



# California Regional Water Quality Control Board Central Valley Region

Katherine Hart, Chair



Linda S. Adams  
Secretary for  
Environmental  
Protection

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Arnold  
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Governor

18 February 2010

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Mr. Ronald Chinn, Operator  
Closure Solutions, Inc.  
1243 Oak Knoll Drive  
Concord, CA 94521

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Mr. Gilbert Moore, Owner  
Flag City New West # 1003  
1831 – 16<sup>th</sup> Street  
Sacramento, CA 95242

## **NOTICE OF APPLICABILITY (NOA); GENERAL WASTE DISCHARGE REQUIREMENTS ORDER NO. R5-2008-0085; FLAG CITY NEW WEST STATION # 1003, LODI, SAN JOAQUIN COUNTY**

Our office received an application package on 8 September 2008, and supplemental information on 11 February 2010 from Ms. Kathleen Waldo of Closure Solutions, Inc., for the contaminated groundwater treatment project. Based on the application package and subsequent information submitted, we have determined that the project meets the required conditions for approval under the General Order for Discharge to Surface Waters of Groundwater from Cleanup of Petroleum Fuel Pollution (Petroleum General Order). For this Petroleum General Order Permit, Closure Solutions, Inc., (Operator) and Flag City New West Station # 1003 (Facility) are jointly designated as Dischargers. This project is hereby assigned Petroleum General Order No. R5-2008-0085-013 and National Pollutant Discharge Elimination System (NPDES) Permit No. CAG915001.

The Petroleum General Order (enclosed) may also be viewed at the following web address:

[http://www.waterboards.ca.gov/centralvalley/board\\_decisions/adopted\\_orders/general\\_orders/r5-2008-0085.pdf](http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2008-0085.pdf). You are urged to familiarize yourself with the contents of the entire document. The Petroleum General Order prescribes mandatory discharge monitoring requirements. The project activities shall be operated in accordance with the requirements contained in this NOA, the Petroleum General Order, and with the information submitted by the Discharger.

### **CALIFORNIA TOXIC RULE / STATE IMPLEMENTATION POLICY MONITORING**

The Petroleum General Order incorporates the requirements of the California Toxic Rule (CTR) and the State Water Resources Control Board's (State Water Board), *Policy for Implementation of Toxic Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California*, 2005, also known as the State Implementation Policy (SIP). Screening levels for CTR constituents are found in Attachment B of the Petroleum General Order.

*California Environmental Protection Agency*



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According to the Clean Water Act Section 303(d), Sacramento-San Joaquin Delta waterways is impaired for diazinon, chlorpyrifos, DDT, organo-chlorine Group A pesticides, and mercury. One time monitoring of the discharge for these constituents is required upon initial discharge. Method detection limits shall be below the corresponding screening level in Attachment B of the Petroleum General Order. If the lowest minimum level (ML) published in Appendix 4 of the SIP is not below the screening level, the detection limit shall be the lowest ML.

## **PROJECT DESCRIPTION**

The Project site (Site) is a gasoline service station with two underground storage tanks holding 10,000 gallons of gasoline and 20,000 gallons of diesel. The Site is located north of West Banner Street within the Flag City commercial center, immediately southeast of the Interstate 5 over-crossing of Highway 12 in the City of Lodi. Prior to installation of the subject gas station in 1996, the property was a vacant lot and no record of groundwater contamination exists. In February 2005, the presence of methyl tertiary butyl ether (MTBE) in monitoring wells down gradient of the Site was reported. Consequently, the Discharger constructed a groundwater extraction and treatment system (Facility) at the Site and began operating the Facility in September 2006 to remediate the groundwater. The Facility extracts groundwater contaminated with petroleum hydrocarbons. Prior to discharge, the contaminated groundwater is treated by a combination of air stripping and granulated activated carbon, with carbon treatment being the current treatment mechanism to remove the petroleum hydrocarbons. The treated groundwater is discharged into Highline Canal (storm drain) that eventually discharges into White Slough, a tributary to San Joaquin River. The design treatment capacity of the Facility is 20 gpm.

