

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL VALLEY REGION**

TECHNICAL REPORTING ORDER NO. R5-2016-0805  
CALIFORNIA WATER CODE SECTION 13267  
FOR  
MICHAEL LINDEMAN  
AND  
THE LINDEMAN FAMILY TRUST  
DIAMOND SPRINGS, EL DORADO COUNTY

This Order is being issued to Michael Lindeman and the Lindeman Family Trust pursuant (hereafter identified as Dischargers) 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 or Board) to issue an Order (Order) requiring the submittal of technical reports.

The Executive Officer finds:

**INTRODUCTION**

1. The Dischargers own parcels APN 051-250-55, APN 051-250-54, and APN 051-250-51. For the purposes of this Order APNs 051-250-54 and 051-250-51 will be identified as the Site. The current known address of Michael Lindeman is 27102 El Macero, El Macero, CA 95618.
2. The Site is bounded on the east by Throwita Way, and on the northwest by Truck Street in Diamond Springs, El Dorado County.
3. APN 051-250-55 is the northernmost of the three parcels, located adjacent to Truck Street and Throwita Way. As of 2016, this parcel appears to be an improved property, zoned for industrial use, containing several structures and a paved asphalt road. A former landscaping business was once located here.
4. APN 051-250-54 is located centrally between APNs 051-250-55 and the southernmost parcel APN 051-250-51. Both the central and southern parcels border Throwita Way, and the southernmost parcel also borders the Municipal Recycling Facility (MRF).
5. The Site borders an unnamed tributary to the west. The tributary runs the length of the central and southern parcels, and enters a culvert located at the apex of parcel APN 051-250-54 and continues downstream to Weber Creek. A small drainage swale runs west to east along the El Dorado Trail bike path.
6. Attachment 1 contains a site plan and APN map.

**BACKGROUND**

7. Based upon reference material from El Dorado Irrigation District (1992), and a Youngdahl Consulting Group Geotechnical Engineering Report (2008) and the Diamond Springs Parkway Draft Environmental Report (Michael Brandman and Associates, Appendix H, Phase 1 Site Assessment

(2009)), the Site has been the location of a historical lime rock processing facility since the 1930's and continued through (at least) the 1970's. The Phase 1 Site Assessment indicates the lime processing plant was not operating in 1984.

8. In 2008 and 2009, reports issued for future development through the Site (Diamond Dorado Parkway) indicate the Site may contain hazardous materials from previous operations at the lime kiln facility. The 2008 Report contains information that documents prior exploratory activities in the form of soil borings and test pits. The borings and test pits do not contain analytical soil, groundwater or surface water results. The lithologic descriptions indicate "sludge" was present in several of the test pits. The location of the "sludge pits" is in close proximity to lime waste piles and various surface impoundments that were present at the Site during operations (base on photographic documentation). The 2008 Report also indicates that hazardous materials may be encountered, and that surface water, storm water runoff, and groundwater quality may be compromised by pollutant loading. The level for potential degradation of surface and groundwater/storm water was deemed significant. In certain areas of the site, the 2008 Report recommended additional subsurface exploration. The 2009 Report identifies the Site as containing Potential Recognized Environmental Conditions (P-Recs), and recommends that a Geotechnical Engineer be notified of unexpected observations during any future improvements at the site.
9. On 15 March 2011, the California Department of Fish and Wildlife (CDFW) received a Hazardous Materials Spill Report stating the tributary adjacent to the Site was impacted with lime waste material. On 17 March 2011, CDFW took photos of the impacted tributary and collected water samples for pH analysis. The pH of the tributaries ranged from 8.5 to 11.2.
10. In June 2012, Holdrege and Kull produced a Waste Mitigation Plan Report containing plans to regrade the Site. The Waste Mitigation Plan was directed by the CDFW in their June 3, 2011 *Memorandum, Biosignificance Report for Lime Discharge to Two Streams in El Dorado County, CA* (Carol Oz, 2011). The grading operations commenced in 2012. The CDFW issued a Notice of Violation to the Dischargers for failure to meet the conditions of the Waste Mitigation Plan.
11. The Site is zoned industrial, and recent activities since 2012 include unpermitted grading of the parcels comprising the Site. In 2013, Central Valley Water Board staff observed lime waste in the graded cap material at the Site. Embankment material and lime waste material was also present encroaching into the tributary. The "capping" material (obtained off site) is highly permeable and therefore, impacts from lime waste through surface leaching are probable, as indicated by the continued high pH.
12. From 2012 to the present, Central Valley Water Board staff has collected soil and surface water samples of the unnamed tributaries adjacent to the Lindeman parcels, as well as north, across the El Dorado Trail. The samples have consistently contained moderate to high pH (ranging from 8-12). The highest pH has consistently been located in samples north of the Lindeman parcels. This surface water runs through a culvert running underneath the El Dorado Trail during storm events. Recoverable metals are present in the surface water samples. The concentration of the metals varies, and until a Background Study has been completed, it is unknown if the metals present are background levels or the result of lime processing activities. The soil samples associated with the lime waste have exhibited burning of exposed skin and choking upon inhalation. Soil samples

