

STATE OF CALIFORNIA  
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
SAN FRANCISCO BAY REGION

STAFF SUMMARY REPORT (Adriana Constantinescu)  
MEETING DATE: November 13, 2013

**ITEM:** 5A

**SUBJECT:** SFPP, L.P., an operating partnership of Kinder Morgan Energy Partners, L.P., for the property located at 1550 Solano Way, Concord, Contra Costa County - Updated Site Cleanup Requirements Order and Rescission of Order No. 92-082

**CHRONOLOGY:** July 1992 - Site Cleanup Requirements (SCRs) adopted

**DISCUSSION:** The Revised Tentative Order (Appendix A) would update this site's 1992 SCRs. The Revised Tentative Order would require technical reports presenting results from additional subsurface investigations, a revised corrective action plan, and remediation completion reports.

*Site History and Investigation* - This SFPP, L.P., facility (Site) is located northwest of the intersection of Imhoff Drive and Solano Way in Concord, east of the Walnut Creek flood plain, and south of the Tesoro Golden Eagle Refinery. The Site was originally constructed in the 1950s and has been expanded several times. The Site is currently a 25-acre active petroleum storage and pipeline distribution facility that handles refined petroleum products including gasoline, jet fuel, and diesel fuel. The petroleum products are stored in 23 above-ground storage tanks ranging in size from 126,000 to 3,179,000 gallons. Since the late 1980s, the Site has been investigated and characterized with respect to its hydrogeology and the extent of petroleum hydrocarbon constituents in the soil and groundwater beneath the Site. Investigation results show that the petroleum plume has migrated beyond the Site boundaries and extends beneath the adjacent Concord Business Park and Walnut Creek Flood Control properties.

*Remedial Actions* – SFPP, as the responsible party, has implemented remedial actions at the Site by: 1) installing an extraction system, which extracts groundwater from two french drains, and extraction wells in the eastern portion of the Site; 2) recovering mobile product when present from seven wells, the northeastern sump, and temporary extraction wells; 3) planting a phytoremediation system along the southern and western Site boundaries; and 4) extracting and treating groundwater containing dissolved phase petroleum hydrocarbons.

*Revised Tentative Order* - The Revised Tentative Order would require: 1) two investigation technical reports, 2) a risk assessment workplan and report, 3) a revised corrective action plan, 4) a corrective action implementation report, 5) three corrective action completion reports, 6) the optimization of the groundwater monitoring well network, and 7) a self-monitoring program to provide an ongoing assessment of groundwater and surface water conditions and impacts from potential new releases at the Site.

*Response to Comments* - SFPP, CWCA Concord BP 17, LLC's representative, and the Contra Costa County Flood Control & Water Conservation District submitted comments (Appendix B) on the tentative order circulated for public comment. We revised the tentative order to address the comments received as appropriate. Our responses to comments are provided in Appendix C. We expect this item to remain uncontested.

**RECOMMEN-  
DATION:**

Adopt the Revised Tentative Order

File No.: 2119.1192 (AVC)  
GeoTracker ID: SL599992811

Appendices:       A - Revised Tentative Order  
                      B - Comments Received  
                      C - Response to Comments

**APPENDIX A**  
**REVISED TENTATIVE ORDER**

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

**REVISED TENTATIVE ORDER**

**UPDATED SITE CLEANUP REQUIREMENTS and RESCISSION OF ORDER No. 92-082 for:  
SFPP, L.P., an operating partnership of Kinder Morgan Energy Partners, L.P.**

for the property located at:

1550 SOLANO WAY  
CONCORD, CONTRA COSTA COUNTY

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

- 1. Site Location:** The subject property (hereinafter the Site) is located at 1550 Solano Way in Concord, just north of State Highway 4 and approximately 3.5 miles south of Suisun Bay. The Site is bordered by Solano Way to the east, by the Walnut Creek Flood Control Channel to the west, by Imhoff Drive to the south, and by the Tesoro Golden Eagle Refinery to the north (Figure 1 - Vicinity Map). The adjacent properties are primarily commercial and industrial developments (Figure 2 - Aerial View of Site).
- 2. Site Description:** The 25-acre Site is an active petroleum storage and pipeline distribution facility that handles refined petroleum products including gasoline, jet fuel, and diesel fuel. The petroleum products are stored in 23 aboveground storage tanks (AGTs) ranging in size from 126,000 to 3,179,000 gallons. The distribution facility includes an onsite piping manifold that is capable of receiving and distributing petroleum from seven offsite locations at one time. The control building, laboratory, pump house shop, and manager's office are located on the eastern and southwestern areas of the Site, while the AGTs are located on the northwestern, central, and southwestern portions of the Site (Figure 3 - Site Plan).
- 3. Adjacent Sites:** The Tesoro Golden Eagle Refinery is located to the north and east of the Site. The refinery has an approximate daily throughput capacity of 145,000 barrels of petroleum crude oil, and produces gasoline, diesel fuels, as well as liquid petroleum gas, heating oil, jet fuel and petroleum coke. Active ongoing monitoring and remedial investigation activities at the refinery are overseen by the Regional Water Board. The contaminants of concern noted in the soil and groundwater beneath the refinery site include metals and petroleum hydrocarbons.  
  
The U.S. Government Defense Fuel Support - Point Ozol Concord Pump Station is located within and on the western portion of the Site. This facility consists of one aboveground transmix storage tank with associated above and below-grade piping and pumping equipment.
- 4. Site Ownership and Discharger History:** From 1954 until 1989, the initial operator and previous owner of the Site was Southern Pacific Pipeline Inc., which was wholly owned by Southern Pacific Transportation (SPT). In 1989, SPT sold Southern Pacific Pipeline Inc., which merged with Santa Fe Pacific Pipelines Inc., and the merged corporation was named Santa Fe Pacific Pipelines, Inc. In 1990, the name of Santa Fe Pacific Pipeline Inc. was changed to SFPP, L.P.

5. **Named Discharger:** SFPP, L.P., (SFPP or the Discharger) an operating partnership of Kinder Morgan Energy Partners, L.P., is named as the discharger because it owned the property during or after the time of the activity that resulted in the discharge, had knowledge of the discharge or the activities that caused the discharge, and had the legal ability to prevent the discharge. 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.

6. **Regulatory Status:** In July 1992, the Regional Water Board adopted Site Cleanup Requirements Order No. 92-082, which required the investigation and remediation of onsite and potential offsite soil and groundwater contamination and required monitoring to demonstrate remediation performance.

The remedial actions implemented at the Site, as required by Order No. 92-082, have resulted in the reduction of onsite released free-product (see Figure 4). The remedial actions did not successfully address the offsite migration of the plume to the Walnut Creek Flood Control Channel wetlands owned by the Contra Costa County Flood Control and Water Conservation District and to the southern area beneath Imhoff Drive and immediately adjacent to, and possibly beneath, the property owned by CWCA Concord BP 17, LLC, located at 5650 Imhoff Drive (Concord Business Park Property).

7. **Purpose of Order:** SFPP has discharged petroleum fuel hydrocarbons to soil and groundwater underlying the Site, and these contaminants have migrated to and impacted downgradient and offsite properties including the Walnut Creek Flood Control Channel to the west and the Concord Business Park Property to the south. The petroleum fuel hydrocarbons have exceeded applicable San Francisco Bay Basin Water Quality Control Plan (Basin Plan) water quality objectives for groundwater, could potentially threaten surface water quality in the adjacent Walnut Creek Flood Control Channel, and may pose a soil vapor risk to the Concord Business Park Property. The purpose of this Order is to require remediation of soil and groundwater contamination caused by releases from the Site to a level that is protective of human health, safety, and the environment, and to ensure that the beneficial uses of water resources are maintained considering both current and reasonable future land and water uses.

This Order requires: 1) two investigation technical reports, 2) a risk assessment workplan and report, 3) a revised corrective action plan, 4) a corrective action implementation report, 5) three corrective action completion reports, 6) the optimization of the groundwater monitoring well network, and 7) a self-monitoring program to provide an ongoing assessment of groundwater and surface water conditions and impacts from potential new releases at the Site.

8. **Geology:** The Site is underlain by three geologic units that include: younger alluvium of the Bay plain (clayey sands) from 0 to 50 feet below ground surface (ft bgs), the Montezuma Formation (older alluvium) from 51 to 200 ft bgs, and finally Markley Formation bedrock. The clayey sands and Montezuma formations are known to be water bearing.

