CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

ORDER № 96-130

SITE CLEANUP REQUIREMENTS FOR:

CHEVRON U.S.A. PRODUCTS COMPANY
R&B PARTNERSHIP
BAY CITIES OIL MARKETERS, INC.

for the property located at

477 OIL COMPANY ROAD
NAPA, NAPA COUNTY

The California Regional Water Quality Control Board, San Francisco Bay Region (hereinafter the Board), finds that:

1. **Site Location:** The property located at 477 Oil Company Road, Napa, Napa County (site) is the former location of a bulk petroleum storage and dispensing facility. The site facilities consist of two permanent buildings and a fuel pump station (currently unused). The site is located on the east shore of the Napa River approximately 0.5 mile downstream of downtown Napa. Surrounding land use is primarily commercial and industrial.

2. **Site History:**
   a. County records show that Standard Oil acquired the property in 1913 and constructed the facility. The site operated as a bulk petroleum storage facility until 1987. Before 1971, the storage facility contained four 19,000 gallon, two 158,000 gallon, and one 68,600 gallon above ground storage tanks (AGT's). Currently there are six 19,000 gallon, one 158,000 gallon, and one 68,600 gallon AGT's located on site.
   b. In February 1977, Chevron U.S.A., Inc. acquired ownership of the property and subsequently operated the site facilities.
   c. In September 1977, Mr. William Robertson of the Napa Fire Department (NFD) noted in a memo that a "transfer pump is leaking badly, spilling gasoline" and "notice sent to company about pump". A subsequent note made two months later stated that the problem was "not corrected".
   d. In March 1980, North Bay Oil, Inc. acquired ownership of the property and subsequently operated the site facilities. In March 1984, Shutzky Distributors, Inc. purchased North Bay Oil, Inc.
   e. In March 1984, Shutzky Distributors acquired ownership of the

property from North Bay Oil, Inc. via corporation grant deed and subsequently operated the site facilities. In November 1986, Shutzky Distributors, Inc. filed a "Certificate of Election to Wind Up and Dissolve" with the California Secretary of State.

f. Sometime after March 1984, Bay Cities Oil Marketers, Inc. assumed operation of the site. Bay Cities Oil Marketers, Inc was formed on March 27, 1986 by Randall Thomas and Brenda Glenn. In July 1986, approximately 2,300 gallons of gasoline were spilled as a result of overfilling a tank; approximately 32 gallons of product were recovered. In March 1987, approximately 1,300 gallons of gasoline were spilled in the tank loading area; approximately 600 gallons of product were recovered.

g. In July 1986, R&B California General Partnership, a partnership of Randall Thomas and Brenda Glenn, acquired ownership of the site and remains the current owner.

h. Bay Cities Oil Marketers operated the site until 1987, when facility operations ceased.

3. **Named Dischargers:** The Board finds CHEVRON U.S.A. PRODUCTS COMPANY, R&B PARTNERSHIP, and BAY CITIES OIL MARKETERS, INC. are the primary dischargers. (CHEVRON U.S.A. PRODUCTS COMPANY, R&B PARTNERSHIP, and BAY CITIES OIL MARKETERS, INC. are hereinafter referred to as "Dischargers".) As the owner and/or operator of the facility and based upon past chemical usage, and operations described in finding 2 above, the Dischargers are primarily responsible for meeting the requirements of this order.

   If additional information is submitted indicating that other parties caused or permitted any waste to be discharged on the site where it entered or threatened to enter waters of the state, the Board will consider adding that party's name to this order.

4. **Regulatory Status:** This site is currently not subject to Board order.

5. **Site Hydrogeology:** The site is located immediately adjacent to the Napa River approximately 0.5 mile downstream of the 3rd Street bridge. Shallow groundwater underlying the site occurs at a depth of approximately 10 feet below ground surface and is tidally influenced. Soils underlying the site consist of interbedded clay and sandy clay to the maximum depth explored of 25 feet.

