

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL COAST REGION
895 Aerovista Place, Suite 101
San Luis Obispo, California 93401-7906**

CLEANUP OR ABATEMENT ORDER NO. R3-2006-0021

Issued to

**Vapor Cleaners, Inc.
Mr. Curtis D. Quinones
City of Monterey**

**for
Former Vapor Cleaners
951 Del Monte Avenue, Monterey
Monterey County**

The California Regional Water Quality Control Board, Central Coast Region (hereafter Water Board) finds:

1. Vapor Cleaners, Inc., a California corporation; Mr. Curtis D. Quinones, an individual; and the City of Monterey (collectively, Dischargers), have discharged or permitted the discharge of tetrachloroethene (PCE) to waters of the state at a former dry-cleaning facility located at 951 Del Monte Avenue, Monterey, Monterey County (Property). Discharge of toxic or hazardous material into waters of the state is a violation of a prohibition contained in the Water Quality Control Plan, Central Coast Basin (hereafter "Basin Plan") and creates, or threatens to create, a condition of pollution or nuisance.
2. Curtis D. Quinones owned the Property and operated a dry cleaning business (Vapor Cleaners, Inc.) on the Property from 1974 to 2000. The City of Monterey has owned the property since June 2000. The Dischargers had knowledge of the activities (i.e., operation of a dry cleaner) that resulted in the discharge, and had the legal ability to prevent the initial discharge or the continued impact to groundwater quality.
3. The groundwater underlying the property has beneficial uses including domestic and municipal supply, agricultural supply, and industrial supply (Chapter 2, Section I of the Basin Plan). In addition to other standards, State Water Resources Control Board Resolution No. 68-16 (Antidegradation Policy) and State Water Resources Control Board Resolution No. 92-49 (Policies and Procedures for Investigation and Cleanup and Abatement of Discharges under Water Code Section 13304) apply to underlying groundwater.
4. The dry-cleaner operators stored and utilized PCE at the Property as a dry cleaning solvent. Dischargers caused or permitted PCE product and wastes to be discharged to the environment, polluting waters of the state underlying the Property. The presence of PCE

and PCE-containing wastes in soil and groundwater at and near the site constitutes pollution or nuisance, as defined in California Water Code Section 13050 and in the Basin Plan, Chapter 5, Section IV.D ("Waste discharged to groundwaters shall be free of toxic substances in excess of accepted drinking water standards ..."). The PCE detected at the property is waste as defined in California Water Code Section 13050(d).

5. The maximum pollutant concentrations detected in soil beneath the property are:
 - Soil sample VC5 at 3 feet below ground surface (bgs) contained 560,000 parts per billion (ppb) PCE during the May 1991 soil vapor extraction cleanup effort confirmation sampling event (The Traverse Group, Inc., *Technical Report and Assessment of Soil and Groundwater Contamination*, October 14, 1989). The soil sample was taken near where MW-6 now is located.
 - Soil samples taken on November 13, 2001, contained the following constituents:
 - SB17 at 4.5 feet bgs contained 3,300 ppb trichloroethene (TCE),
 - SB9 at 4.5 feet bgs contained 1,300 ppb cis-1,2-dichloroethene (cis-1,2-DCE),
 - SB13 at 7.5 feet bgs contained 9.1 ppb trans-1,2-dichloroethene (trans-1,2-DCE), and
 - SB13 at 7.5 feet bgs contained 210 ppb vinyl chloride (Remediation Testing and Design, *Soil and Groundwater Investigation Report, Site Conceptual Model and Corrective Action Plan*, June 5, 2002).
 - The maximum total petroleum hydrocarbon (TPH) as Stoddard Solvent detected in soil (SB5 at 4.5 feet bgs) was 23,000,000 ppb on November 12, 2001 (Remediation Testing and Design, *Soil and Groundwater Investigation Report, Site Conceptual Model and Corrective Action Plan*, June 5, 2002).
6. From May 1991 to November 1991, Dischargers' consultants operated a soil vapor extraction system near the northern property line, which reduced concentrations of PCE in soil from 560 ppm to 25 ppm. Monterey County Department of Environmental Health closed this case by letter dated January 16, 1996, because the site met the County cleanup goal of 450 parts per million (ppm) PCE in soil.
7. In April 2001, Dischargers' consultants removed five underground storage tanks after demolishing the former Vapor Cleaners building. In October and November 2002, Dischargers' consultants removed 1,200 cubic yards of contaminated soil. The Discharger's consultant determined the extent of excavation based on TPH as Stoddard Solvent in soils, but chlorinated solvents were also present. The October and November 2002 excavation did not remove all chlorinated solvent impacted soil discovered in site investigations and thus contaminated soil remains in place. For example, the Dischargers' consultant did not include the area near soil sample SB-17, mentioned in Finding 5, in the October and November 2002 excavation area.
8. The maximum pollutant concentrations detected in groundwater beneath the property are:
 - Groundwater monitoring well MW-1 contained 4,600 trans-1,2-DCE on February 17, 1987 (Terratech, Inc., *Soil and Ground Water Contamination Investigation*, March, 25, 1987).