9. **Hydrogeology:** Sediments underlying the Site vary from fine to coarse grained. The upper portion of the sediments consists of silts and clays to a depth varying from 14 ft bgs in the southwestern portion of the Site to 22 ft bgs in the northeastern portion of the Site. Sands and gravels occur as much thinner beds along the eastern and western portions of the Site. Where deeper wells have been installed, a similar pattern of sands and gravels layered with silts and clays has been observed.

Groundwater elevations at the Site vary from approximately 4 to 23 feet above mean sea level (or 3 to 30 ft bgs), depending largely on seasonal variations. The horizontal hydraulic gradient direction is toward the southwest and has historically been consistent. However, a groundwater high persists in the north-central portion of the Site resulting in an easterly and southerly component to the horizontal hydraulic gradient in that local area (e.g., radial flow away from the topographic high, see Figure 5).

**10. Hydrology:** The closest surface water body is Walnut Creek, which borders the western portion of the Site. Water within the creek generally flows northward towards Suisun Bay, located approximately 3.5 miles north of the Site. Water levels in the creek typically range from 5 to 11.5 feet above mean sea level.

**11. Stormwater Management:** Stormwater at the Site is collected within engineered and bermed secondary containment AGT storage areas and discharges directly from non-storage areas. Stormwater that accumulates within secondary containment areas, and that does not dissipate naturally, is released through manually-controlled valves. Historically, these valves have been maintained in the closed position until after checking that there is no oil sheen present on the water. When draining the Site's containment areas, stormwater is conveyed by underground piping to a drainage ditch that discharges to a retention pond located on the Tesoro property just north of the Site. Tesoro personnel operate the retention pond management activities. Drainage of stormwater from other undiked and non-storage areas of the Site has not been historically-monitored or controlled. As of September 2013, the Discharger has applied for coverage under the State Water Resources Control Board's (State Water Board) General Industrial Stormwater Permit, which requires stormwater discharge monitoring and the implementation of best management practices to control stormwater pollutant runoff.

**12. Site History and Environmental Impacts:** The facilities on the Site were originally constructed in the 1950s and have been expanded several times. Throughout the history of the Site, there have been a number of reported onsite spills. Causes of the reported spills described below include pipeline ruptures, tank overflows, and leaks. Remedial excavations were sometimes performed. However, to ensure the structural integrity of the storage tanks, residual contamination was left in place under tanks CC-4, CC-6, CC-8, CC-10, and CC-16, and free product remains in the manifold area. The releases described below have not received regulatory closure from this agency, to date:

a. **1950 – 1984: Approximately 12,760 Gallons Spilled**

On July 23, 1975, Southern Pacific Pipelines (SPPL), the former operator of the Site, was notified by the Contra Costa County Office of Emergency Services of the presence of petroleum product in the Walnut Creek Flood Control Channel. Over three years, 101 soil borings and monitoring wells installed at the Site revealed high concentrations of dissolved petroleum hydrocarbons and free product in the northeastern area.

b. **1985 - 1991: Approximately 56,490 Gallons Spilled**

In July 1985, free product was discovered in the excavation of a Pacific Gas & Electric pipeline located in the northeastern portion of the Site. Seven monitoring wells installed in the northeastern portion contained free product up to 3.07 feet thick.

On January 24, 1988, a release of about 50 gallons of diesel fuel occurred when an overflow level switch failed in a recovery tank. The leak was contained, and there was no evidence fuel discharged to Walnut Creek.

On February 11, 1988, three leaks were found in a pipeline located in the northeastern area of the Site. Between February 21 and 25, 1988, approximately 1,600 gallons of product were recovered during remedial activities.

On December 14, 1988, a release of diesel occurred from a pin-hole located in a seam weld of Tank CC-12. The tank was drained and the pooled diesel was removed using a vacuum truck. The impacted soil under the tank was excavated and disposed at an appropriate facility.

On July 14, 1991, a release of approximately 42,420 gallons of diesel occurred when Tank CC-13 was overfilled. A large area of soil was excavated in the vicinity of tanks CC-10, CC-11, CC-13, and CC-14. Confirmatory soil samples did not contain diesel above the cleanup level.

c. **1992 – 2007: Approximately 64,391 Gallons Spilled**

On March 27, 2001, a release of gasoline occurred from bottom cracks in Tank CC-10. Six soil borings were completed in the vicinity of the tank on July 3, 2001, which indicated that the impacts to the soils were limited to the area immediately beneath the tank.