collected in 2008 indicate a pH range of 8-11.89. In samples of high pH, chloride and sulfate are higher than those of lower pH.

13. The Dischargers are currently subject to the Construction General Permit (CGP) for Storm Water Discharges Associated with Construction and Land Disturbance Activities, Order No. 2009-0009-DWQ. The permit requires a Storm Water Pollution Prevention Plan (SWPPP) that outlines how storm water will be managed to prevent construction related pollutants from discharging off the site.
14. The permit is currently active because the Dischargers have not met the termination requirements of the CGP. There are temporary plastic netted erosion control blankets that must be properly removed prior to termination of the permit.
15. Due to drought conditions, the tributaries remained stagnant until December 2015, when the occurrence of El Nino storm conditions caused significant quantities of sediment and subsurface and surface water to start filling the tributaries again. Samples collected by El Dorado County, Environmental Management Division in 2016 in similar sample locations as previous sampling yielded results consistent with previous findings.
16. Local citizens have filed numerous complaints due to the continuing nuisance and human health risk from lime waste impacts present in the tributaries and potential leaching associated with the unpermitted grading on the Site.
17. The Dischargers have not mitigated the lime waste/borrowed fill material present in the tributaries.
18. Surface water discharges to the retention pond and into the adjacent tributaries seasonally during the wet season.
19. Due to the spreading of lime waste throughout the Site during grading operations, the major source area of pollution (lime waste piles) is no longer contained as single units of waste material. The spreading has increased the surface area of impacted soil for potential leaching on a larger scale.

#### LEGAL PROVISIONS

20. The Central Valley Water Boards' *Water Quality Control Plan for the Sacramento River and San Joaquin River Basins, 4<sup>th</sup> Edition* (Basin Plan) designates beneficial uses of the waters of the State, establishes water quality objectives (WQOs) to protect these uses, and establishes implantation policies to implement WQOs. The designated beneficial uses of the tributaries, creeks and American River downstream of the discharge are municipal domestic and agricultural supply; water contact and non-contact recreation, groundwater recharge, fresh water replenishment, and preservation and enhancement of fish, wildlife and other aquatic resources.
21. California Water Code section 13267 states, in relevant part:  
  
(b)(1) In conducting an investigation...the Regional Board may require that any person who has discharged or is 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 obtained from the reports. In requiring those reports, the Regional Board shall provide the Dischargers with a written explanation with regard to the need for the reports, and shall identify the evidence that supports requiring the Dischargers to provide the reports.

21. California Water Code section 13268 states, in relevant part:

(a)(1) Any person failing or refusing to furnish technical or monitoring 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.

(c) Any person discharging hazardous waste as defined in Section 25117 of the Health and Safety Code, who knowingly fails or refuses to furnish technical or monitoring program reports as required by subdivision (b) of Section 13267, or who knowingly falsifies information provided in technical reports or monitoring program reports, is guilty of a misdemeanor, may be civilly liable in accordance with subdivision (d), and is subject to criminal penalties pursuant to subdivision (e).

