

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
COLORADO RIVER BASIN REGION

CLEANUP AND ABATEMENT ORDER NO. 91-032 (REVISION 1)
AGAINST

CITY OF INDIO
ARAMCO PROPERTIES, INC.
USA GASOLINE CORPORATION
WILLIAM AND BARBARA WRIGHT

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

1. The property located at 82-031 Indio Boulevard, Indio, CA (the site) was the site of a gasoline service station from 1955 to 1988. This service station was demolished in order to facilitate the construction of a highway overpass. During demolition activities it was discovered that soil and ground water at the site were contaminated by gasoline and diesel fuel.
2. The parties listed below (hereinafter referred to as the dischargers) have discharged diesel and gasoline fuel to the waters of the State at the service station located at 82-031 Indio Boulevard, Indio, CA based on the facts herein:
 - a. City of Indio, P.O. Drawer 1788, Indio, CA 92201
 - b. Aramco Properties, Inc., 12920 Whittier Boulevard, Whittier, CA 90602
 - c. USA Gasoline Corporation, 2701 Ocean Boulevard, P.O. Box 1839, Santa Monica, CA 90406.
 - d. William and Barbara Wright, P.O. Box 20677, El Cajon, CA 92021
3. Peter and Ruta Sakas purchased the property from Atlantic Richfield Company on September 9, 1952. Subsequently, Mr. and Mrs. Sakas installed one 550 gallon and one 1,000 gallon underground fuel tanks on January 25, 1955, three 12,000 gallon underground tanks on April 19, 1957, and two 12,000 gallon underground tanks on November 15, 1962. The facility was then sold to W. Davis on March 20, 1963 and two more 12,000 gallon underground tanks were installed on March 23, 1963.
4. After installation of the underground storage tanks, ownership of the subject site was transferred according to the following sequence:
 - a. W. Davis to Urich Oil Company, a California Corporation, and then successor in interest to UCO Oil, by Grant Deed on May 1, 1966.
 - b. UCO Oil, formerly Urich Oil Company to Aramco Oil Company, LTD, a corporation organized under the laws of California, by Corporation Grant Deed on December 17, 1976.

- c. Aramco Properties, Inc. successor in interest to Aramco Oil Company LTD, a corporation organized under the laws of California, to Finn Moller, a married man, as his sole and separate property, by Corporation Grant Deed on June 28, 1982.
 - d. Patricia Moller, wife of grantee herein, to Finn Moller as his sole and separate property, by Quitclaim Deed on June 28, 1982;
 - e. Finn Moller, a married man as his sole and separate property, to F. Moller, G. Conrad Real Estate Company, by individual Grant Deed on August 19, 1982.
 - f. Oasis Petroleum Corporation. a corporation organized under the laws of the State of California, to Aramco Properties, Inc. a California Corporation, by Corporation Quitclaim Deed on August 4, 1983.
 - g. Finn Moller and Patricia Moller, husband and wife, F. Moller, G. Conrad Real Estate Company, a California Corporation and Oasis Petroleum Corporation, a California Corporation, to Aramco Properties, Inc., a California Corporation, by Grant Deed on September 27, 1985.
 - h. Aramco Properties, Inc., a California Corporation, to the City of Indio, a municipal corporation, by Grant Deed on January 11, 1988.
5. USA Petroleum leased the site from December 17, 1976 to December 31, 1988, and operated a gasoline service station at the site from December 17, 1976 to July 15, 1981. USA Gasoline Corporation is the successor-in-interest of USA Petroleum. Octane Petroleum subleased and operated the site from July 15, 1981 to December 31, 1985. William and Barbara Wright subleased and operated the site from January 1, 1984 to December 31, 1988.
 6. On January 11, 1988, gasoline service operations at the site ceased. The City of Indio removed the nine known underground storage tanks on October 21, 1988. Three previously unknown underground tanks were removed on April 27, 1989. In January of 1989, structures on the site were demolished to facilitate highway construction.
 7. The Regional Board received an Underground Storage Tank Unauthorized Release Report from the City of Indio Fire Department on December 20, 1988 indicating that gasoline and diesel fuel had leaked from the underground storage tanks located at the site. This unauthorized release report dated December, 1988 names the City of Indio as the responsible party. The leaks were terminated when the tanks were removed by the City of Indio on October 21, 1988.
 8. During the tank excavation, soil samples were taken and sent to a State certified laboratory for analyses. The analyses results showed that soil at the site was contaminated with up to 88,000 parts per billion (ppb) benzene at a depth of 6 ft.
 9. By letter dated December 27, 1988, the City of Indio was requested by the Regional Board to conduct a complete site assessment to address the extent of the soil and potential ground water contamination at the site.

