

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
COLORADO RIVER BASIN REGION

CLEANUP AND ABATEMENT ORDER NO. 92-085
AGAINST
EZ SERVE OF CALIFORNIA, A CALIFORNIA CORPORATION
C. B. KNICKERBOCKER
Blythe, Riverside County

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

1. The property located at 9162 East Hobson Way, Blythe, California (the site) referred to as EZ Serve #848, is the site of an unauthorized release of gasoline contaminants into the soil and ground water from an underground storage tank prior to January 3, 1990.
2. The parties listed below (hereinafter referred to as the dischargers) have discharged gasoline fuel to the waters of the State of California based on the facts herein:
 - a. EZ Serve of California, 10700 North I-45 Freeway, Suite 500, Houston, Texas, 77037, operator of EZ Serve #848 located at 9162 East Hobson Way, Blythe, California 92225.
 - b. C. B. Knickerbocker, 500 Angelita Drive, Corona Del Mar, California, owners of the property located at 9162 East Hobson Way, Blythe, California.
3. An Unauthorized Release Report form was filed by the County of Riverside Department of Environmental Health Services (CRDEHS) on January 3, 1990. The report indicated that gasoline had leaked from the underground storage tanks and associated piping contaminating the soil and ground water.
4. Section 13304 of the California Water Code states, in part:

"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 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."
5. The discharger has caused or permitted the discharge of gasoline waste or wastewater into the waters of the State and created a condition of pollution.
6. The Water Quality Control Plan for the Colorado River Basin Region of California was adopted on May 15, 1991, and designated the beneficial uses of ground and surface waters in this Region.
7. The beneficial uses of ground water in the Colorado Hydrologic Unit are:
 - a. Municipal supply (MUN)
 - b. Industrial supply (IND)
 - c. Agricultural supply (AGR)
8. Contamination of the ground water with elevated levels of total petroleum hydrocarbons, benzene, toluene, and ethyl benzene will significantly impair the beneficial uses of the ground water.

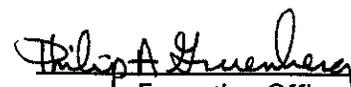
*Reviewed
8/6/93*

9. By letter dated January 3, 1990, the discharger was requested by CRDEHS to conduct a complete subsurface investigation of the contamination and submit a technical report by February 3, 1990.
10. On July 24, 1990, CRDEHS received a report from the discharger entitled "Site Characterization EZ Serve Service Station 100848". The report stated that a 1.04 foot thickness of liquid phase petroleum was present on the ground water.
11. By letter dated August 1, 1990, CRDEHS requested the discharger to submit a work plan for additional assessment by August 30, 1990.
12. The discharger submitted a work plan entitled "Proposed Work Plan for HMC Location #100848 9162 East Hobson Way", dated August 27, 1990.
13. By letter dated March 6, 1991, CRDEHS accepted a work plan dated February 12, 1991, submitted by consultants for the discharger, Associated Soils Analysis.
14. CRDEHS received a letter dated April 11, 1991, prepared by Associated Soils Analysis (consultants for the discharger) requesting an additional 60 days to prepare a workplan.
15. By letter dated April 16, 1991, the CRDEHS granted the discharger a time extension until June 15, 1991, for the submittal of a remedial action plan.
16. By letter dated October 31, 1991, CRDEHS accepted a plan prepared by the discharger to remove liquid phase petroleum product from the ground water by hand bailing.
17. By letter dated February 11, 1992, CRDEHS directed the discharger to perform additional site assessment work and to update the CRDEHS as to the status of the liquid phase petroleum removed.
18. On June 11, 1992, a meeting was held with all interested parties to discuss progress and further action at the site.
19. Section 13267 of the California Water Code states, in part, that:

"(a), the regional board may require that any person discharging or proposing to discharge waste within its region, or any citizen or domiciliary, or political agency or entity of this state discharging or proposing to discharge waste outside of this region that could affect the quality of waters within its region shall furnish, under penalty of perjury, these technical or monitoring program reports as the board may specify..."
20. 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 discharger or an authorized representative of the discharger certifying under the penalty of perjury under the laws of the State of California that the report is true, complete and accurate.
21. This enforcement action is exempt from the California Environmental Quality Act pursuant to Section 15321, Chapter 3, Title 24 of the California Code of Regulations.

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

1. The discharger, their agents or assigns, shall submit to the Regional Board by the dates given:
 - A. February 1, 1993 - Submit a workplan to the Regional Board's Executive Officer for review and approval. The workplan will include, but not be limited to, a description of the activities by which tasks 1 through 3 as outlined below, will be completed. If site remediation is currently in progress, the workplan shall summarize completed work at the site.
 1. Fully delineate the vertical and lateral extent of contamination of the soil and ground water at the subject site.
 2. Characterize the site hydrology such that an adequate assessment of contamination migration pathways can be made.
 3. Evaluate actual or potential off-site migration of contaminants and methods to mitigate or prevent such an occurrence.
 - B. March 1, 1993 - Submit a progress report to the Regional Board's Executive Officer which details the progress being made toward the goals outlined in the workplan, including progress towards obtaining proper permits for the work.
 - C. May 1, 1993 - Submit another progress report to the Regional Board's Executive Officer as stated above in B.
 - D. July 1, 1993 - Submit a technical report to the Regional Board's Executive Officer containing the results of work requested above in A.
 - E. August 1, 1993 - Submit a proposal to remediate all soil and ground water contamination at the subject site which resulted from the leaks described in this Order to levels deemed acceptable to the Regional Board's Executive Officer.
 - F. September 1, 1993 - Implement the cleanup plan to remediate all soil and ground water contamination at the subject site.
2. All technical reports submitted to the Regional Board for consideration shall be prepared by a professional who is registered as a civil engineer, or certified as an engineering geologist in the State of California.
3. Failure to comply with any provision of this Order may subject you to further enforcement action including, but not limited to, assessment of civil liability pursuant to Sections 13323, 13268 and 13350 of Division 7, Article 25, of the California Water Code, and referral for injunctive relief and civil or criminal liability.



Executive Officer

12-3-92

Date