

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL VALLEY REGION

CLEANUP AND ABATEMENT ORDER NO. R5-2006-0530  
FOR  
AMERIPRIDE SERVICES, INC., AND  
VALLEY INDUSTRIAL SERVICES, INC.  
7620 WILBUR WAY, SACRAMENTO  
SACRAMENTO COUNTY

This Order is issued to AmeriPride Services, Inc. (AmeriPride) and Valley Industrial Services, Inc., (hereafter collectively referred to as Discharger) based on California Water Code Division 7, in particular provisions of California Water Code Section 13304, which authorizes the Central Valley Regional Water Quality Control Board (hereafter Regional Water Board) to issue a Cleanup and Abatement Order, and California Water Code Section 13267, which authorizes the Regional Water Board to require submittal of technical and monitoring reports.

The Regional Water Board finds, with respect to the Discharger's acts or failure to act, the following:

**BACKGROUND**

1. AmeriPride owns and operates an industrial laundry under the name AmeriPride Uniform Services on its property at 7620 Wilbur Way (hereafter referred to as the site) in Sacramento, Sacramento County. The site encompasses approximately 4.6 acres, as shown on Attachment 1, which is made part of this Order. Also shown on Attachment 1 are the locations of monitoring wells and water supply wells affected or potentially affected by the tetrachloroethylene (PCE) groundwater plume, which emanates from the site.
2. Valley Industrial Laundry constructed the original industrial laundry facility at the site in the mid-1960s. The original facility was approximately 16,000 square feet in size. Valley Industrial Laundry performed laundry-cleaning services including dry cleaning and water washing. In 1972, Valley Industrial Laundry transferred all of its assets to Valley Industrial Services, Inc., a newly created, wholly owned subsidiary of Valley Industrial Laundry. Petrolane, Inc., a California corporation, then purchased the stock of Valley Industrial Services, Inc. in exchange for Petrolane stock. As a result of this 1972 transaction, Valley Industrial Services, Inc. became a wholly owned subsidiary of Petrolane, Inc.
3. In 1980, the facility building was expanded to approximately double its size.
4. In 1983, Petrolane sold all California laundry facilities, including the site, to Mission Industries. Because of anti-trust concerns raised by the federal government, Mission Industries sold the site to Welch's Overall Cleaning Company, Inc. (Welch's)

within days of acquiring the site.

5. Welch's operated the facility until 31 December 1998 when Welch's was merged into AmeriPride, its parent company. Welch's and AmeriPride expanded the facility, adding a total of approximately 21,000 square feet in 1990 and 2000.
6. Although Valley Industrial Laundry and/or Valley Industrial Laundry, Inc., and Valley Industrial Services, Inc. may have dissolved, during their existence they had insurance policies that, if located, may provide coverage related to this Order. As former owners of the site and operators of the laundry facility, these entities caused or permitted waste to be discharged to waters of the state where it has created and threatens to create a condition of pollution or nuisance.
7. The dry-cleaning solvent, PCE, reportedly was used at the site from the early 1960s to 1982.
8. AmeriPride is in litigation with other parties to determine, as between the parties to the litigation, responsibility to pay for cleanup.
9. According to State Water Resources Control Board (State Board) precedent and pursuant to California Water Code Section 13304, AmeriPride, as the current owner of the site, is a responsible party.
10. In 1997, during remodeling work, AmeriPride detected volatile organic compounds (VOCs), including PCE and trichloroethylene (TCE), in near-surface soil beneath the site at concentrations up to 7,800 micrograms per kilogram ( $\mu\text{g}/\text{kg}$ ) and 69  $\mu\text{g}/\text{kg}$ , respectively. AmeriPride conducted additional soil investigations including passive soil gas sampling, Geoprobe<sup>®</sup> soil boring sampling, and soil vapor extraction (SVE) pilot tests to determine the extent of the PCE in soil gas and possible soil cleanup alternatives. SVE wells were installed prior to expansion of the building and have since been connected to an SVE remediation system. The SVE system has been operating intermittently since 14 August 2003.
11. AmeriPride conducted a series of groundwater investigations to determine the lateral and vertical extent of PCE, and its degradation products, TCE and cis-1,2 dichloroethylene (cis-1,2 DCE) pollution. The groundwater PCE plume extends approximately 2,000 feet laterally in the downgradient direction (to the east) and to depths in excess of 200 feet below ground surface (bgs). The maximum PCE, TCE and cis-1,2 DCE concentrations detected in groundwater during October 2002 were 11,000 microgram per liter ( $\mu\text{g}/\text{L}$ ) PCE in monitoring well MW-1, 220  $\mu\text{g}/\text{L}$  TCE in monitoring wells MW-1 and MW-20, and 750  $\mu\text{g}/\text{L}$  cis-1,2 DCE in monitoring well MW-20.
12. Unsaturated soils beneath the site consist of laterally and vertically variable silts, clays and silty sands underlain by a relatively continuous layer of sand and gravel

with cobbles up to 30 feet thick. Groundwater is first encountered immediately below the sand/gravel/cobble layer at a depth of approximately 75 feet bgs. Saturated sediments consist of inter-bedded fine- and coarse-grained materials to depths of greater than 600 feet bgs. Groundwater flow at all of the depths monitored for plume definition is generally to the east/northeast; however, groundwater flow directions are influenced by pumping wells screened in various zones within the aquifer system.

