

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION**

ORDER No. R2-2015-0039

**AMENDMENT OF SITE CLEANUP REQUIREMENTS (ORDER No. R2-2007-0005) for:
HONEYWELL INTERNATIONAL, INC.**

for the property located at:

8333 ENTERPRISE DRIVE
NEWARK, ALAMEDA COUNTY

The California Regional Water Quality Control Board, San Francisco Bay Region (hereinafter the Regional Water Board), finds that:

1. **Regional Water Board Orders:** The Regional Water Board adopted site cleanup requirements for this site on January 23, 2007, Order No. R2-2007-0005 (2007 Order). The 2007 Order names Honeywell International, Inc., as a discharger. The 2007 Order sets cleanup standards and remediation action levels and requires implementation of the discharger's proposed cleanup plan for the property located at 8333 Enterprise Drive in Newark (Site). The 2007 Order also requires implementation of institutional constraints, soil removal, periodic monitoring and reporting, and other actions upon request of the Executive Officer.
2. **Current Status:** While many of the tasks in the 2007 Order have been completed, some remain incomplete, either because they are ongoing or because the tasks could not be reasonably completed due to the presence of buildings and active business activities on the Site. Two such tasks involve areas of the Site previously determined to have significant residual concentrations of volatile organic compounds (VOCs) in shallow soil located at the former process building and the former mixing room. These include Task 5 (Work Plan for Remediation Via Excavation of Shallow Soil in the Vicinity of Former Process Building and Former Mixing Room) and Task 6 (Excavation of Shallow Soil in the Vicinity of Former Process Building and Former Mixing Room). Because the 2007 Order did not impose date-certain deadlines for these tasks and the required excavation was blocked by the presence of onsite buildings, these tasks are contingent upon redevelopment of the Site.
3. **Soil Cleanup Standards:** Although the land use is being revised from the residential and commercial uses that were considered in the 2007 Order, the soil cleanup levels contained in the 2007 Order accounted for residents and indoor commercial/industrial workers exposed to soils via direct contact, outdoor inhalation of dusts and vapors from soil, and indoor inhalation of vapors following vapor intrusion from soil and groundwater. Additionally, the exposure scenarios of direct exposure of construction workers to soil, outdoor inhalation of vapors from the Shallow Groundwater Zone (SGZ) by those workers, and leaching to groundwater (at a level protective of MCLs) were addressed in the 2007 Order. These exposure scenarios are consistent with those appropriate to a recreational park user, although

the Regional Water Board recognizes that a vapor intrusion pathway to indoor air will not exist if permanent enclosed structures are not in place. Furthermore, the current residential environmental screening levels for PCE and TCE in shallow soil are 0.55 mg/Kg and 0.46 mg/Kg, respectively, which are greater than or equal to the soil cleanup standards stipulated in the 2007 Order (0.36 and 0.46 mg/Kg, respectively). As such, no change to the 2007 Order's soil cleanup standards are needed. Consequently, once remediation via soil excavation and offsite disposal activities are implemented that comply with the 2007 Order's soil cleanup standards, remaining unsaturated soil will not pose an unacceptable risk to a park user after the parcel has been developed as a park.

4. **Reasons for Amendment:** The Site is now planned to be redeveloped into a public park, and select tasks will be completed by others according to the following schedule:
- Gallade relocation from the Site by February 15, 2016;
 - Deactivating utilities by February 25, 2016;
 - Demolition of aboveground structures by March 15, 2016; and
 - Following issuance of no further action status for shallow soil from the Regional Water Board, clean fill soil will then be brought onto the site to raise the grade for park development.

The Regional Water Board recognizes that compliance with the tasks and schedule contained in this Order is dependent upon the completion of the tasks described above by others. In addition to completion of the tasks above, the discharger will need access to the Site prior to Gallade vacating the property. Should the tasks described above not be completed by dates stipulated or access not achieved, the Regional Water Board will consider revision to this Order.

In coordination with the City of Newark, the owner of the nearby 8400 Enterprise Drive property (Newark Enterprise Joint Venture) is planning to purchase the Site to develop a public park. The redevelopment will entail demolition and removal of existing buildings, foundations, pavement, and subsurface utilities. As a result, the soil removal required by the 2007 Order will become feasible. A schedule for completion of the soil remediation activities required by the 2007 Order is now appropriate. Remediation of the SGZ is continuing to be addressed pursuant to the 2007 Order.