- Groundwater monitoring well MW-1 contained 12,200 ppb TCE on September 28, 1988 (The Traverse Group, Inc., *Technical Report and Assessment of Soil and Groundwater Contamination*, October 14, 1989).
 - A groundwater grab sample from boring SB8 contained 260,000 ppb PCE on November 13, 2001 (Remediation Testing and Design, *Soil and Groundwater Investigation Report, Site Conceptual Model and Corrective Action Plan*, June 5, 2002).
 - Groundwater monitoring well MW-6 contained 31,000 ppb cis-1,2-DCE on September 30, 2002 (Remediation Testing and Design, *3rd Quarter 2002 Groundwater Monitoring Report*, October 16, 2002).
 - Groundwater monitoring well MW-7 contained 170,000 ppb PCE on December 11, 2002 (Remediation Testing and Design, *Report on Well Installation at the former Vapor Cleaners LUST Site*, May 8, 2003).
 - Groundwater monitoring well MW-10 contained 15,000 ppb vinyl chloride on March 16, 2004 (Remediation Testing and Design, *4th Quarter 2004 Groundwater Monitoring Report*, April 19, 2004).
 - A grab groundwater sample taken from boring SB8 contained 2,000 ppb of TPH as Stoddard Solvent on November 13, 2001 (Remediation Testing and Design, *Soil and Groundwater Investigation Report, Site Conceptual Model and Corrective Action Plan*, June 5, 2002).
 - Groundwater monitoring well MW-7 contained 720 ppb of TPH as Stoddard Solvent on September 30, 2003 (Remediation Testing and Design, *3rd Quarter 2003 Groundwater Monitoring Report*, October 23, 2003).
9. During the most recent sampling event, on September 29, 2005, groundwater monitoring wells contained the following constituents:
- MW-7 contained 19,000 ppb PCE,
 - MW-7 contained 5,600 ppb TCE,
 - MW-6 contained 16,000 ppb cis-1,2-DCE,
 - MW-6 contained 770 ppb trans-1,2-DCE, and
 - MW-6 contained 3,500 ppb vinyl chloride (Remediation Testing and Design, *3rd Quarter 2005 Semi-Annual Monitoring Report*, October 28, 2005).
10. PCE, TCE, cis-1,2-DCE, trans-1,2-DCE, and vinyl chloride are hazardous substances and PCE, TCE, and vinyl chloride are known human carcinogens. The groundwater quality objectives in the Basin Plan are 5 ppb for PCE, 5 ppb for TCE, 6 ppb for cis-1,2-DCE, 10 ppb for trans-1,2-DCE, and 0.5 ppb for vinyl chloride (Chapter 3, Section II.A.4). The California Public Health Goals in drinking water are 0.06 ppb for PCE, 0.08 ppb for TCE, and 0.05 ppb for vinyl chloride.
11. The following reports document soil and groundwater assessment and cleanup conducted at the Property:
- Terratech, Inc., *Soil and Ground Water Contamination Investigation Report*, March 25, 1987
 - Terratech, Inc., *Soil Gas Survey*, May 19, 1987