13. Several municipal and domestic supply wells are located within the vicinity of the site, as shown on Attachment 1. In August 2001, PCE was detected in groundwater at a concentration of 78 µg/L in the California-American Water Company (Cal-Am) Wilbur #1 municipal supply well, which was on the northeast boundary of the site. During peak summer demand in 2001, the Wilbur #1 well was pumped at 900 gallons per minute. The Wilbur # 1 well was screened below 426 feet bgs. The PCE detection was confirmed in November 2001 and the Wilbur #1 well was taken off line on 15 November 2001. On 21 January 2003, the California Department of Health Services (DHS) advised Regional Water Board staff that, in accordance with DHS Policy Memo 97-005, wellhead treatment would not be allowed on the Wilbur #1 well until full compliance with the policy can be demonstrated. Cal-Am discontinued use of the Wilbur #2 well, located approximately 500 feet south of the site, on 16 December 2001, due to the proximity to the PCE plume, even though PCE has not been detected in the Wilber #2 well using a detection limit of 0.5 µg/L.
14. Huhtamaki Americas (Huhtamaki) operates a paper plate manufacturing facility at 8450 Gerber Road, approximately 1800 feet east of the AmeriPride site. The Huhtamaki facility used groundwater in its manufacturing process and for drinking water at the facility. The groundwater was supplied by Huhtamaki's on-site water supply wells, the Chinet #1 and Chinet #2 wells, until these wells were polluted by the PCE plume emanating from the AmeriPride property. Huhtamaki provided data on water usage at its facility over the period of time from 1991 until mid-August 2006. This data showed a maximum use of 1,623 gpm on 18 May 1994 and of 1,562 gpm on 5 July 1994, when the supply wells were providing all process and drinking water. The water well drillers report dated 8 July 1963 shows that during a pumping test on the Chinet #1 well, the well produced 2,057 gpm. Although no pumping test was conducted on the Chinet #2 well, the wells have similar construction and screened intervals and were drilled within days of each other; therefore, both wells should have similar production capabilities. Huhtamaki requested a replacement water supply of 1,500 gpm per well.
15. In August 2001, PCE was detected at a concentration of 0.60 µg/L in the Chinet #1 well. At that time Huhtamaki changed its water system so that drinking water in the plant was supplied by a municipal source and the well water was used only as process water. The concentration of PCE in this well has continually increased since PCE was first detected. The most recent water quality data available to the Regional Water Board for the Chinet #1 well showed a detection of 2.9 µg/L PCE on

15 October 2002.

16. Sacramento County Environmental Management Department (County) was the lead regulatory agency until February 2002, when the County referred the site oversight to the Regional Water Board.
17. In April 2002, PCE was detected in the Chinet # 2 well at 14 µg/L. This well was historically used as a backup water supply and a source of fire protection water for the Huhtamaki facility.
18. AmeriPride submitted the *Draft Remedial Investigation/Feasibility Study (RI/FS)*, dated 31 May 2002, that included remedial alternatives for source area soil and groundwater polluted with PCE. On 31 July 2002, Regional Water Board staff sent AmeriPride comments on the draft RI/FS which, in part, requested that AmeriPride submit: (1) by 30 August 2002 a work plan to implement the proposed alternatives for soil (soil vapor extraction) and groundwater (extraction and treatment) remediation in the source area, and (2) by January 2003 a site-wide RI/FS for cleanup of the entire groundwater plume to background levels.
19. On 28 August 2002, AmeriPride agreed to undertake the actions as described in Finding 18.
20. On 30 August 2002, Huhtamaki informed Regional Water Board staff that, due to the PCE levels in the Chinet wells, it would have to discontinue use of these wells.
21. In a 19 December 2002 letter, Regional Water Board staff concurred with AmeriPride that site cleanup would be broken into separate operable units (OUs) for cleanup of soil and groundwater. In subsequent documents, AmeriPride refers to the contaminated soil in the source area as OU1, the groundwater polluted with PCE at concentrations greater than 1,000 µg/L as OU2, and the remainder of the PCE plume as OU3.
22. On 14 January 2003, Regional Water Board staff agreed that due to the time necessary to properly design a treatment system for the SVE remedy, AmeriPride would not be able to complete and submit the site-wide groundwater RI/FS in January 2003. A new date was not proposed at that time.
23. On 25 April 2003, the Regional Water Board adopted Resolution No. R5-2003-0058 approving the *Remedial Action Work Plan* for OU1 and adopted *Cleanup and Abatement Order No. R5-2003-0059*. The Cleanup and Abatement Order required the comprehensive site-wide groundwater RI/FS be submitted on 20 June 2003.
24. On 27 May 2003, AmeriPride filed a petition with the State Board requesting reconsideration and a stay of *Cleanup and Abatement Order No. R5-2003-0059*.

