



California Regional Water Quality Control Board Central Valley Region

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Arnold
Schwarzenegger
Governor

24 March 2008

Mr. Harvey Schoonover
825 S. Golden Gate Avenue
Stockton, CA 95205

Certified Mail
7007 2560 0001 6522 7314

ORDER TO SUBMIT TECHNICAL REPORTS IN ACCORDANCE WITH SECTION 13267 OF THE CALIFORNIA WATER CODE, 3138 E. MAIN STREET, STOCKTON, SAN JOAQUIN COUNTY, (LUSTIS #3900328, APN #157-104-03)

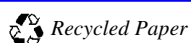
According to San Joaquin County Environmental Health (SJCHD) files for the 3138 E. Main Street site (Site), four underground storage tanks (UST) were removed from this location in late 1988. Analyses of soil samples collected beneath the USTs showed that at least one of the USTs had leaked, which constitutes an unauthorized release of petroleum hydrocarbons. Concentrations of Total Petroleum Hydrocarbons as gasoline were found as high as 4,700,000 ug/kg (ppb), benzene at 7,800 ppb, toluene at 130,000 ppb, ethylbenzene at 120,000 ppb, xylenes at 410,000 ppb, and ethylene dibromide at 240 ppb. In addition, during UST removal activities, at least one of the USTs still contained fuel that was spilled into the open excavation. Considerable odors and staining were also identified in the soil beneath the USTs.

Edna (mother) and Robert (son) Freeman owned the Site and/or operated the USTs at time that the release was discovered in 1988. Sometime between 1996 and 2000, Edna Freeman passed away. Following the death of Edna Freeman, County assessor records show that the property was owned by Robert Freeman and Virginia Holt (Edna's daughter). In December 1999, the property was deeded to Harvey Schoonover, who remains the owner. Recent discussions with a family member of Edna Freeman have revealed that both Virginia Holt and Robert Freeman have both passed away within the last several years.

Between 1988 and 2001 SJCHD staff had unsuccessfully requested, initially from Edna Freeman and Virginia Holt and then Harvey Schoonover, that investigation be conducted at the subject site to delineate the extent of the identified unauthorized release. Due to the failure of the Responsible Parties (Freeman, Holt, and Schoonover) to comply with SJCHD directives, the site was referred to the California Regional Water Quality Control Board, Central Valley Region (hereafter Regional Water Board) in 2001.

Since 2002, Regional Water Board staff has made numerous requests for a work plan to investigate the site. No work plan has been submitted. By letter dated 15 January 2008, Board staff requested a meeting with Mr. Schoonover to discuss the site. Although mail return receipt shows that the 15 January letter was received, Mr. Schoonover has not responded.

California Environmental Protection Agency



California Code of Regulations, title 23, section 2720, states, in part:

“Responsible Party means one or more of the following:

...

(3) Any owner of a property where an unauthorized release of a hazardous substance from an underground storage tank has occurred,”

As a result of the failure to comply with staff's requests, the nature and extent of the unauthorized discharge that occurred to soil, soil vapor, and groundwater beneath the site as well as the unauthorized discharge's threat to waters of the state and human health and safety, remain undefined. Impacts well above those standards determined to be protective of water quality and the designated beneficial uses have been found, but the complete impact to the soil and groundwater has yet to be determined. Until the contamination on this site has been adequately characterized and, if necessary, remediated, this site poses a threat to human health and the environment.

You are hereby ordered, pursuant to California Water Code (CWC) section 13267, to submit a Work Plan by **30 May 2008** that proposes a sufficient number of sampling (soil and groundwater) locations to completely delineate the identified contamination plumes. Additionally, you are hereby ordered to submit all documentation of the site history in your possession, including, to the best of your knowledge, a chronology of the ownership and operator history of the site, as well as any evidence you may have in your possession or that is accessible to you that details the time and origin of the release.

Information submitted may be used to identify additional responsible parties who may be added to this or future orders. The requested Work Plan and site information is a technical report. CWC section 13267 states, in part:

“(b)(1) In conducting an investigation . . . , the regional board may require that any person who has discharged, discharges, or is suspected of having discharged or, discharging, or who proposes to discharge waste within its region . . . shall furnish, under penalty of perjury, technical or monitoring program reports which the regional board requires. The +++burden, including costs, of these reports shall bear a reasonable relationship to the need for the report and the benefits to be obtained from the reports. In requiring those reports, the regional board shall provide the person with a written explanation with regard to the need for the reports, and shall identify the evidence that supports requiring that person to provide the reports.”

As described in this letter, you are subject to this Order because you are the present or past owner of a property where an unauthorized release occurred. The Work Plan is necessary for the reasons described in this letter and as documented in the files of the Water Board to assure protection of waters of the state and protect public health and the environment. Failure to submit the required Work Plan by **30 April 2008** is a misdemeanor under CWC section 13268, and may result in enforcement action being taken against you. Enforcement action(s) include, but are not limited to, the imposition of administrative fines of up to \$1,000 per day by the Regional Water Board. Alternatively, upon failure to submit the required Work Plan in a timely manner, the Regional Water Board may refer this matter to the Attorney General's Office for civil and/or criminal prosecution.

Compliance with Regional Water Board Orders is mandatory to maintain your eligibility for reimbursement of corrective action costs from the State's Underground Storage Tank Cleanup Fund (Cal. Code Regs., tit. 23, § 2812.2 et seq.). All work should be performed according to the Tri-Regional Recommendations for Preliminary Investigation and Evaluation of Underground Storage Tank Sites, and any permits required by State, County, and Local agencies. All reports must be submitted to the Solano County Department of Environmental Management and the Regional Water Board.

Electronic copies of all reports and analytical results are to be submitted over the Internet to the State Water Board Geographic Environmental Information Management System database (GeoTracker) at <http://geotracker.swrcb.ca.gov>. Electronic copies are due to GeoTracker concurrent with the corresponding hard copy. Electronic submittals shall comply with GeoTracker standards and procedures as specified on the State Board's web site.

If you have any questions, please contact James Barton at (916) 464-4615 or via e-mail at jbarton@waterboards.ca.gov.

Original signed by

PAMELA C. CREEDON
Executive Officer

cc: Mark Owens, State Water Resources Control Board, UST Cleanup Fund, Sacramento
Margaret Lagorio, San Joaquin County Environmental Health Department, Stockton