



# California Regional Water Quality Control Board

## San Francisco Bay Region



**Matthew Rodriguez**  
Secretary for  
Environmental Protection

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**Edmund G. Brown, Jr.**  
Governor

Date: November 30, 2011  
File No: 01-3577 (mej)

Wickland Properties,  
c/o Wickland Oil  
Attn: Dan Hall  
P.O. Box 13648  
Sacramento, CA 95853  
[dhall@wickland.com](mailto:dhall@wickland.com)

ConocoPhillips  
Attn: Edward C. Ralston  
76 Broadway  
Sacramento, CA 95812  
[Ed.C.Ralston@ConocoPhillips.com](mailto:Ed.C.Ralston@ConocoPhillips.com)

The Surgery Center/East Bay Orthopedics  
Attn: George Pugh M.D.  
3875 Telegraph Avenue  
Oakland, CA 94609  
[DWilcox@eastbayortho.com](mailto:DWilcox@eastbayortho.com)

**SUBJECT: Transmittal of Tentative Order and Notice of Public Comment Period – Site Cleanup Requirements for Former Regal No. 120 Gas Station Located at 3875 Telegraph Avenue, Oakland, Alameda County**

Dear Messrs. Hall, Ralston and Pugh:

Attached is a Tentative Order (Site Cleanup Requirements) for the subject site. The Tentative Order requires the dischargers to investigate and control/remove source areas of pollution, submit monitoring reports and propose final remedial measures necessary to complete remedial actions on the subject site. The public comment period will be December 1-15.

Please submit any comments to Regional Water Board staff regarding the Tentative Order, no later than December 19, 2011. Comments received after this time will not be considered. Depending on the nature and extent of comments, the Tentative Order will be finalized and either signed administratively by the Executive Officer or brought before the Regional Water Board for consideration at the time and place indicated below:

Date: January 18, 2012

*Preserving, enhancing, and restoring the San Francisco Bay Area's waters for over 60 years*

Time: 9:00 AM

Place: Auditorium, Elihu Harris State Building, 1515 Clay Street,  
ground floor, Oakland, California

Pursuant to section 2050(c) of Title 23 of the California Code of Regulations, any party that challenges the Regional Board's action on this matter through a petition to the State Water Resources Control Board under Water Code section 13320 will be limited to raising only those substantive issues or objections that were raised before the Regional Board at the public hearing or in timely submitted written correspondence delivered to the Regional Board (see above).

If you have any questions, please contact Mark Johnson at (510) 622-24593 [e-mail [mjohnson@waterboards.ca.gov](mailto:mjohnson@waterboards.ca.gov)].

Sincerely,

Bruce H. Wolfe  
Executive Officer

Attachment: Tentative Order  
cc w/attach:

George Pugh M.D., The Surgery Center/East Bay Orthopedics, [DWilcox@eastbayortho.com](mailto:DWilcox@eastbayortho.com)  
Glenn Gormezano M.D., The Surgery Center of ABSMC, [GGormezano@thesurgerycenter.net](mailto:GGormezano@thesurgerycenter.net)  
Kim D'Ambrosia, The Surgery Center of ABSMC, [Kdambrosia@thesurgerycenter.net](mailto:Kdambrosia@thesurgerycenter.net)  
Jon Wactor, Wactor and Wick Environmental Law, [JonWactor@ww-envlaw.com](mailto:JonWactor@ww-envlaw.com)  
Jim Gribbi, Gribbi Associates, [JGribbi@gribbiassociates.com](mailto:JGribbi@gribbiassociates.com)  
Dan Hall, Wickland Oil Company, [dhall@wickland.com](mailto:dhall@wickland.com)  
Lori Gualco, Frank Law Group, [ljgualco@gualcolaw.com](mailto:ljgualco@gualcolaw.com)  
Peter Krasnoff, WEST Environmental, [Peterk@westenvironmental.com](mailto:Peterk@westenvironmental.com)  
Joe McCarthy, MacArthur Transit Community Partners, LLC, [jmccarthy@bridgehousing.com](mailto:jmccarthy@bridgehousing.com)  
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James Thompson, Lathrop & Gage LLP, [JThompson@LathropGage.com](mailto:JThompson@LathropGage.com)  
Thomas Bauhs, Chevron Environmental Management Company, [TBauhs@chevron.com](mailto:TBauhs@chevron.com)  
Jerry Wickham, Alameda County Environmental Health, [jerry.wickham@acgov.org](mailto:jerry.wickham@acgov.org)