(d)(1) Civil liability may be administratively imposed by the Regional Board for a violation of subdivision (c) in an amount which shall not exceed five thousand dollars (\$5,000) for each day in which the violation occurs.

22. Failure to submit the required Work Plan to the Central Valley Water Board according to the schedule detailed herein may result in enforcement action(s), which may include the imposition of administrative civil liability pursuant to California Water Code section 13268. The Central Valley Water Board reserves the right to take any enforcement action allowed by law.

23. California Water Code section 13173 states, in relevant part, the following:

“Designated waste” means either of the following:

(b) Nonhazardous waste that consists of, or contains, pollutants that, under ambient environmental conditions at a waste management unit, could be released in concentrations exceeding applicable water quality objectives or that could reasonably be expected to affect beneficial uses of the waters of the state as contained in the appropriate state water quality control plan.

24. Water that has come into contact with lime waste is classified as a designated waste because it has caused impacts to surface water and groundwater above affecting the beneficial uses of waters of the State.

As long as surface water can come into contact with the lime waste and continues to contain high concentrations of metals and alkalinity, it is considered a designated waste.

### REQUIRED ACTIONS

**IT IS HEREBY ORDERED** that, pursuant to California Water Code section 13267:

1. **By 1 May 2016**, the Dischargers shall submit a Technical Document that provides the following information:
  - (a) A detailed description of the Site's storm water collection system, including any treatment system which will have an impact on the amount of storm water/ treatment waste water generated or removed from the Site.
  - (b) Available data regarding historic use at the Site, and locations of all structures, ponds and sumps that were present and what they contained;
  - (c) A compilation of all previous and recent site boring and trenching locations on an updated map;
  - (d) Specific locations of where lime waste and "sludge" were spread;
  - (e) A comprehensive plan for a subsurface investigation, included but not limited to, soil borings, trenching, collection of soil and groundwater samples, and geophysical surveying, to adequately characterize the site, evaluate cleanup alternatives, and develop a preliminary mitigation plan for abating the discharges;
  - (f) A comprehensive outline for future sampling of the tributaries where surface water is encountered, and groundwater monitoring wells where groundwater is encountered;
  - (g) A description of Best Management Practices (BMPs) and Site improvements that will be implemented to prevent lime waste from coming in contact with surface water or rainfall. A diagram showing process and storm water flows (quality and quantities) for handling and disposal shall be included; and
  - (h) A schedule for implementing the BMPs and/or the improvements necessary to bring the Site into compliance with the existing SWPPP Permit.
2. Prior to implementing the investigation activities contained in Item No. 1 (above), the Dischargers shall provide a detailed workplan and meet with the Central Valley Water Board staff to obtain approval of the planned investigation work.

### REPORTING


3. As required by California Business and Professions Code, sections 6735, 7835 and 7835.1, the preparation of all reports shall be supervised and signed and stamped by a registered professional geologist or engineer licensed in the State of California.
4. 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 California Water Code section 13320 and California