10. On February 10, 1989, the Regional Board received a preliminary subsurface investigation report for the site from the City of Indio. Six soil borings were drilled to the water table (31 feet below grade) and soil samples were taken at five foot intervals and analyzed at a State certified laboratory. Two of the borings were converted to monitoring wells from which ground water samples were taken. Data from said report indicated significant soil contamination at the site by gasoline and diesel fuel which extended to the water table. Free product was found in both of the wells, in thickness of 4.5 and 9.5 inches. Dissolved benzene in ground water at the site was found in concentrations up to 510 ppb.
11. On March 3, 1989, the Regional Board received a workplan from the City of Indio for additional contamination assessment at the site by the City of Indio. A proposal for excavation of contaminated soil at the site was included in said proposal. By letter dated March 16, 1989, the proposal was accepted by the Regional Board with provisions.
12. In late March 1989, excavation of contaminated soil began. The soil was transported to 83-101 Avenue 45, Indio, California (Indio City Yard). The Regional Board conditionally approved the storage of gasoline/diesel contaminated soil at the Indio City Yard by letter dated March 16, 1989. The contaminated soil (soil stockpile) was placed on an asphalt base and covered with plastic sheeting.
13. On June 5, 1989, the Regional Board received a report documenting the excavation, removal, and transportation of excavated soil from the site. Soil excavation progressed until volatile organic vapors were no longer present above 20 ppm, or until obstructions, such as roadways, power lines, etc. were encountered. An unknown amount of contaminated soil was left in place due to these obstructions.
14. On August 4, 1989 the City of Indio obtained a treatment variance from the California Department of Health Services, which allowed said contaminated soil stockpile to be treated by bioremediation, vapor extraction, or a combination of both.
15. On January, 1990 the Regional Board received documents indicating that several diesel spills had occurred at the subject site during the period between August 1974 and November 1978.
16. On May 31, 1990 the Regional Board received a workplan for remediation of the soil stockpile from the City of Indio. By letter dated June 22, 1990, the workplan was accepted by the Regional Board.
17. As owners, lessees, or sublessees of leaking underground fuel storage tanks, and based on findings 5, 6, 7, 8, and 10, the staff has concluded that the dischargers, as owners and/or operators of the site containing leaking underground storage tanks, have caused or permitted the discharge of gasoline and diesel fuel into the soils and waters of the State and created a condition of pollution.

18. 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, cleanup such waste or abate the effects thereof, or, in the case of threatened pollution or nuisance, take other necessary remedial action."

19. The Water Quality Control Plan for the Colorado River Basin Region of California designates the beneficial uses of ground and surface waters in this Region.

20. The beneficial uses of ground waters in the Coachella Hydrologic Subunit are:

- a. Municipal supply (MUN)
- b. Industrial supply (IND)
- c. Agricultural supply (AGR)

21. Contamination of the ground water with gasoline and diesel fuel would significantly impair the beneficial uses of the ground water.

22. This enforcement action is being taken for the protection of the environment and as such is exempt from the California Environmental Quality Act pursuant to Section 15321, Chapter 3, Title 14 of the California Code of Regulations.

IT IS HEREBY ORDERED, that pursuant to Sections 13304 and 13267 of the California Water Code the Dischargers, their agents or assigns, shall cleanup and abate the effects of the discharge of gasoline and diesel fuel by complying with the following:

1. The following shall be submitted to the Regional Board by the due dates indicated:

A. January 2, 1992 -- submit a workplan to the Regional Board for review and approval. The workplan shall include, but not be limited to, a description of the activities by which tasks 1 thru 6 as outlined below, will be completed. If site remediation is currently in progress, then said workplan shall summarize completed work at the site.

1. Repair or remove the source of the fuel leak
2. Fully delineate the vertical and lateral extent of soil and ground water contamination at the subject site.
3. Characterize the site hydrogeology such that an adequate assessment of contaminant migration pathways can be made.
4. Evaluate actual or potential off-site migration of contaminants and methods to mitigate or prevent such an occurrence.
5. Perform any necessary interim remediation to remove free product contamination.

