

State of California
California Regional Water Quality Control Board
Santa Ana Region

CLEANUP AND ABATEMENT ORDER NO. R8-2013-0048

Directing Ideal Uniform Rental Service
And
The Colleen R. Green Trust

To Cleanup and Abate the Effects of Pollution and Nuisance and Submit Technical
Reports Pertaining to Site Assessment and Corrective Action
at
13811 A Better Way, Garden Grove, California

The California Regional Water Quality Control Board, Santa Ana Region
(Regional Board) finds that:

1. Legal and Regulatory Authority: This Order conforms to and implements policies and requirements of the Porter-Cologne Water Quality Control Act (Division 7, commencing with Water Code section 13000) including: (1) sections 13267 and 13304; (2) applicable State and federal regulations; (3) all applicable provisions of Statewide Water Quality Control Plans adopted by the State Water Resources Control Board (State Board) and the *Water Quality Control Plan, Santa Ana Basin* (Basin Plan) adopted by the Regional Board including beneficial uses, water quality objectives, and implementation plans; (4) State Board policies and regulations, including State Board Resolution No. 68-16 (*Statement of Policy with Respect to Maintaining High Quality of Waters in California*), Resolution No. 88-63 (*Sources of Drinking Water*), and Resolution No. 92-49 (*Policies and Procedures for Investigation and Cleanup and Abatement of Discharges under California Water Code Section 13304*); and (5) relevant standards, criteria, and advisories adopted by other State and federal agencies.

2. Unauthorized Discharge of Waste:

2A. In 1969, Ideal Rental Uniform Service (Ideal) leased property located at 1331 A Better Way, Garden Grove, CA from the property owner, the Colleen R. Green Trust (Green Trust). From 1969 to the mid-1980s, Ideal operated a dry cleaning plant as part of an industrial laundry service on the property. In addition to dry cleaning, services also included washing of carpet floor mats and uniforms, and renting uniforms. The dry cleaning plant used perchloroethylene, also known as tetrachloroethene (PCE), as a cleaning solvent. The dry cleaning plant equipment was removed in

1985.

- 2B. Groundwater is present beneath the property at a depth of approximately 13 feet below ground surface. The subject site overlies the Orange County Groundwater Management Zone, the beneficial uses of which include:
- a. Municipal and domestic supply,
 - b. Agricultural supply,
 - c. Industrial service supply, and
 - d. Industrial process supply.
- 2C. In a letter dated December 18, 2006, Charles F. Timms, Jr., representing Ideal, notified the Regional Board that PCE had been detected in groundwater underlying the property. The letter included a Supplemental Site Assessment indicating that chlorinated solvents, principally PCE and trichloroethylene (TCE), had been detected in the soil and groundwater. The maximum concentrations of PCE and TCE in the soil samples collected at the property were 9,780 milligrams per kilogram (mg/kg) and 412 mg/kg, respectively. The soil samples with the highest concentrations were collected underlying Ideal's former three-stage clarifier, dry cleaning machine, and chemical storage areas. PCE, TCE, 1,2-*cis*-dichloroethene, and vinyl chloride were detected in groundwater grab samples at maximum concentrations of 2,020 micrograms per liter ($\mu\text{g/L}$), 5,200 $\mu\text{g/L}$, 760 $\mu\text{g/L}$ and 3.9 $\mu\text{g/L}$, respectively.
- 2D. Between November 2006 and December 2007, four investigations were conducted at the property in order to more fully delineate the extent of contaminants present in the soil and groundwater as a result of past discharges of waste. Groundwater monitoring and reporting commenced in the first quarter of 2008, initially on a monthly schedule, then on a quarterly schedule. Additional monitoring wells were installed in order to further delineate the off-site groundwater plume.
- 2E. With Regional Board staff's concurrence, an Interim Remedial Action Plan to facilitate remediation of subsurface impacted soil and groundwater was voluntarily implemented at the property in 2008. The remedial system consisted of soil vapor extraction coupled with air sparging, using two vapor extraction wells and two air sparge wells. The system was operated from February 2008 to February 2009. Groundwater monitoring and reporting continued on a quarterly basis until the first quarter of 2010.
- 2F. A "Request for Soil Closure – Revised" was submitted to the Regional Board by Environmental Audit, Inc., on behalf of Ideal, on March 2, 2009. The request included data from confirmation soil sampling, and stated that ozone injection technology would be utilized to address the remaining impacts to groundwater at the property.
- 2G. Based on the data from confirmation soil sampling, the Executive Officer

issued a letter of concurrence on May 7, 2009, which included a "no further action" (NFA) determination for soil at the property. The NFA letter specified that groundwater remediation would be necessary at the property.