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
SAN FRANCISCO BAY REGION

TENTATIVE ORDER

ADOPTION OF SITE CLEANUP REQUIREMENTS FOR:

WICKLAND PROPERTIES  
WICKLAND INC.  
WICKLAND REALTY COMPANY  
REGAL PETROLEUM COMPANY  
REGAL STATIONS, INC.  
CONOCO PHILLIPS  
EAST BAY OUTPATIENT SURGERY LP

for the property located at:

REGAL #120 / EAST BAY SURGERY CENTER  
3875 TELEGRAPH AVENUE  
OAKLAND, CA 94609

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

1. **Site Location:** The approximately 0.9 acre site is located at 3875 Telegraph Avenue, Oakland, Alameda County (Site). The Site is bounded by: 39th Street to the north; Telegraph Avenue to the east; Apgar Street to the south and a parking lot for the Bay Area Rapid Transit District (BART) MacArthur Station to the west (see Figure 1). The Site is located in a mixed-use commercial and residential neighborhood.
2. **Site History:** The Site has been developed since at least 1911. From approximately 1928 to 1935, the Site was used for two gasoline stations, one in the southwest corner (3855 Telegraph Avenue) and one in the northern portion (3881 Telegraph Avenue). By the 1940s, the two historic gasoline stations had been removed. In the 1950s, the southern portion of the Site was occupied by a tamale factory and restaurant and the northern portion was occupied by another gasoline station. From 1961 to 1971, Regal Petroleum Company which, in 1967, became Regal Stations, Inc. (collectively Regal) leased the property on the northern portion of the Site where it owned or had control of a gas station facility. In 1971, Regal assigned its land lease to Wickland Realty Company and transferred its interest of the gas station facility equipment. Wickland Realty Company and Wickland, Inc. (successor to Wickland Realty Company) operated the gas station until it closed in November of 1984. During this period of time, a new 10,000 gallon

underground tank (UST) was added by Wickland, Inc. to the existing USTs located on the site. At some time after 1984, Wickland, Inc. was succeeded by Wickland Properties.

In March of 1984, the Site property was purchased by the East Bay Outpatient Surgery LP, who continued the lease to Wickland, Inc. for a period of time. As part of the East Bay Outpatient Surgery LP desire to redevelop the property, Wickland, Inc. closed its facility, removed the USTs and demolished the station in December of 1984. Following the facility closure and demolition, the lease to Wickland Inc. was terminated in January 1985.

3. **Named Dischargers:** The following dischargers have been identified for this Site:

**Regal Petroleum Company and Regal Stations, Inc.**

Regal Petroleum Company and Regal Stations, Inc. are hereby named as dischargers due to the substantial evidence that discharges of petroleum compounds occurred from their gas station facility on the Site which have affected underlying soil and groundwater. These Regal entities, from at least 1961 until 1971, leased the Site property and either owned or had control of tenant improvements on the property consisting of the fuel storage and distribution facility (gas station) from which the release(s) occurred. They had knowledge of the activities that caused the release(s) and the ability to prevent such release(s). During its leasehold, Regal subleased the Site and its gas station to various operators. Data collected during investigations of the Site identified petroleum hydrocarbons in various degrees of weathering, indicative of older releases, which would point to the time period of the Regal operations.