6. Remediate all soil and ground water contamination at the subject site which resulted from the fuel leaks described in this Order to contamination levels deemed acceptable to the Executive Officer. Cleanup efforts shall continue until such time that the Executive Officer considers the site to be remediated to the fullest extent possible, based on the then current best available technology.
 - B. January 15, 1992 -- submit a progress report which details the progress being made toward the goals outline in the work plan, including progress towards obtaining the proper permits for disposal of treated waste water.
 - C. February 15, 1992 -- submit another progress report as stated in (B) above.
 - D. March 28, 1992 -- submit a technical report containing the results of work requested in (A) above.
 - E. May 30, 1992 -- submit a proposal to remediate all soil and ground water contamination at the subject site which resulted from the fuel leaks described in this Order to contamination levels deemed acceptable to the Executive Officer. Cleanup efforts shall continue until such time that the Executive Officer considers the site to be remediated to the fullest extent possible, based on the then current best available technology.
2. All technical and monitoring reports required in conjunction with this Order are required pursuant to Section 13267 of the California Water Code and shall include a statement by the Dischargers or an authorized representative of the Dischargers certifying under penalty of perjury under the laws of the State of California that the report is true, complete, and accurate.
3. Failure to comply with the provisions of this Order may subject you to further enforcement action including but not limited to, assessment of civil liability under Section 13268 and 13350 of the Water Code and referral for injunctive relief and civil or criminal liability.

Philip A. Greenberg
Executive Officer

12-6-91

Date

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
COLORADO RIVER BASIN REGION

CLEANUP AND ABATEMENT ORDER NO. 91-032
AGAINST

CITY OF INDIO
ARAMCO PROPERTIES, INC.
USA PETROLEUM, INC.
FINN MOLLER
F. MOLLER, G. CONRAD REAL ESTATE COMPANY
OCTANE PETROLEUM, INC.
WILLIAM AND BARBARA WRIGHT

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 - c. USA Petroleum, Inc., 818 W. 7th Street, Suite 1004, Los Angeles, CA 90017
 - d. Finn Moller, 5901 Green Valley Circle, Culver City, CA 90230
 - e. F. Moller, G. Conrad Real Estate Company, 5901 Green Valley Circle, Culver City, CA 90230
 - f. Octane Petroleum, Inc., 81929 Indio Boulevard, Indio, CA 92201
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Void
12/6/91

*Superseded
by 91-032 (R1)*
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16. On May 31, 1990 the Regional Board received a workplan for remediation of the soil stockpile from the City of Indio. By letter dated June 22, 1990, the workplan was accepted by the Regional Board.

17. On March 25, 1991 the Regional board received three gasoline discrepancy reports for the subject site dated March 8, 1981, March 16, 1981, and March 18, 1981. These documents indicate a total gasoline/diesel fuel shortfall of nearby 4,000 gallons for the time period from March 4, 1981 to March 18, 1981.
18. As owner or lessees of leaking underground fuel storage tanks, the dischargers have caused or permitted the discharge of waste or wastewater into the waters of the State and created a condition of pollution.
19. 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, cleanup such waste or abate the effects thereof, or, in the case of threatened pollution or nuisance, take other necessary remedial action."
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IT IS HEREBY ORDERED, that pursuant to Sections 13304 and 13267 of the California Water Code the Dischargers, their agents or assigns, shall cleanup and abate the effects of the discharge of gasoline and diesel fuel by complying with the following:

1. By September 1, 1991 submit a workplan to the Regional Board for review and approval. The workplan shall include, but not be limited to, a description of activities and timelines by which tasks a. thru d. as outlined below, will be completed and task e. will begin. If site remediation is currently in progress, then said workplan shall summarize completed work at the site, and set timelines for remaining work.
 - a. Repair or remove the source of the fuel leak
 - b. Fully delineate the vertical and lateral extent of soil and ground water contamination at the subject site.

- c. Characterize the site hydrogeology such that an adequate assessment of contaminant migration pathways can be made.
 - d. Evaluate actual or potential off-site migration of contaminants and methods to mitigate or prevent such an occurrence.
 - e. Remediate all soil and ground water contamination at the subject site which resulted from the fuel leaks described in this Order to contamination levels deemed acceptable to the Executive Officer. Cleanup efforts shall continue until such time that the Executive Officer considers the site to be remediated to the fullest extent possible, based on the then current best available technology.
2. Task a. thru c. above, shall be completed by dates to be approved by the Executive Officer.
 3. All technical and monitoring reports required in conjunction with this Order are required pursuant to Section 13267 of the California Water Code and shall include a statement by the Dischargers or an authorized representative of the Dischargers certifying under penalty of perjury under the laws of the State of California that the report is true, complete, and accurate.
 4. Failure to comply with the provisions of this Order may subject you to further enforcement action including but not limited to, assessment of civil liability under Section 13268 and 13350 of the Water Code and referral for injunctive relief and civil or criminal liability.

Philip A. Gruenberg
Executive Officer

7-11-91
Date