6. **Remedial Investigation:** The pollutants of concern at the site are benzene, toluene, ethyl-benzene, xylene (BTEX), and total petroleum hydrocarbons as gasoline (TPH-g) and diesel (TPH-d). Soil and groundwater investigations

completed to date have identified very high levels of petroleum pollution in soils and groundwater. Floating petroleum product is present in on-site monitoring wells to a maximum thickness of 0.63 feet. Monitoring wells installed along the bank of the Napa River contain concentrations of TPH-d to a maximum of 1.0 mg/ℓ. A total of 21 monitoring wells, 5 recovery wells, and 13 soil vapor extraction wells have been installed to date. The extent of contamination has been substantially defined by investigations completed to date.

7. **Adjacent Sites:** The site is located immediately adjacent to two former petroleum storage facilities. The property to the north is the former location of a Texaco bulk facility. The property to the south is the former location of a Mobil Oil Company bulk facility. Investigation of the former Mobil facility is currently ongoing.

8. **Interim Remedial Measures:** After the spill in July, 1986, only 32 gallons of free product were recovered. After the March, 1987 spill, 600 gallons of free product were recovered.
   a. In January 1991, a soil vapor extraction (SVE) system was installed in the area of the AGT's and along the west shore of the site. The SVE system operated from January through August 1991, and was reported to have recovered 2,900 gallons of TPH as gasoline from vadose zone soils underlying the site.
   b. In April 1994, Delta Environmental Consultants prepared a report titled Final Remedial Work Plan. The workplan proposed an upgrade to the existing SVE system based upon a cost/benefit analysis. Regional Board staff disagree with the tenets of the cost/benefit analysis and believe that while additional SVE system operation would remove additional mass, the technology is not capable of meeting the appropriate cleanup goals for this site. The diesel range hydrocarbons present in soils and groundwater are not amenable to SVE remediation.
   c. In March 1996, Geraghty & Miller submitted a draft work plan on behalf of Chevron U.S.A. Products Company to the Regional Water Quality Control Board. The work plan proposes phytoremediation as a remedial alternative and presents an implementation schedule to accommodate installation of a phytoremediation system.
   d. Currently no remedial actions are being performed to recover free product or dissolved petroleum constituents from groundwater. Additional interim remedial measures are necessary to prevent further discharge of polluted groundwater into the Napa River.

9. **Basin Plan:** The Board adopted a revised Water Quality Control Plan for the San Francisco Bay Basin (Basin Plan) on June 21, 1995. This updated and

consolidated plan represents the Board's master water quality control planning document. The revised Basin Plan was approved by the State Water Resources Control Board and the Office of Administrative Law on July 20, 1995, and November 13, 1995, respectively. A summary of regulatory provisions is contained in 23 CCR 3912. The Basin Plan defines beneficial uses and water quality objectives for waters of the State, including surface waters and groundwaters.

The potential beneficial uses of groundwater underlying and adjacent to the site include:

a. Municipal and domestic water supply
b. Freshwater replenishment to surface waters
c. Industrial process water supply
d. Agricultural water supply

The existing and potential beneficial uses of the Napa River, San Pablo Bay, and contiguous surface waters include:

a. Water contact and non-water contact recreation
b. Fresh water replenishment
c. Wildlife habitat
d. Preservation of areas of special biological significance
e. Fish migration and spawning
f. Navigation
g. Estuarine habitat
h. Ocean commercial and sportfishing
i. Preservation of rare and endangered species

10. **Other Board Policies:** Board Resolution No. 88-160 allows discharges of extracted, treated groundwater from site cleanups to surface waters only if it has been demonstrated that neither reclamation nor discharge to the sanitary sewer is technically and economically feasible.

Board Resolution No. 89-39, "Sources of Drinking Water," defines potential sources of drinking water to include all groundwater in the region, with limited exceptions for areas of high TDS, low yield, or naturally-high contaminant levels.