- MacKinnon Environmental Consulting, *Groundwater Investigation of the area located between Lake El Estero and Monterey Beach*, February, 18, 1988
 - MacKinnon Environmental Consulting, *Phase II Ground Water Assessment at Monterey Beach*, August 23, 1988
 - The Traverse Group, Inc., *Technical Report and Assessment of Soil and Groundwater Contamination*, October 14, 1989
 - Miller Environmental Company, Inc., *Report on Site Remediation*, October 31, 1991
 - Remediation Testing and Design, *Soil and Groundwater Investigation Report, Site Conceptual Model and Corrective Action Plan*, June 5, 2002
12. Dischargers' consultants (Terratech, Inc., MacKinnon Environmental Consulting, The Traverse Group, Inc., Miller Environmental Company, Inc., and Remediation Testing and Design) conducted groundwater monitoring at the Property and submitted monitoring reports from 1987 to 1992, and from 1997 to the date of this Order. Groundwater analyses consistently indicate the presence of PCE, TCE, cis-1,2-DCE, trans-1,2-DCE, and vinyl chloride during this time period.
 13. In May 1987, the Water Board issued Cleanup or Abatement Order (CAO) No. 87-99 to the Dischargers. CAO No. 87-99 required the Dischargers to submit a report describing site conditions and the extent of groundwater and soil contamination, excavate contaminated soils not selected for an in-situ treatment method, submit a groundwater treatment design, submit a remedial action plan unless all contaminated soils were removed, and initiate cleanup of soil and groundwater.
 14. In June 2003, the Water Board issued Monitoring and Reporting Program (MRP) No. R3-2003-0101 to the Dischargers. MRP No. R3-2003-0101 required the Dischargers to monitor MW-7, MW-8, MW-9, and MW-10 quarterly and MW-4, MW-5 and MW-6 semiannually. The Executive Officer revised MRP No. R3-2003-0101 in a January 25, 2005 letter to require semiannual monitoring of all monitoring wells.
 15. This enforcement action is being taken for the protection of the environment and as such is exempt from the provisions of the California Environmental Quality Act (Public Resources Code Section 21000, et seq.) in accordance with Sections 15307 and 15308, Chapter 3, Title 14, California Code of Regulations (CCR). The issuance of this Order is also 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 Section 15321(a)(2), Title 14, CCR.
 16. Pursuant to California Water Code Section 13304(c), Dischargers are hereby notified that the Water Board is entitled to and may seek reimbursement of all reasonable staff costs incurred in its oversight of cleanup of wastes at the property, abating the effects thereof, or taking other remedial action. The Water Board may seek retroactive reimbursement for the 2005-2006 fiscal year (July 1, 2005, to June 30, 2006) in addition to future Water Board staff costs.

IT IS HEREBY ORDERED, pursuant to Sections 13267 and 13304 of the California Water Code, that the Dischargers shall clean up soil and groundwater at and near the property as follows:

1. Dischargers shall submit a work plan to completely characterize the extent of chlorinated solvent pollution in soil and groundwater by April 24, 2006. Dischargers shall propose soil borings to evaluate the extent of chlorinated solvent pollution remaining in soil not previously investigated (i.e., the northern and southern areas of the property), and groundwater wells to characterize the extent of chlorinated solvents in groundwater. Dischargers shall also install at least two groundwater monitoring wells in the areas between the Property and nearby surface water bodies (between the site and Monterey Bay and between the site and El Estero Lake) to evaluate if chlorinated solvent constituents are discharging into nearby surface water bodies.
2. Dischargers shall submit a list of all property owners within 500 feet of the subject site by April 24, 2006.
3. Dischargers shall submit a technical report verifying completion of the site characterization work described in Item 1, above, and all sampling data within 90 days of our approval of your site characterization work plan. As part of this report, the Dischargers shall provide the results of a feasibility study analysis evaluating technologies to clean up the pollution. The feasibility study analysis must be consistent with the requirements of the State Water Resources Control Board Resolution No. 92-49 (Policies and Procedures for Investigation and Cleanup and Abatement of Discharges under Water Code Section 13304).
4. Dischargers shall monitor groundwater and provide technical monitoring reports as ordered by the Executive Officer in MRP No. R3-2003-0101, including any modifications to MRP No. R3-2003-0101 after the date of this Order. The Executive Officer may amend MRP No. R3-2003-0101 at any time.
5. CAO No. 87-99 is hereby superceded by this Order, as of the effective date of this Order. CAO No. 87-99 required the Dischargers in item 2.b. to “[s]ubmit a detailed description and design of the treatment and disposal system to be used to cleanup polluted ground water” by August 3, 1987, and in item 3 to “[i]nitiate cleanup operation of soil and ground water by September 28, 1987.” Items 2.b. and 3 of CAO No. 87-99 have not yet been completely satisfied. The rescission of CAO No. 87-99 does not excuse or eliminate liability for any violations of CAO No. 87-99 that occurred before the date of this Order.
6. The effective date of this Order is the date set forth below.

All technical and monitoring reports required in conjunction with this Order are required pursuant to Section 13267 of the California Water Code and shall include a statement by the Dischargers or an authorized representative of the Dischargers certifying under penalty of perjury under the laws of the State of California that the report is true, complete, and accurate.

Hydrogeological reports and plans shall be prepared by, or under the direct supervision of, and signed and stamped by a professional geologist and/or an appropriately licensed engineer.

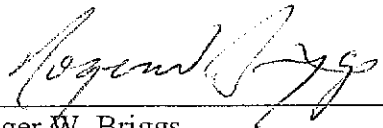
The technical and monitoring reports required by this Order are needed by the Water Board to evaluate the extent of pollution in groundwater beneath or migrating from the Property and to determine compliance with this Order. The Dischargers are required to follow these orders and submit these reports because soil and groundwater pollution has been detected at this facility, and the Dischargers caused or permitted the discharges, as described above. More information is available in the Water Board's public file on this matter and in MRP No. 2003-0101. The burden, including costs, of the required investigation and reports is reasonable in light of (i) the need to ensure compliance with this Order and design an appropriate cleanup, (ii) the high levels of pollutants present at the site, and (iii) the nature of the requirements, which are standard for soil and groundwater cleanups.

This Order in no way limits the authority of this Water Board to institute additional enforcement actions or to require additional investigation and cleanup at the facility consistent with California Water Code. This Order may be revised by the Executive Officer.

Any person affected by this action of the Water Board may petition the State Water Resources Control Board (State Water Board) to review the action in accordance with section 13320 of the California Water Code and Title 23, California Code of Regulations, Section 2050. 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 <http://www.waterboards.ca.gov/wqpetitions/index.html>.

FAILURE TO COMPLY WITH THE PROVISIONS OF THIS ORDER MAY SUBJECT YOU TO FURTHER ENFORCEMENT ACTION, INCLUDING BUT NOT LIMITED TO, ASSESSMENT OF CIVIL LIABILITY UNDER SECTIONS 13268 AND 13350 OF THE CALIFORNIA WATER CODE AND REFERRAL TO THE DISTRICT ATTORNEY OR ATTORNEY GENERAL FOR INJUNCTIVE RELIEF AND CIVIL OR CRIMINAL LIABILITY.

Ordered By:



Roger W. Briggs
Executive Officer

2-9-06

Date