

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL VALLEY REGION

TECHNICAL REPORTING ORDER R5-2009-0864  
CALIFORNIA WATER CODE SECTION 13267  
FOR  
FOUR STAR AUTOMOTIVE, INC. (FORMERLY DBA WESTLAKE STATION &  
MARINE)  
1101 MAIN STREET, LAKEPORT  
LAKE COUNTY

This Order is issued to Four Star Automotive, Inc. (formerly DBA Westlake Station & Marine) (hereafter referred to as Discharger) pursuant to California Water Code (CWC) section 13267, which authorizes the Executive Officer of the California Regional Water Quality Control Board, Central Valley Region (hereafter Central Valley Water Board or Board) to issue an Order (Order) requiring the submittal of technical reports.

The Executive Officer finds:

1. Four Star Automotive, Inc., doing business as Westlake Station & Marine, owned and operated a gasoline service station at 1101 N. Main Street, Lakeport in Lake County (APN 026-244-05)(hereafter referred to as the Site).
2. In October 1997, four underground storage tanks (USTs), dispensers, and product piping were excavated and removed under permit from the Lake County Environmental Health Department. The USTs ranged in size from 3,000 gallons to 7,500 gallons. Maximum soil contaminant concentrations detected under the USTs was 3,100 milligrams per kilogram (mg/kg) of total petroleum hydrocarbons as gasoline (TPH-g). Highest soil contamination detected during excavation activities was 5,700 mg/kg TPH-g. Maximum groundwater contaminant concentration detected was 33,000 micrograms per liter (ug/L).
3. Two additional 500 gallon tanks were also removed from the eastern portion of the Site in early 2000, along with approximately 50 cubic yards of petroleum-contaminated soil.
4. During the tank removal activities and subsequent soil excavation activities, approximately 1,500 tons of contaminated soil was removed and disposed of.
5. From January 1999 through December 2002, eleven groundwater monitoring wells were installed at the Site, and quarterly monitoring was implemented. Quarterly monitoring continued until 1<sup>st</sup> quarter 2009, at which time the Board directed Four Star Automotive to conduct semi-annual monitoring.
6. Monitored natural attention was implemented at the site as the primary groundwater remediation measure in 2006, and continues to be implemented to the current date.

7. Latest groundwater contaminant concentrations range from N.D (<50 ug/L) to 690 ug/L (Well MW-4), and the downgradient sentinel well MW-7 remains unaffected, which suggests a stable plume.
8. In order for the Board to consider the Site for closure, a soil vapor and dermal exposure human health risk assessment (HHRA), evaluating the human health risk posed by the remaining residual contamination at the Site, must be submitted to the Board. **The Site may be closed if the HHRA shows that the remaining contamination poses no significant risk to human health or the environment.**
9. An HHRA was submitted in December 2002, but Board staff deemed the HHRA inadequate because it failed to adequately evaluate soil vapor intrusion and dermal exposure human health risk. In a Central Valley Water Board staff letter dated 22 September 2008, Board staff requested that a new HHRA work plan be submitted by **31 November 2008**. To date, the work plan has not been submitted.

### LEGAL PROVISIONS

10. 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.

The reports required herein are necessary to assure protection of waters of the state, and to protect public health and the environment. The required report will allow the Central Valley Water Board to determine whether the Site is eligible for closure. The Discharger named in this Order operated the Site at the time the release was discovered.

11. CWC section 13268 states, in part:

(a)(1) Any person failing or refusing to furnish technical or monitoring program reports as required by subdivision (b) of Section 13267 . . . or falsifying any information provided therein, is guilty of a misdemeanor and may be liable civilly in accordance with subdivision (b).

(b)(1) Civil liability may be administratively imposed by a regional board in accordance with Article 2.5 (commencing with Section 13323) of Chapter 5 for a violation of subdivision (a) in an amount which shall not exceed one thousand dollars (\$1,000) for each day in which the violation occurs.

Failure to submit the required reports to the Central Valley Water Board according to the schedule detailed herein may result in enforcement action(s) being taken against you, which may include the imposition of administrative civil liability pursuant to CWC section 13268. Administrative civil liability of up to \$1,000 per violation per day may be imposed for non-compliance with the directives contained herein.

12. The California Code of Regulations, title 23, section 2720, defines a responsible party as:

... any person who owns or operates an underground storage tank used for the storage of an hazardous substance... any person who owned or operated the underground storage tank immediately before the discontinuation of its use... any owner of property where an unauthorized release of a hazardous substance from an underground storage tank has occurred, and any person who had or has control over a underground storage tank at the time of or following an unauthorized release of a hazardous substance.

A responsible party has a legal obligation to investigate and remediate contamination. Four Star Automotive, Inc. is subject to this Order because it owned the property and operated the station where an unauthorized release of a hazardous substance from a UST has occurred. Therefore, the Discharger is "person who has discharged ... waste" within the meaning of CWC section 13267.

13. Compliance with Central Valley Water Board directives is mandatory in order to be eligible for reimbursement of corrective action costs from the State's Underground Storage Tank Cleanup Fund according to California Code of Regulations, title 23, section 2812.2. All work should be performed according to the *Tri-Regional Recommendations for Preliminary Investigation and Evaluation of Underground Storage Tank Sites*, and permits required by State, County, and Local agencies. All reports must be submitted to the Central Valley Water Board.

## REQUIRED ACTIONS

**IT IS HEREBY ORDERED** that, pursuant to CWC section 13267 the Discharger shall submit a **Human Health Risk Assessment Work Plan** by **31 December 2009**. A paper copy shall be submitted to this office, and an electronic copy shall be submitted to the State Water Resources Control Board's GeoTracker database. The workplan shall identify potential exposure pathways and propose sufficient sampling to evaluate the expected exposure of each pathway. The workplan shall also include an implementation schedule.

As required by the California Business and Professions Code sections 6735, 7835, and 7835.1, all reports shall be prepared by a registered professional or their subordinate and signed by the registered professional under penalty of perjury under the laws of the State of California.

Any person aggrieved by this action of the Central Valley Water Board may petition the State Water Board to review the action in accordance with CWC section 13320 and California Code of Regulations, title 23, sections 2050 and following. The State Water Board must receive the petition by 5:00 p.m., 30 days after the date of this Order, except that if the thirtieth day following the date of this Order falls on a Saturday, Sunday, or state holiday (including mandatory furlough days), the petition must be received by the State Water Board by 5:00 p.m. on the next business day.

Copies of the law and regulations applicable to filing petitions may be found on the Internet at:

[http://www.waterboards.ca.gov/public\\_notices/petitions/water\\_quality](http://www.waterboards.ca.gov/public_notices/petitions/water_quality),  
or they will be provided upon request.

This Order is effective upon the date of signature.

Ordered by:

Original Signed by Pamela C. Creedon

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PAMELA C. CREEDON  
Executive Officer

5 November 2009

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(Date)