- 2H. Beginning in mid-June 2009, a 60-day pilot test of *in situ* chemical oxidation of source area groundwater was conducted utilizing injection of ozone and hydrogen peroxide solution into groundwater monitoring wells. Following completion of the pilot study, additional monitoring wells were installed, and implementation of the *in situ* remedy continued.
- 2I. On April 1, 2010, Regional Board staff was informed by Ideal that it could no longer afford to continue with groundwater assessment and remediation activities. The groundwater remediation system and all equipment and associated piping were removed from the site by Ideal on April 30, 2010, without concurrence from Regional Board staff.
- 2J. The results from the last comprehensive groundwater monitoring that was performed at the property (fourth quarter 2010) indicate that the concentrations of PCE were as high as 11,300 µg/L and the diffuse VOC plume continued to migrate off the property unabated. PCE and TCE concentrations in groundwater underlying the adjacent downgradient property, owned by the City of Garden Grove, were reported at 4,610 µg/L and 4,960 µg/L, respectively.
- 2K. Since 2010, Regional Board staff has made numerous efforts to obtain voluntary cooperation from Ideal and the Green Trust for investigation and cleanup of the property.

- 3. Persons Named as Responsible Parties:** Ideal Uniform Rental Service is named as a Responsible Party because it operated a dry cleaning plant as part of an industrial laundry service at the Site from 1969 to the mid-1980s, during the time period in which a discharge of PCE to groundwater occurred. PCE is not naturally occurring and is a waste, as defined in Water Code Section 13050(d).

The Colleen R. Green Trust is named as a Responsible Party because it owns and has owned since the 1930s, the property on which a dry cleaning plant was operated and from which a discharge of PCE to groundwater occurred. The Colleen R. Green Trust is placed in a position of secondary responsibility because it did not actually operate the dry cleaning facility and did not cause or contribute to the discharge of waste. However, in the event that Ideal does not comply with any one or more requirements of this Order, the Green Trust shall become a primary responsible party shall be subject to each of the Order's requirements. Notification in this regard shall be made in writing to the Green Trust by the Executive Officer.

- 4. Water Quality Standards:** The site overlies the Orange County Groundwater Management Zone, the beneficial uses of which include: (1) Municipal and

domestic supply, (2) Agricultural supply, (3) Industrial service supply, and (4) Industrial process supply.

The Basin Plan contains numeric water quality objectives¹ for chemical constituents to protect groundwater designated for MUN use. The Basin Plan further states, "All waters of the region shall be maintained free of substances in concentrations which are toxic, or that produce detrimental physiological responses in human, plant, animal or aquatic life." The primary maximum contaminant levels (MCLs)² established by the California Department of Health Services in Title 22 of the California Code of Regulations are protective of the MUN beneficial use. Groundwater concentrations of PCE at the Ideal property are not in conformance with the water quality needed to support MUN uses of the groundwater, creating a condition of pollution and nuisance in waters of the State.

5. **Protection of Human Health:** There is a risk to human health that may result from the migration of PCE in the vapor phase from the shallow groundwater and into the indoor air of the buildings at, and downgradient of the Ideal property. The concentrations of PCE in the groundwater exceed the California Human Health Screening Levels (CHHSLs) for indoor air quality for a commercial property, as set forth by the California Office of Environmental Health Hazard Assessment.
6. **Basis of Cleanup and Abatement Order:** Water Code section 13304 contains the cleanup and abatement authority of the Regional Board. Water Code section 13304 requires a person to clean up waste and/or abate the effects of the waste discharge if so ordered by a regional board in the event there has been a discharge in violation of waste discharge requirements, or if a person has caused or permitted 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. Therefore, based on the previous findings the Regional Board is authorized to order Ideal and the Green Trust to clean up and abate the effects of the waste discharge(s).
7. **Basis for Requiring Reports:** Water Code section 13267 provides that the Regional Board may require dischargers, past dischargers, or suspected dischargers to furnish those technical or monitoring reports as the Regional Board may specify, provided that the burden, including costs, of these reports, shall bear a reasonable relationship to the need for the reports and the benefits to be obtained from the reports. In requiring the reports, the Regional Board must provide the person with a written explanation with regard to the need for

¹ "Water quality objectives" are defined in Water Code section 13050(h) as "the limits or levels of water quality constituents or characteristics which are established for the reasonable protection of beneficial uses of water or the prevention of nuisance within a specific area"

² MCLs, maximum contaminant levels, are public health-protective drinking water standards to be met by public water systems. MCLs take into account not only chemicals' health risks but also factors such as their delectability and treatability, as well as the costs of treatment. Primary MCLs can be found in Title 22 California Code of Regulations (CCR) sections 64431 - 64444. Secondary MCLs address the taste, odor, or appearance of drinking water, and are found in 22 CCR section 64449.

the reports, and identify the evidence that supports requiring that person to provide the reports.

