

Appendix D

Response to Comments

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD

SAN FRANCISCO BAY REGION

CLEANUP STAFF’S RESPONSE TO COMMENTS

**on Tentative Order for 712 Madison Street,
Fairfield, Solano County**

This document provides Regional Water Board cleanup staff’s response to comments received on the Tentative Order (TO) for final Site Cleanup Requirements (SCR) for the subject site. On April 13, 2012, cleanup staff distributed the TO to the appropriate parties for comment. We received comments on the TO from the following parties:

Date	Commenter
05/15/12	Regional Water Board Advisory Team
05/16/12	RX Daughters, LLC, and George Jay Tomasini, owners of the property at 712 Madison Street, Fairfield – submitted by Robert Farrell, Esq., of Lewis Brisbois Bisgaard & Smith
05/16/12	Ann Lewczyk, as personal representative of the Michael McInnis Revocable Trust, and Robert Dittmer, owners of the property at 625 Jackson Street, Fairfield – submitted by Doyle Graham, Esq., of Isola Law Group
05/16/12	Jewel Hirsch (dba Fairfield Cleaners, located at 625 Jackson Street) – submitted by Allison McAdam, Esq., of Hunsucker Goodstein & Nelson

The comments are summarized below together with our responses.

Regional Water Board Advisory Team

1. **Comment:** Identify whether geologic conditions at this site preclude the use of groundwater for drinking water.

Response: The Site is located in the Suisun Fairfield Valley groundwater basin. The Tentative Order clearly notes that municipal and domestic water supply is a beneficial use of groundwater at this site (see finding 9). We are not aware of any site-specific information that suggests that the yield or TDS conditions stated in the State Water Boards’ Sources of Drinking Water Policy (Resolution 88-63) would not be met.

2. **Comment:** The identification of this site in the Tentative Order and on Figure 1 is inconsistent.

Response: We agree. The Tentative Order has been revised to eliminate this inconsistency.

3. **Comment:** Tasks 1 and 2 state that delineation of sources has been completed but Finding 6 states that the extent of the contaminant plume is unknown and that data gaps remain. These statements appear to be inconsistent and should be clarified.

Response: These statements are consistent because the source area and the contaminant plume are different components of the contamination at this site. The source area is the location where the contaminants were discharged. That location has been identified. The plume is the result of contaminants moving away from the source area through transport in groundwater and soil gas. The distance that the contaminants have moved away from the source area is unknown and requires delineation.

RX Daughters, LLC, and George Jay Tomasini

1. **Comment:** Revise the first full paragraph on page 4 of the Tentative Order to include the following text: “A total of sixty-one (61) soil samples were analyzed and forty-seven (47) of those samples were reported as non-detected”.

Response: We generally agree. The Tentative Order has been revised to include the following text: “Fourteen of the sixty-one soil samples analyzed were reported to contain VOCs”.

2. **Comment:** Revise the second full paragraph on page 4 of the Tentative Order to add and delete text shown in our comment letter.

Response: The text of the Tentative Order has been revised where appropriate. Some requested changes have not been made because the data do not support the changes.

3. **Comment:** Revise the first full paragraph on page 5 of the Tentative Order to include the following text at the end of the first sentence: “...but attenuate rapidly as evidenced by the low to non-detected concentrations reported in groundwater samples from WS-5 in every water-bearing zone”.

Response: We disagree with this proposed revision because existing data gaps preclude reaching this conclusion. Data currently available is insufficient to conclude that the contamination attenuates rapidly because the contamination has not been adequately characterized.

4. **Comment:** Revise the second full paragraph on page 5 of the Tentative Order as follows: Insert “appear to” before “extend downgradient” in the first sentence. Delete “unknown”

and insert “being evaluated” at the end of the second sentence. Delete “currently incomplete” and insert “ongoing, as” at the end of the third sentence.

Response: We agree. The text of the Tentative Order has been revised to reflect these changes.

Ann Lewczyk, as personal representative of the Michael McInnis Revocable Trust, and Robert Dittmer

1. **Comment:** The dischargers should be required to conduct the full range analysis of EPA Method 8015 for all new wells.

Response: We agree. The Tentative Order has been revised to require a full range of analysis of groundwater samples by EPA Method 8015 for all new wells.

2. **Comment:** Any laboratory analysis of samples collected from this site should include both EPA Method 8260 and Method 8215 analysis, quantified for diesel, gasoline, Stoddard solvent, and motor oil. Additionally, all new wells should include both EPA Method 8260 and Method 8015 analysis, quantified for diesel, gasoline, Stoddard solvent, and motor oil.

Response: We agree. The Tentative Order has been revised to require a full range analysis of soil and groundwater samples by EPA Method 8260 and Method 8015 for all new wells.

3. **Comment:** The Order issued by the RWQCB for this site should require that chromatograms be included with the lab reports for this site.

Response: We agree. All Fairfield Tentative Orders have been revised to require the inclusion of chromatograms with reports of laboratory results.

