

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
COLORADO RIVER BASIN REGION

CLEANUP AND ABATEMENT ORDER NO. 92-050
AGAINST
SAN BERNARDINO COUNTY FORESTRY AND FIRE WARDEN DEPARTMENT

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

1. California Department of Forestry and San Bernardino County Fire Warden Department (hereinafter referred to as the discharger), 3800 Sierra Way, San Bernardino, California 92405, is the owner/operator of San Bernardino County Fire Station No. 21, Parker Dam Road, 8 miles north of Earp, California, 92242
2. Report findings indicate that the ground water beneath the site has been polluted by gasoline. The pollution is the result of an unauthorized release of unknown quantities of gasoline which was reported on November 30, 1989 in an Underground Storage Tank Unauthorized Release Form No. 7T2242001.
3. By letter dated November 20, 1989, San Bernardino County Environmental Health Services requested the discharger to conduct a remedial investigation of the petroleum hydrocarbon contamination, and submit a technical report, containing the results of their reported findings to the Office of Environmental Health, San Bernardino County, by January 19, 1990.
4. A letter dated January 11, 1991, was sent by the Regional Board staff requesting a continuance of the subsurface investigation at the site. A request was made to have the report signed by a California registered civil engineer, geologist, or certified engineering geologist. Additionally, the definition of the full extent of soil and ground water contamination was requested, and the ground water gradient was to be determined. The report was to be submitted by March 1, 1991.
5. In a letter dated November 20, 1991, the discharger's consultant, (Toxguard, Inc.) a registered consultant, requested an extension to January 15, 1992, for a Phase II Assessment and Workplan.
6. By letter to the discharger, dated January 17, 1992, the Regional Water Board staff stated that they had not received a workplan or Phase II findings. An extension was granted to February 18, 1992, as per the November 20, 1991 request.
7. By a letter dated January 24, 1992, the discharger requested an additional two-week extension.
8. By a letter dated February 3, 1992, the discharger requested a 45-day extension of the February 18, 1992 deadline for a Phase II Assessment.

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9. A letter dated February 10, 1992, Regional Board staff granted an extension to March 1, 1992.
10. By letter dated March 3, 1992, Regional Board staff accepted the workplan to conduct additional site investigation submitted by letter, and other proposed recommendations to identify the lateral and vertical extent of contamination. Discharger's consultant was to submit a workplan and proposed remedial action by April 1, 1992.
11. On March 6, 1992, a 1,000 gallon diesel tank was properly removed and disposed of by the discharger.
12. A letter dated July 21, 1992, was sent to the discharger by Regional Board staff requesting a workplan of proposed remediation to be submitted by August 15, 1992, subject to Regional Board staff approval.
13. By letter dated August 14, 1992, the discharger requested an additional 90-day extension to submit a workplan of proposed soil remediation.
14. The discharger has caused or permitted the discharge of waste or wastewater into the waters of the State and created a condition of pollution.
15. Section 13304 of the California Water Code states, in part, that:

"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, or threatens to create, 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."
16. 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 its region that could affect the quality of waters within its region shall furnish, under penalty of perjury, those technical or monitoring program reports as the board may specify..."
17. This enforcement action is exempt from the California Environmental Quality Act pursuant to Section 15321, Chapter 3, Title 14 of the California Code of Regulations.

IT IS HEREBY ORDERED, that pursuant to Section 13304 and Section 13267 of Division 7 of the California Water Code, the discharger shall comply with the following:

1. Cleanup and abate the effects of the discharge of gasoline to the soil at San Bernardino County Forestry and Fire Warden Station No. 21, Parker Dam, California.
2. A workplan, subject to Regional Board staff approval for proposed remediation is to be submitted by October 30, 1992.

3. The discharger must implement an approved remediation program by December 30, 1992.
4. Monitoring and reporting of data is to be done on a quarterly basis, beginning December 30, 1992.
5. 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 penalty of perjury under the laws of the State of California that the report is true, complete, and accurate.
6. Failure to comply with the provisions of this Order may subject you to further enforcement action including but not limited to, assessment of civil liability pursuant to Division 7, Article 2.5, Section 13323(a) and Article 5, Section 13350 of the California Water Code, and referral for injunctive relief and civil or criminal liability.

Ordered by: Philip A. Greenberg
Executive Officer

9-29-92
Date