

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

**ORDER No. R2-2018-0035**

**AMENDMENT OF SITE CLEANUP REQUIREMENTS (ORDER No. R2-2014-0007 AS AMENDED BY ORDER No. R2-2014-0036) for:**

**MARINWOOD PLAZA, LLC**

for the property located at:

**187 MARINWOOD AVENUE  
MARINWOOD, MARIN COUNTY**

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

- 1. Regional Water Board Orders:** The Regional Water Board adopted site cleanup requirements for this site on February 12, 2014 (Order No. R2-2014-0007). The 2014 Order was amended on September 26, 2014 (Order No. R2-2014-0036). The 2014 Order as amended requires Marinwood Plaza, LLC (the Discharger), to complete remedial investigations and prepare and implement a remedial action plan.
- 2. Reasons for Amendment:** Further amendment of the 2014 Order is needed to address changed circumstances, as explained below:
  - a) **Establish a timeframe for offsite groundwater cleanup:** Task 7 of the 2014 Order as amended requires submittal of a report documenting completion of remedial actions identified in the Task 6 report (Remedial Action Plan or RAP). The Task 7 compliance date is based on the schedule in the approved RAP. That schedule does not include a timeframe for completion of offsite groundwater cleanup.

The RAP includes four documents:

- The original December 29, 2015, RAP;
- Soil disposal Addendum #1, dated May 26, 2016;
- Groundwater management during soil excavation Addendum #2, dated August 23, 2016; and
- Offsite groundwater cleanup Addendum #3, dated November 21, 2016.

The RAP includes two major cleanup projects: contaminated soil excavation beneath the former dry cleaner building and offsite groundwater cleanup using in-situ biodegradation. The Discharger submitted an acceptable completion report for the soil excavation project on March 7, 2017. The offsite groundwater cleanup project is under way; a pilot test completion report was submitted on April 23, 2018.

The Regional Water Board approved the RAP in a series of letters addressing each RAP element. The Regional Water Board's February 15, 2017, letter approved the offsite groundwater cleanup and stated that offsite groundwater cleanup levels shall be met

within ten years. The ten-year time frame is based on water quality objectives supporting the current offsite groundwater use for domestic and agricultural purposes.

This Order includes a timeframe for meeting offsite groundwater cleanup levels, consistent with the Regional Water Board's February 15, 2017, letter.

- b) **Data Gap on Caltrans Property:** Past site investigation at the Eastern Hot Spot defined the extent of soil contamination on the Marinwood Plaza property to applicable soil cleanup levels. However, the Eastern Hot Spot is located near the property boundary with Caltrans, an onramp to U.S. Highway 101. To date, soil sampling has not been conducted on Caltrans property immediately adjacent to the Eastern Hot Spot. It is possible that some soil contamination extends onto Caltrans property. If so, then that contamination could extend to soil vapor and shallow groundwater on Caltrans property. This data gap must be addressed to determine if additional remedial actions are needed to protect onsite or offsite receptors.
  - c) **Need to Evaluate Onsite Soil Vapor Cleanup:** The Discharger implemented significant soil cleanup actions at the two hot spots. The Eastern Hot Spot was treated by injecting oxidizers followed by a solution to enhance anaerobic biodegradation in 2010 and 2011. The second hot spot was located beneath the former dry cleaner building and was excavated in early 2017. Subsequent sampling indicates that soil at both locations meets site cleanup goals. Substantial declines have been observed in soil vapor and groundwater concentrations at the Eastern Hot Spot and to a lesser degree at the dry cleaner building. However, soil vapor concentrations in a new vapor probe installed beneath the dry cleaner building after the excavation far exceeds cleanup levels and may still pose a vapor intrusion threat to future onsite receptors. Cleanup is preferable to mitigation measures to avoid vapor intrusion in the future. The timing of site redevelopment is unknown, and it is reasonable to address the vapor intrusion threat independent of any redevelopment plans or schedule.
  - d) **Timeframe for proposed deed restriction:** Task 8 of the 2014 Order as amended requires submittal of a proposed deed restriction within 60 days following Executive Order approval of the Task 7 remedial action completion report. The proposed deed restriction would prohibit beneficial use of onsite groundwater until groundwater cleanup levels are met. Because the Task 7 report has been bifurcated, its compliance date needs to be updated. The compliance date shall precede case closure. The Executive Officer shall have discretion to determine an appropriate compliance date.
  - e) **Future Changes in Circumstances:** The 2014 Order as amended does not include tasks to address future changes in health criteria (e.g., change in drinking water standard for a key site contaminant) or new technical information that may have a bearing on site cleanup (e.g., discovery of additional contamination that is not addressed by the RAP). Inclusion of these tasks will allow the Regional Water Board to respond more efficiently to any changed circumstances.
3. **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 Order promotes that policy by requiring

discharges to meet maximum contaminant levels designed to protect human health and ensure that water is safe for domestic use.

