

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
COLORADO RIVER BASIN REGION**

CLEANUP AND ABATEMENT ORDER NO. 88-102

AGAINST

GERALDINE AND PAUL ISON, ANITA AND HARRY GRENEVELD, CARLA MUNOZ,  
RUTH AND LANE WARREN, AND ED WILLS  
Indio - Riverside County

The Executive Officer of the California Regional Water Quality Control Board, Colorado River Basin Region, finds that:

1. Ed Wills, Post Office Box 7302, Chula Vista, California, 92012, was lessee of the property located on 45-781 Fargo Street, Indio, California, and owner of the Indio Cleaners business located on said property from October 1955 to January 1960.
2. Ruth and Albert Lane Warren, 44676 Windsor Drive, Indio, California 92201, were lessees of said property and business from January 1960 to July 1979.
3. Carla Munoz, 71426 Halgar, Rancho Mirage, California 92270, was owner of said property from April 1970 to March 1978.
4. Anita and Harry Greneveld, 35-242 Via Echo, Cathedral City, California 92234, were owners of said property from March 1978 to September 1979.
5. Paul Ison, 45-781 Fargo Street, Indio, California 92201, has been owner of said property and said business from September 1979 to present.
6. A complaint report from the City of Indio Fire Department was received by telephone on March 6, 1986 regarding the leakage of solvent from an underground storage tank located at said property.
7. Regional Board staff inspected the excavation and the tank at said property on March 6, 1986 and noted severe corrosion of the tank and a strong solvent odor emanating from the excavation.
8. Subsequently, the Regional Board received an Underground Storage Tank Unauthorized Release Report dated March 7, 1986 from the City of Indio Fire Department indicating that an underground storage tank had been excavated and removed from said property and that contamination of the soil by a solvent had been found.
9. The Regional Board received records from the City of Indio indicating that the underground storage tank had been installed at said property in 1955. Said records include a permit for the installation of the tank from the City of Indio Fire Department dated October 11, 1955.
10. The Regional Board staff determined that the unauthorized release of solvent presents a threat to the quality of the ground water. Accordingly, the present owner of Indio Cleaners, Paul Ison, was requested by letter dated April 3, 1986 to conduct an investigation of the contamination and submit the results in a technical report by April 30, 1986.

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Rweinded*

11. Said technical report was not received by the April 30, 1986 due date. However, a preliminary report prepared by Leighton and Associates (technical consultant for Paul Ison) regarding the solvent contamination was received by the Regional Board on August 1, 1986. The technical report, which was written on July 31, 1986, includes the sampling results, from a single exploratory bore-hole, which indicate that the soil and ground water had been contaminated with the solvent perchloroethylene. Test results for the ground water sample collected on May 27, 1986 indicate that 1,2 dichloropropane (9 ppb), trichloroethane (11 ppb), perchloroethylene (95 ppb), toluene (5 ppb) ethylbenzene (18 ppb), and total xylene (85 ppb) are present in the ground water. The report did not include a complete subsurface investigation of the contamination as requested in the April 3, 1986 Regional Board letter to Paul Ison.
12. Based on the results of the preliminary investigation the Regional Board's Executive Officer issued a Cleanup and Abatement Order No. 87-32 dated February 19, 1987 to Paul Ison, Anita and Harry Greneveld, and Ruth and Lane Warren. The Grenevelds have been identified as prior owners of said property. The Order required that a complete subsurface investigation be conducted and the results submitted to the Regional Board by March 30, 1987 followed by a cleanup proposal within two weeks for recovery of the free product in the ground water and extraction of the contaminated ground water.
13. Cleanup and Abatement Order No. 87-32 was revised on March 25, 1987 to include an additional prior owner, Carla Munoz, of said property and to extend the technical report due date to May 15, 1987. The revised Order was numbered Cleanup and Abatement Order No. 87-32 (Revision No. 1).
14. By letter dated April 24, 1987, the Regional Board received the following documents from Breidenbach, Swainston, Crispo and Way, the law firm representing the Warrens:
  - a. Application for License and Permit No. 47, dated October 6, 1955, City of Indio, requested by Ed Wills for the installation of an underground storage tank.
  - b. Permit issued by the City of Indio Fire Department, Bureau of Fire Prevention, dated October 11, 1955 for the storage and dispensing of cleaning solvent.
  - c. Bureau of Fire Prevention, Gasoline Tank and Pump Report, dated October 11, 1955, submitted by Ed Wills containing the specifications for the tank and its installation.
15. On May 15, 1987 the Regional Board's Executive Officer granted an extension of time to June 15, 1987 for submittal of the subsurface investigation report, due to a proposed Revision of Board Order 87-32 (Revision 1).
16. By letter dated May 29, 1987 from Breidenbach, Swainston, Crispo and Way an affidavit, prepared by the Warrens, was submitted to the Regional Board indicating that the Warrens had not removed or replaced the original underground storage tank.

