

California Regional Water Quality Control Board
North Coast Region

CLEANUP AND ABATEMENT ORDER No. R1-2014-0018

For

DAVID PASLIN (DBA BEN BRETT),
MANAFF (MANAGEMENT AFFILIATES),
PACIFIC DEVELOPMENT GROUP
PACIFIC INVESTORS GROUP
STONY POINT ASSOCIATES
M.A.F. ENTERPRISES INC.,
ELMER B. (PAT) KNAPP AND JEANNETTE (JAN) HERRON KNAPP
SEUNG UI (TIM) HAHN AND YOUNG HAHN
PETER SUK AND HELEN SUK
AND
STANLEY KIM AND DO W LEE
STONY POINT CLEANERS
469 STONY POINT ROAD
SANTA ROSA CALIFORNIA

Sonoma County

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

1. Stony Point Cleaners is located at 469 Stony Point Road, in Santa Rosa California, Sonoma County Assessor's Parcel No. 146-040-027-000 (Site). David Paslin (dba Ben Brett) is the current property owner, and Stanley Kim and Do W Lee are the current operators of Stony Point Cleaners.
2. Stony Point Cleaners has been in operation since June 1981. The initial facility operator was M.A.F. Enterprises Inc. In October 1981, the business was sold to Elmer B. (Pat) Knapp and Jeannette (Jan) Herron Knapp. Mr. and Mrs. Knapp operated Stony Point Cleaners until September 5, 1984 when the business was sold to Seung Ui (Tim) Hahn and Young Hahn. The Hahns operated the business until October 19, 1989. The Hahns sold Stony Point Cleaners to Peter and Helen Suk who operated the cleaners until April 18, 1996 when it was sold to the current owners.
3. In May 1981, when Stony Point Cleaners started operation, the property was owned by the Pacific Development Group. On February 22, 1982, Pacific Development group sold the property to Pacific Investment Group. On February 1, 1984, Pacific Investment Group sold the commercial property to Stony Point Associates who, in May 31, 1985, sold the property to the current owner.
4. All former operators and owners of the property are hereinafter collectively referred to as "the Dischargers."

5. Past practices at the Site resulted in a release or releases of dry cleaning solvents to the subsurface. In July 2006, subsurface borings installed adjacent to Stony Point Cleaners detected tetrachloroethene (PCE) in soil and groundwater. Since that time numerous soil, soil vapor, and groundwater samples have been collected and analyzed to determine the vertical and lateral extent of contamination associated with a release of the dry cleaning solvent PCE.
6. The highest concentrations of PCE have been detected near the boiler at the back of the Stony Point Cleaners facility. Soil vapor sampling has detected concentrations of PCE at 4,565,094 micrograms per cubic meter ($\mu\text{g}/\text{m}^3$) in a sample taken at 4 feet below the floor of the dry cleaner. This indicates that there is a potential for worker exposure to elevated concentrations of PCE in the indoor air. An evaluation of the indoor air quality is now needed.
7. Groundwater sampling from both shallow (between 5 and 15 feet below ground surface, bgs) and deep (25 to 30 feet bgs) monitoring wells show that the highest concentrations of PCE are from wells constructed inside the building. Specifically, during the most recent monitoring event (March 28, 2013), a groundwater sample from shallow well MW-1S detected concentrations of PCE at 8,700 parts per billion (ppb) and groundwater from deep monitoring well MW-1 detected concentrations of PCE at 1,100 ppb. Both wells are located inside the dry cleaner building.
8. The chemical PCE is a human carcinogen, and is listed by the State of California, pursuant to the Safe Drinking Water and Toxic Enforcement Act of 1986, as a chemical known to the State to cause cancer. PCE degrades to trichloroethene (TCE), cis and trans -1,2-dichloroethene (1,2-DCE), and vinyl chloride (VC). These breakdown products are also human carcinogens.
9. Interim remedial measures (IRMs) were proposed in *Revised Report of Remedial Investigation and Workplan for IRMs and Shallow Soil Gas and Groundwater Monitoring*, dated June 10, 2011, prepared by the environmental consulting firm Gribi Associates. Since that time additional characterization of the source area inside the dry cleaners has been conducted and now revisions to the proposed remedial measures are needed prior to begin cleanup of this property.
10. The Water Quality Control Plan for the North Coast Region (Basin Plan) designates beneficial uses of the waters of the State, establishes water quality objectives to protect those uses, and establishes implementation policies to attain water quality objectives. The beneficial uses of areal groundwater include domestic, agricultural, and industrial supply.
11. The site is located within 1,500 feet of Santa Rosa Creek which is a tributary to the Laguna de Santa Rosa which flows into the Russian River. The existing and potential beneficial uses of the Laguna de Santa Rosa and the Russian River include:

Cleanup and Abatement Order
No. R1-2014-0018

- a. municipal and domestic supply
- b. agricultural supply
- c. industrial process supply
- d. groundwater recharge
- e. navigation
- f. water contact recreation
- g. non-contact water recreation
- h. commercial and sport fishing
- i. warm freshwater habitat
- j. cold freshwater habitat
- k. wildlife habitat
- l. migration of aquatic organisms
- m. spawning, reproduction, and/or early development
- n. fresh water replenishment
- o. estuarine habitat
- p. rare, threatened or endangered species.

12. 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).

13. The California Water Code, and regulations and policies developed thereunder apply to the Site and require cleanup and abatement of discharges and threatened discharges of waste to the extent feasible. Discharge prohibitions contained in the Basin Plan also apply to this site. Specifically, the Basin Plan incorporates State Water Resources Control Board (State Water Board) Resolutions No. 68-16, No. 88-63, and No. 92-49.

- a. Water Code section 13267(b) authorizes the Regional Water Board to require dischargers and suspected dischargers to provide technical or monitoring program reports.
- b. Water Code section 13304 authorizes the Regional Water Board to require dischargers to cleanup and abate the effects of discharged waste.
- c. State Water Board Resolution No. 68-16 ("State of Policy with Respect to Maintaining High Quality Waters in California") protects surface and ground waters from degradation. It provides that high quality waters shall be maintained unless any change will be consistent with the maximum benefit to the people of the State, will not unreasonably affect present and anticipated beneficial uses and will not result in water quality less than that prescribed in the policies.

- d. State Water Board Resolution 88-63 requires Regional Water Boards to protect the beneficial use of groundwater as a source of drinking water. The Basin Plan establishes the beneficial use of groundwater as a source of drinking water for all areas within the North Coast Region. The Basin Plan identifies water quality objectives for petroleum constituent levels in groundwater to protect its beneficial use as a source of drinking water.
 - e. State Water Board Resolution No. 92-49 (“Policies and Procedures for the Investigation and Cleanup of Discharges Under Section 13304 of the California Water Code”) specifies that alternative cleanup levels greater than background concentration shall be permitted only if the discharger demonstrates 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.
14. 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 the level of water quality objectives for protection of beneficial uses. A table of applicable Water Quality Objectives for groundwater is incorporated in this Order as Attachment A.
15. 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”). Because the Regional Water Board is unable, pursuant to Water Code section 13360, to direct the manner and method of compliance, the Regional Water Board will not have any plan for actual cleanup of the Site until the responsible parties have identified in a draft remedial action plan the proposed method of cleaning up the Site. Once the discharger has submitted a remedial action plan, the Regional Water Board will ensure that prior to granting concurrence with the final remedial action plan, it has complied with the requirements of CEQA. Until the Site has been investigated and a remedial action plan has been proposed, it is impossible for the Regional Water Board to identify and mitigate potentially significant adverse impacts associated with the cleanup of the Site. Because of the need to initiate investigation of the contamination of the Site before the Regional Water Board is able to identify how the Site will be cleaned up and any potentially significant impacts that could result to the environment from the cleanup, this CAO only requires immediate investigation of the Site, and defers actual cleanup until the Regional Water Board has concurred with a final remedial action plan and has complied with the requirements of CEQA.

16. 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 California Code of Regulations, title 23, 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.
17. This Cleanup and Abatement Order (CAO) in no way limits the authority of this Regional Water Board to institute additional enforcement actions or to require additional investigation and cleanup at the Site consistent with California Water Code. This CAO may be revised by the Executive Officer, as additional information becomes available.
18. Failure to comply with the terms of this Order may result in 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. 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.
19. Reasonable costs incurred by Regional Water Board staff in overseeing cleanup or abatement activities are reimbursable under Water Code section 13304 (c) (1).

THEREFORE, IT IS HEREBY ORDERED that, pursuant to Water Code sections 13267 (b) and 13304, the Dischargers shall clean up and abate the discharge and threatened discharge forthwith and shall comply with the following provisions of this Order:

- A. Submit in a format acceptable to the Executive Officer a revised IRM Workplan within 45 days of the date of this order.
- B. Implement IRMs within 90 days of Executive Officer concurrence with the IRM Workplan revisions.
- C. Within 60 days of construction of IRMs, submit an installation and first remedial operational status report.

Cleanup and Abatement Order
No. R1-2014-0018

- D. Submit quarterly IRMs status reports within 30 days of the end of each calendar quarter.
- E. Submit an indoor air testing workplan to determine the human health risks to workers inside the building within 45 days of the date of this order.
- F. Upon completion of indoor air testing issue a public notice of all the results to all tenants, business owners, and property owners in the Stony Point Shopping Center.
- G. Conduct all work in accordance with all applicable local ordinances and under the direction of a California Professional Geologist or Civil Engineer experienced in soil and groundwater pollution investigations and remediation projects including chlorinated hydrocarbons. All work plans and reports must be signed and stamped by the licensed professional in responsible charge of the project. All necessary permits shall be obtained prior to conducting work.
- H. Comply with the requirements specified in Monitoring and Reporting Program Order No. R1-2013-0082.
- I. The Dischargers shall pay all cost recovery invoices within 30 days of issuance of the invoice.
- 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. 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 and a demonstration of a good faith effort 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 may subject Dischargers to possible enforcement action, including civil liability under applicable provisions of the Water Code.

Ordered By: _____

Matthias St. John
Executive Officer
February 27, 2014

Attachment A: Water Quality Objectives

Attachment A

Table of Water Quality Objectives

STONY POINT CLEANERS
 469 STONY POINT ROAD
 SANTA ROSA CALIFORNIA
 Case No. 1NS0898

The California Water Code, and regulations and policies developed thereunder 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 concentration shall be permitted only if the discharger demonstrates 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 (State Water Resources Control Board Resolutions Nos. 68-16 and 92-49).

Water quality objectives in the Basin Plan are adopted to ensure protection of the beneficial uses of water. The Basin Plan provides that “whenever several different objectives exist for the same water quality parameter, the strictest objective applies”. Accordingly, 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. The table below sets out the water quality objectives for waters of the State impacted by discharges from the identified constituents of concern:

Constituent of Concern	Practical Quantitation Limit µg/L	Water Quality Objective µg/L	Reference for Objectives
Trichloroethene	< 0.5	1.7	California Public Health Goal (PHG) in Drinking Water (Office of Environmental Health Hazard Assessment) applied to GENERAL water quality objective in the Basin Plan
Tetrachloroethene	< 0.5	0.06	California Public Health Goal (PHG) in Drinking Water (Office of Environmental Health Hazard Assessment) applied to GENERAL water quality objective in the Basin Plan
Cis-1,2-Dichloroethene	< 0.5	6	California Department of Health Services Maximum Contaminant Level applied to the CHEMICAL CONSTITUENTS water quality objective in the Basin Plan
Trans-1,2-dichloroethene	< 0.5	10	California Department of Health Services Maximum Contaminant Level applied to the CHEMICAL CONSTITUENTS water quality objective in the Basin Plan
1,1-Dichloroethene	< 0.5	6	California Department of Health Services Maximum Contaminant Level applied to the CHEMICAL CONSTITUENTS water quality objective in the Basin Plan
1,1,1-Trichloroethane	< 0.5	200	California Department of Health Services Maximum Contaminant Level applied to the CHEMICAL CONSTITUENTS water quality objective in the Basin Plan
Vinyl Chloride	< 0.5	0.05	California Public Health Goal (PHG) in Drinking Water (Office of Environmental Health Hazard Assessment) applied to GENERAL water quality objective in the Basin Plan