25. On 20 June 2003, AmeriPride submitted an RI/FS to Regional Water Board staff proposing groundwater extraction, treatment and discharge to cleanup groundwater in the source area (OU2) and groundwater extraction with wellhead treatment from the Chinet #1 production well to cleanup the remainder of the plume (OU3).
26. On 8 July 2003, the State Board dismissed the request for a stay of Cleanup and Abatement Order No. R5-2003-0059.
27. On 14 August 2003, in compliance with *Cleanup and Abatement Order No. R5-2003-0059*, AmeriPride began soil remediation with soil vapor extraction in OU1.
28. On 12 September 2003, Regional Water Board staff concurred with the portion of the 20 June 2003 RI/FS in which AmeriPride proposed to remediate OU2. Regional Water Board staff requested that AmeriPride submit a revised RI/FS with an alternative for cleanup of OU3 without the use of the Chinet #1 well as an extraction well. In this letter, Regional Water Board staff requested that AmeriPride submit, by 9 October 2003, a remedial action work plan for OU2 and a schedule to complete the tasks necessary to prepare a revised RI/FS for cleaning up OU3.
29. On 2 October 2003, the Regional Water Board issued Monitoring and Reporting Program R5-2003-0820 to require sampling and analyses of groundwater to delineate pollutant plumes and determine if remediation efforts are effective.
30. In its 8 October 2003 letter, AmeriPride proposed submitting a revised RI/FS for OU3 on 7 June 2004. AmeriPride requested that when reviewing the revised RI/FS, Regional Water Board staff reconsider the use of the Chinet #1 to cleanup the distal portion of the plume and as replacement water for Huhtamaki.
31. On 3 March 2004, the State Board dismissed AmeriPride's Petition for Reconsideration of *Cleanup and Abatement Order No. R5-2003-0059*.
32. On 2 April 2004, AmeriPride filed a petition for writ of mandate with the Sacramento County Superior Court of the State of California to stay any further implementation of *Cleanup and Abatement Order No. R5-2003-0059* and to "overturn the CAO, in particular the requirements for alternate water supplies to be provided for the Cal-Am/Wilbur wells and the Huhtamaki/Chinet wells, and that AmeriPride be relieved of the requirement of investigating the source of well contamination in Wilbur 1."
33. On 15 October 2004, AmeriPride submitted the *Remedial Investigation/Feasibility Study Report: Downgradient Ground Water*, which recommended cleanup of OU3 using the Chinet #1 well as an extraction well, treating the extracted groundwater with activated granulated carbon and providing the treated water to the Huhtamaki facility as replacement water supply.

34. On 18 March 2005, Regional Water Board staff commented on the 15 October 2004 RI/FS and included reasons why the use of the Chinnet #1 well was unacceptable. Regional Water Board staff again requested that AmeriPride submit a revised RI/FS that proposed alternatives for cleanup of OU3 without the use of the Chinnet #1 well.
35. On 15 April 2005, AmeriPride submitted a letter response to Regional Water Board staff's letter dated 18 March 2005 refuting staff conclusions that use of the Chinnet #1 as an extraction well to cleanup the VOC plume was unacceptable. AmeriPride agreed, however, to revise the RI/FS and submit the revised document on 18 September 2005.
36. In a 12 August 2005 letter, Regional Water Board staff restated that use of the Chinnet #1 as an extraction well would not be an effective or an acceptable means of cleaning up the polluted groundwater. Extraction from the Chinnet #1 would draw clean water into the extraction well from deeper, unpolluted water-bearing zones and would require that highly polluted groundwater be drawn laterally into less polluted and possibly unpolluted zones. Since the first intake screen in the Chinnet #1 well is at 168 feet bgs and the zones of highest pollution are approximately between 85 feet bgs and 110 feet bgs, extraction from this well would require that the polluted groundwater be pulled across several low permeability layers. The low permeability layers would retard the downward movement of the groundwater and adsorb PCE to the clay sediments. In the 12 August letter, Regional Water Board staff also stated, "AmeriPride is scheduled to start up its source area groundwater remediation system no later than November 2005. The hydrogeologic information gained by the vertical investigation boring in the distal portion of the plume and during the first few months of extraction in the source area should be used to re-calibrate the groundwater model and assist in determining optimal placement of the extractions wells for the downgradient groundwater cleanup, extraction well screen depths and the appropriate pumping rate to capture the entire VOC plume." Regional Water Board staff requested that, by 2 January 2006, AmeriPride submit a revised RI/FS for OU3 using the additional hydrogeologic information from the distal boring and the source area extraction to recalibrate the groundwater model.
37. On 2 November 2005, in a mediation meeting between Regional Water Board staff and AmeriPride, the two parties agreed to revise *Cleanup and Abatement Order No. R5-2003-0059*. Revised Cleanup and Abatement Order No. R5-2005-0721 (revised Order) was issued on 21 December 2005, which included those items agreed upon between the two parties and other provisions necessary to cleanup and abate the effects of pollution caused by activities conducted at the site.
38. As part of the 2 November mediation agreement AmeriPride agreed, without admitting liability, that AmeriPride will comply with a revised Order incorporating the following requirements and dates:

