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## Lahontan Regional Water Quality Control Board

November 4, 2013

The TCN Company  
c/o William McClintock  
P.O. Box 28,  
Kenwood, CA 95452

**CERTIFIED MAIL: 7009 0820 0001 6638 8178**

The Bessie B. Pomin Revocable Trust  
c/o Nancy Gotschall  
2960 Man of War Drive  
Reno, NV 89502

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### **DIRECTIVE TO OPERATE REMEDIATION SYSTEM AND SUBMIT TECHNICAL REPORTS, FORMER BIG TREE CLEANERS, 531 NORTH LAKE BOULEVARD, TAHOE CITY, PLACER COUNTY**

#### **INVESTIGATIVE ORDER NO. R6T-2013-0091**

This Investigative Order requires the responsible parties, The TCN Company (as current owner) and The Bessie B. Pomin Revocable Trust (as past owner) of the Big Tree Cleaners to implement corrective actions for cleaning up soil, vapor, and groundwater contamination and to submit technical reports to this agency.

#### **BACKGROUND**

On October 7, 2013, the Water Board received the document, "Tri-Annual Groundwater Monitoring and Remediation Report – Second Event 2013 (Monitoring Report)." The Monitoring Report contains the results of groundwater monitoring and a soil gas investigation from August 2013. Two monitoring wells were added to the site to account for a monitoring well (DPE-2) that was often dry. Groundwater sampling results detected up to 3,400 ppb tetrachloroethene (PCE) in monitoring wells in the shallow perched water. Results also showed up to 56 ppb PCE in the deeper water table aquifer. The Monitoring Report states that the air sparge and soil vapor extraction system operated in the deeper water table aquifer; no remedial action operated in the shallow perched zone.

The soil vapor investigation involved the installation and sampling of eight subsurface probes from inside the Big Tree Building. Soil vapor results show PCE concentrations in all sample locations. PCE concentrations between 1,400 and 5,200  $\mu\text{g}/\text{m}^3$  were detected beneath the center and eastern edge of the. A crawl space soil vapor sample showed non-detectable concentrations of vapors. The Monitoring Report recommended

indoor air sampling to evaluate vapor intrusion risks to building occupants. It also recommended abandoning well DPE-2 which poses a potential conduit to contaminants in the deeper water table aquifer.

### **COMMENTS**

Water Board staff accepts the recommendations to conduct indoor air sampling inside the Big Tree Building and to abandon well DPE-2.

PCE data provided in the Monitoring Report warrants additional remedial action at the site. The detection of 3,400 ppb PCE in groundwater from new monitoring well MW-10 is significantly greater than concentrations detected in past monitoring events. This high concentration indicates that on-site sources continue to adversely affect water quality. Such concentrations justify that remedial actions in the shallow perched zone be re-started to contain migration and clean up contaminants. The results of the soil vapor investigation further confirm the continued presence of PCE sources in soil at the site. PCE in soil vapor pose a threat to building occupants and also justify the resumption of remedial actions in the shallow perched zone.

### **DIRECTIVE**

Pursuant to Water Code sections 13267, The TCN Company and The Bessie B. Pomin Revocable Trust are required to submit technical reports to the Water Board referenced below.

1. **Within 14 days from the date of this letter,** you are to submit a written notification to the Water Board that the dual phase extraction system has been re-started at the site for remediating PCE in groundwater and soil vapor in the shallow perched zone. Remedial system operation data and description shall be provided in monitoring reports.
2. Collect indoor air samples **by December 31, 2013** from inside the Big Tree Building and include the results in the monitoring report due by February 1, 2014 for the third sampling event 2013. If the results of indoor air sampling indicate a risk to building occupants, the report must state actions taken or to be taken to mitigate such risks.

### **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.

The TCN Company  
c/o William McClintock  
The Bessie B. Pomin Revocable Trust  
c/o Nancy Gotschall

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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](mailto:ldernbach@waterboards.ca.gov), if you have any questions.



LAURI KEMPER, P.E.  
ACTING EXECUTIVE OFFICER

Enclosure: Section 13267 Fact Sheet

C: Placer County Division of Environmental Health, Tahoe City – Vicki Sandoval  
Tahoe City Public Utility District – General Manager  
McGinley & Associates, Joe McGinley  
Coldwell Bankers

LSD/adw/T: R6T-2013-0091 Big Tree remediation order 10-13  
Send to file: SCP-EI Dorado Co, T6S012 [SLIC, Big Tree Cleaners, Placer County, T6S012]

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

October 8, 2008

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

Section 13267<sup>1</sup> 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](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.

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<sup>1</sup> All code sections referenced herein can be found by going to [www.leginfo.ca.gov](http://www.leginfo.ca.gov). Copies of the regulations cited are available from the Regional Board upon request.