**ConocoPhillips**

ConocoPhillips is hereby named as a discharger as the successor in interest to Regal Petroleum Company and Regal Stations, Inc. ConocoPhillips, through a series of mergers and name changes, as described below, is the successor to Regal Petroleum Company and Regal Stations, Inc., which leased the Site from 1961 to 1971. Regal Petroleum Company and several other companies were merged together in December of 1967 to form Regal Stations, Inc. In September of 1982, the corporate name was changed to Aminoil Stations, Inc. This corporation was then merged with two others in January of 1983 to form Aminoil Holdings, Inc. Aminoil Holdings, Inc. was then merged into Aminoil Incorporated to form Aminoil Marketing, Inc. Aminoil Marketing was merged into Phillips Petroleum Company in April of 1986. In December 2002, the Phillips Petroleum Company name was changed to ConocoPhillips.

**Wickland Realty Company, Wickland, Inc. and Wickland Properties**

Wickland Realty Company and Wickland, Inc. are dischargers because unauthorized releases of petroleum compounds occurred during the time that these entities operated the gas station on the Site (1971 – 1984), had knowledge of the activities that caused the release(s) and the ability to prevent such release(s). Wickland Properties is a discharger as the successor in interest to Wickland, Inc. and Wickland Realty Company. After

removal of the USTs on the Site in December 1984, releases of petroleum from the gas station facility were confirmed by Wickland Properties.

### **East Bay Outpatient Surgery LP**

The East Bay Outpatient Surgery LP is a discharger based on its current ownership of the property; the fact that information collected by its engineering consultant in June 1984 detected discharges of petroleum had occurred and could be continuing to occur; and, the fact East Bay Outpatient Surgery LP allowed the gas station to continue to operate until its closure November 1984.

If additional information is submitted indicating that other parties caused or permitted any waste to be discharged on the site where it entered or could have entered waters of the state, the Regional Water Board will consider adding those parties' names to this order. Additionally, should further information submitted determine that any party named in this order is not a discharger, the Regional Water Board will consider removing such party from this Order.

4. **Regulatory Status:** This Site is currently not subject to a Regional Water Board order. From 2005 to 2009 the site was under the oversight of the Alameda County Environmental Health Services LUFT Local Oversight Program (LOP) under Local ID #RO0002875. On October 21, 2009, oversight of the Site was transferred to the Regional Water Board in order to consolidate regulatory oversight for adjacent sites. The Regional Water Board oversees the adjacent MacArthur Transit Village Redevelopment. Groundwater pollution from the Site has migrated to the parking lot for the MacArthur BART station, where the MacArthur Transit Village Redevelopment is planned.
5. **Site Hydrogeology:** The Site vicinity comprises Holocene-aged alluvium with unconsolidated deposits of gravel, sands, silts and clays. Subsurface investigations conducted at the Site have encountered silty to sandy clays between the ground surface and approximately 10 feet below ground surface. A coarse grained silty/clayey sand to clayey gravel layer is present between approximately 10 and 15 feet below ground surface. Fill materials have also been noted within the upper four feet of the Site containing rubble and gravel base rock.

Groundwater measurements taken from onsite monitoring wells generally show the groundwater to be 12 to 16 feet below ground surface. Groundwater in the vicinity of the Site flows in a west to southwesterly direction, toward the San Francisco Bay, which is approximately 2 miles to the west of the Site.

6. **Remedial Investigation:** There have been numerous onsite and offsite investigations since the mid-1980s. Elevated concentrations of TPH as gasoline (TPHg), diesel (TPHd), and motor oil (TPHmo), as well as petroleum hydrocarbon-related volatile organic compounds (VOCs), have been detected in soil, soil gas, and groundwater samples from temporary borings and monitoring wells both on-site and off-site. A groundwater and soil vapor plume of fuel hydrocarbons extends southwest from the Site to the adjacent

BART parking lot. Recent investigation activities have been conducted in the BART parking lot to define the off-site extent of contamination. This investigation detected petroleum in various stages of weathering indicating multiple releases over an extended time period. The following provides a brief summary of sampling results by media:

**Soil:** Soil sampling conducted onsite in 2008 indicate low to moderate soil impacts of TPHg up to 286 mg/kg. Onsite investigations have been limited due to the presence of the Surgery Center building. Off-site soils beneath the BART parking lot had detections up to 2,700 mg/kg TPHg, 670 mg/kg TPHd and 1,300 mg/kg TPHmo. BTEX compounds were detected at concentrations up to 5.7 mg/kg benzene, 26 mg/kg toluene, 49 mg/kg ethylbenzene and 150 mg/kg xylenes.

