CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

ORDER Nº 96-131

SITE CLEANUP REQUIREMENTS FOR:

**MOBIL OIL CORPORATION;**
**GENE M. EDWARDS**

for the property located at

**415 OIL COMPANY ROAD**
**NAPA, NAPA COUNTY, CALIFORNIA**

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

1. **Site Location:** The property located at 415 Oil Company Road, Napa, Napa County (site) is approximately 32,000 square feet in area. Two buildings occupy the site. The site is the former location of a bulk fuel facility. The site is bordered on the north by the former North Bay Oil Company, the south by the former ARCO Oil Terminal, the east by Oil Company Road, and the west by the Napa River. Surrounding land use is a mixture of commercial/industrial, residential, undeveloped, and agricultural properties.

2. **Site History:**
   a. Prior to 1980, Mobil Oil Company owned and operated the site as a bulk fuel distribution facility. Approximately five above ground fuel storage tanks were located on-site, with an unreported total storage volume.
   b. City of Napa Fire Department violations were noted in 1973, 1974 and 1975, while the facility was operated by Mobil Oil Company. In October, 1973, an inspector noted a total of 15 hazards or deficiencies which were considered substandard for fire and life safety, including the required removal of an abandoned underground flammable liquid tank. In April 1974, the Napa City Attorney's office contacted Mobil in reference to the violations. A permit to remove the tank was issued on April 23, 1975.
   c. In 1980, Fraser-Edwards Paving Company purchased the property. The property is currently used as a storage facility for paving materials used primarily for paving tennis courts. The trucks that are used to mix and haul the materials stored onsite are also maintained at this location.
   d. In December 1985, soil samples collected from the site by the County exceeded TTLC levels for mercury.

e. In January 1986, a letter from the Napa County Deputy Attorney to Fraser-Edwards' attorney identified violations of State and Federal regulations regarding the storage, labeling, handling and disposal of hazardous materials/wastes in addition to a spill at the site. On April 22, 1986, the Superior Court of the State of California issued the "Final Judgement and Permanent Injunction and Stipulation for Entry Thereof" as brought forth by the Napa County District Attorney's Office.

f. On April 29, 1987 counsel for Frasier-Edwards Paving Company submitted a letter to the Napa County District Attorney's Office stating that no hazardous concentrations of mercury were present in site soils, in compliance with the "Final Judgement and Permanent Injunction and Stipulation for Entry Thereof".

3. **Named Dischargers:**

The Board finds Mobil Oil Corporation as the primary discharger. (Mobil Oil Corporation is hereinafter referred to as "Discharger".) As the owner and operator of the facility and based upon past chemical usage, and operations described in finding 2 above, the Discharger is responsible for meeting the requirements of this order.

Mr. Gene M. Edwards (current property owner) will be responsible for compliance only if the Board or Executive Officer find that other named dischargers have failed to comply with 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:** Shallow groundwater underlying the site occurs at a depth of approximately 10 feet below ground surface.

6. **Remedial Investigation:** Kleinfelder performed a limited subsurface drilling and soil sampling program in May 1992, at the subject site. In addition to the three monitoring wells installed previously by the adjacent North Bay Oil Company site in 1991, four borings were drilled and sampled. The soil samples revealed high concentrations of TPH-d (maximum of 12,000 ppm), TPH-g (maximum of 4,200 ppm), Oil and Grease (maximum of 9,790ppm), and benzene (maximum of 200 ppb). Elevated levels of TPH-g (maximum of

48 ppm), TPH-d (maximum of 65 ppm), and benzene (maximum of 12 ppm) were detected in groundwater sampling of the on-site North Bay Oil Company monitoring wells in 1991.

7. **Nearby Sites:** Nearby businesses include the former North Bay Oil Company, located north of the site, and the Former ARCO Oil Terminal, located south of the site. The North Bay Oil site has a documented contamination problem.

8. **Interim Remedial Measures:** None.

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 discharger 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. Although documented releases have occurred at both neighboring sites, there is no apparent mechanism for transport of separate phase hydrocarbons from these sites onto the 415 Oil Company Road site. Based upon the hydrogeology of the site, the presence of separate phase hydrocarbons in monitoring well MW-19, and the proximity of MW-19 to the former above ground tanks, it is apparent that the discharger did experience a release of hydrocarbons to soil and groundwater during their tenure at the site.

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

### 1. SITE ASSESSMENT WORKPLAN

COMPLIANCE DATE: November 1, 1996

Submit a workplan acceptable to the Executive Officer to define the vertical and lateral extent of soil and groundwater pollution. The workplan should specify investigation methods and a proposed time schedule. Work may be phased to allow the investigation to proceed efficiently.

### 2. COMPLETION OF SITE ASSESSMENT

COMPLIANCE DATE: Within 90 days of the Executive Officer's approval of the final phase of the workplan specified in Task 1.

Submit a technical report acceptable to the Executive Officer documenting completion of necessary tasks identified in the Task 1 workplan. The technical report should define the vertical and lateral extent of pollution down to concentrations at or below typical cleanup

standards for soil and groundwater.

3. **INTERIM REMEDIAL ACTION WORKPLAN**

COMPLIANCE DATE: Within 90 days of the completion of the site assessment specified in Task 2.

Submit a workplan acceptable to the Executive Officer to evaluate interim remedial action alternatives and to recommend one or more alternatives for implementation. The interim remedial actions should accomplish pollutant source removal. The workplan should specify a proposed time schedule and an assessment of benefits and costs associated with joint cleanup performed with neighboring parties. Work may be phased to allow the investigation to proceed efficiently. If groundwater extraction is selected as an interim remedial action, then one task may be the completion of an NPDES permit application for discharge of extracted, treated groundwater to waters of the State.

4. **COMPLETION OF INTERIM REMEDIAL ACTIONS**

COMPLIANCE DATE: Within 90 days of the Executive Officer's approval of the workplan specified in Task 3.

Submit a technical report acceptable to the Executive Officer documenting completion of necessary tasks identified in the Task 3 workplan. For ongoing actions, such as soil vapor extraction or groundwater extraction, the report should document start-up as opposed to completion.

5. **PROPOSED FINAL REMEDIAL ACTIONS AND CLEANUP STANDARDS**

COMPLIANCE DATE: July 1, 1997

Submit a technical report acceptable to the Executive Officer containing:

a. Results of the 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 discharger's 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").

6. **DELAYED COMPLIANCE:** If the discharger is delayed, interrupted, or prevented from meeting one or more of the completion dates specified for the above tasks, the discharger 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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