- To cleanup and capture the entire PCE plume within a reasonable amount of time consistent with State Board Resolution 92-49.
- Not to petition the State Board challenging the revised Order and not to challenge the revised Order in court.
- To dismiss the petition for writ of mandate filed in the Superior Court of California by AmeriPride, *AmeriPride Services, Inc. v. Central Valley Regional Water Quality Control Board*, Sacramento County Superior Court Case No. 04CS00426.
- By 15 December 2005, provide Regional Water Board staff with a technical report outlining how it will provide replacement water for Huhtamaki. This report will include an analysis of all aspects of the replacement water process, including, but not limited to, location, permitting, storage, conveyance, volume, quality, and scheduling. AmeriPride will implement the schedule in the approved technical report for replacement water. The schedule will become part of the revised Order.
- By 15 January 2006, submit to the Regional Water Board a final RI/FS for cleanup of the PCE plume. The RI/FS will include a refined site model for an extraction and treatment scenario to capture and cleanup of the entire PCE plume to the non-detect contour incorporating all available pumping data (including December 2005 data).
- By 15 February 2006, provide the Regional Water Board with a final detailed technical report for providing replacement water to Huhtamaki responsive to Regional Water Board comments.
- By 15 June 2006, properly abandon the Chinet #1 and Chinet #2 wells and provide proof that the wells have been properly abandoned. Prior to abandonment, video logs of the two wells must be completed and submitted to Regional Water Board staff.
- By 15 September 2006, provide in kind replacement water to Huhtamaki. In kind replacement water will be "uninterrupted replacement water service" consistent with California Water Code Requirements.
- By 1 January 2007, complete installation of a groundwater extraction system to capture and cleanup the toe of the plume to non-detect VOC levels. The system shall include a monitoring well network to confirm capture and cleanup to these levels.

39. After mediation on 2 November 2005, without admitting liability, AmeriPride filed on November 3, 2005, a request with the Sacramento County Superior Court to dismiss its petition for writ of mandate challenging Cleanup and Abatement Order No. R5-2003-0059.
40. Wilbur Well #1 was video logged on 26 September 2005 and was abandoned on 5 December 2005.
41. On 15 December 2005, AmeriPride submitted a draft Water Supply Well Replacement Work Plan to provide permanent water replacement for Huhtamaki. Regional Water Board staff commented on the draft Work Plan and, on 15 February 2006, AmeriPride submitted a draft final Water Supply Replacement Work Plan.
42. In December 2005, AmeriPride began groundwater remediation in OU2 using extraction and treatment technology.
43. On 15 January 2005, AmeriPride submitted a revised draft RI/FS for cleanup of OU3. Regional Water Board staff submitted a comment letter that AmeriPride, by 28 April 2006, submit an addendum to the RI/FS or resubmit the draft final RI/FS which fully addresses all the Regional Water Board comments including; (1) a conceptual design to address cleanup of the entire VOC plume, (2) a proposal to provide full capture and treatment of the toe of the plume, (3) an updated groundwater model run for various agreed upon scenarios using hydrogeologic information from the source area remediation system and (4) a proposal to delineate the entire VOC plume to the 0.5 µg/L contour.
44. Tasks required in Cleanup and Abatement Order No. R5-2003-0059 which have not been accomplished as of the date of this Order are as follows:
- To provide an adequate work plan for interim and permanent replacement water for the Huhtamaki facility.
  - To provide a plan to determine how PCE entered the Chinnet #1 well.
  - To determine if the Wilbur #2 presents a conduit for downward migration of polluted groundwater.
  - To submit an acceptable comprehensive Remedial Investigation/Feasibility Study for cleanup of the remainder of the plume (OU3), Cleanup of OU3 is being done in phases. The RI/FS for phase 1 has been approved. An RI/FS for phase 2 of OU3 remediation has not been submitted.
45. On 19 January 2006, Huhtamaki filed a petition with the State Board challenging Cleanup and Abatement Order No. R5-2005-0721 and the State Board found that due to the provisions in the Order, Cleanup and Abatement Order No. R5-2005-0721



is not in effect. Because there was a paragraph stating that Cleanup and Abatement Order No. R5-2003-0059 would be rescinded if no petitions were received, Cleanup and Abatement Order No. R5-2003-0059 continues in effect.

46. AmeriPride submitted a 19 May 2006 RI/FS that incorporates comments from the Regional Water Board on the 19 January 2006 draft RI/FS for OU3. Regional Water Board staff advised AmeriPride that implementation of OU3 remediation may be performed in phases. Phase 1 is containment and cleanup of the toe of the plume to the 0.5 µg/L VOC contour. Phase 2 is cleanup of the entire VOC plume.