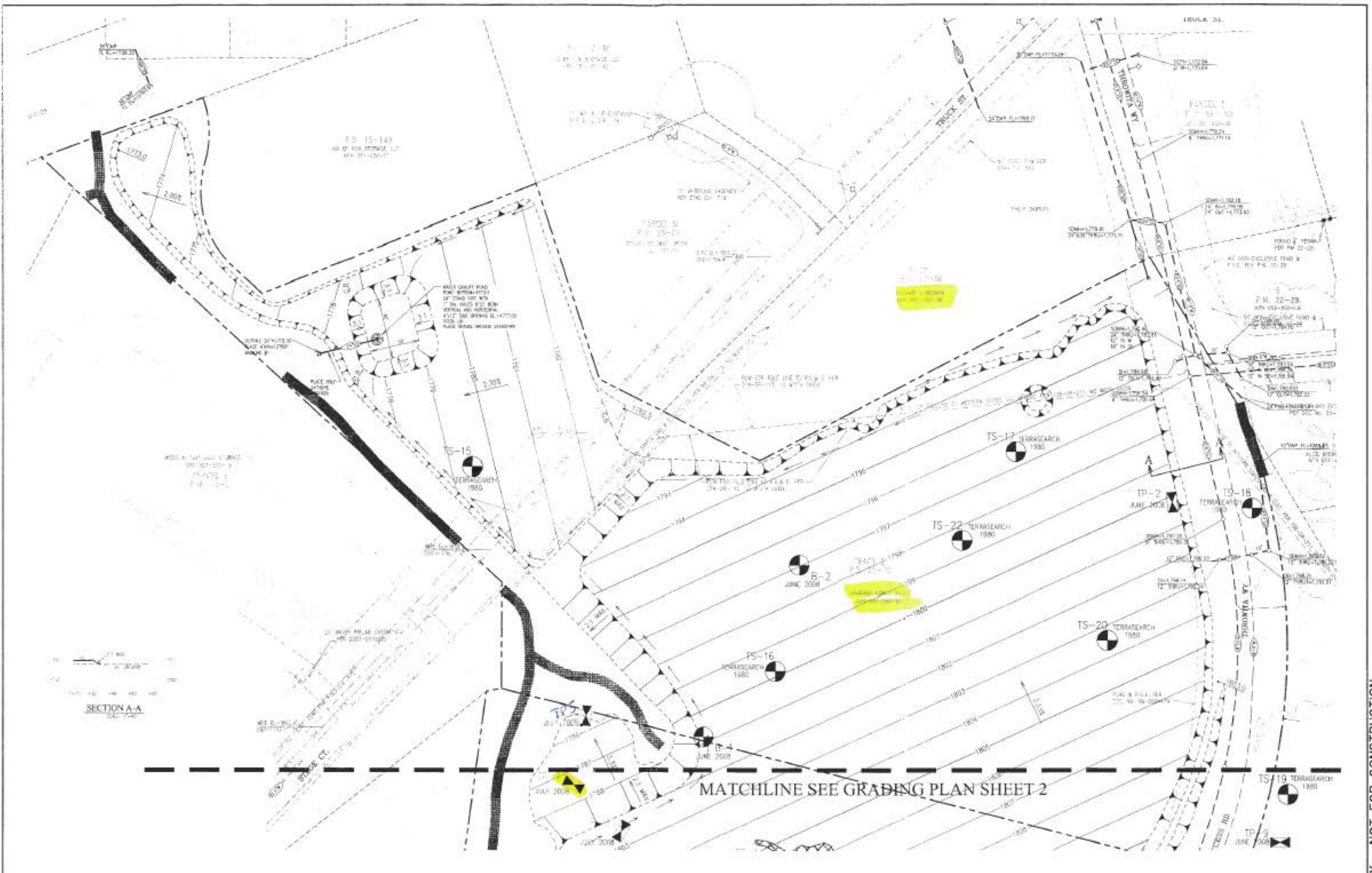
Code of Regulations, title 23, sections 2050 and following. The State Water Board must receive the petition by 5:00 p.m., 30 days after the date of this Order, except that if the thirtieth day following the date of this Order falls on a Saturday, Sunday, or state holiday. The petition must be received 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.

This Order is effective upon the date of signature.

