

EXHIBIT A

April 4, 2011, 13267 Order



California Regional Water Quality Control Board

San Francisco Bay Region



Linda S. Adams
Acting Secretary for
Environmental Protection

1515 Clay Street, Suite 1400, Oakland, California 94612
(510) 622-2300 • Fax (510) 622-2460
<http://www.waterboards.ca.gov/sanfranciscobay>

Edmund G. Brown, Jr.
Governor

April 4, 2011
File No. 07S0183 (RAL)

Mayhew Center, LLC
Attn: Dean Dunivan
rddunivan@yahoo.com
3317 Vincent Road
Pleasant Hill, CA 94523

SUBJECT: Approval of Investigation Work Plan and Requirement for Technical Reports – Mayhew Center, 3301-3341 Vincent Road, Contra Costa County

Dear Mr. Dunivan:

This letter approves your March 15, 2011, revised *Site Investigation Work Plan* and requires that you submit technical reports presenting the results of the subsurface investigations.

We have reviewed your work plan as well as comments from AMEC Geomatrix dated February 11, 2011, on the earlier work plan, and March 29, 2011, on the revised work plan. AMEC is the consultant for the adjacent Walnut Creek Manor.

Your work plan proposes advancing three Membrane Interface Probe (MIP) boreholes, drilling 28 shallow soil borings and collecting soil and groundwater samples, installing and sampling six monitoring wells in the shallow A-zone, collecting soil gas samples from four boreholes, and collecting indoor air samples from Buildings 2 and 3. All sample locations are proposed for the Mayhew Center property or the adjacent Walnut Creek Manor. Modifications to the scope of work will be based on evaluations of the results as they become available. The proposed work will take place over several phases with a summary report and appropriate review period after each phase. Based on the results of the investigation around what you call “source area 1,” an interim remedial excavation may occur along the common property boundary between Mayhew Center and Walnut Creek Manor. It is anticipated that additional investigation and remediation work may be required both on- and off-site depending on the results of these investigations.

You are required to submit your first summary report, presenting your findings from the MIP investigation and any recommendations, to our office by May 13, 2011. Subsequent summary reports and recommendations will be required within 30 days of the completion of each phase of work. We understand that off-site access may affect your schedule for several of the proposed activities.

Mayhew Center, LLC, is considered the responsible party as the owner of the site where the highest concentration of PCE in vadose-zone soil has been reported, thus indicating an on-site release. Elevated concentrations of PCE have also been found in soil gas and groundwater samples from your property. The PCE release has adversely impacted groundwaters of the State and there is a threat of indoor vapor intrusion that could threaten public health. Therefore, the site requires further investigation and remediation.

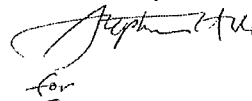
This requirement for reports is made pursuant to Water Code Section 13267, which allows the Regional Board to require technical or monitoring program reports from any person who has discharged, discharges, proposes to discharge, or is suspected of discharging waste that could affect water quality. The attachment provides additional information about Section 13267 requirements. Any extension to the above deadline must be confirmed in writing by Board staff.

You are required to submit all documents in electronic format to the State Water Resources Control Board's Geotracker database. Guidance for electronic information submittal is available at http://www.waterboards.ca.gov/water_issues/programs/ust/electronic_submittal. Please note that this requirement includes all analytical data, monitoring well latitudes, longitudes, and elevations, water depths, site maps, boring logs (PDF format), and complete copies of reports and correspondence including the signed transmittal letters and professional certifications (PDF format). All reports submitted should have the Regional Board file number 07S0183 on the first page of the report. Copies of all submittals should also be sent to the Contra Costa County Health Services Department (CCCHSD) in Martinez.

Please provide at least three day notification prior to any field work.

If you have any questions, please contact Ralph Lambert of my staff at (510) 622-2382 or via e-mail at ralambert@waterboards.ca.gov.

Sincerely,



Digitally signed by Stephen Hill
Date: 2011.04.04 13:27:52
-07'00'

Bruce H. Wolfe
Executive Officer

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

cc w/ attachment: see next page

cc w/ attachment:

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

What does it mean when the Regional Water Board requires a technical report?

Section 13267¹ 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 or discharging, or who proposes to discharge 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?

The requirement for a technical report is a tool the Regional Water Board uses to investigate water quality issues or problems. 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 or proposed discharge of waste (including discharges of waste where the initial discharge occurred many years ago), 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 may be given for good cause. Your request should be promptly submitted in writing, giving reasons.

Are there penalties if I don't comply?

Depending on the situation, the Regional Water Board can impose a fine of up to \$5,000 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 or fails to comply with a requirement to submit a technical report may be found guilty of a misdemeanor. For some reports, submission of false information may be a felony.

Do I have to use a consultant or attorney to comply?

There is no legal requirement for this, but as a practical matter, in most cases the specialized nature of the information required makes use of a consultant and/or attorney advisable.

What if I disagree with the 13267 requirements and the Regional Water Board staff will not change the requirement and/or date to comply?

You may ask that the Regional Water Board reconsider the requirement, and/or submit a petition to the State Water Resources Control Board. See California Water Code sections 13320 and 13321 for details. A request for reconsideration to the Regional Water Board does not affect the 30-day deadline within which to file a petition to the State Water Resources Control Board.

If I have more questions, whom do I ask?

Requirements for technical reports include the name, telephone number, and email address of the Regional Water Board staff contact.

Revised January 2008

¹ All code sections referenced herein can be found by going to www.leginfo.ca.gov.