
Lahontan Regional Water Quality Control Board

November 1, 2013

Seven Springs Limited Partnership
c/o Christopher Blair
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ORDER REQUIRING REPORTS ON REMEDIATION SYSTEM OPERATIONS, FORMER LAKE TAHOE LAUNDRY WORKS, 1024 LAKE TAHOE BOULEVARD, EL DORADO COUNTY

INVESTIGATIVE ORDER NO. R6T-2013-0090

This Investigative Order requires the responsible parties, Seven Springs Limited Partnership (as current owner) and Fox Capital Management Corporation (as past owner) of the Lake Tahoe Laundry Works to provide technical reports regarding implementation of corrective actions for cleaning up soil, vapor, and groundwater contamination.

BACKGROUND

On August 2, 2013, the California Regional Water Quality Control Board, Lahontan region (Water Board), issued Investigative Order No. R6T-2013-0064 to the responsible parties of the site. The Order conditionally accepted the cleanup action proposed in the Draft Remedial Action Plan (RAP) for remediating chlorinated hydrocarbons, primarily tetrachloroethene (PCE), in soil, soil gas, and groundwater. The RAP stated that as PCE concentrations in groundwater decreased and the air sparge and soil vapor extraction became less effective with time, ozone sparge will be implemented to remove lower contaminant concentrations in groundwater.

On September 25, 2013, the Water Board received the document, "Second Quarter 2013 Groundwater Monitoring Report and Remediation Status Report (Monitoring Report)." The Monitoring Report states that, in May, an attempt was made to conduct ozone sparging however the ozone unit had malfunctioned and required repairs. Following repairs, the ozone sparge system was re-started on August 6, 2013.

This information indicates there was no remedial action between February 5 and August 6, 2013, for a total downtime of six months. The Water Board considers the lack of remediation to be unacceptable.

The Monitoring Report also contains groundwater samples results from monitoring wells collected in July 2013. The results show increasing PCE concentrations from concentrations in first quarter 2013. The greatest increase occurred at location MW-1S, where PCE concentrations rose from 5.9 ppb to 450 ppb in the water sample and 550 ppb in the duplicate. The increase in pollution to groundwater is significant and appears to be from lack of remedial actions from February to August.

DIRECTIVE

Pursuant to Water Code sections 13267, Seven Springs Limited Partnership and Fox Capital Management Corporation are required to submit technical reports to the Water Board referenced below.

In accordance with the RAP conditionally accepted by this office, the operation of ozone sparge was for remediating low concentrations of chlorinated hydrocarbons in groundwater. Water Board staff considers such low concentrations to be less than 50 ppb. At concentrations of 50 ppb or greater, air sparge and soil vapor extraction are the more effective and appropriate remedial action to implement. We will therefore expect the responsible parties to implement the RAP as accepted, unless Water Board staff agrees to accept an alternate action.

1. **Within 21 days from the date of this letter,** you are to submit a written notification to the Water Board that the air sparge and soil vapor extraction system has been re-started at the site or provide water sample results from all monitoring well locations verifying PCE concentrations are less than 50 ppb.
2. **Beginning immediately from the date on this letter,** you or your legal representative must notify the Water Board whenever remediation ceases at the site for **7 days or more**. The written notification must cite the following:
 - When remedial downtime occurred,
 - Cause or reason for the unexpected downtime,
 - Actions taken or planned to fix problem,
 - Expected timeframe to resume remediation.

Be aware that whenever chlorinated hydrocarbons in groundwater at the site exceed drinking water standards, remediation must be continuously implemented to control off-site migration and to reduce concentrations. If one system is unable to operate within two weeks, then another system shall be put into operation so that extensive downtime such as occurred earlier in the year is not repeated.

Seven Springs Limited Partnership
c/o Christopher Blair
Fox Capital Management Corporation
c/o Scott Reisch

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Investigative Order No R6V-2013-0090

ENFORCEMENT

Technical reports required by this Order are necessary during ongoing cleanup of chlorinated hydrocarbons. The need for these reports outweighs the burden on the responsible parties to produce the information verifying cleanup actions and restoration of the drinking water aquifer.

Pursuant to section 13268 of the Water Code, a violation of Water Code Section 13267 requirement may subject you to civil liability of up to \$1,000 per day for each day in which the violation occurs.

You may contact Lisa Dernbach of this office at (530) 542-5424 or ldernbach@waterboards.ca.gov, if you have any questions.



LAURI KEMPER, P.E.
ACTING EXECUTIVE OFFICER

Enclosure: Section 13267 Fact Sheet

cc: PCE Interested Party Mail List

LSD/adw/T: R6T-2013-0090 Investigative Order LTLW remediation
Send to file: SCP-EI Dorado Co, T6S043

**Fact Sheet – Requirements for Submitting Technical Reports
Under Section 13267 of the California Water Code**

October 8, 2008

What does it mean when the regional water board requires a technical report?

Section 13267¹ of the California Water Code provides that "...the regional board may require that any person who has discharged, discharges, or who is suspected of having discharged...waste that could affect the quality of waters...shall furnish, under penalty of perjury, technical or monitoring program reports which the regional board requires".

This requirement for a technical report seems to mean that I am guilty of something, or at least responsible for cleaning something up. What if that is not so?

Providing the required information in a technical report is not an admission of guilt or responsibility. However, the information provided can be used by the regional water board to clarify whether a given party has responsibility.

Are there limits to what the regional water board can ask for?

Yes. The information required must relate to an actual or suspected discharge of waste, and the burden of compliance must bear a reasonable relationship to the need for the report and the benefits obtained. The regional water board is required to explain the reasons for its request.

What if I can provide the information, but not by the date specified?

A time extension can be given for good cause. Your request should be submitted in writing, giving reasons. A request for a time extension should be made as soon as it is apparent that additional time will be needed and preferably before the due date for the information.

Are there penalties if I don't comply?

Depending on the situation, the regional water board can impose a fine of up to \$1,000 per day, and a court can impose fines of up to \$25,000 per day as well as criminal penalties. A person who submits false information is guilty of a misdemeanor and may be fined as well.

What if I disagree with the 13267 requirement and the regional water board staff will not change the requirement and/or date to comply?

Any person aggrieved by this action of the Regional Water Board may petition the State Water Board to review the action in accordance with Water Code 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 the Order, except that if the thirtieth day following the date of this Order falls on a Saturday, Sunday, or state holiday, 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.

Claim of Copyright or other Protection

Any and all reports and other documents submitted to the Regional Board pursuant to this request will need to be copied for some or all of the following reasons: 1) normal internal use of the document, including staff copies, record copies, copies for Board members and agenda packets, 2) any further proceedings of the Regional Board and the State Water Resources Control Board, 3) any court proceeding that may involve the document, and 4) any copies requested by members of the public pursuant to the Public Records Act or other legal proceeding.

If the discharger or its contractor claims any copyright or other protection, the submittal must include a notice, and the notice will accompany all documents copied for the reasons stated above. If copyright protection for a submitted document is claimed, failure to expressly grant permission for the copying stated above will render the document unusable for the Regional Board's purposes, and will result in the document being returned to the discharger as if the task had not been completed.

If I have more questions, who do I ask?

Requirements for technical reports normally indicate the name, telephone number, and email address of the regional water board staff person involved at the end of the letter.

¹ All code sections referenced herein can be found by going to www.leginfo.ca.gov. Copies of the regulations cited are available from the Regional Board upon request.