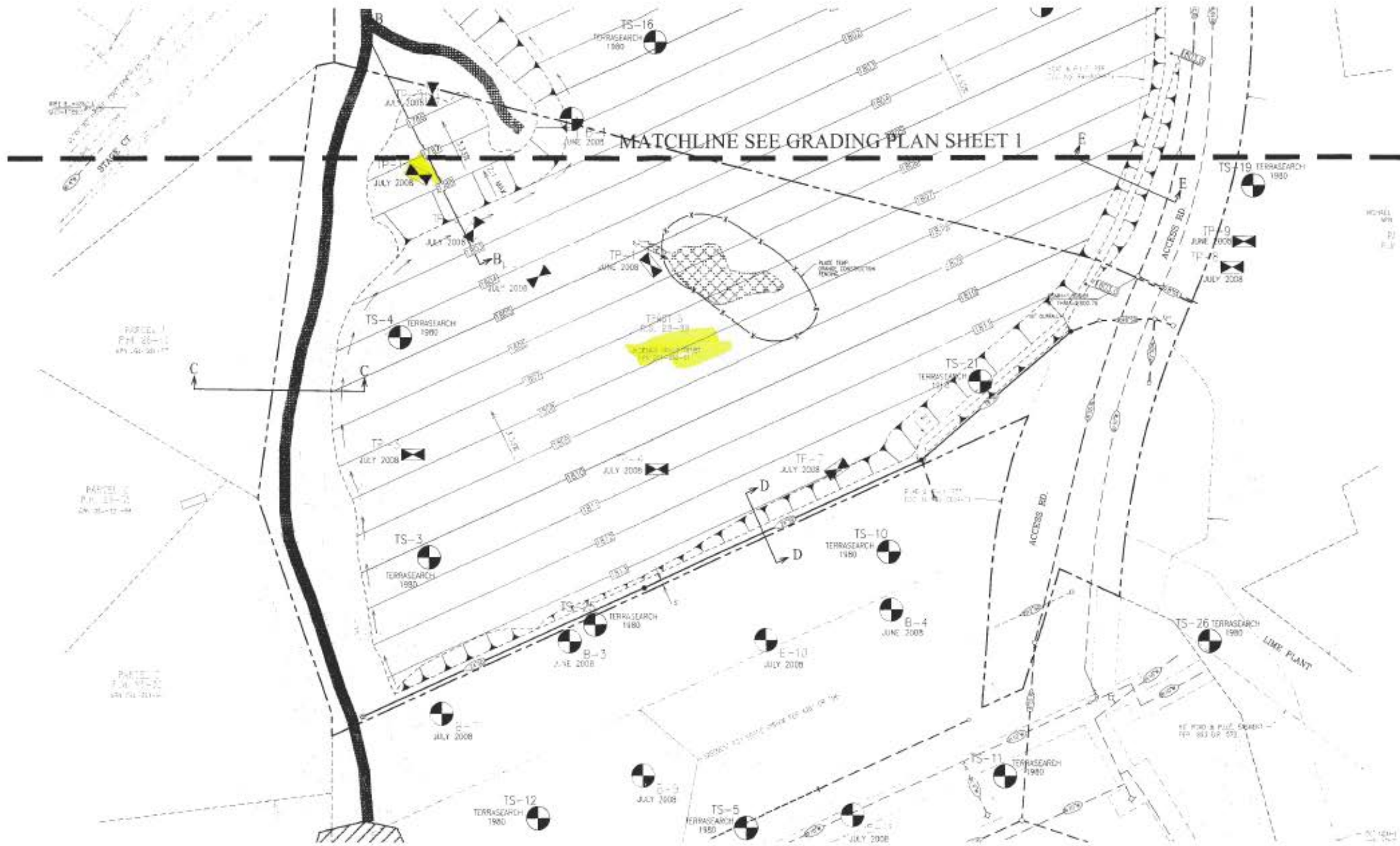
Ordered by:

  
\_\_\_\_\_  
ANDREW ALTEVOGT  
Assistant Executive Officer  
  
2/19/16  
\_\_\_\_\_  
(date)



DESIGNED BY: [Name] CHECKED BY: [Name] SCALE: 1"=40' DATE: JUN 2012		<b>cta</b> Engineering & Surveying Civil Engineering Land Surveying Land Planning 3223 Market Circle, San Jose, CA 95142 408.654.8800		PREPARED UNDER THE SUPERVISION OF: DAVID R. CROSBAROL DATE:		WITH QUALITY MONITOR PLAN <b>LINDEMAN PROPERTIES</b> GRADING PLAN SHEET 1		SHEET <b>3</b> OF <b>6</b> JOB NO. 12-010-001	
--	--	--	--	--	--	---	--	---	--

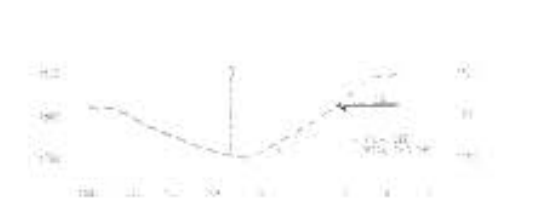
PRELIMINARY - NOT FOR CONSTRUCTION



MATCHLINE SEE GRADING PLAN SHEET 1



SECTION B-B  
SCALE: 1" = 40'



