

California Regional Water Quality Control Board
North Coast Region

ORDER No. R1-2011-0107

REQUIRING TECHNICAL REPORTS

PURSUANT TO WATER CODE SECTION 13267(b)

FOR

REDWOOD EMPIRE CLEANERS

Mildred Sanchez
69 West Mendocino Avenue
Willits

Mendocino County

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

1. Redwood Empire Cleaners (Site) is located at 69 West Mendocino Avenue, in Willits, assessor's parcel number 005-2247-04. Ms. Mildred Sanchez is the current property owner and the former owner and operator of Redwood Empire Cleaners. Ms. Sanchez purchased the Site in 1949. Redwood Empire Cleaners was in operation from 1949 through 2004. Operations included the use of tetrachloroethene (PCE). Ms. Mildred Sanchez is hereby referred to as the Discharger.
2. In 2004, PCE and associated breakdown products and other volatile organic compounds were identified in monitoring wells associated with a cleanup site known as Hathaway Property, Regional Water Board Case No. 1TMC537, located at 150 South Main Street, in Willits. A groundwater investigation was conducted at the Hathaway Property related to a discharge from a heating oil tank, and is not considered a source of the PCE contamination. A No Further Action letter was issued for the Hathaway Property site on August 3, 2005.
3. Redwood Empire Cleaners is located within 500 feet of the impacted monitoring wells on the Hathaway Property site. On May 11, 2005, a 13267(b) Order was issued to the Discharger requiring submittal of a workplan to conduct a preliminary site investigation to determine if Redwood Empire Cleaners was a source of the PCE contamination identified off-site. The workplan was submitted to the Regional Water Board on March 21, 2008.
4. In June 2008, a preliminary investigation was conducted at the Site, including the collection of soil gas, soil, and groundwater samples. PCE was reported in soil gas up to 1,200,000 $\mu\text{g}/\text{m}^3$, PCE in soil up to 191 parts per million (ppm), and PCE in groundwater up to 3,000 parts per billion (ppb). Other volatile organic

compounds were also detected in soil gas, soil, and groundwater during the June 2008 investigation.

5. On May 8, 2009, the Executive Officer issued Cleanup and Abatement Order No. R1-2009-0044 (CAO) requiring the Discharger to cleanup and abate the effects of the unauthorized discharges at the site. Requirements of the CAO included conducting a soil vapor study to define the extent of soil vapor impacts and to evaluate the potential vapor intrusion pathways at commercial and residential buildings adjacent to the Site.
6. In March 2010, indoor air samples were collected from three buildings adjacent to the site including 41 West Mendocino Avenue, 60 West Mendocino Avenue, and 110 South Main Street, identified as the "Westphalen Building." Data reported from the indoor air sampling event was compared to California Human Health Screening Levels (CHHSLs) for both commercial and residential exposure. Of the eleven indoor air samples collected, nine samples exceed the commercial CHHSL and ten exceeded the residential CHHSL for PCE.
7. On December 27, 2010, the Executive Officer of the Regional Water Board issued a directive to conduct a full vapor intrusion evaluation, including defining the extent of the soil vapor plume, collecting confirmation samples at 41 and 60 West Mendocino Avenue, determining all buildings vulnerable to the potential for vapor intrusion, and establishing ambient air background conditions. A workplan for this work was required by February 15, 2011.
8. On February 23, 2011, the property owner of 100 West Mendocino Avenue contacted Regional Water Board staff to request indoor air sampling of her residence. Regional Water Board staff conveyed this information to Genesis Engineering and Redevelopment and required that the next scope of work include sampling of indoor air at 100 West Mendocino Avenue.
9. In a Regional Water Board staff letter dated June 29, 2011, staff required indoor air sampling at 100 West Mendocino Avenue be conducted forthwith. A brief workplan for conducting the sampling was due by July 11, 2011.
10. On August 9, 2011, Regional Water Board staff was informed that the collection of the indoor air sample was scheduled for August 30, 2011. The property owner of 100 West Mendocino Avenue informed Regional Water Board staff that the appointment was cancelled and rescheduled for September 22, 2011. The appointment was cancelled again on September 20, 2011.
11. The following sections of the Water Code authorize the Regional Water Board Executive Officer to require persons suspected of violating Basin Plan objectives to provide technical information and reports:

- a. Section 13267(a) - *“A regional board, in establishing or reviewing any water quality control plan or waste discharge requirements, or in connection with any action relating to any plan or requirement or authorized by this division, may investigate the quality of any waters of the State within its region.”*
 - b. Section 13267(b) - *“In conducting an investigation specified in subdivision (a), the regional board may require that any person who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge waste within its region, or any citizen or domiciliary, or political agency or entity of this State who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge waste outside of its region that could affect the quality of waters of the State within its region shall furnish, under penalty of perjury, technical or monitoring program reports which the regional board requires. The burden, including costs, of these reports shall bear a reasonable relationship to the need for the report and the benefits to be obtained from the reports.”*
12. All of the technical reports required by this Order are necessary to ensure that the prior harm and future threat to water quality and associated nuisance conditions created by the discharges described above are properly abated and controlled.
 13. Indoor air quality data sampled at 100 West Mendocino Avenue must be reported to the Regional Water Board to properly evaluate the threat of vapor intrusion of volatile organic compounds to indoor air. Due to the presence of PCE above acceptable health risk screening levels in soil vapor and indoor air, the burden, including costs, of the reports required by this Order bear a reasonable relationship to the need for the reports and the benefits to be obtained therefrom.
 14. Failure to comply with the terms of this Order may result in further enforcement under the California 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.
 15. Any person affected by this action of the Regional Water Board may petition the State Water Resources Control Board (State Water Board) to review the action in accordance with California 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 Board, any person affected by this Order may request the Regional Water Board to reconsider this Order. To be timely, any 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 you choose to request reconsideration of this Order or file a petition with the State Water Board, be advised that you must comply with the Order while your request for reconsideration and/or petition is being considered.

THEREFORE, IT IS HEREBY ORDERED that, pursuant to California Water Code section 13267(b), the Discharger shall, by November 21, 2011:

1. Submit a technical report furnishing indoor air quality data collected at 100 West Mendocino Avenue, in Willits, California.

Ordered by: _____

Catherine Kuhlman
Executive Officer

November 1, 2011