**Groundwater:** Onsite groundwater sampling conducted since 2005 indicate moderate to high concentrations of TPHg and TPHd at concentrations up to 140,000 and 530,000 ug/L respectively. In addition, benzene was detected at a concentration up to 391 ug/L. Offsite groundwater contained concentrations up to 280,000 ug/L TPHg and 530,000 ug/L TPHd. BTEX compounds were detected at concentrations up to 47,000 ug/L benzene, 48,000 ug/L toluene, 5,500 ug/L ethylbenzene and 21,800 xylenes. Both onsite and offsite groundwater impacts exceed drinking water standards.

**Soil Gas:** Onsite soil gas sampling conducted in 2008 indicated relatively low levels of VOCs. Much higher concentrations of soil gas were detected offsite in the BART parking lot. Benzene vapor was detected in a recently sampling event in the parking lot at a concentration of 241,000 ug/m<sup>3</sup>, well above established health based criteria for either a residential or commercial scenario.

The extent of offsite pollution in the BART parking lot is adequately defined for remedial purposes. A remedy for the offsite area has been approved by Regional Water Board staff and is scheduled for implementation in the coming months by the developers of the MacArthur Transit Village. Based on the current investigations, the onsite area continues to be a significant source of pollution impacting both soil vapor and groundwater. This pollution is migrating offsite and threatens to further impact the downgradient BART parking lot. Additional onsite investigation is needed to identify data gaps, determine the nature and sources of pollution and support development of a remedy for the Site.

7. **Interim Remedial Measures:** In May 1985, the East Bay Outpatient Surgery LP began construction of the Surgery Center, which remains today on the property. During construction, the UST excavation backfill material was removed and replaced with new fill. As part of this operation, the former UST excavation was subsequently over-excavated to a depth of approximately 15 feet below ground surface and approximately 1,070 cubic yards of soil was disposed off-site. Petroleum impacted soil was encountered during the excavation activities.

Based on the investigation data discussed above and given the fact that the offsite area is currently being remediated, actions need to be taken in a timely manner to prevent onsite soil vapor and groundwater pollution from migrating offsite.

8. **Adjacent Properties:** The MacArthur BART parking lot is located adjacent and downgradient to the Site as shown on Figure 1. This parking lot is the future location of the MacArthur Transit Village. This redevelopment calls for approximately 624 new residential units, together with approximately 50,000 square feet of commercial/neighborhood serving retail space and community space (most likely a childcare center). The current parking lot will be offset by a multi-level parking structure which is in the initial stages of construction. As part of the redevelopment activities, remediation of soil and groundwater impacted with petroleum compounds from the 3875 Telegraph Avenue site is scheduled to begin in fall 2011.
9. **Basin Plan:** The Water Quality Control Plan for the San Francisco Bay Basin (Basin Plan) is the Regional Water Board's master water quality control planning document. It designates beneficial uses and water quality objectives for waters of the State, including surface waters and groundwater. It also includes programs of implementation to achieve water quality objectives. The Basin Plan was duly adopted by the Regional Water Board and approved by the State Water Board, U.S. EPA, and the Office of Administrative Law where required.

The potential beneficial uses of groundwater underlying and adjacent to the site include:

- a. Municipal and domestic water supply
- b. Industrial process water supply
- c. Industrial service water supply
- d. Agricultural water supply

At present, there is no known use of groundwater underlying the site for the above purposes.

10. **Other Regional Water Board Policies:** Regional Water Board Resolution No. 88-160 allows discharges of extracted, treated groundwater from site cleanups to surface waters only if it has been demonstrated that neither reclamation nor discharge to the sanitary sewer is technically and economically feasible.