47. On 28 June 2004, Regional Water Board staff sent a new revised draft Order to Huhtamaki and AmeriPride for comment. This draft Order would require the Discharger to supply "in kind permanent replacement water" to Huhtamaki.

On 15 August 2006 Regional Water Board staff, Huhtamaki and AmeriPride met to discuss Water Supply Replacement. At the meeting AmeriPride requested a definition of "in-kind replacement". Regional Water Board staff agreed to send a letter to Huhtamaki and AmeriPride describing the Regional Water Board's intent with respect to the quantity and quality of replacement water supply.

Also at the 15 August 2006 meeting, AmeriPride and Huhtamaki agreed to mediate a settlement agreement regarding adequate water supply replacement. This Order requires the mediation to reach agreement as to quality and quantity, responsibility for risk, and the method of replacement by 15 October 2006. If, by 15 October 2006, the mediation is unsuccessful, AmeriPride must comply with the requirements for water replacement in this Order.

48. This Order is intended to replace and supercede Cleanup and Abatement Order No. R5-2003-0059

49. Permanent replacement supply for Wilbur #1 and Wilbur #2 has been resolved in a Settlement Agreement between Cal-Am, AmeriPride Services, Inc., and Petrolane, Incorporated. The Settlement Agreement required AmeriPride to pay \$2,000,000.00 to Cal-Am and that "Within ten business days of receipt of the Settlement Payment, Cal-Am shall represent by letter to the [Water] Board that, insofar as Cal-Am is concerned, AmeriPride has satisfied the requirements of the CAO [Cleanup and Abatement Order No. R5-2003-0059] that AmeriPride and Valley Industrial Services, Inc. provide in-kind replacement of water supplies lost from the Wilbur Way Wells [Wilbur #1 and Wilbur #2 water supply wells]." This letter from Cal Am was received on 21 September 2005.

50. Huhtamaki is utilizing water purchased from the Cal-Am as an interim water supply. Huhtamaki has filed a lawsuit against AmeriPride to recover damages due to the loss of the use of Chinet #1 and Chinet #2 wells.

51. This Order requires AmeriPride, by 15 September 2006, to monetarily compensate Huhtamaki for the actual cost to purchase replacement water until the permanent water supply required by this Order is operational and, by 1 April 2007, to complete the work to provide permanent uninterrupted replacement water to Huhtamaki.

### **AUTHORITY – LEGAL REQUIREMENTS**

52. Section 13304(a) of the California Water Code provides that:

*Any person who has discharged or discharges waste into the waters of this state in violation of any waste discharge requirement or other order or prohibition issued by a regional board or the state board, or who has caused or permitted, causes or permits, or threatens to cause or permit 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, clean up the waste or abate the effects of the waste, or, in the case of threatened pollution or nuisance, take other necessary remedial action, including, but not limited to, overseeing cleanup and abatement efforts. A cleanup and abatement order issued by the state board or a regional board may require the provision of, or payment for, uninterrupted replacement water service, which may include wellhead treatment, to each affected public water supplier or private well owner. Upon failure of any person to comply with the cleanup or abatement order, the Attorney General, at the request of the board, shall petition the superior court for that county for the issuance of an injunction requiring the person to comply with the order. In the suit, the court shall have jurisdiction to grant a prohibitory or mandatory injunction, either preliminary or permanent, as the facts may warrant.*

53. Section 13304(f) of the California Water Code provides that:

*Replacement water provided pursuant to subdivision (a) shall meet all applicable federal, state, and local drinking water standards, and shall have comparable quality to that pumped by the public water system or private well owner prior to the discharge of waste.*

54. Section 13267(b)(1) of the California Water Code provides that:

*In conducting an investigation specified in subdivision (a), 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, or any citizen or domiciliary, or political agency or entity of this state who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to*

*discharge, waste outside of its region that could affect the quality of waters 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.*

55. Section 13304(c)(1) of the California Water Code provides in pertinent part that:

*[T]he person or persons who discharged the waste, discharges the waste, or threatened to cause or permit the discharge of the waste within the meaning of subdivision (a), are liable to that government agency to the extent of the reasonable costs actually incurred in cleaning up the waste, abating the effects of the waste, supervising cleanup or abatement activities, or taking other remedial action....*

56. The State Board has adopted Resolution No. 92-49, the *Policies and Procedures for Investigation and Cleanup and Abatement of Discharges Under California Water Code Section 13304*. This Policy sets forth the policies and procedures to be used during an investigation or cleanup of waste and requires that cleanup levels be consistent with State Board Resolution 68-16, *Statement of Policy with Respect to Maintaining High Quality of Waters in California* (the antidegradation policy). Resolution 92-49 and the *Water Quality Control Plan for the Sacramento River and San Joaquin River Basins, 4<sup>th</sup> Edition* (hereafter Basin Plan) establish the cleanup levels to be achieved. Resolution 92-49 requires the waste to be cleaned up to background, or if that is not reasonable, to an alternative level that is the most stringent level that is economically and technologically feasible in accordance with Title 23 California Code of Regulations Section 2550.4. Any cleanup level alternative to background must (1) be consistent with the maximum benefit to the people of the state; (2) not unreasonably affect present and anticipated beneficial use of such water; and (3) not result in water quality less than that prescribed in the Basin Plan and applicable Water Quality Control Plans and Policies of the State Board.