4. **Comment:** The Tentative Order states that the dischargers for this Site have completed their source delineation. The Tentative Order additionally states that the dischargers for this Site have completed the vertical and lateral delineation of all sources of pollution on the Site. We disagree that the source area delineation and the vertical and lateral delineation are complete.

Response: We agree. At the time the Tentative Order was prepared, we anticipated that these tasks would be completed by the time the Tentative Order was adopted. The current schedule suggests that these tasks will not be complete, and the Tentative Order has been revised to reflect this.

5. **Comment:** There are data gaps at this site, including characterization beneath the building and the lateral and vertical extent of contamination.

Response: We agree. We have issued a requirement pursuant to Water Code 13267 to the dischargers requiring a workplan to address data gaps at the site. The requirement is posted on the GeoTracker website.

6. **Comment:** The data collected to date show that MW-3 has been impacted with high levels of PCE, and other data that has been collected from this site strongly suggests the presence of DNAPL (dense, non-aqueous liquid; i.e. pure product).

Response: We disagree. Laboratory analytical data for groundwater samples collected from well MW-3 are provided in quarterly groundwater monitoring reports submitted by the current owners of the 625 Jackson Street property. These laboratory data conflict with the assertions in this comment. The first quarter 2012 monitoring report shows that PCE concentrations for groundwater samples collected from well MW-3 have declined from 11.4 micrograms per liter (ug/L) in February 2011 to 3.5 ug/L in February 2012.

Jewel Hirsch

1. **Comment:** No investigation or hot spot source identification has been performed inside or under the building at the 712 Madison Street property.

Response: Comment noted. Regional Water Board staff anticipated that this task would have been completed by the time the Tentative Order for this property had been adopted by the Board. We have issued a requirement pursuant to Water Code Section 13267 to the named dischargers for this property requiring submittal of a workplan to eliminate data gaps. This requirement is posted on the GeoTracker website. We anticipate that source identification and delineation will be included as a task in that workplan.

2. **Comment:** Figure 2 attached to this comment shows the suspected plumes of other contributing sources. The Tentative Order would require Mrs. Hirsch to investigate upgradient and cross-gradient groundwater conditions and clean up groundwater which was impacted by sources other than Fairfield Cleaners.

Response: We disagree with the premise underlying this comment that VOCs released at 625 Jackson have had only small or localized impacts to soil and groundwater and that most VOCs found in groundwater at and downgradient from 625 Jackson Street are attributable to other offsite sources. The discharger has used data selectively to support this premise, as described in the paragraph below. When all relevant data are considered, we conclude that the VOCs released at 625 Jackson Street have impacted a considerably larger area, extending more than 300 feet downgradient from this site.

Our view of Figure 2 (Ground Zero Analysis, Inc., 05/11/12) is that it provides an overly simplified interpretation of groundwater monitoring results because important hydrogeological characteristics and data are overlooked, de-emphasized, or omitted. For example, nine years of groundwater monitoring data submitted to the Regional Water Board by Genesis Engineering and Redevelopment (Genesis), shows that well MW-16 is directly downgradient from 625 Jackson Street and cross-gradient from 622-630 Jackson Street. In Figure 2 the laboratory results for samples from MW-16 are erroneously included within a contaminant plume presumably associated only with 622-630 Jackson Street. This interpretation essentially minimizes the VOC plume associated with 625 Jackson Street while maximizing the extent of the plume associated with 622-630 Jackson Street. Available hydrogeological data developed by Genesis and presented in their site conceptual model (November 4, 2011) indicate that contaminant transport as depicted in Figure 2 is highly improbable. See also Response to Comments for 625 Jackson Street, which document is incorporated herein by this reference.

Further investigation is needed at 625 Jackson Street, 712 Madison Street, and 622-630 Jackson Street, and the Tentative Orders require these investigations. The results of this further investigation will reduce uncertainty over the extent of pollution attributable to each site. The Regional Water Board will not require dischargers to clean up groundwater plumes that they did not contribute to.

3. **Comment:** We disagree with the Regional Board's conclusion that source delineation at the 712 Madison Street property has been completed. Further delineation of the source should be required in order to identify the location of the hot spot source areas(s).

Response: We agree. Regional Water Board staff anticipated that source delineation would have been completed by the time the Tentative Order was adopted by the Board. We have issued a requirement pursuant to Water Code Section 13267 to the dischargers for this property requiring a workplan to eliminate data gaps. We anticipate that source area delineation will be addressed in the workplan. The Tentative Order has been revised as appropriate.

4. **Comment:** At a minimum, wells MW-3, MW-10, MW-10I, and MW-10R should be associated with the 712 Madison Street property and the PRPs for the 625 Jackson Street property should not be required to sample these wells.

Response: We disagree. The wells enumerated in the comment were installed by and are owned by the current owners of the 625 Jackson Street property. They installed these wells to monitor groundwater upgradient of their site. We anticipate that the consultants for the named dischargers at 712 Madison Street may install their own wells near wells MW-3, 10, 10I and 10R to assist in delineation of the contamination discharged at their site. They will be required to sample the wells they install.