Regional Water Board Resolution No. 89-39, "Sources of Drinking Water," defines potential sources of drinking water to include all groundwater in the region, with limited exceptions for areas of high TDS, low yield, or naturally-high contaminant levels.

11. **State Water Board Policies:** State Water Board Resolution No. 68-16, "Statement of Policy with Respect to Maintaining High Quality of Waters in California," applies to this discharge and requires attainment of background levels of water quality, or the highest level of water quality which is reasonable if background levels of water quality cannot be

restored. Cleanup levels other than background must be consistent with the maximum benefit to the people of the State, not unreasonably affect present and anticipated beneficial uses of such water, and not result in exceedance of applicable water quality objectives. Given the Regional Water Board's past experience with groundwater pollution cases of this type, it is unlikely that background levels of water quality can be restored. This initial conclusion will be verified when a interim remedial action plan is prepared. This order and its requirements are consistent with Resolution No. 68-16.

State Water Board Resolution No. 92-49, "Policies and Procedures for Investigation and Cleanup and Abatement of Discharges Under Water Code Section 13304," applies to this discharge. This order and its requirements are consistent with the provisions of Resolution No. 92-49, as amended.

12. **Preliminary Cleanup Goals:** The dischargers will need to make assumptions about future cleanup standards for soil and groundwater, in order to determine the necessary extent of remedial investigation, interim remedial actions, and the draft remedial action plan. Pending the establishment of site-specific cleanup standards, the following preliminary cleanup goals should be used for these purposes:
  - a. Groundwater: Applicable screening levels such as the Regional Water Board's Environmental Screening Levels (ESLs) document. Groundwater screening levels should incorporate at least the following exposure pathways: groundwater ingestion and vapor intrusion to indoor air. For groundwater ingestion, use applicable water quality objectives (e.g., lower of primary and secondary maximum contaminant levels, or MCLs) or, in the absence of a chemical-specific objective, equivalent drinking water levels based on toxicity and taste and odor concerns.
  - b. Soil: Applicable screening levels such as the Regional Water Board's Environmental Screening Levels (ESLs) document. Soil screening levels are intended to address a full range of exposure pathways, including direct exposure, nuisance, and leaching to groundwater. For purposes of this subsection, the dischargers can assume groundwater is not a potential source of drinking water.
  - c. Soil gas: Applicable screening levels such as the Regional Water Board's Environmental Screening Levels (ESLs) document or the Department of Toxic Substances Control's California Human Health Screening Levels (CHHSLs). Soil gas screening levels are intended to address the vapor intrusion to indoor air pathway. As the site is utilized for a sensitive use, residential screening levels should be used.
  
13. **Basis for 13304 Order:** California Water Code Section 13304 authorizes the Regional Water Board to issue orders requiring dischargers to cleanup and abate waste where the dischargers have caused or permitted waste to be discharged or deposited where it is or



probably will be discharged into waters of the State and creates or threatens to create a condition of pollution or nuisance.

14. **Cost Recovery:** Pursuant to California Water Code Section 13304, the dischargers are hereby notified that the Regional Water Board is entitled to, and may seek reimbursement for, all reasonable costs actually incurred by the Regional Water Board to investigate unauthorized discharges of waste and to oversee cleanup of such waste, abatement of the effects thereof, or other remedial action, required by this order.
15. **CEQA:** The project is adoption of an order (site cleanup requirements) and actions to be taken by the dischargers to comply with this order, namely completing investigations, implementing remedial measures for soil vapor and groundwater and conducting monitoring activities. The project will have no potential for significant environmental effects and the activities are intended to support site cleanup. The project is therefore exempt from the provisions of the California Environmental Quality Act (CEQA) under the general rule that “CEQA applies only to projects that have the potential for causing a significant effect on the environment” (14 CCR section 15061(b)(3), also known as the “common sense” exemption).
16. **Notification:** The Regional Water Board has notified the dischargers and all interested agencies and persons of its intent under California Water Code Section 13304 to prescribe site cleanup requirements for the discharge, and has provided them with an opportunity to submit their written comments.

