

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

MONITORING AND REPORTING PROGRAM NO. R5-2009-0816
CALIFORNIA WATER CODE SECTION 13267
FOR

J.C. PENNEY CORPORATION, INC., BRIDGESTONE/FIRESTONE, INC., GENERAL
ELECTRIC PENSION TRUST, SKYSAN LIMITED PARTNERSHIP, OATES FLORIN MALL
LLC, ET AL, AND WAL-MART STORES INC.

FORMER J.C. PENNEY STORE #1374
6939 65TH STREET
SACRAMENTO, SACRAMENTO COUNTY

This Order is issued to J.C. Penney Corporation, Inc., Bridgestone/Firestone Inc., General Electric Pension Trust, Skysan Limited Partnership, Oates Florin Mall LLC, and Wal-Mart Stores, Inc. (hereafter Dischargers) pursuant to California Water Code section 13267, which authorizes the Executive Officer of the California Regional Water Quality Control Board, Central Valley Region (hereafter Central Valley Water Board) to issue a Monitoring and Reporting Order (Order).

The Executive Officer finds:

INTRODUCTION

1. In 1992, sampling results collected as part of a former Chevron Station at 6900 65th Street investigation found evidence of a release from the subject site, located at 6939 65th Street, Sacramento, Sacramento County (Site). Operations at the site have resulted in petroleum hydrocarbon polluted soil and groundwater. This pollution has impaired the beneficial uses of the underlying groundwater resource. Sacramento County opened an environmental case at that time, naming J.C. Penney as the primary responsible party, and naming Bridgestone/Firestone, Inc. and the then property owner General Electric Pension Trust as secondary responsible parties. The property was then sold to Skysan Limited Partnership, then Oates Florin Mall LLC, and finally Wal-Mart Stores, Inc. (the current property owner). J.C. Penney Corporation, Inc., Bridgestone/Firestone Inc., General Electric Pension Trust, Skysan Limited Partnership, Oates Florin Mall LLC, and Wal-Mart Stores, Inc. are collectively the Dischargers under the California Water Code.
2. Depth to groundwater is approximately 50 feet below ground surface (bgs). During the third quarter 2008, groundwater monitoring event, concentration of petroleum constituents were detected at maximum concentrations of total petroleum hydrocarbons (TPH) as gasoline (TPH-G) 41,000 micrograms per liter (ug/l), benzene 9,700 ug/l, toluene 2,400 ug/l, ethylbenzene 1,400 ug/l, total xylenes 5,300 ug/l. During the third quarter 2008 groundwater monitoring event, the most recent monitoring event for the following constituents, concentrations of petroleum constituents were detected at maximum concentrations of TPH as diesel (TPH-D) 160 ug/l, naphthalene 110 ug/l, tertiary butyl alcohol (TBA) 51 ug/l, and 1,2-dichloroethane (1,2-DCA) 11 ug/l.

3. Prior to construction of any new groundwater monitoring or extraction wells, and prior to destruction of any groundwater monitoring or extraction wells, the Responsible Parties shall submit plans and specifications to the Central Valley Water Board for review and approval. Once installed, all new wells shall be added to the monitoring program and shall be sampled and analyzed according to the schedule below.
4. This Monitoring and Reporting Program (MRP) is issued by the Central Valley Water Board, pursuant to California Water Code (CWC) section 13267 and is necessary to delineate groundwater pollutant plumes and determine whether remediation efforts are effective.
5. Existing data and information about the Site show the presence of various chemicals, including total petroleum hydrocarbons (TPH) as gasoline (TPH-G), TPH as diesel (TPH-G), TPH as motor oil (TPH-MO), benzene, toluene, ethylbenzene, xylenes, lead, naphthalene, tertiary butyl alcohol (TBA), and 1,2-dichloroethane (1,2-DCA), emanating from the property under the control of the Dischargers, and/or resulting from the Dischargers' current or past operation. Based on the available data the Dischargers are responsible for the discharge because they have owned and/or operated the land and/or former underground storage tank (UST) system at the time of the release or owned the land subsequent to the release.
6. The Discharger shall not implement any changes to this MRP unless and until a revised MRP is issued by the Executive Officer.
7. Prior to construction of any new groundwater monitoring or extraction wells, and prior to destruction of any groundwater monitoring or extraction wells, the Discharger shall submit plans and specifications to the Central Valley Water Board for review and approval. Once installed, all new wells shall be added to the monitoring program and shall be sampled and analyzed according to the schedule below.

LEGAL PROVISIONS

8. 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 for the reasons described in this Order, to assure protection of waters of the state, and to protect public health and the environment.

9. 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.

10. 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 or will be provided upon request.

REQUIRED ACTIONS

IT IS HEREBY ORDERED that, pursuant to California Water Code section 13267, the Dischargers shall:

GROUNDWATER MONITORING

1. Conduct monitoring and reporting in compliance with the following specifications.
2. As shown on Figure 1, there are 5 existing groundwater monitoring wells, (MW-1, MW-2, MW-4, MW-11, and MW 18) currently associated with the Site.
3. The groundwater monitoring program for the 5 monitoring wells, and any wells installed subsequent to the issuance of this MRP, shall follow the schedule below. If sampling requirements for elimination of constituents have already been met, the Dischargers are not required to sample for those constituents again based on the requirements in this MRP.