Based on information gained about the Site and remediation conducted since adoption of the 2007 Order, and in light of the remediation required and planned redevelopment of the Site, the Regional Water Board finds that tasks 5 and 6 of the 2007 Order need to be expanded in scope and that additional tasks are appropriate as described below, some of which have already been accomplished:

- a) The development of the "Work Plan for Remediation Via Excavation of Shallow Soil in the Vicinity of Former Process Building and Former Mixing Room," as required by Task 5 of the 2007 Order, will require additional sampling to design the excavation so that it removes VOCs in soil within the unsaturated zone at concentrations that exceed site cleanup goals. For the purposes of this amendment, the unsaturated zone

is defined as the zone above the average potentiometric surface elevation of the SGZ and the capillary fringe. Based on historical groundwater monitoring data that reflect typical conditions, the unsaturated zone extends from ground surface to an elevation of approximately 8 feet. Accordingly, the discharger has submitted and the Executive Officer has approved a Remedial Design Investigation Work Plan, dated June 30, 2015.

Soil removal and Site redevelopment will require destruction, replacement, and/or protection of groundwater monitoring wells, soil vapor probes, and remediation injection points. The particular requirement for each well or injection point will be dependent on the particular plans for demolition, soil removal, and Site redevelopment at each well or point. Accordingly, the discharger has submitted and the Executive Officer has approved a Well Destruction, Protection, Adjustment, and Re-Installation Work Plan, dated June 30, 2015. As wells will be removed and some replaced this document also includes an updated Self-Monitoring Program (SMP).

- b) Due to the known past releases of VOCs at the Site, there is a potential that releases may have impacted soils around subsurface utilities such as drain lines. Accordingly, the soil removal work plan needs to assess the potential for VOCs in soil within the unsaturated zone around subsurface utilities such as drain lines (i.e., inspect for leaks, breaks, deterioration, etc.).
5. **California Safe Drinking Water Policy:** It is the policy of the State of California that every human being has the right to safe, clean, affordable and accessible water adequate for human consumption, cooking and sanitary purposes. This amendment retains the 2007 Order's requirements to meet maximum contaminant levels designed to protect human health and ensure that water is safe for domestic use in all groundwater beneath the site, thereby promoting the Safe Drinking Water Policy.
 6. **CEQA:** This action amends an order to enforce the laws and regulations administered by the Regional Water Board. The California Environmental Quality Act (CEQA) identifies the public agency with the principal responsibility for carrying out or approving a project as the "lead agency." The City of Newark (City) is the lead agency under CEQA. The City prepared a May 2011 Dumbarton Transit Oriented Development Specific Plan - Draft Environmental Impact Report (EIR); a July 2011 Final EIR; a December 2013 Trumark Dumbarton Transit Oriented Development Residential Project - Draft Supplemental Environmental Impact Report (SEIR); and a May 2014 Final SEIR. Actions anticipated to be conducted in compliance with this Order were evaluated in these EIRs, which included the excavation of contaminated soil.

The Regional Water Board, as a responsible agency, has reviewed and considered the environmental effects of the project as shown in the Final EIR and SEIR. The Regional Water Board finds that the significant environmental effects of the proposed project, which are within the Regional Water Board's purview and jurisdiction, have been mitigated to less than significant levels.

7. **Compliance with Other Requirements:** No provision or requirement of this Order is a limit on the discharger's responsibility to comply with other federal, State, and local laws, regulations, or ordinances, including the existing RCRA Post-Closure Permit for the Site.
8. **Notification:** The Regional Water Board has notified the discharger and all interested agencies and persons, including the Department of Toxic Substances Control (DTSC), of its intent under Water Code section 13304 to amend site cleanup requirements for the discharge and has provided them with an opportunity to submit their written comments.

IT IS HEREBY ORDERED, pursuant to sections 13304 and 13267 of the Water Code, that Order No. R2-2007-0005 shall be amended as follows:

Tasks 5 and 6 (work plan and report for sub-building soil excavation, respectively) are replaced by the following tasks:

5A. Completion Report for Evaluation of Impacted Soils

COMPLIANCE DATE: December 1, 2015

Submit a technical report acceptable to the Executive Officer documenting completion of implementation of the June 30, 2015, Remedial Design Investigation Work Plan. The report shall document field activities and sampling results. This report may be combined with the Task 6A work plan. To the extent site access for investigations is limited due to the ongoing Gallade operation, an amendment to the report may be needed to complete the delineation, once Gallade vacates the property. If an addendum is needed, deadlines associated with subsequent dependent deliverables, including tasks 6A, 6C, and 6D, may be revised.