57. Chapter IV of the Basin Plan contains the *Policy for Investigation and Cleanup of Contaminated Sites*, which describes the Regional Water Board's strategy for managing contaminated sites. This Policy is based on California Water Code Sections 13000 and 13304, the Title 23 California Code of Regulations (CCR), Division 3, Chapter 15 and Title 27 CCR, Division 2, subdivision 1 regulations, and State Board Resolutions Nos. 68-16 and 92-49. The Policy includes site investigation, source removal or containment, information required to be submitted for consideration in establishing cleanup levels, and the bases for establishment of

soil and groundwater cleanup levels.

58. The State Board adopted the Water Quality Enforcement Policy, which states in part:

*At a minimum cleanup levels must be sufficiently stringent to fully support beneficial uses, unless the RWQCB allows a containment zone. In the interim, and if restoration of background water quality cannot be achieved, the CAO should require the discharger(s) to abate the effects of the discharge. Abatement activities may include the provision of alternate water supplies. (Enforcement Policy, p. 19.)*

59. The Regional Water Board's Basin Plan designates beneficial uses of the waters of the State, establishes water quality objectives (WQOs) to protect these uses, and establishes implementation policies to implement WQOs. The beneficial uses of the groundwater beneath the site are domestic, municipal, industrial, and agricultural supply

60. The wastes detected at the site are solvents used in the dry cleaning process and breakdown products that are not naturally occurring, and some are known human carcinogens. Pollution of groundwater with PCE, TCE and cis-1,2 DCE impairs the beneficial uses of the groundwater.

WQOs listed in the Basin Plan include numeric WQOs, e.g., state drinking water maximum contaminant levels (MCL) that are incorporated by reference, and narrative WQOs, including the narrative toxicity objective and the narrative tastes and odors objective for surface and groundwater. The numeric limits for the constituents of concern listed in the following table implement the Basin Plan WQOs.

<b>Constituent</b>	<b>Limits</b>	<b>WQO</b>	<b>Reference</b>
PCE	0.06 µg/L <sup>1</sup>	Narrative Toxicity	California Public Health Goal in Drinking Water – Office of Environmental Health Hazard Assessment
TCE	0.8 µg/L	Narrative Toxicity	California Public Health Goal in Drinking Water – Office of Environmental Health Hazard Assessment.
cis-1,2 DCE	6 µg/L	California Primary Maximum Contaminant Level	CCR Title 22, Section 64444 California Department of Health Services

<sup>1</sup>µg/L--Micrograms per liter

61. The constituents listed in Finding 59 are wastes, as defined in the California Water Code, Section 13050. The groundwater exceeds the WQOs for the constituents

listed in Finding 11. The exceeding of applicable WQOs in the Basin Plan constitutes pollution as defined in California Water Code Section 13050(l)(1). The Basin Plan requires that the Orders protect all beneficial uses and that the appropriate water quality objective is the objective to protect the most sensitive beneficial use. The most sensitive beneficial use with respect to the constituents at this site is the industrial use, which requires water that does not contain constituents of concern at a detectable level and is of high quality to be usable in this food related industrial process according to the information provided by the industrial user.

### **DISCHARGER LIABILITY**

62. As described in Findings 11, 58, 59 and 60, the Discharger is subject to an order pursuant to California Water Code Section 13304 because the Discharger has caused or permitted waste to be discharge or deposited where it has discharged to waters of the state and has created, and continues to threaten to create, a condition of pollution or nuisance. The condition of pollution is a priority violation and issuance or adoption of a cleanup and abatement order pursuant to California Water Code Section 13304 is appropriate and consistent with policies of the Regional Water Board. The Discharger purchased the site in 1983 and knew, or should have known, at that time that PCE had been used in large quantities by its predecessor at the site, a large commercial laundry/dry cleaning operation. The Discharger owns the property, has knowledge of the contamination and the ability to control the VOC plume. In addition, AmeriPride discharged PCE in its wastewater, whether or not it used PCE in its operations.
63. This Order requires investigation and cleanup of the site in compliance with the California Water Code, applicable portions of the Basin Plan, Resolution 92-49, and other applicable plans, policies, and regulations. As described in Finding 52, the discharger is subject to an order pursuant to California Water Code Section 13267 to submit technical reports because existing data and information about the site indicate that waste has been discharged, is discharging, or is suspected of discharging, at the property, which is or was owned and/or operated by the Discharger named in the Order. The technical reports required by this Order are necessary to assure compliance with Section 13304 of the California Water Code, including to adequately investigate and cleanup the site to protect the beneficial uses of waters of the state, to protect against nuisance, and to protect human health and the environment.
64. If the Discharger fails to comply with this Order, the Executive Officer may request the Attorney General to petition the superior court for the issuance of an injunction.
65. If the Discharger violates this Order, the Discharger may be liable civilly in a monetary amount provided by the California Water Code.