- 8. Need for Technical and Monitoring Reports:** Technical reports and Monitoring reports required by this Order are needed to provide information to the Regional Board regarding (a) the nature and extent of the discharge, (b) the nature and extent of pollution conditions in State waters created by the discharge, (c) the threat to public health posed by the discharge, and (d) appropriate cleanup and abatement measures. The reports will enable the Regional Board to determine the vertical and lateral extent of the discharge, ascertain if the condition of pollution poses a threat to human health in the vicinity of the Site, and provide technical information to determine what cleanup and abatement measures are necessary to bring the Site into compliance with applicable water quality objectives. Based on the nature and possible consequences of the discharges (as described in Findings No. 2A through 2K, above) the burden of providing the required reports bears a reasonable relationship to the need for the reports and the benefits to be obtained from the reports.
- 9. Cost Recovery:** Pursuant to California Water Code section 13304, the Regional Board is entitled to, and will seek reimbursement for, all reasonable costs actually incurred by the Regional 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.
- 10. State Board Policies:** The State Board adopted Resolution No. 92-49, the *Policies and Procedures for Investigation and Cleanup and Abatement of Discharges under Water Code Section 13304*. This Resolution sets forth the policies and procedures to be used during an investigation or cleanup of a nuisance site and requires that cleanup levels be consistent with State Board Resolution No. 68-16, the *Statement of Policy with Respect to Maintaining High Quality of Waters in California*. Resolution No. 92-49 and the Basin Plan establish the cleanup levels to be achieved. Resolution No. 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, CCR section 2550.4. Any alternative cleanup level greater than background must (1) be consistent with the maximum benefit for 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.
- 11. California Environmental Quality Act (CEQA) Compliance:** The issuance of this Order is an enforcement action taken by a regulatory agency and is categorically exempt from the provisions of CEQA pursuant to section 15321(a)(2), Chapter 3, Title 14 of the California Code of Regulations. This Order

requires submittal of detailed work plans that address cleanup activities. The proposed activities under the work plans are not yet known, but implementation of the work plans may result in significant physical impacts to the environment that must be evaluated under CEQA. The appropriate lead agency will address the CEQA requirements prior to implementing any work plan that may have a significant impact on the environment.

- 12. Qualified Professionals:** Ideal's and the Green Trust's reliance on qualified professionals promotes proper planning, implementation, and long-term cost-effectiveness of investigation, and cleanup and abatement activities. Professionals should be qualified, licensed where applicable, and competent and proficient in the fields pertinent to the required activities. California Business and Professions Code sections 6735, 7835, and 7835.1 require that engineering and geologic evaluations and judgments be performed by or under the direction of registered professionals.

IT IS **HEREBY ORDERED** that, pursuant to sections 13267 and 13304 of the Water Code, Ideal Uniform Rental Service and the Colleen R. Green Trust must comply with the following Directives:

- 13.** Resume the groundwater monitoring program within 45 days following adoption of this Order. For the following quarterly groundwater monitoring periods, submit the monitoring reports by the specified due date:

Groundwater Monitoring Period	Report Due Date
January to March	April 15
April to June	July 15
July to September	October 15
October to December	January 15

This schedule may be modified, with the written approval of the Executive Officer.

- 14.** Submit a work plan and proposed schedule, within 45 days following adoption of this Order, for conducting:
- A groundwater investigation to fully delineate the lateral and vertical boundaries of the groundwater contaminant plume; and
 - A human health risk assessment to evaluate the potential risk to occupants of the buildings from migration of VOCs into the indoor air in areas overlying the plume (both on the property and off the property).

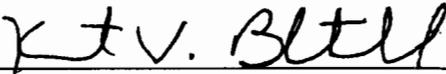
The work plan shall be subject to the approval of the Executive Officer.

- 15.** Conduct all field work necessary to define the extent of the groundwater contaminant

plume, as directed by the Executive Officer, until the extent of the plume is fully delineated.

16. Based upon the results from items 13, 14 and 15 (above), submit a feasibility study and remedial action plan (FS/RAP), with a proposed implementation schedule, for remediation of the groundwater contamination and protection of human health. The FS/RAP and schedule shall be subject to the approval of the Executive Officer.
17. Conduct the necessary remediation activities as approved by the Executive Officer, and submit monthly progress reports to the Executive Officer by the last calendar day of each month.
18. Implement any necessary maintenance, improvements and repairs to the remediation system(s), as directed by the Executive Officer.
19. All references to the Executive Officer in this Order shall include his delegate.
20. Failure to comply with requirements of this Order may subject the Responsible Parties to enforcement action, including but not limited to: imposition of administrative civil liability, pursuant to Water Code sections 13268 and 13350, in an amount not to exceed \$5,000 for each day in which the violation occurs under Water Code sections 13304 or 13350 or referral to the Attorney General for injunctive relief or civil or criminal liability.
21. Any person affected by this action of the Regional Board may petition the State Board to review the action in accordance with section 13320 of the Water Code and CCR Title 23 section 2050. The petition must be received by the State Board (Office of Chief Counsel, P.O. Box 100, Sacramento, California 95812) within 30 days of the date of this Order. Copies of the law and regulations applicable to filing petitions will be provided upon request.

I, Kurt V. Berchtold, 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, Santa Ana Region, on December 6, 2013.



Kurt V. Berchtold
Executive Officer