4. Monitoring wells with free phase petroleum product or visible sheen shall be monitored, at a minimum, for product thickness and depth to water.
5. Sample collection and analysis shall follow standard EPA low-flow sampling protocol. All wells shall be monitored quarterly for water levels and the presence and thickness of free product. The volume of extracted groundwater also shall be provided in quarterly monitoring reports.

SAMPLING FREQUENCY		
	Quarterly	Annually ¹
Wells	MW-1 MW-2 MW-18 New Wells	MW-4 MW-11

¹ Sample in the fourth quarter.

Constituents ²	EPA Analytical Method	Maximum Practical Quantitation Limit ³ (ug/l)
Depth to Groundwater	---	+/-0.01 feet
TPH-G	8015M or 8260B	50
TPH-D	8015M	50
TPH-MO	8015M	50
BTEX	8020 or 8260B	0.5
1,2-dichloroethane	8260B	0.5
Naphthalene	8260B	0.5
Dissolved Lead ⁴	7421 or 6010B	2
methyl tert butyl ether ⁴	8260B	0.5
tert butyl alcohol ⁴	8260B	5
tert amyl methyl ether ⁴	8260B	0.5
di-isopropyl ether ⁴	8260B	0.5
ethyl tert butyl ether ⁴	8260B	0.5
Ethanol ⁴	8260B	50
Methanol ⁴	8260B	100
PAH ⁴	8270	0.5
VOCs ⁴	8260B	--

² Report all discrete peaks identified during the normal course of analysis for chemicals of concern.

³ All concentrations between the Method Detection Limit and the Practical Quantitation Limit shall be reported as trace.

⁴ If the analyte is not detected for 4 consecutive quarters, it may be removed from the monitoring program with Central Valley Water Board staff approval.

BTEX = benzene, toluene, ethylbenzene, and total xylenes

PAH = polycyclic aromatic hydrocarbons

VOCs = volatile organic compounds

REPORTING

6. When reporting data, the Responsible Parties shall arrange the information in tabular form so that the date, the constituents, and the concentrations are readily discernible. The data shall be summarized in such a manner as to illustrate clearly the compliance with this Order. In addition, the Responsible Parties shall notify the Central Valley Water Board within 48 hours of any unscheduled shutdown of any soil vapor and/or groundwater extraction system.
7. 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.
8. The Responsible Parties shall submit a paper copy of the quarterly report to the Central Valley Water Board office and submit quarterly electronic data reports, which conform to the requirements of the California Code of Regulations, Title 23, Division 3, Chapter 30, electronically over the internet to the State Water Board's Geotracker database system. Both paper copy and electronic submittals are due by the 1st day of the second month following the end of the calendar quarter, by **1 February, 1 May, 1 August, and 1 November**, until such time as the Executive Officer determines that the reports are no longer necessary. Each quarterly report shall include the following minimum information:
 - (a) A description and discussion of the groundwater sampling event and results, including trends in the concentrations of pollutants and groundwater elevations in the wells, how and when samples were collected, and whether the pollutant plume(s) is delineated.
 - (b) Field logs that contain, at a minimum, water quality parameters measured before, during, and after purging, method of purging, depth of water, volume of water purged, etc.
 - (c) Groundwater contour maps for all groundwater zones, if applicable.
 - (d) Concentration contour maps for all groundwater zones for at least TPH-G and benzene, as applicable.
 - (e) A table showing well construction details such as well number, groundwater zone being monitored, ground surface elevation, screen interval, bentonite interval, filter pack interval, and total depth of the well.
 - (f) A table showing historical lateral and vertical (if applicable) down-gradient directions and gradients.
 - (g) Cumulative data tables containing the water quality analytical results and depth to groundwater.

- (h) A copy of the laboratory analytical data report.
 - (i) If applicable, the status of any ongoing remediation, including cumulative information on the mass of pollutant removed from the subsurface, system operating time, the effectiveness of the remediation system, and any field notes pertaining to the operation and maintenance of the system.
 - (j) If applicable, the reasons for and duration of all interruptions in the operation of any remediation system, and actions planned or taken to correct and prevent interruptions.
9. The Fourth Quarter Quarterly Groundwater Monitoring Report, due **1 February** of each year, shall be an expanded report and will include the following additional information/items:
- (a) Tabular summaries of all data obtained during the year.
 - (b) Graphical summaries, of TPH-G, benzene, MTBE, and TBA concentrations, groundwater elevation data, and remediation system operation versus time for site wells.
 - (c) A rose diagram presenting groundwater flow direction and magnitude data.
 - (d) Contaminant concentration contour maps for TPH-G and benzene, MTBE, and TBA, if applicable, for each quarter from the previous year.
 - (e) A discussion of the long-term trends in the concentrations of the pollutants in the groundwater monitoring wells.
 - (f) An analysis of whether the pollutant plume is being captured by an extraction system or is continuing to spread.
 - (g) A description of all remedial activities conducted during the year, an analysis of their effectiveness in removing the pollutants, and plans to improve remediation system effectiveness.
 - (h) The anticipated date for completion of cleanup activities;
 - (i) An identification of any data gaps and potential deficiencies/redundancies in the monitoring system or reporting program.
 - (j) If desired, a proposal and rationale for any revisions to the groundwater sampling plan frequency and/or list of analytes.

10. The results of any monitoring done more frequently than required at the locations specified in the MRP also shall be reported to the Central Valley Water Board.

This Order is effective upon the date of signature.

Ordered by: _____

PAMELA C. CREEDON,
Executive Officer

April 29, 2009

(Date)

EXPLANATION

MW-2  Monitoring Well Location