The Facility was authorized to discharge to Highline Canal in accordance with the general NPDES permit for discharges from Groundwater Cleanup of Petroleum Fuel Pollution (General Order No. 5-00-119) adopted by the Central Valley Regional Water Quality Control Board (Central Valley Water Board) on 16 June 2000. On 1 May 2007, the Facility was issued Cleanup and Abatement Order (CAO) No. R5-2007-0709. The CAO was issued as a result of an unauthorized release of petroleum hydrocarbons from the Facilities vehicle fueling system. Although the release from the fueling system was stopped, investigation of the extent of the release identified that a nearby municipal supply well was threatened. As such, hydraulic control and remediation of the identified release was necessary. Since issuance of the CAO the extent of the release has been controlled and continues to be reduced. The CAO will be rescinded upon satisfactory completion of remedial efforts. General Order No. 5-01-119 expired and was renewed when the Central Valley Water Board adopted Order No. R5-2008-0085 on 12 June 2008. The Discharger was required to obtain coverage under renewed Order No. R5-2008-0085 by 12 December 2008. But, the Discharger failed to provide the necessary permit application and no longer is authorized to discharge. The Facility has ceased discharging pending approval of coverage under the renewed Petroleum General Order.

Approval for regulatory coverage under the Petroleum General Order is for the re-commencement of the discharge that was regulated under the previous Petroleum General Order No. 5-00-119. The discharge is to re-commence immediately upon issuance of this NOA and will continue until the site is remediated to levels acceptable to the San Joaquin

County Environmental Health Department, with concurrence from Central Valley Water Board staff.

### MONITORING AND REPORTING

The Discharger is required to comply with all the monitoring and reporting requirements contained in Attachment E of the Petroleum General Order. This includes notifying Central Valley Water Board staff 24 hours before the start of each new discharge, notification of noncompliance or anticipated noncompliance, and quarterly reporting of monitoring results.

Effluent and receiving water monitoring shall be conducted and submitted to the Central Valley Water Board on a quarterly basis. You must submit quarterly reports, even if there is no discharge or receiving water flow during the reporting quarter, until Central Valley Water Board staff formally terminates your coverage under the Petroleum General Order. Please reference your unique Order number, **R5-2008-0085-013** in your correspondence and submitted documents.

### GENERAL INFORMATION AND REQUIREMENTS

The Discharger will be required to implement its Pollution Prevention and Monitoring and Reporting Plan, if applicable. Discharge of material other than what is described in the application is prohibited.

The required annual fee (as specified in the annual billing you will receive from the State Water Board) shall be submitted until this NOA is officially terminated. The Discharger submitted a check with the initial application package in the amount of \$1,800. The Discharger will be notified of any amount due or any adjustments made to the annual fees. You must notify this office in writing if the discharge regulated by this Petroleum General Order is no longer necessary, so we may terminate applicability of this Petroleum General Order and avoid additional unnecessary billing.

Failure to comply with the Petroleum General Order may result in enforcement actions, which could include civil liability. Some late reporting and effluent limitation violations are subject to a Mandatory Minimum Penalty (MMP) of \$3,000 per violation [California Water Code Section 13385(h) and (i)]. If you have no discharge during a quarterly monitoring period, you must still submit a report indicating that no discharge occurred, or you may be subject to MMPs.

All monitoring reports submittals, discharge notifications, and questions regarding compliance and enforcement shall be directed to James Barton at (916) 464-4615 or [jbarton@waterboards.ca.gov](mailto:jbarton@waterboards.ca.gov). Questions regarding the permitting aspects of your Petroleum General Order coverage may be directed to Anand Mamidi at (916) 464-4853 or [amamidi@waterboards.ca.gov](mailto:amamidi@waterboards.ca.gov).



*for*  
Pamela C. Creedon  
Executive Officer

Mr. Ronald Chinn (Operator)  
Mr. Gilbert Owner (Owner)  
Flag City New West # 1003, Lodi

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18 February 2010

Enclosure: General Order No. R5-2008-0085 (Dischargers only)

cc: Mr. Dave Smith, U.S. Environmental Protection Agency, Region IX, San Francisco  
Mr. Phil Isorena, Division of Water Quality, State Water Board, Sacramento

bcc: James Barton, CVRWB, Sacramento