

Appendix A

TENTATIVE ORDER

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

TENTATIVE ORDER

RESCISSION OF SITE CLEANUP REQUIREMENTS (ORDER NO. 98-109) FOR:
PICK YOUR PART AUTO WRECKING

for the property located at:

2885 WEST WINTON AVENUE
HAYWARD, 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 property on West Winton Ave. in Hayward (the Site) on October 21, 1998 (Order No. 98-109). Order No. 98-109 names Pick Your Part Auto Wrecking as the Discharger for the Site. The Order requires a Remedial Action Plan (RAP) and, upon approval of the RAP, cleanup of contaminated soil and groundwater followed by the submission of a technical report documenting the completion of cleanup tasks. In addition, the Order requires compliance with a Self-Monitoring Program and prohibits activities that would lead to future discharge of waste or hazardous substances or migration of such substances to waters of the State. The Site is also subject to Order No. R2-2005-0001 (a cleanup and abatement order enforcing the statewide General Permit for Discharges of Storm Water Associated with Industrial Activities).
2. **Location:** The Site, comprised of approximately 15 acres, is located at 2885 West Winton Avenue in Hayward (see Site Plan, attached). Order No. 98-109 referred to the Site as 2557 West Winton Ave., which was the address of the business office, located immediately east of the Site.
3. **Summary of Investigation and Remediation Activities:** Several environmental investigations have been performed on- and offsite between 1989 and 2009. These investigations covered the entire site but were primarily focused on specific features of concern in the western portion of the Site where automobile dismantling activities were performed. Chemicals of concern in shallow soil and soil vapor include total petroleum hydrocarbons quantified as diesel (TPHd) and gasoline (TPHg); polynuclear aromatic hydrocarbons (PAHs); and benzene, toluene, ethylbenzene, and xylenes (collectively referred to as BTEX). Petroleum hydrocarbons and volatile organic compounds (VOCs) were sporadically detected at low concentrations in groundwater during monitoring conducted between 1994 and 2009.

In 1989, the Discharger performed onsite interim remedial activities in the northwest portion of the Site, which included excavating and biotreating approximately 1,120 cubic

yards of soil containing heavy-end petroleum hydrocarbons. The resulting excavation was lined with a clay liner, and excavated soil that met target concentrations placed on the liner as backfill.

In 2009, the Discharger conducted further site assessment and excavated approximately 2,500 cubic yards of soil for offsite disposal. All seven groundwater monitoring wells at the Site were destroyed under permit and oversight from the Alameda County Public Works Agency. The entire site was then capped with a soil-cement pavement. This pavement limits the exposure of future commercial/industrial workers to petroleum-affected shallow soil and improves stormwater drainage.

In 2011, the parcels adjacent to the Site were investigated to assess the presence of constituents in soil. Metals, PAHs, BTEX, and TPH were detected in shallow soil. Based on the conclusions of risk assessments, no further action was required in the western offsite area.

The RAP, approved in 2013, consists of a site management plan (SMP). The specific elements of the SMP are as follows:

- Requirement for additional assessment and/or mitigation of the potential for vapor intrusion resulting from the presence of TPHg and BTEX in shallow soil vapor prior to the construction of onsite structures in the western portion of the Site (Parcel No. 438-30-9-2);
- Health and safety precautions for maintenance workers who may access soil and/or groundwater that could contain residual chemicals; and
- Procedures for the management of residual constituents present in soil and groundwater at the Site during subsurface (earthwork) activities.

The activities and results are summarized in the 2013 Revised Report of Interim Activities and Proposed Remediation Plan.

4. **Basis for Rescission:** The Discharger has complied with the requirements of Order No. 98-109. Several site investigations were conducted between 1989 and 2009 and contaminated soil was removed. The low levels of remaining contamination pose little risk for the receptors that were identified based on the conceptual site model. The SMP provides guidelines for protecting future construction and commercial workers from risks posed by the remaining contamination. Low levels of soil contamination observed in the western offsite area do not pose an unacceptable risk to human health or the environment.
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 Order complies with that policy because shallow groundwater at the Site is not considered a drinking water source, due to its brackish condition and low pumping yield.

6. **CEQA:** This action rescinds an order to enforce the laws and regulations administered by the Regional Water Board. Rescission of the 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).)
7. **Notification:** The Regional Water Board has notified the Discharger and all interested agencies and persons of its intent under Water Code section 13304 to rescind site cleanup requirements for the discharge and has provided them with an opportunity to submit their written comments.
8. **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 section 13304 of the Water Code, that Order No. 98-109 is rescinded.

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 _____.

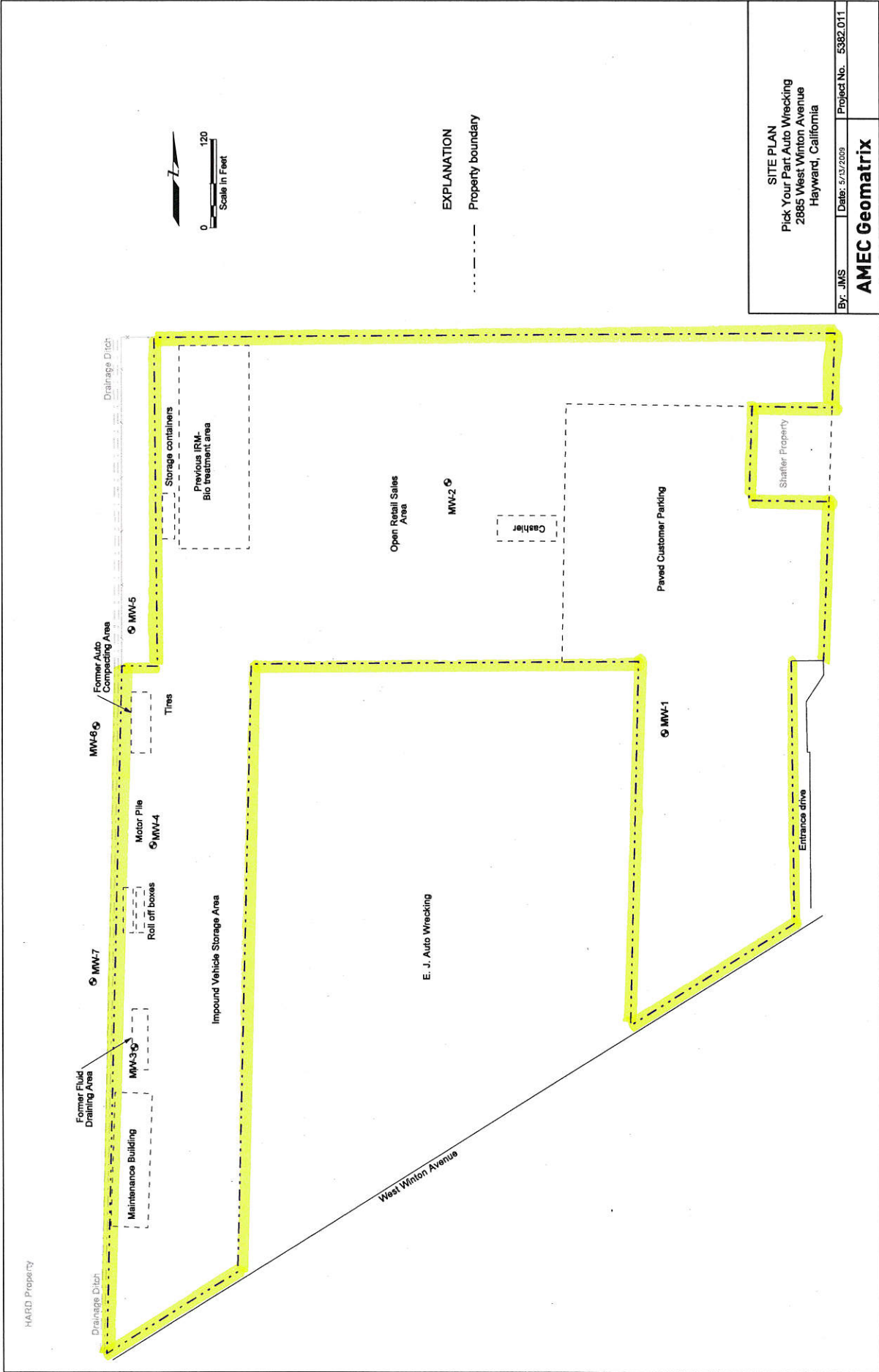
 Bruce H. Wolfe
 Executive Officer

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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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Attachment: Site Plan



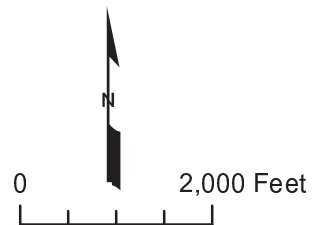
SITE PLAN Pick Your Part Auto Wrecking 2885 West Winton Avenue Hayward, California	
By: JMS	Date: 3/17/2009
AMEC Geomatrix Project No. 5382.011	

Appendix B

Site Location Map



Base map from StreetMapPro 2007 (Environmental Systems Research Institute, Inc. [ESRI], 2007).



SITE LOCATION MAP
 Former Pick Your Part Auto Wrecking
 2885 West Winton Avenue
 Hayward, California

By: JMS	Date: 01/24/2013	Project No. 005382011A
		Figure 1

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