On January 1, 2002, a release of gasoline occurred from Tank CC-12. The release was stopped immediately and a total of 60 cubic yards of impacted soil were removed. Four soil borings were completed in the vicinity of the tank on February 12 and 25, 2002, that indicated that the impacts to the soils were limited to the area immediately beneath the tank.

On August 14, 2002, a release of gasoline occurred from Tank CC-10 due to a crack in a ½ - inch diameter bleeder pipe attached to the tank valve. The pipe was repaired and visually-impacted soil was excavated from around the tank valve. Excavation bottom and sidewall samples contained high concentrations of total petroleum hydrocarbons as diesel (TPH-d) and as gasoline (TPH-g).

On March 28, 2003, a release of jet fuel occurred from surge line 2 (San Jose surge line), due to a one-way check valve failure. The impacted soil was excavated shortly after the release at the end of March 2003.

On April 1, 2003, a release of approximately 530 barrels (approximately 22,260 gallons) of gasoline occurred in the manifold area of the Site during a routine shipment of gasoline from Tank CC-14. Product-affected soil in the vicinity of the release was excavated. Between April 2 and May 30, 2003, product recovery was completed at wells in the manifold area using a vacuum truck.

On April 14, 2003, SFPP personnel observed approximately one-half-inch of product identified as “transmix” (combination of gasoline, diesel, and jet fuel) floating on water in a storm drain pipeline outfall located on the western side of Solano Way. An investigation determined that the source of the transmix was a 1/4-inch-diameter hole in a tank bottom de-watering line connected to Tank CC-6. The section of pipe was replaced, and, between April 23 and June 6, 2003, 31 ‘temporary extraction points’ were installed in the northeastern area. A total of about 38,808 gallons of product was removed from the ground.

On May 30, 2003, a gasoline release to the ground occurred due to an open tattle-tail valve on Tank CC-26. The spill response/recovery operations consisted of vacuuming up the product.

On September 27, 2004, two cracks in the Tank CC-8 fill line resulted in a leak and subsequent excavation. TPH-g was detected at low levels in all of the soil samples and a temporary vapor monitoring point was installed in the excavation to collect soil vapor samples, which was removed during replacement of the tank valve.

On August 2, 2005, SFPP personnel identified stained gravel in the northeastern area of the Site as the result of a tank bottom dewatering drain line cap failure. Since this water is in contact with fuel while in the AGT, it contained both free and dissolved-phase hydrocarbons. The area in the vicinity of the dewatering line was excavated to a maximum depth of 3.5 feet below grade. Although residual TPH-g remained in the soil, the excavation could not be expanded due to its proximity to facility infrastructure.

On August 5, 2005, diesel odor and moisture were noticed near the bottom of Tank CC-16 and adjacent to the tank's vapor recovery line. In response to identifying this leak, the vapor recovery pipe was wrapped with absorbent cloth, the tank's diesel was drained, a 26.5-foot by 1-foot portion of the asphalt skirt located directly beneath the tank lip was removed, and the area was excavated to 1 foot below grade. Two confirmation soil samples that were collected from the bottom of the excavation contained residual diesel. The excavation was not expanded to avoid compromising the tank's integrity.

On February 1, 2006, a release of contaminated water occurred between tanks CC-4 and CC-6. The release was caused by the failure of a cap along a 4-inch tank bottom dewatering drain line. The cap was replaced and visibly-impacted soil was excavated to a few inches below grade. Confirmation soil samples collected from the excavation contained petroleum hydrocarbons at levels between 35 and 1,500 mg/kg.

On April 30, 2006, a release of approximately 3,223 gallons of gasoline occurred from a cracked bottom plate that had been lap-welded to the bottom of Tank CC-11. The impacted area was excavated to 4 feet below grade and product was removed from the excavation with a vacuum truck. Visually-impacted soil was also excavated from around the tank and next to the valve up to 7 feet below ground surface. The excavation was backfilled and the tank bottom and sump were replaced.

