would occur from this matter.
2. Monitoring is not treatment, it simply uses money from the UST fund that can be actually used to clean up sites that really do need it. Right now, a large sum of money sits unused in a State Fund solely for this sight that can be used far more effectively to benefit the citizens of the region than this site.
3. Public Policy. The current owners are outsiders to the area that is true, they purchased a site with a known contamination, and have moved as rapidly as possible to clean it up. It simply makes no sense to inhibit the rehabilitation and reopening of this station.
 - a. Yes the owners clearly understand that This Board has not direct responsibility for the Banking issues, however, it is now this matter that is preventing it.
 - b. Closing this matter would allow the owners to obtain financing to rehab the station, it would create new jobs, employment, and most importantly revenue going into the UST to fund real public benefits. Also it will allow and ugly building to be cleaned up.
4. But Perhaps the most pervasive reason is one that has not been considered till now. The future clean up of other sites. Like it or not, the banking crisis has now made any site with open matters "Toxic" to Banks. No one wants them as their equity is essentially worthless. However, property changes hands frequently and will more so with this economy. That many sites that are in need of clean up are not being cleaned up because the current owners have no money. No one will want to purchase sites and do any remediation and rehabilitation if they believe they will be tied up with no clear end to having an open environmental matter.

No one is asking here that a dirty site be ignored, they are asking for a reasonable look at the best interests of the public.

Accordingly, I ask that this matter be closed in as soon as possible, if not I ask that this Board prepares, or directs Staff to prepare, a response to my summary points above particularly points 3 and 4.

Sincerely
Gerard Martorano
For Wine Country Gateway RV Park LLC