66. If a court makes a final determination that any entity not named as a "Discharger" in this Order is the agent or alter ego of a Discharger, or is otherwise liable for the acts or omissions of a Discharger that caused or permitted the discharges of waste that are the subject of this Order, the Executive Officer will consider revising this Order to name that entity as a "Discharger."
67. The issuance of this Order is an enforcement action taken by a regulatory agency and is exempt from the provisions of the California Environmental Quality Act (Public Resources Code, Section 21000 et seq.), pursuant to Title 14, California Code of Regulations (CCR), Section 15321(a)(2). The implementation of the Order is also an action to assure the restoration of the environment and is exempt from the provisions of the California Environmental Quality Act (Public Resources Code, Section 210000, et seq.) in accordance with Title 14, CCR, Sections 15308 and 15330.
68. Any person affected by this action of the Regional Water Board may petition the State Water Board to review the action in accordance with Title 23, CCR, Sections 2050-2068. The State Water Board must receive the petition within 30 days of the date of this Order. Copies of the law and regulations applicable to filing petitions will be provided upon request and are available at [www.swrcb.ca.gov](http://www.swrcb.ca.gov).

### REQUIRED ACTIONS

**IT IS HEREBY ORDERED** that, pursuant to Section 13300, Section 13304 and Section 13267 of the California Water Code, AmeriPride Services, Inc. and Valley Industrial Services, Inc. (collectively, "Discharger") shall:

1. Investigate, clean up the waste, and abate the effects of the discharges of waste, forthwith, at 7620 Wilbur Way, Sacramento, in conformance with the State Board's Resolution No. 92-49 *Policies and Procedures for Investigation and Cleanup and Abatement of Discharges Under Water Code Section 13304* and with the Regional Water Board's *Water Quality Control Plan for the Sacramento River and San Joaquin River Basins* (in particular the Policies and Plans listed within the Control Action Considerations portion of Chapter IV). "Forthwith" means as soon as is reasonably possible. Compliance with this requirement shall include, but not be limited to, completing the tasks listed below and shall include those actions necessary to investigate, clean up and abate the effects of discharges of waste that have emanated from 7620 Wilbur Way beyond the property boundaries. This Order is replacing and superceding Cleanup and Abatement Order No. R5-2003-0059.

### Water Supply Replacement

2. Ameripride shall, beginning **15 September 2006**, monetarily compensate Huhtamaki for the actual cost to purchase replacement water until the permanent replacement water supply required by this Order is operational.

3. If, by **15 October 2006**, Huhtamaki and AmeriPride have reached an agreement on quality and quantity of the water replacement and the method of replacement, the implementation of that agreement will constitute compliance with Paragraphs 2 through 7 of this Order.
4. Ameripride shall, by **15 November 2006**, complete the installation of the pilot boring as proposed in the schedule contained in the 21 June 2006 Addendum to the Proposed Final Huhtamaki Water Supply Well Replacement Work Plan.
5. Ameripride shall, by **1 April 2007**, complete the work to provide permanent and uninterrupted replacement water to Huhtamaki in accordance with a Regional Water Board approved Water Replacement Plan and consistent with Water Code requirements. AmeriPride shall install two wells which supply replacement water of comparable quality and quantity to that provided by the Chinet #1 and Chinet #2 wells, or another alternative replacement system, including a back up supply or monetary compensation for a replacement system. Each replacement well shall be capable of supplying 1,500 gallons per minute.
6. If any proposed long-term action requires Department of Health Services or County of Sacramento approval prior to implementation, the Work Plan shall demonstrate that the action will comply with County and State requirements and that the Discharger has discussed and coordinated the proposal with Huhtamaki.
7. If any additional municipal or private wells are impacted from by the VOC plume emanating from the AmeriPride site, Regional Water Board staff will notify the Discharger that an alternate water supply is necessary. Within **30 days** of Regional Water Board staff notifying the Discharger that an alternate water supply is necessary, submit a Water Replacement Plan for the specified water supply. The Discharger shall provide uninterrupted replacement water of comparable quality and quantity to that pumped by the public water system or private well owner prior to the discharge of waste. The Discharger shall implement the approved Water Replacement Plan in accordance with an approved time schedule, which shall become part of this Order.

### **Supply Well Closure**

8. By **15 November 2006**, properly abandon the Chinet #1 and Chinet #2 wells in compliance with County and State regulations and provide a technical report that the wells have been properly abandoned. Prior to abandonment of the two wells, the Discharger must: (1) determine the integrity of the casing and the location of well perforations, by completing a video log of each of the two wells, (2) perform thermal or mechanical spinner logging on both wells, and (3) collect groundwater samples from each screened zone of Chinet #1 and analyze for VOCs, metals, general minerals and dissolved gases. Submit the results of these in-well surveys prior to

well abandonment to Regional Water Board staff and Sacramento County Environmental Health for permit considerations.