11. **State Water Board Policies:** State Water Board Resolution No. 68-16, "Statement of Policy with Respect to Maintaining High Quality of Waters in California," applies to this discharge and requires attainment of background levels of water quality, or the highest level of water quality which is reasonable if background levels of water quality cannot be restored. Cleanup levels other than background must be consistent with the maximum

benefit to the people of the State, not unreasonably affect present and anticipated beneficial uses of such water, and not result in exceedance of applicable water quality objectives.

State Water Board Resolution No. 92-49, "Policies and Procedures for Investigation and Cleanup and Abatement of Discharges Under Water Code Section 13304," applies to this discharge. This order and its requirements are consistent with the provisions of Resolution No. 92-49, as amended.

12. **Preliminary Cleanup Goals:** The dischargers will need to make assumptions about future cleanup standards for soil and groundwater, in order to determine the necessary extent of remedial investigation, interim remedial actions, and the draft cleanup plan. Pending the establishment of site-specific cleanup standards, the following preliminary cleanup goals should be used for these purposes:

    a. Groundwater: Applicable water quality objectives (e.g. maximum contaminant levels, or MCLs) or, in the absence of a chemical-specific objective, risk-based levels (e.g. drinking water equivalent levels). Based upon the site history, the following groundwater cleanup goals are applicable:

Constituent	Objective	Source of Objective
Benzene	0.34 ug/l	Best Professional Judgement (BPJ)
Toluene	150 ug/l	CA Primary MCL
Ethyl-benzene	680 ug/l	CA Primary MCL
Xylene	1750 ug/l	CA Primary MCL
TPH-g	100 ug/l	BPJ
TPH-d	100 ug/l	BPJ

    b. Soil: 1 mg/kg total volatile organic compounds (VOCs), 10 mg/kg total semi-volatile organic compounds (SVOCs), and background concentrations of metals.

13. **Basis for 13304 Order:** The dischargers have caused or permitted waste to be discharged or deposited where it is or threatens to be discharged into waters of the State and creates or threatens to create a condition of pollution or nuisance.

Discharges of petroleum hydrocarbons into the environment prior to 1981 were in violation of laws in force at that time. Based upon the NFD memo referenced in Finding 2.c of this order, Chevron U.S.A. Products Company did release petroleum hydrocarbons into the environment during their tenure at the site. Given the behavior of petroleum fuel, the unpaved nature of the site at the time of the release, and the shallow depth to groundwater, it is apparent that this discharge occurred to soils and subsequently to groundwater and the Napa River. Moreover, the two month delay in remedying the leak establishes that Chevron U.S.A. Products Company was negligent in maintenance of the site facilities and did therefore negligently discharge petroleum into the environment.

14. **Cost Recovery:** Pursuant to California Water Code Section 13304, the dischargers are hereby notified that the Board is entitled to, and may seek reimbursement for, all reasonable costs actually incurred by the 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.

15. **CEQA:** This action is an order to enforce the laws and regulations administered by the Board. As such, this action is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15321 of the Resources Agency Guidelines.

16. **Notification:** The Board has notified the dischargers and all interested agencies and persons of its intent under California Water Code Section 13304 to prescribe site cleanup requirements for the discharge, and has provided them with an opportunity to submit their written comments.

17. **Public Hearing:** The Board, at a public meeting, heard and considered all comments pertaining to this discharge.

IT IS HEREBY ORDERED, pursuant to Section 13304 of the California Water Code, that the dischargers (or their agents, successors, or assigns) shall cleanup and abate the effects described in the above findings as follows:

A. **PROHIBITIONS**

1. The discharge of wastes or hazardous substances in a manner which will degrade water quality or adversely affect beneficial uses of waters of the State is prohibited.

2. Further significant migration of wastes or hazardous substances

through subsurface transport to waters of the State is prohibited.