4. **CEQA:** This action makes technical amendments to an order that enforces the laws and regulations administered by the Regional Water Board. Amendment of the 2014 Order is not a project as defined in the California Environmental Quality Act (CEQA). There is no possibility that the activity in question may have a significant effect on the environment. (Cal. Code Regs., tit. 14 §§ 15378 and 15061, subd. (b) (3).)
5. **Notification:** The Regional Water Board has notified the discharger and all interested agencies and persons 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.
6. **Public Hearing:** The Regional Water Board, at a public meeting, heard and considered all comments pertaining to this discharge.

**IT IS HEREBY ORDERED**, pursuant to sections 13304 and 13267 of the Water Code, that Order No. R2-2014-0007 shall be further amended as follows:

A. Task 7 is replaced by Tasks 7A and 7B:

**7A. REMEDIAL ACTION PLAN COMPLETION REPORT – ONSITE SOIL**

**COMPLIANCE DATE:** February 1, 2017

Submit a technical report, acceptable to the Executive Officer, documenting completion of necessary tasks identified in the Task 6 remedial action plan for the onsite soil. This report shall document that after treatment/excavation onsite soil meets the cleanup goals established in this Order.

**7B. REMEDIAL ACTION PLAN ADDENDUM – ONSITE SOIL VAPOR**

**COMPLIANCE DATE:** December 28, 2018

Submit a technical report consisting of a feasibility study and workplan, acceptable to the Executive Officer, proposing additional remedial actions to address areas where soil vapor concentrations still exceed cleanup levels following active soil remediation. The report shall include an identification and evaluation of alternative remedial actions, a recommended remedial action, and implementation tasks and time schedule.

**7C. REMEDIAL ACTION PLAN ADDENDUM COMPLETION REPORT – ONSITE SOIL VAPOR**

**COMPLIANCE DATE:** Consistent with the schedule in the Task 7B report as approved by the Executive Officer

Submit a technical report, acceptable to the Executive Officer, documenting completion of necessary tasks identified in the approved Task 7B report (remedial action plan addendum for onsite soil vapor). For ongoing actions, such as soil vapor extraction, the report shall document system start-up and monitoring (as opposed to completion) and

shall present initial results on system effectiveness (e.g., capture zone or area of influence).

**7D. REMEDIAL ACTION PLAN COMPLETION REPORT – OFFSITE GROUNDWATER**

**COMPLIANCE DATE:** February 15, 2027

Submit a technical report, acceptable to the Executive Officer, documenting completion of necessary tasks identified in the Task 6 remedial action plan for offsite groundwater. Specifically, offsite groundwater is to reach drinking water standards as specified in Section B, Groundwater Cleanup Levels. Proposals for further system expansion or modification may be included in annual reports (see attached Self-Monitoring Program).

B. The compliance date for Task 8 (proposed deed restriction) is changed to read: 60 days following requirement by Executive Officer.

C. New Task 14 is added:

**14. CALTRANS PROPERTY SAMPLING WORKPLAN**

**COMPLIANCE DATE:** September 24, 2018

Submit a workplan, acceptable to the Executive Officer, to define the extent of soil, soil vapor, and groundwater contamination on Caltrans property immediately east of the Eastern Hot Spot and along the storm drainage pathway leading away from that location. Existing and currently proposed groundwater sampling results may be used in place of new groundwater sampling points where appropriate.

D. New Task 15 is added:

**15. CALTRANS PROPERTY INVESTIGATION REPORT**

**COMPLIANCE DATE:** 105 days after approval of Task 14 workplan above

Submit a technical report, acceptable to the Executive Officer, documenting completion of the tasks identified in Task 14. The report shall incorporate new data collected on Caltrans property to update the Site Conceptual Model and make recommendations as appropriate (e.g., any need for additional remediation).

E. New Task 16 is added:

**16. EVALUATION OF NEW HEALTH CRITERIA**

**COMPLIANCE DATE:** 90 days after evaluation report required by Executive Officer

Submit a technical report, acceptable to the Executive Officer, evaluating whether and how to amend the remedial action plan in response to any revision of drinking water standards, maximum contaminant levels, or other health-based criteria.

F. New Task 17 is added:

17. EVALUATION OF NEW TECHNICAL INFORMATION

**COMPLIANCE DATE:** 90 days after evaluation report required by  
Executive Officer

Submit a technical report, acceptable to the Executive Officer, evaluating new technical information that bears on the approved remedial action plan and cleanup levels for this Site. In the case of a new cleanup technology, the report shall evaluate the technology using the same criteria used in the feasibility study. Such technical reports shall not be required unless the Executive Officer determines that the new information is reasonably likely to warrant a revision in the approved remedial action plan or cleanup levels.

G. The “delayed compliance” task is renumbered as Task 18.

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 July 11, 2018.

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Bruce H. Wolfe  
Executive Officer

**Compliance Notice:** 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.