**IT IS HEREBY ORDERED**, pursuant to Section 13304 of the California Water Code, that the dischargers (or their agents, successors, or assigns) shall cleanup and abate the effects described in the above findings as follows:

**A. PROHIBITIONS**

1. The discharge of wastes or hazardous substances in a manner which will degrade water quality or adversely affect beneficial uses of waters of the State is prohibited.
2. Further significant migration of wastes or hazardous substances through subsurface transport to waters of the State is prohibited.
3. Activities associated with the subsurface investigation and cleanup which will cause significant adverse migration of wastes or hazardous substances are prohibited.

**B. TASKS**

1. **SOURCE AREA IDENTIFICATION**

COMPLIANCE DATE: January 20, 2012

Submit a technical report acceptable to the Executive Officer presenting the results of a field investigation identifying source area(s) of soil, soil vapor, and groundwater pollution on the Site.

2. **PROPOSE MEASURES TO CONTROL/REMOVE SOURCE(S)**

COMPLIANCE DATE: February 15, 2012

Submit a technical report acceptable to the Executive Officer that (i) proposes measures to control or remove the source(s) of pollution on the Site, or (ii) if the dischargers are unable to locate the pollution source(s) on the Site pursuant to the field investigation under Task B.1., propose measures to prevent the continued migration of pollutants from the Site onto the adjacent property on which the MacArthur Transit Village will be constructed. The report shall also contain a monitoring program and reporting schedule to evaluate effectiveness of source control/removal or containment activities. A schedule for implementation to complete construction of the remedial measure within 60 days of Water Board approval must be included in the submittal.

3. **DOCUMENT COMPLETION OF CONSTRUCTION OF SOURCE CONTROL/REMOVAL MEASURE REQUIRED IN TASK 2 ABOVE**

COMPLIANCE DATE: May 15, 2012

Submit a technical report acceptable to the Executive Officer documenting completion of construction of the interim remedial actions identified in Task 1 above. For ongoing actions, such as soil vapor extraction or groundwater extraction, the report should document start-up as opposed to completion.

4. **SUBMIT MONITORING REPORTS**

COMPLIANCE DATE: Quarterly beginning July 2012

Submit technical reports acceptable to the Executive Officer, pursuant to the approved self-monitoring and reporting program required in Task 2.

5. **REMEDIAL ACTION PLAN INCLUDING DRAFT CLEANUP STANDARDS**

COMPLIANCE DATE: September 30, 2012

Submit a technical report acceptable to the Executive Officer containing:

- a. Summary of remedial investigations
- b. Summary risk evaluation
- c. Effectiveness evaluation of the installed source control/removal measures
- d. Based on the risk evaluation and the effectiveness of the remedial measures evaluation, one of the following shall be submitted, as appropriate:
  - 1) Feasibility study evaluating alternative final remedial actions, including: recommended final remedial actions, proposed cleanup standards and implementation tasks and time schedule.
  - 2) A technical rationale for no further action based on applicable low-threat closure criteria for leaking underground fuel tank cases.

## 6. MONTHLY STATUS REPORTS

COMPLIANCE DATE: Beginning March 15, 2012 and  
on the 15<sup>th</sup> of each month thereafter

On a monthly basis, the dischargers shall submit a Monthly Summary Report of activities undertaken pursuant to this Order. Each report shall consist of a table summarizing: (a) specific actions taken by or on behalf of the dischargers during the previous month; (b) actions expected to be taken during the current month; and, (c) planned activities for the next month. These reports shall be submitted no later than the 15th day of the month following the month in which the work was completed. In addition, these reports shall identify any obstacle which threatens compliance with the requirements of this Order and what actions are being undertaken to overcome such obstacles. Should non-compliance with the Order occur, the discharger shall provide written notice to the Board which clarifies the reasons for the non-compliance and proposes specific measures to be taken and a schedule to achieve compliance. This written notice shall identify work not completed that was projected for completion, and the impact of the non-compliance on achieving compliance with the remaining requirements of this Order.