SECTION C-C  
SCALE: 1" = 40'



SECTION D-D  
SCALE: 1" = 40'



SECTION E-E  
SCALE: 1" = 40'



DITCH DETAIL  
SCALE: 1" = 10'

NO.	REVISION	DATE

DESIGNED BY: S. WELLS
CHECKED BY: J. CRONIN
SCALE: 1" = 40'
DATE: JUN 2008
P.D. REF:

**cta** Engineering & Surveying  
 Civil Engineering Land Surveying Land Planning  
 3025 N. Main, Suite 200, Rancho Cordova, CA 95742  
 916.438.0800 916.438.0810

PREPARED UNDER THE DIRECTION OF:	DATE:
DAVID R. CHORASZEL	

WATER QUALITY MEASUREMENT PLAN  
**LINDEMAN PROPERTIES**  
 GRADING PLAN SHEET 2  
 SCALE: 1" = 40' 30000

SHEET	4
OF	6
JOB NO.	12-012-001

PRELIMINARY - NOT FOR CONSTRUCTION





EDMUND G. BROWN JR.  
GOVERNOR



MATTHEW RODRIGUEZ  
SECRETARY FOR  
ENVIRONMENTAL PROTECTION

## Central Valley Regional Water Quality Control Board

19 February 2016

Mr. Michael Lindeman  
27102 El Macero  
El Macero, CA 95618

Dear Mr. Lindeman,

***ORDER TO SUBMIT TECHNICAL REPORTS, FORMER LIME KILN SITE,  
ASSESSOR PARCEL NUMBERS 051-250-51 AND 051-250-54, DIAMOND SPRINGS,  
EL DORADO COUNTY***

Central Valley Regional Water Quality Control Board is issuing the enclosed Technical Reporting Order (Order) for the former lime kiln site located on Assessor Parcel Numbers 051-250-51 and 051-250-54, Diamond Springs, El Dorado County (Site). The enclosed Order was issued in response to the identification of the Site as a source of high pH waters leaching from the former lime rock processing facility found to be polluting soil and groundwater beneath the Site, and leaching into unnamed waterways in the vicinity of the Site.

In the course of geotechnical investigations conducted on the Site, and in pH measurements obtained from the unnamed waterways in the vicinity of the Site, pH levels exceeding water quality standards greater than 8.5 and exceeding hazardous waste levels greater than 12.5 have been measured and recorded at the Site and in the unnamed waterways in the vicinity of the Site. A review of historic lime rock processing operations indicates the facility operated from the 1930's into the 1970s. Information documenting results of environmental investigations is available online from the state-wide Geotracker information system at the following web address:

[http://geotracker.waterboards.ca.gov/profile\\_report.asp?global\\_id=T10000005927](http://geotracker.waterboards.ca.gov/profile_report.asp?global_id=T10000005927).

Alternatively, paper copies of the information can be made available for review at the Central Valley Water Board offices.

The enclosed Order requires preparation of a Technical Document to be submitted to this office by **01 May 2016**. **Prior to preparation of the Technical Document, please contact this office so we may discuss the scope of work to ensure that work conducted is adequate to comply with this Order.**

KARL E. LONGLEY ScD, P.E., CHAIR | PAMELA C. CREEDON P.E., BCEE, EXECUTIVE OFFICER

11020 Sun Center Drive #200, Rancho Cordova, CA 95670 | [www.waterboards.ca.gov/centralvalley](http://www.waterboards.ca.gov/centralvalley)

If you have questions or would like to discuss the enclosed Order, you can contact the project manager, Walter Floyd, by phone at (916) 464-4651, or by email at [walter.floyd@waterboards.ca.gov](mailto:walter.floyd@waterboards.ca.gov).



Stewart Black, P.G.  
Site Cleanup Program Manager  
Central Valley Regional Water Quality Control Board

Enclosure

cc: Gregory Stanton, El Dorado County, Environmental Management Division  
Steve Dedretti, El Dorado County, Community Development Agency  
Vern Pierson, El Dorado County, District Attorney

cc: