

September 18, 2008

State Water Resources Control Board
Office of Chief Counsel
Jeannette L. Bashaw, Legal Analyst
PO Box 100
Sacramento, CA 95812-0100

Petition for review of the Order Letter 13267 dated September 5, 2008.
This is a protective filing. Petitioner requests that this petition be held in abeyance.

1. NAME, ADDRESS, AND TELEPHONE NUMBER OF THE PETITIONER.

Petitioner is Chris Hulmes, dba Tahoe One Hour Cleaners, located at 2301 Lake Tahoe Blvd. #6, South Lake Tahoe, CA 96150.

2. THE ACTION OF THE REGIONAL WATER BOARD BEING PETITIONED.

Enclosed is a copy of the Order Letter 13267 received from the RWQCB.

3. THE DATE THE REGIONAL WATER BOARD ACTED.

On September 5, 2008, the RWQCB sent a copy of Order Letter 13267 to the petitioner and other parties. This was the first we heard from the RWQCB. The letter was sent by U.S. Mail and received by the petitioner on September 10, 2008.

4. A STATEMENT OF THE REASONS THE ACTION WAS INAPPROPRIATE OR IMPROPER.

I am filing this protective petition at this time, stating that I do not believe this PCE came from my dry cleaning establishment. I received a degree in Natural Resource Management from Cal Poly, San Luis Obispo, and would never do anything to harm the environment. I was aware of the importance of completely containing PCE. I purchased a new 35lb. AJAX Dry to Dry cleaning machine with a self-containing drum that sat up off of the ground on a stand. The drum was a gravity feed that fed directly into the dry cleaning machine. The delivery truck parked outside the back door and pumped PCE directly into the contained dry cleaning machine and drum unit. More information is available upon request.

5. HOW THE PETITIONER IS AGGRIEVED.

I will suffer extreme financial hardship at a time when my small business is already struggling in today's economy.

6. THE ACTION THE PETITIONER REQUESTS THE STATE WATER BOARD TO TAKE.

I request that the State Water Board direct the Regional Board to take all necessary action to determine where the dry cleaners was in the 1960's and what practices they used that might have contributed to this problem. Also, please direct the RWQCB not to hold me responsible simply because they cannot locate the other party.

7. A STATEMENT OF POINTS AND AUTHORITIES FOR ANY LEGAL ISSUES.

These may be provided at a future time.

8. A STATEMENT THAT COPIES OF THE PETITION HAVE BEEN SENT TO THE REGIONAL WATER BOARD.

A copy of this petition, with copies of the RWQCB's 13267 letter dated September 5, 2008, will be sent U.S. Mail to:

Jeannette L. Bashaw
Legal Analyst
Office of Chief Counsel
State Water Resources Control Board
PO Box 100
Sacramento, CA 95812-0100

California Regional Water Quality Control Board
Attn: Harold Singer
2501 Lake Tahoe Blvd.
South Lake Tahoe, CA 96150

9. A STATEMENT THAT THE ISSUES RAISED IN THE PETITION WERE PRESENTED TO THE REGIONAL BOARD BEFORE THE REGIONAL BOARD ACTED, OR AN EXPLANATION OF WHY THE PETITIONER COULD NOT RAISE THOSE OBJECTIONS BEFORE THE REGIONAL BOARD.

The 13267 Letter Order from the RWQCB was issued without notice or a hearing. Therefore, I was given no opportunity to raise these objections or issues before the Regional Water Board.



California Regional Water Quality Control Board Lahontan Region



Linda S. Adams
Secretary for
Environmental Protection

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Arnold Schwarzenegger
Governor

SEP 05 2008

Tahoe Crescent Partnership, LP
3 Upper Newport Plaza, 2nd LL
Newport Beach, CA 92660

Spence Clark
Tahoe Crescent "V" Associates
c/o Prudential Utah Real Estate
6975 Union Park Center, Suite 600
Midvale, UT 84047

Jack Van Sickle
Crescent "V" Shopping Center Corporation
c/o Jack Van Sickle Ranches
PO Box 1629
Carson City, NV 89702-1629

Gertrude Roberts
H.C.R. Hawaiian Company, Inc
c/o Kupperberg
505 Sansome Street, #1501
San Francisco, CA 94111

Chris Hulmes
Tahoe One Hour Cleaners
2301 Lake Tahoe Boulevard
South Lake Tahoe, CA 96150

NOTICE OF RESCISSION OF FEBRUARY 26, 2008 ORDER TO SUBMIT A TECHNICAL REPORT TO TAHOE CRESCENT PARTNERSHIP, LP

ORDER TO SUBMIT A TECHNICAL REPORT, VILLAGE CENTER, 4006 LAKE TAHOE BOULEVARD, SOUTH LAKE TAHOE, EL DORADO COUNTY

The Lahontan Regional Water Quality Control Board (Water Board) previously ordered the Tahoe Crescent Partnership, LP (TCP) to investigate potential contamination at the Village Center, formerly known as the Crescent V Shopping Center or Lot 8 of the Crescent "V" subdivision, suspected of originating from dry cleaning operations at the site. The Water Board has received information that additional potential responsible parties exist for this suspected discharge. As a result, the original order is being rescinded and this new order is being issued to the potential responsible parties.

California Environmental Protection Agency

Pursuant to California Water Code section 13267, this order requires the above-addressed potential responsible parties to provide additional information to the Water Board to assist its investigation of tetrachloroethylene (PCE) contamination of groundwater in South Lake Tahoe. The above-addressed potential responsible parties have either owned the subject property during the time that dry cleaning operations were present or operated a dry cleaning business on the property.

Background

Since September 2007, Water Board staff and the El Dorado County Department of Environmental Management have conducted groundwater sampling and reviewed historical data and records related to groundwater contamination discovered in the Tahoe Meadows subdivision in South Lake Tahoe. Groundwater sampling and review of historical records indicate that PCE has been detected in monitoring, motel, and domestic wells in the area at concentrations above the Maximum Contaminant Level (safe drinking level) of 5 micrograms per liter ($\mu\text{g/L}$). The highest PCE concentrations, up to 180 $\mu\text{g/L}$, were reported from the most upgradient groundwater sample locations, near Lake Tahoe Boulevard and Park Avenue, which is across the street from the Village Center property. Lower concentrations of PCE in groundwater extend as far downgradient as Lake Tahoe. The regional distribution of PCE suggests that a PCE release or releases occurred upgradient from the groundwater sample locations, in the vicinity of the Village Center property.

Records indicate that several dry cleaners operated in the Village Center from the mid 1960s through the late 1980s. Dry cleaners commonly use PCE and other solvents. Improper use and/or disposal of these solvents may have contributed to groundwater contamination in the area.

Technical Report Justification

Water Board staff believes the following evidence supports the requirement of a technical report.

1. Concentrations of PCE reported in groundwater exceed the California drinking water standard of 5 $\mu\text{g/L}$, making the groundwater unsuitable for drinking and other domestic and municipal uses. Groundwater in the area has a designated beneficial use of municipal and domestic water supply.
2. Concentrations of PCE reported in groundwater exceed the Environmental Screening Level (ESL) for vapor intrusion into indoor air, making the groundwater a potential public health threat and nuisance.
3. Further investigations are necessary to evaluate the extent of impacts to water quality and threats to public health and safety from soil vapor and groundwater.

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Responsible Parties

I understand that Tahoe Crescent Partnership, LP has owned the Village Center since November 21, 1980. The Village Center included the tenant space of Tahoe One Hour Martinizing, Crescent "V" Cleaners, and Tahoe One Hour Cleaners from 1983 to at least 1989. Chris Hulmes was the operator of these businesses. Tahoe Crescent "V" Associates owned the Village Center property from approximately 1970 to 1980. Before 1970, Tahoe Crescent "V" Center and Crescent "V" Shopping Center Corporation owned the Village Center. HCR Hawaiian Company, Inc. was the lessee of the property during the early 1960s. HCR Hawaiian Company, Inc. assigned its lease and the rents therein to the Tahoe Crescent "V" Center in the early 1960s. The Water Board has been unable to locate current information for the general partners of the Tahoe Crescent "V" Center. Bobby Pages Cleaners operated a dry cleaning facility in the Village Center from the 1960s through the early 1970s. The Water Board is not aware of any viable heir to liabilities for the Bobby Pages Cleaners at the Village Center location.

I consider all the above parties and entities listed in this letter to be potential responsible parties for discharges of hazardous waste at the subject property that has impacted water quality. The technical report submittals listed in this letter can be completed by just one of the potential responsible parties or the entire group, so long as Water Board directives are complied with. If none of the potential responsible parties complies with these directives, all parties will be subject to enforcement action by the Water Board. Such an action may include an assessment of an administrative civil liability for up to one thousand dollars (\$1,000) for each day of violation of this directive.

Directives

I am rescinding my February 26, 2008 order to TCP to submit a technical report pursuant to Water Code section 13267, as additional potential responsible parties for the discharge have been identified.

In pertinent part, Water Code section 13267 states that the Water Board may require that any person who has discharged, discharges, or is suspected of having discharged or discharging waste that could affect the quality of waters of the state shall furnish, under penalty of perjury, technical or monitoring program reports that the Water Board requires.

You are suspected of having discharged waste that could affect the quality of waters of the state given the distribution of PCE constituents in the groundwater in the vicinity of the Village Center.

I am issuing this order to TCP and the other above-referenced potential responsible parties with new deadlines for a technical report submittal. Pursuant to Water Code section 13267, you are required to provide a work plan technical report to the Lahontan Water Board **by October 31, 2008**. The purpose of the work plan technical report is to describe the manner and methodology to determine if the Village Center is a source of PCE groundwater contamination. The work plan must contain, at a minimum, the following:

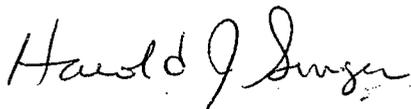
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- Discussion of the goals of the investigation;
- Map showing the location of previous dry cleaning businesses and cleaning solvent delivery points;
- Description of the proposed soil and groundwater sampling methodology including the number, location and depth of soil and discrete groundwater samples;
- Proposed sampling analyte list with applicable laboratory analytical methods and detection limits (analytes must include PCE and its breakdown daughter products);
- Description of the methods and manner to evaluate groundwater elevation and flow direction;
- Site map showing the proposed boring locations, including locations up- and down-gradient from the former dry cleaner operations;
- Historical and current sanitary sewer piping diagrams;
- Implementation schedule to accomplish the proposed work.

Enclosed for your information is a fact sheet discussing the requirements for submitting a technical or monitoring report related to Water Code section 13267. Violation of this Order could result in additional administrative and/or judicial enforcement action.

Your cooperation in this matter will assist the Lahontan Water Board in restoring groundwater quality in South Lake Tahoe. Please contact Brian Grey directly at (530) 542-5421 if you have any questions or comments.



HAROLD J. SINGER
EXECUTIVE OFFICER

cc: El Dorado County Department of Environmental Health, Virginia Huber
South Tahoe Public Utility District, Ivo Bergsohn
Stoel Rives LLP, Craig Wilson

Enclosure: Section 13267 Notice

BDG/clhT: Tahoe Meadows13267 to all bdg2 808
[SPC File: Tahoe Meadow PCE]