7. **Delayed Compliance:** If the dischargers are delayed, interrupted, or prevented from meeting one or more of the completion dates specified for the above tasks, the dischargers shall promptly notify the Executive Officer and the Regional Water Board or Executive Officer may consider revision to this Order.

## C. PROVISIONS

1. **No Nuisance:** The storage, handling, treatment, or disposal of polluted soil or groundwater shall not create a nuisance as defined in California Water Code Section 13050(m).
2. **Good Operation and Maintenance (O&M):** The dischargers shall maintain in good working order and operate as efficiently as possible any facility or control system installed to achieve compliance with the requirements of this Order.
3. **Cost Recovery:** The dischargers shall be liable, pursuant to California Water Code Section 13304, to the Regional Water Board for all reasonable costs actually incurred by the Regional Water Board to investigate unauthorized discharges of waste and to oversee cleanup of such waste, abatement of the effects thereof, or other remedial action, required by this Order. If the site addressed by this Order is enrolled in a State Water Board-managed reimbursement program, reimbursement shall be made pursuant to this Order and according to the procedures established in that program. Any disputes raised by the discharger over reimbursement amounts or methods used in that program shall be consistent with the dispute resolution procedures for that program.
4. **Access to Site and Records:** In accordance with California Water Code Section 13267(c), the dischargers shall permit the Regional Water Board or its authorized representative:
  - a. Entry upon premises in which any pollution source exists, or may potentially exist, or in which any required records are kept, which are relevant to this Order.
  - b. Access to copy any records required to be kept under the requirements of this Order.
  - c. Inspection of any monitoring or remediation facilities installed in response to this Order.
  - d. Sampling of any groundwater or soil which is accessible, or may become accessible, as part of any investigation or remedial action program undertaken by the discharger.
5. **Self-Monitoring Program:** The dischargers shall comply with the Self-Monitoring Program as attached to this Order and as may be amended by the Executive Officer.
6. **Contractor / Consultant Qualifications:** All technical documents shall be signed by and stamped with the seal of a California professional geologist, a California certified engineering geologist, or a California registered civil engineer.

7. **Lab Qualifications:** All samples shall be analyzed by State-certified laboratories or laboratories accepted by the Regional Water Board using approved EPA methods for the type of analysis to be performed. All laboratories shall maintain quality assurance/quality control (QA/QC) records for Regional Water Board review. This provision does not apply to analyses that can only reasonably be performed on-site (e.g., temperature).

8. **Document Distribution:** Copies of all correspondence, technical reports, and other documents pertaining to compliance with this Order shall be provided to the following agencies:

A. County of Alameda Environmental Health

The Executive Officer may modify this distribution list as needed.

9. **Reporting of Changed Owner or Operator:** The dischargers shall file a technical report on any changes in site occupancy or ownership associated with the property described in this Order.

10. **Reporting of Hazardous Substance Release:** If any hazardous substance is discharged in or on any waters of the State, or discharged or deposited where it is, or probably will be, discharged in or on any waters of the State, the discharger shall report such discharge to the Regional Water Board by calling (510) 622-2369.

A written report shall be filed with the Regional Water Board within five working days. The report shall describe: the nature of the hazardous substance, estimated quantity involved, duration of incident, cause of release, estimated size of affected area, nature of effect, corrective actions taken or planned, schedule of corrective actions planned, and persons/agencies notified.

This reporting is in addition to reporting to the California Emergency Management Agency required pursuant to the Health and Safety Code.

11. **Periodic SCR Review:** The Regional Water Board will review this Order periodically and may revise it when necessary. The discharger may request revisions and upon review the Executive Officer may recommend that the Regional Water Board revise these requirements.