### **Groundwater Remediation**

9. By **30 November 2006**, complete the installation of four observation wells and two extraction wells and aquifer pumping tests using the extraction and observation wells, and submit a Remedial Design for the proposed remedial system for Phase 1 cleanup. The design of the remedial system will be based on existing data and information gained from the installation of the four observation wells and two extraction wells and the aquifer tests.
10. By **1 January 2007**, submit a detailed Technical Disposal Alternatives Report analyzing all disposal alternatives for treated groundwater, including deep well injection, surface water and land disposal, reuse and any other viable disposal alternatives.
11. By **15 November 2007**, complete the start up of an extraction well(s) and treatment system for Phase 1 of OU3, to capture and clean up the toe of the plume to the laboratory detection limit for PCE of 0.5 µg/L.
12. By **1 February 2008 and annually thereafter**, as required in Monitoring and Reporting Program (MRP) No. R5-2003-0820, submit an Annual Report, which includes a description of the status of the groundwater remediation systems, evaluates the effectiveness of the remediation, and provides any plans to improve remediation system effectiveness.
13. By **1 May 2008**, submit a Remedial Action Plan for cleaning up the central part of the groundwater plume (Phase 2 of OU3). The Remedial Action Plan for OU3 Phase 2 must include the proposed remedial action to be taken, a revised groundwater model of the remedial system based on information from the operation of OU3 Phase 1 remedial system, method for treatment and discharge of extracted groundwater, a time schedule for completing the installation and starting up the system, including a public participation comment period.
14. By **1 July 2008**, submit a Remedial Design for cleanup of the OU3 Phase 2 remediation. The Remedial Design must include design specifications for Phase 2 remedial actions to complete cleanup of OU3.
15. Conduct monitoring of the existing wells and any additional wells in accordance with MRP No. R5-2003-0820 or any revised MRP issued by the Executive Officer, which is made part of this Order by reference.



### **Soil Gas Remediation**

16. By **15 November 2006**, submit a Work Plan to install an adequate soil gas monitoring network to evaluate the effectiveness of the existing soil gas extraction system in removing contaminated soil gas from on-site and, if necessary, off-site soils. The Work Plan must include a time schedule for implementing an approved plan. The time schedule shall become part of this Order.
17. By **1 December 2006**, submit a technical report containing all soil gas investigation data and the results of the indoor air health risk assessment for the Zimmer Custom Made Packaging and the DHM facilities. This report shall include any proposed additional investigation or remediation, based on the interpretation of the data, and a time schedule which shall become part of this Order.

### **Public Participation**

18. By **1 November 2006**, submit an updated *Public Participation Plan*. The *Public Participation Plan* shall solicit public input and disseminate information to the public regarding the investigation and proposed cleanup activities at the sites. The *Public Participation Plan* shall be updated as necessary to reflect any significant changes in the degree of public interest as the site investigation and cleanup process moves toward completion.

### **General Requirements**

19. All feasibility studies and cleanup plans shall contain the information listed in Attachments 2 and 3, respectively, which are made part of this Order. Work shall be conducted only after the Regional Water Board staff notifies the Discharger that the work plan is consistent with this Order. All reports shall include a cover letter from the Discharger.
20. Fourteen days prior to conducting any field work, submit a Health and Safety Plan that is adequate to ensure worker and public safety during the field activities in accordance with Title 8 CCR, Section 5192.
21. As required by the California Business and Professions Code Sections 6735, 7835, and 7835.1, all reports shall be prepared by, or under the supervision of, a California registered professional engineer or geologist and signed by the registered professional. All technical reports submitted by the Discharger shall include a statement signed by the authorized representative certifying under penalty of law that the representative has examined and is familiar with the report and that to his knowledge, the report is true, complete, and accurate.

22. Upon startup of any remediation system(s), operate the remediation system(s) continuously, except for periodic and required maintenance or unpreventable equipment failure. The Discharger shall notify the Regional Water Board within 24 hours of any unscheduled shutdown of the remediation system(s) that lasts longer than 48 hours. This notification shall include the cause of the shutdown and the corrective action taken (or proposed to be taken) to restart the system. Any interruptions in the operation of the remediation system(s), other than for maintenance, emergencies, or equipment failure, without prior approval from Regional Water Board staff or without notifying the Regional Water Board within the specified time is a violation of this Order.
23. Notify Regional Water Board staff at least five working days prior to any fieldwork, testing, or sampling.
24. Obtain all local and state permits necessary to fulfill the requirements of this Order prior to beginning work.
25. Continue any remediation or monitoring activities until such time as the Executive Officer determines that sufficient cleanup has been accomplished and this Order has been rescinded.
26. Reimburse the Regional Water Board for reasonable costs associated with oversight of the cleanup of the site soils and groundwater emanating from the site. Failure to do so shall be considered a violation of this Order.
27. If, in the opinion of the Executive Officer, the Discharger fails to comply with the provisions of this Order, the Executive Officer may refer this matter to the Attorney General for judicial enforcement or may issue a complaint for administrative civil liability.

This Order is effective upon the date of signature.

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PAMELA C. CREEDON, Executive Officer

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Date