3. Activities associated with the subsurface investigation and cleanup which will cause significant adverse migration of wastes or hazardous substances are prohibited.

B. **TASKS**

To comply with all of the Prohibitions, Specifications and Provisions of this Order and the Self-Monitoring Program, the Dischargers shall meet the following compliance task and time schedule:

1. **TASK: WORKPLAN FOR IMPLEMENTATION OF SOURCE REMOVAL**

COMPLIANCE DATE: **October 1, 1996**

Submit a technical report acceptable to the Executive Officer containing a proposal to implement the interim remedial actions necessary to remove or remediate sources of pollution. Final proposals for pilot studies should be included with this workplan. The workplan should specify a proposed time schedule and an assessment of benefits and costs associated with joint cleanup performed with neighboring parties.

2. **TASK: EVALUATION OF SOURCE REMOVAL**

COMPLIANCE DATE: **February 1, 1997**

Submit a technical report, acceptable to the Executive Officer which documents implementation of the workplan described in Task 1 and evaluates the effectiveness of all interim remedial actions taken. If the original interim remedial actions being implemented are not proving to be effective in achieving the interim goals, then this report shall include a SUPPLEMENTAL WORKPLAN for specific modifications to, or an alternative to, the original interim remedial system, and an implementation time schedule. This report shall include, but will not be limited to:

i. quantification of the amount and type of pollutants removed from the soil and ground water by the interim remediation methods to date;
ii. an estimation of the volume and extent of source material remaining in the soil and groundwater;
iii. the measured zone of influence, or capture zone, of ground water and vapor extraction wells;
iv. a summary and interpretation of pertinent data collected;

and

v. an explanation of how the collected data are being utilized in evaluating the effectiveness of the interim remedial actions and designing the final cleanup alternatives.

a. **TASK: COMPLETION OF SUPPLEMENTAL INTERIM REMEDIAL ACTIONS**

COMPLIANCE DATE: Within 90 days of Executive Officer approval of the SUPPLEMENTAL WORKPLAN submitted for Task 2.

Submit a technical report acceptable to the Executive Officer, documenting completion of tasks necessary to implement the interim remedial activities proposed in the SUPPLEMENTAL WORKPLAN submitted for Task 2. This report shall include, but will not be limited to, documentation of:

i installation of all proposed ground water and vapor extraction wells, pumps, conveyance and treatment systems;

ii unexpected or unusual conditions encountered during the installation;

iii any soil removal; and

iv any variations from, or modifications to the approved SUPPLEMENTAL WORKPLAN or time schedule determined technically necessary.

3. **TASK: PROPOSED FINAL CLEANUP OBJECTIVES AND FINAL REMEDIAL ACTION PLAN.**

COMPLIANCE DATE: July 1, 1997

Submit a technical report acceptable to the Executive Officer containing:

a. Results of site assessment
b. Evaluation of the installed interim remedial actions
c. Feasibility study evaluating alternative final remedial actions, one alternative should include cooperative cleanup with neighboring parties
d. Risk assessment for current and post-cleanup exposures at the dischargers' option
e. Recommended final remedial actions and cleanup standards
f. Implementation tasks and time schedule

Items b and c should include projections of cost, effectiveness, benefits, and impact on public health, welfare, and the environment of each alternative action.

Items a through c should be consistent with the guidance provided by Subpart F of the National Oil and Hazardous Substances Pollution Contingency Plan (40 CFR Part 300), CERCLA guidance documents with respect to remedial investigations and feasibility studies, Health and Safety Code Section 25356.1(c), and State Board Resolution No. 92-49 as amended ("Policies and Procedures for Investigation and Cleanup and Abatement of Discharges Under Water Code Section 13304").

4. **DELAYED COMPLIANCE**: If the dischargers are delayed, interrupted, or prevented from meeting one or more of the completion dates specified for the above tasks, the dischargers shall promptly notify the Executive Officer and the Board may consider revision to this Order.