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Date Issued

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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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Attachments: Figure 1 - Site Map

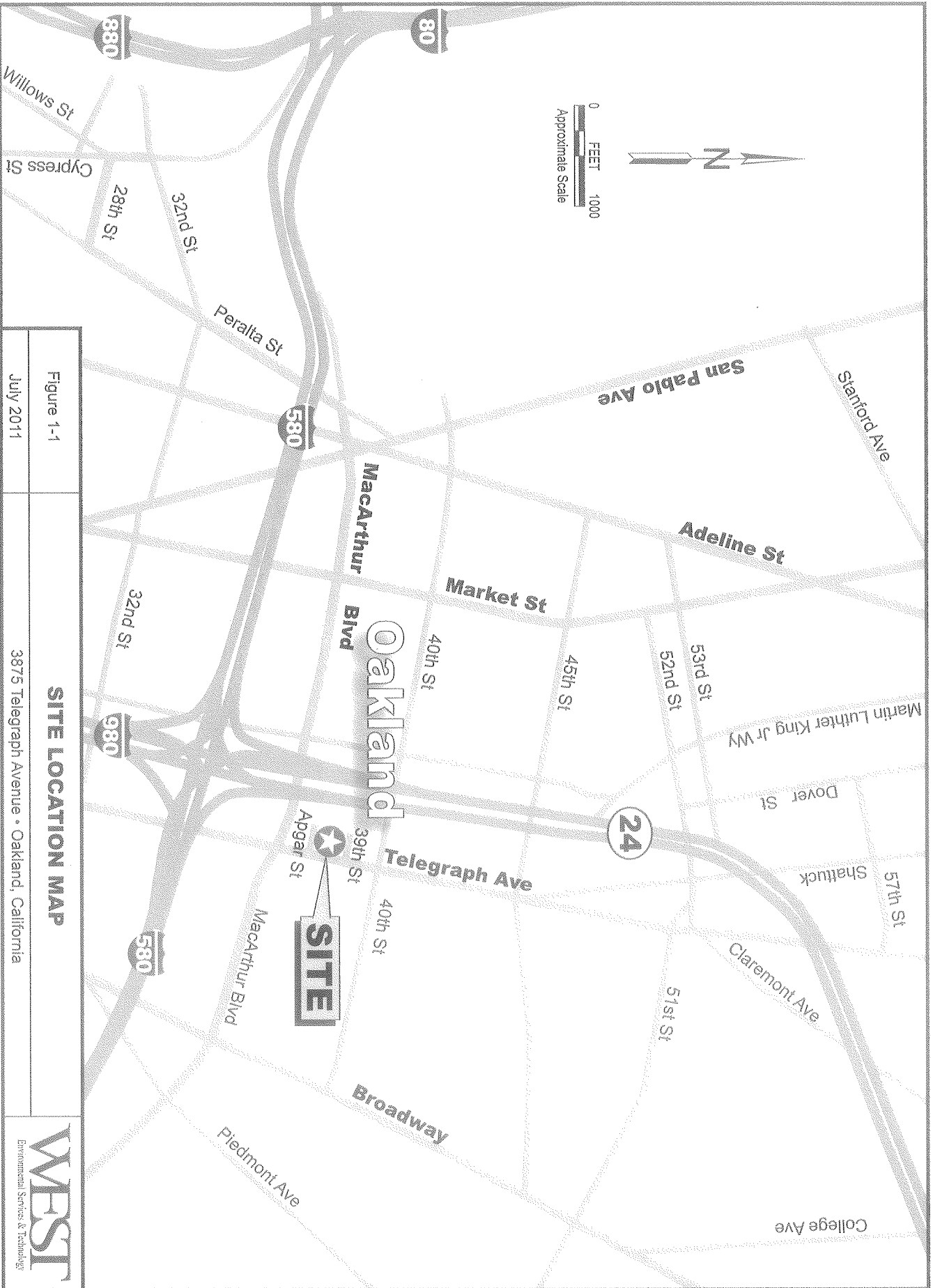


Figure 1-1

July 2011

**SITE LOCATION MAP**

3875 Telegraph Avenue • Oakland, California



Environmental Services & Technology