17. On June 17, 1987 the Regional Board received a proposal, prepared by Envirosphere Company (technical consultant for the Warrens) for the subsurface investigation which would include a delineation of the vertical and lateral extent of the contamination.
18. On June 26, 1987 the Regional Board staff met with a representative of Envirosphere Company to clarify the procedural guidelines to be used in conducting the subsurface investigation at the Indio Cleaners site.
19. The Cleanup and Abatement Order No. 87-32 (Revision No. 1) was revised on July 21, 1987 to include Ed Wills, an additional prior lessee of said property and prior owner of said business, and to extend the technical report due date to September 1, 1987. The revised Order was numbered Order No. 87-32 (Revision No. 2).
20. On July 20, 1987 the Regional Board's Executive Officer approved the subsurface investigation work plan dated June 17, 1987 which was amended by a letter received in this office on July 14, 1987.
21. On August 12, 1987 Cleanup and Abatement Order No. 87-32 (Revision No. 2) was revised and re-numbered Order No. 87-32 (Revision No. 3) to show corrected time periods of ownership of the property and/or business by Carla Munoz and the Grenevelds as shown on documents provided by the Warrens' legal representative.
22. By letter dated August 21, 1987 from Envirosphere Company the Regional Board was informed that the subsurface investigation was expected to be completed by October 15, 1987.
23. By letter dated September 3, 1987 the Regional Board's Executive Officer granted a time extension, for submittal of the subsurface investigation technical report, to October 15, 1987.
24. In October of 1987 the Regional Board granted an additional time extension for submittal of the subsurface investigation report to October 26, 1987.
25. The Regional Board received a letter on October 22, 1987 from Reynolds, Reider, and Bawden, a law firm representing Carla Munoz, informing the Regional Board of the decision not to submit a separate cleanup proposal on behalf of Carla Munoz based on information they had received that a subsurface investigation was being conducted under the direction of the law firm representing the Warrens.
26. The Regional Board received a subsurface investigation report from Envirosphere Company on October 28, 1987. The technical report, dated October 27, 1987, contained the analytical results of 20 surface soil samples and six bore holes which were converted to monitoring wells. Two different solvents were identified in the contaminated soil and ground water. The two different contaminants identified are Stoddard solvent and perchloroethylene. The technical report provides geologic and hydrologic data and a history of the solvents used at Indio Cleaners. However, the report did not fully delineate the vertical and lateral extent of the contaminant plume, as required by Cleanup an Abatement Order No. 87-32 (Revision No. 3).

27. On January 21, 1988 a meeting was held at the Regional Board office with representatives from Breidenbach, Swainston, Crispo, and Way, the law firm representing the Warrens; Envirosphere Company, technical consultants for the Warrens; and Traveler's Insurance Company, insurance carrier for the Warrens. A request was made by the representatives that two separate Cleanup and Abatement Orders be issued; one for the parties that had an interest in the property and/or business prior to September 1979, and one for the party(s) who have held the property and business from September 1979 to the present. This request was based on the following considerations proposed by legal counsel and the technical consultant for the Warrens:
- a. Two solvents with distinct properties have been used at Indio Cleaners. One, identified as Stoddard solvent, was used by all business owners, and the other solvent was used by only the present owner, Paul Ison. A permit was issued by the South Coast Air Quality Management District on October 12, 1982 to Paul Ison for the use of perchloroethylene.
  - b. The Stoddard solvent, having a lower specific gravity than water and thus identified as a "floater", is expected to be confined to a relatively small area, while the perchloroethylene solvent, having a specific gravity greater than water and thus identified as a "sinker", has migrated further and is expected to encompass a much larger area.
  - c. Because of the differences in mobility of these two solvents it is expected that the cost of the delineation and the cleanup of the perchloroethylene solvent will be much greater than that for the Stoddard solvent.
  - d. The investigation and cleanup costs cannot be equitably assessed between the responsible parties without treating the contamination from the two solvents separately.
28. The Regional Board staff has determined that there are two distinct types of contamination resulting from the discharge of Stoddard solvent and perchloroethylene solvent which can be treated separately. This determination was made from a review of the technical reports submitted by Envirosphere Company and the documentation submitted by Breidenbach, Swainston, Crispo, and Way.
29. Based on the recommendation of the Regional Board staff it is appropriate that two separate Cleanup and Abatement Orders be issued for cleanup of each of the two solvents.
30. Section 13304 of the California Water Code states, in part, that:
- "Any person...who has caused or permitted...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 such waste or abate the effects thereof or, in the case of threatened pollution or nuisance, take other necessary remedial action."
31. The owners of said business and/or property have caused or permitted the discharge of waste into the waters of the state and created a condition of pollution.

32. The Water Quality Control Plan for the Colorado River Basin Region identifies the beneficial uses of ground waters in the Coachella Hydrologic Subunit as:

- a. Municipal supply
- b. Industrial supply
- c. Agricultural supply

33. This enforcement action is exempt from the California Environmental Quality Act pursuant to Sections 15308 and 15321, Chapter 3, Title 14 of the California Code of Regulations.

34. This Order supersedes Cleanup and Abatement Order 87-32 (Revision 3).

IT IS HEREBY ORDERED, that pursuant to Section 13304 of Division 7 of the California Water Code, the prior and present owners of said property and/or business shall comply with the following:

- 1. Cleanup or abate the effects of the discharge of Stoddard solvent from the property located at 45-781 Fargo Street, Indio, California.
- 2. Submit to the Regional Board within 30 days of receipt of this Cleanup and Abatement Order a Remedial Action Plan for cleanup of the Stoddard solvent contamination. The Remedial Action Plan should include a proposal for completing delineation of the lateral and vertical extent of the Stoddard solvent contamination, and shall be prepared by a California registered civil engineer or certified engineering geologist.

ORDERED BY:

*Arthur Sevajian*  
Executive Officer  
July 26, 1988  
Date