5B. Completion Report for Groundwater Monitoring Well Destruction, Replacement, and Protection; and Updated Groundwater Self-Monitoring Program

COMPLIANCE DATE: April 30, 2017

Submit a technical report acceptable to the Executive Officer documenting completion of implementation of the June 30, 2015, Well Destruction, Protection, Adjustment, and Re-Installation Workplan. The report shall document field activities and sampling results.

6A. Work Plan for Post-Demolition Soil Removal

COMPLIANCE DATE: December 1, 2015

Submit a work plan acceptable to the Executive Officer which includes the following components:

- a. A soil management plan for removal of VOC impacted soil exceeding cleanup standards in the vicinity of the former process building and the former mixing

room and at additional locations as identified during the implementation of the Remedial Design Investigation Work Plan. The work plan shall describe excavation areas and stockpile management for both soil and building materials (building materials include: asphalt, foundations, floors, and surface concrete). It shall also include protocols for waste characterization for both the soil and building materials, as well as a soil re-use plan;

- b. A plan to evaluate building materials for VOC impacts during demolition;
- c. A plan to inspect sub-surface utilities (e.g., drain lines) within the lateral and vertical extent of excavation areas for leaks, breaks, deterioration, etc. Contingencies shall be provided so that if one or more of these underground utilities appears to be a source of PCE/TCE releases (e.g., deteriorated or leaking pipelines) such that PCE/TCE may have been distributed beyond the excavation area(s), then additional investigation and/or excavation will be conducted;
- d. A health and safety plan;
- e. A Community Protection Plan (CPP) that presents protocols for monitoring and controlling fugitive dust and vapor emissions during the removal work; and,
- f. A schedule for completion of soil removal activities.

6B. Monthly Status Reports

COMPLIANCE DATE: October 15, 2015, and on the 15th of each month thereafter, until task 6C is complete or discontinued upon approval of the Executive Officer

Submit monthly status reports acceptable to the Executive Officer on compliance with the requirements of this Order. The report shall include the following at a minimum:

- a. Summary of work completed since submittal of the previous report and work projected to be completed prior to the next report;
- b. Identification of reasonably foreseeable obstacles that may threaten compliance with the requirements of schedules in this Order; and,
- c. Written notification that clarifies the reasons for any noncompliance with the requirements of this Order and that proposes specific measures and a schedule to achieve compliance. This written notification shall identify work not completed that was projected for completion and shall identify the impact of the noncompliance on achieving compliance with the remaining requirements of this Order.

6C. Implementation of Post-Demolition Soil Removal

COMPLIANCE DATE: August 15, 2016

Implement the excavation activities presented in the work plan described in Task 6A and submit a notice to the Executive Officer that field activities related to the excavation implementation have been completed.

6D. Completion Report for Post-Demolition Soil Removal

COMPLIANCE DATE: December 15, 2016

Submit a technical report or reports acceptable to the Executive Officer documenting completion of the steps identified in Task 6A. The report shall document the field activities and proper disposal of materials.

6D. Post Remediation Risk Management Plan

COMPLIANCE DATE: December 15, 2016

Following the post-demolition soil removal, submit a technical report acceptable to the Executive Officer that proposes specific measures to manage risks posed by the presence of residual pollution in all media during and after park development.

I, Bruce H. Wolfe, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an order adopted by the California Regional Water Quality Control Board, San Francisco Bay Region, on September 3, 2015.

Bruce H. Wolfe
Executive Officer

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FAILURE TO COMPLY WITH THE REQUIREMENTS OF THIS ORDER MAY SUBJECT YOU TO ENFORCEMENT ACTION, INCLUDING BUT NOT LIMITED TO: IMPOSITION OF ADMINISTRATIVE CIVIL LIABILITY UNDER WATER CODE SECTIONS 13268 OR 13350, OR REFERRAL TO THE ATTORNEY GENERAL FOR INJUNCTIVE RELIEF OR CIVIL OR CRIMINAL LIABILITY
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