

California Regional Water Quality Control Board
North Coast Region

Cleanup and Abatement Order No. R1-2007-0051
(Rescinding and Replacing Order No. 90-58)

Chevron USA Inc.
Redwood Oil Company
Peter Van Alyea
Peggy Van Alyea
Robert Barbieri
Ernest Moles, LLC

For

Redwood Oil/Chevron Bulk Plant (Former)
258 Roseland Avenue
Santa Rosa, California

Sonoma County

The California Regional Water Quality Control Board, North Coast Region
(hereinafter Regional Water Board) finds that:

1. Standard Oil Company of California (now known as Chevron USA Incorporated) owned property located at 258 Roseland Avenue, Santa Rosa, California (A.P.N-125-043-004) from March of 1962 until February of 1977. In 1977, the property was deeded to Chevron USA Inc., a California corporation, from its predecessor, Standard Oil Company of California. Mr. G.H. Ayers¹ and Mrs. Catherine Ayers² purchased the property from Chevron USA Inc in July of 1979. The property was transferred to the Trust of Gerald and Catherine Ayers in 1981. On January 20, 1987, Mr. Peter Van Alyea, Mrs. Peggy Van Alyea, Mr. Robert Barbieri and Mrs. Laura Barbieri³ purchased the property from the Trust of Mr. G.H. Ayers and Mrs. Catherine Ayers. In 2001, Mr. Van Alyea, Mrs. Van Alyea, Mr. Barbieri and Mrs. Barbieri sold property to Mr. Ernest Moles, LLC. Mr. Ernest Moles, LLC is the current property owner.
2. Standard Oil Company of California and its successor, Chevron USA Inc., operated a bulk transfer facility at 258 Roseland Avenue (hereinafter referred to as the Site) from 1962 until 1974. Operations of the Site included the storage of gasoline, diesel, aviation fuel, heating oil fuel, and Stoddard solvent in six above ground storage tanks (AST). In 1974, Chevron sold the

¹ Mr. GH Ayers is deceased.

² The location of Mrs. Catherine M. Ayers is not known.

³ Mrs. Laura Barbieri is deceased.

business operations of the Site to G.H. Jerry Ayers, Incorporated⁴. Mr. G.H. Ayers operated the bulk plant from 1974 until 1983. Mr. Ayers installed and operated three additional ASTs and four underground storage tanks (UST), and one underground settling tank. In 1983, Redwood Oil Company purchased the business and began operating the bulk plant. The property is currently occupied by California West Transmissions.

3. Records indicate that Redwood Oil Company dismantled seven of the nine ASTs in 1986 and used the remaining two ASTs for the temporary storage of fuel until 1989. By 1990, Redwood Oil Company removed all fuel from the USTs and moved their fuel storage business to another location. In 1993, the four USTs and associated piping were removed from the Site. Approximately 3,000 cubic yards of soil was excavated in the area of the USTs and former piping. Several soil confirmation samples were collected from the excavation pit bottom and sidewalls. Analytical results reported total petroleum hydrocarbons (TPH) as gasoline at 2,800 parts per million (ppm), TPH-diesel at 4,100 ppm, benzene at 8.7 ppm, toluene at 2.4 ppm, and ethylbenzene at 8.9 ppm in the southwest area of the excavation pit.
4. In 1988, the California Department of Health Services (DHS) contracted with Dames & Moore, a consulting firm, for the installation of twelve monitoring wells in the area of the Site, including one well (DHS-8) on the eastern portion of the Site. On October 26, 1988 an initial sample was collected from the well. TPH-gasoline was reported at 7,400,000 parts per billion (ppb), TPH-diesel up to 1,400,000 ppb, benzene up to 32,000 ppb, toluene up to 44,000 ppb, ethylbenzene up to 59,000 ppb, and xylenes up to 360,000 ppb.
5. On January 27, 1989, DHS determined that the groundwater at the site was contaminated with petroleum and referred the Site to the Regional Water Board for oversight of the investigation and remediation.
6. Between 1985 and 1990, the Regional Water Board received several complaints against Redwood Oil Company, including allegations related to the improper storage, handling, and dumping of hazardous materials. Staff inspections documented stained gravel in the area of the ASTs, including a 5-gallon bucket filled with petroleum, leaking pipe connections, and leaking 55-gallon drums.
7. On March 19, 1990 the Regional Water Board Executive Officer issued Cleanup and Abatement Order No. 90-58 to Redwood Oil Company Inc., Mr. G.H. Jerry Ayers, Inc, Mr. Peter Van Alyea, Mrs. Peggy Van Alyea, Mr. Robert Barbieri, Mrs. Laura Barbieri, and The Ayers Trust.

⁴ The G.H. Jerry Ayers Incorporation has been dissolved.

8. Based on information contained in the record assembled by the Regional Water Board including evidence of past dischargers at the Site, and current ownership and control: Chevron USA Inc, Mrs. Catherine Ayers, Mr. Peter Van Alyea, Mrs. Peggy Van Alyea, Mr. Robert Barbieri, Mrs. Laura Barbieri, Redwood Oil Company, and Ernest Moles, LLC are considered Dischargers.
9. A total of seventeen groundwater monitoring wells (DHS-8 and MW-1 through MW-16) have been installed, thirty soil borings (BH-A through BH-T, SB-15, SB-16A, SB-16B, and GP-1 through GP-7) and five CPT borings (CPT-1 through CPT-5) have been advanced to determine the horizontal and vertical extent of soil and groundwater contamination. The results of soil and groundwater testing revealed significant groundwater impacts including the presence of separate phase hydrocarbons in groundwater. Separate phase hydrocarbon has been reported in five of the Site's monitoring wells, with a product thickness measured up to 7.25 feet.
10. Between 1990 and 1995, interim remedial measures were implemented, including a free product recovery system and a groundwater extraction and treatment system. Discharges to surface water from the groundwater extraction and treatment system operated under NPDES Permit Order No. 92-10 (CA0024821) issued on January 22, 1992. Recent monitoring shows that separate phase hydrocarbons continue to be measured in monitoring wells DHS-8, MW-2, and MW-10. . Separate phase hydrocarbons and remaining impacted soil continue to be a source of groundwater contamination. Additional remedial action is needed to address remaining sources of contamination and to restore the beneficial uses of groundwater.
11. The Dischargers have caused or permitted, cause or permit, or threaten to cause or permit 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. Continuing discharges are in violation of the Porter-Cologne Water Quality Control Act and provisions of the Water Quality Control Plan for the North Coast Region (Basin Plan).
12. Beneficial uses of areal groundwater include domestic, agricultural, and industrial supply. Several water supply wells are located in close proximity to the Site.
13. Beneficial uses of Santa Rosa Creek, a tributary to the Laguna de Santa Rosa and the Russian River are:
 - a. municipal and domestic supply
 - b. agricultural supply
 - c. industrial process supply
 - d. groundwater recharge
 - e. navigation
 - f. hydropower generation

- g. water contact recreation
- h. non-contact water recreation
- i. commercial and sport fishing
- j. warm freshwater habitat
- k. cold freshwater habitat
- l. wildlife habitat
- m. migration of aquatic organisms
- n. spawning, reproduction, and/or early development.

14. The California Water Code, and regulations and policies developed there under, require cleanup and abatement of discharges and threatened discharges of waste to the extent feasible. Cleanup and abatement activities are to provide attainment of background levels of water quality, or the highest water quality that is reasonable if background levels of water quality cannot be restored. Alternative cleanup levels greater than background concentrations shall be permitted only if the discharger demonstrated that: it is not feasible to attain background levels; the alternative cleanup levels are consistent with the maximum benefit to the people of the State; alternative cleanup levels will not unreasonably affect present and anticipated beneficial uses of such water; and they will not result in water quality less than prescribed in the Basin Plan and Policies adopted by the State and Regional Water Board.
15. Water quality objectives in the Basin Plan are adopted to ensure protection of the beneficial uses of water. The most stringent water quality objectives for protection of all beneficial uses are selected as the protective water quality criteria. Alternative cleanup and abatement actions must evaluate the feasibility of, at a minimum: (1) cleanup to background levels, (2) cleanup to levels attainable through application of best practicable technology, and (3) cleanup to protective water quality criteria levels. Narrative water quality objectives are interpreted through application of available scientific information and numerical limits are thence derived from such information. A table of water quality objectives for groundwater is presented in Attachment A and is incorporated in this Order.
16. Discharge prohibitions contained in the Basin Plan apply to this Site. State Water Resources Control Board Resolution 68-16 (*Statement of Policy with Respect to Maintaining High Quality of Waters in California*) applies to this Site. State Water Resources Control Board Resolution 92-49 applies to this Site and sets out the *Policies and Procedures for Investigation and Cleanup and Abatement of Discharges under section 13304 of the Water Code*.
17. The Regional Water Board will ensure adequate public participation at key steps in the remedial action process, and shall ensure that concurrence with a remedy for cleanup and abatement of the discharges at the Site shall comply with the California Environmental Quality Act (Public Resources Code, section 21000 et seq.) ("CEQA").

18. The issuance of this Cleanup and Abatement Order is an enforcement action being taken for the protection of the environment and, therefore, is exempt from the provisions of CEQA in accordance with title 14, California Code of Regulations, sections 15308 and 15321.
19. Pursuant to Water Code section 13304, the Regional Water Board is entitled to, and may seek reimbursement for, all reasonable costs actually incurred by the Regional Water Board to investigate unauthorized discharges of waste and to oversee cleanup of such waste, abatement of the effects thereof, or other remedial action, required by this Cleanup and Abatement Order.
20. Any person affected by this action of the Board may petition the State Water Resources Control Board (State Water Board) to review the action in accordance with Water Code section 13320 and title 23, California Code of Regulations, section 2050. The petition must be received by the State Water Board within 30 days of the date of this Order. Copies of the law and regulations applicable to filing petitions will be provided upon request. In addition to filing a petition with the State Water Board, any person affected by this Order may request the Regional Water Board to reconsider this Order. To be timely, such request must be made within 30 days of the date of this Order. Note that even if reconsideration by the Regional Water Board is sought, filing a petition with the State Water Board within the 30-day period is necessary to preserve the petitioner's legal rights. If the Dischargers choose to appeal the Order, the Dischargers are advised that they must comply with the Order while the appeal is being considered.
21. This Order in no way limits the authority of the Regional Water Board to institute additional enforcement actions or to require additional investigation and cleanup at the facility consistent with the Water Code. This Order may be revised by the Regional Water Board Executive Officer as additional information becomes available.
22. Failure to comply with the terms of this Order may result in enforcement under the Water Code. Any person failing to provide technical reports containing information required by this Order by the required date(s) or falsifying any information in the technical reports is, pursuant to Water Code section 13268, guilty of a misdemeanor and may be subject to administrative civil liabilities of up to one thousand dollars (\$1,000.00) for each day in which the violation occurs. Any person failing to cleanup or abate threatened or actual discharges as required by this Order is, pursuant to Water Code section 13350(e), subject to administrative civil liabilities of up to five thousand dollars (\$5,000.00) per day or ten dollars (\$10) per gallon of waste discharged.

THEREFORE, IT IS HEREBY ORDERED that, Order No. 90-58 is hereby rescinded and, pursuant to Water Code Sections 13267(b) and 13304, the Dischargers shall cleanup and abate the discharge and threatened discharge forthwith and shall comply with the following provisions of this Order:

- A) All work shall be conducted in accordance with all applicable local ordinances and under the direction of a California Professional Geologist or licensed Civil Engineer experienced in soil and groundwater pollution investigation and remediation system design. All necessary permits shall be obtained prior to conducting work.
- B) Comply forthwith with Monitoring and Reporting Program Order No. R1-2007-0052 and subsequent revisions thereof. Missing monitoring wells need to be located forthwith. All monitoring wells must be accessible for all future monitoring events.
- C) Submit a sensitive receptor survey within 60 days of this Order. The survey must include the locations of water supply wells, surface waters, potential preferential pathways including subsurface utilities, and sensitive environmental habitats within a 1,000 foot radius of the site.
- D) Submit an interim remedial action plan (IRAP) within 60 days of this Order to identify and address removal of all remaining sources of contamination.
- E) Within 60 days of the Regional Water Board Executive Officer's concurrence with the IRAP the proposed IRAP shall be implemented.
- F) Within 90 days of complete implementation of the IRAP, submit a full report of findings to the Executive Officer of the Regional Water Board.
- G) Within 90 days from the date of the Executive Officer's comments on the report of findings for the IRAP, submit an acceptable feasibility study and corrective action plan (FS/CAP). The CAP must be prepared in accordance with the requirements of title 23, California Code of Regulations, section 2725, and must include: 1) an assessment of impacts to soil, groundwater and surface water; 2) applicable cleanup levels; 3) a health and safety plan; 4) identification of the most appropriate and cost effective cleanup alternative that will achieve water quality objectives within a reasonable time frame; and 5) a proposed schedule for the remediation system design, installation, operations, maintenance, monitoring and reporting.
- H) Complete any additional work deemed reasonably necessary by the Regional Water Board's Executive Officer to abate and cleanup the discharge of waste or threatened discharge of waste, and to protect human health and the environment.
- I) The Dischargers shall be liable, pursuant to Water Code section 13304, to the Regional Water Board for all reasonable costs actually incurred by the Regional Water Board to investigate unauthorized discharges of waste

and to oversee cleanup of such waste, abatement of the effects thereof, or other remedial action, required by this Order. Failure to make timely reimbursements will be considered a violation of this Order.

- J) If, for any reason, the Dischargers are unable to perform any activity or submit any documentation in compliance with the work schedule contained in this Order or submitted pursuant to this Order and approved by the Executive Officer, the Dischargers may request in writing, an extension of time as specified. The extension request must be submitted a minimum of five business days in advance of the due date sought to be extended and shall include justification for the delay, including the good faith effort performed to achieve compliance with the due date. The extension request shall also include a proposed time schedule with a new performance date for the due date in question and all subsequent dates dependent on the extension. An extension may be granted for good cause by written concurrence from the Executive Officer.
- K) Violations of any of the terms and conditions of this Order will subject Dischargers to possible enforcement action, including civil liability under applicable provisions of the Water Code.

Ordered By: _____

Catherine Kuhlman
Executive Officer

June 20, 2007