C. PROVISIONS

1. **No Nuisance**: The storage, handling, treatment, or disposal of polluted soil or groundwater shall not create a nuisance as defined in California Water Code Section 13050(m).

2. **Good O&M**: The dischargers shall maintain in good working order and operate as efficiently as possible any facility or control system installed to achieve compliance with the requirements of this Order.

3. **Cost Recovery**: The dischargers shall be liable, pursuant to California Water Code Section 13304, to the Board for all reasonable costs actually incurred by the 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. If the site addressed by this Order is enrolled in a State Water Resources Control Board managed reimbursement program, reimbursement shall be made pursuant to this Order and according to the procedures established in that program. Any disputes raised by the dischargers over reimbursement amounts or methods used in that program shall be consistent with the dispute resolution procedures for that program.

4. **Access to Site and Records**: In accordance with California Water Code Section 13267(c), the dischargers shall permit the Board or its authorized representative:

a. Entry upon premises in which any pollution source exists, or may potentially exist, or in which any required records are kept, which are relevant to this Order.

b. Access to copy any records required to be kept under the requirements of this Order.

c. Inspection of any monitoring or remediation facilities installed in response to this Order.

d. Sampling of any groundwater or soil which is accessible, or may become accessible, as part of any investigation or remedial action program undertaken by the dischargers.

5. **Contractor Qualifications:** All technical documents (plans, specifications, and reports) shall be signed by and stamped with the seal of a California registered geologist, a California certified engineering geologist, or a California registered civil engineer.

6. **Lab Qualifications:** All samples shall be analyzed by State-certified laboratories or laboratories accepted by the Board using approved EPA methods for the type of analysis to be performed. All laboratories shall maintain quality assurance/quality control (QA/QC) records for Board review. This provision does not apply to analyses that can only reasonably be performed on-site (e.g. temperature).

7. **Technical Documents:** All technical reports submitted in compliance with this Order shall be satisfactory to the Executive Officer, and, if necessary, the Dischargers may be required to submit additional information.

8. **Document Distribution:** Copies of all correspondence, technical reports, and other documents pertaining to compliance with this Order shall be provided to the following agencies:
   a. City of Napa, Dept. of Public Works, Attn: Bob Sorsen
   b. Napa County Department of Environmental Management, Attn: Jill Pahl.

9. **Reporting of Changed Owner or Operator:** The dischargers shall file a technical report on any changes in site occupancy or ownership associated with the property described in this Order.

10. **Reporting of Hazardous Substance Release:** If any hazardous substance is discharged in or on any waters of the State, or

discharged or deposited where it is discharged or threatens to be discharged in or on any waters of the State, the dischargers shall report such discharge to the Regional Board by calling (510) 286-1255 during regular office hours (Monday through Friday, 8:00 to 5:00).

A written report shall be filed with the Board within five working days. The report shall describe: the nature of the hazardous substance, estimated quantity involved, duration of incident, cause of release, estimated size of affected area, nature of effect, corrective actions taken or planned, schedule of corrective actions planned, and persons/agencies notified.

This reporting is in addition to reporting to the Office of Emergency Services required pursuant to the Health and Safety Code.

11. **Periodic Site Cleanup Requirement Review:** The Board will review this Order periodically and may revise it when necessary.

I, Loretta K. Barsamian, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, San Francisco Bay Region, on September 18, 1996.

Loretta K. Barsamian
Executive Officer

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FAILURE TO COMPLY WITH THE REQUIREMENTS OF THIS ORDER MAY SUBJECT YOU TO ENFORCEMENT ACTION, INCLUDING BUT NOT LIMITED TO: IMPOSITION OF ADMINISTRATIVE CIVIL LIABILITY UNDER WATER CODE SECTIONS 13267 OR 13350, OR REFERRAL TO THE ATTORNEY GENERAL FOR INJUNCTIVE RELIEF OR CIVIL OR CRIMINAL LIABILITY

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