On September 20, 2007, an excavation was completed in the northeastern area where diesel had leaked onto soil from pipes. The excavation was completed to between 2 and 6 inches below grade. The two confirmation soil samples collected contained elevated levels of TPH-d and TPH-g. However further excavation could not be completed due to the excavation's proximity to below grade infrastructure.

**13. Investigations:** Throughout the history of Site operations, onsite subsurface assessments have been conducted in order to evaluate soil and groundwater conditions, some of which were conducted in response to known spills and releases described above. Since the late 1980s, the Site has been investigated and characterized with respect to hydrogeology and the distribution of petroleum hydrocarbon constituents in the subsurface. In addition, there have been historical assessments to define the extent of soil and groundwater contamination offsite, as presented below:

- a. A total of 86 monitoring and/or extraction wells are currently present at the Site, including temporary extraction points installed in the manifold area as a response to releases that occurred in early 2003. A total of 16 extraction wells are located throughout the Site and two french drains are located along the southern area of the Site. Thirty-two of the wells are



located offsite and were installed to define the plume extent on the Site's northeastern, southern, and western adjacent properties.

- b. The ongoing monitoring of Site monitoring wells indicate areas of dissolved phase hydrocarbons and free product in the manifold area to the northeast. Table 1 summarizes the maximum contaminant concentrations in groundwater during the last two-year period (2011-2012) as measured in onsite wells. The reported TPH-d concentrations do not include the petroleum biodegradation polar compounds, as the laboratory ran the TPH-d analysis using silica gel cleanup, which removes polar compounds. Therefore, the TPH-d concentrations are not representative of the total diesel range contamination at the site.

**Table 1: Maximum Contaminant Concentrations in Groundwater Measured in Onsite Monitoring Wells (2011 through 2012)**

Constituent	Contaminant Concentration (µg/l)	Basis
Gasoline (TPH-g, C6-C12)	23,000	MW-38 (May 2012) and MW-27 (November 2011); 2012 <i>Annual Monitoring Report</i> issued by TRC, Appendix Table C-1
Diesel Fuel (TPH-d*, C9-C25)	830	MW-27 (May 2011); <i>Annual Monitoring Report</i> issued by TRC, Appendix Table C-1
Benzene	9,800	MW-27 (November 2011); <i>Annual Monitoring Report</i> issued by TRC, Appendix Table C-1
Ethyl-benzene	300	MW-27 (May 2011); <i>Monitoring Well Installation Report</i> issued by TRC, Appendix Table C-1
Methyl-tert Butyl Ether (MTBE)	1,700	LF-27 (May 2013); 2013 <i>Annual Monitoring Report</i> issued by TRC, Table 3

\* TPH-d detections analyzed using silica gel cleanup

- c. In response to the Regional Water Board's California Water Code section 13267 technical report requirement order issued on June 20, 2012, additional offsite groundwater monitoring was initiated in July 2012. Two sentry groundwater monitoring wells were installed, one on the Concord Business Park Property and one on the Walnut Creek Flood Control property, to define the groundwater plume horizontal limits. The groundwater sample analytical results showed that the plume had migrated beyond the Site boundaries onto the Concord Business Park and Walnut Creek Flood Control properties. Table 2 summarizes the maximum contaminant concentrations in groundwater measured in offsite wells.

In addition, during September and October 2013, the following field work was performed: 1) one monitoring well (MW-43) and five multi-depth soil vapor monitoring probes were installed on the Concord Business Park Property to assess the extent of the southern groundwater plume and its impacts to soil gas, 2) seven piezometers were installed transecting the phytoremediation system to assess its hydraulic barrier performance; 3) seven soil borings were advanced along the Walnut Creek floodplain to collect and analyze groundwater samples and evaluate petroleum concentrations in groundwater in this area; and 4) six surface water samples were collected from Walnut Creek to evaluate impacts to surface water.

**Table 2: Maximum Contaminant Concentrations in Groundwater Measured in Offsite Monitoring Wells Installed in February 2013**

Constituent	Contaminant Concentration (µg/l) MW-42 located on Contra Costa County Flood Control District Property	Contaminant Concentration (µg/l) MW-34 located at 5650 Imhoff Drive in Concord
Gasoline (TPH-g, C6-C12)	8,700	2,900
Diesel Fuel (TPH-d*, C9-C25)	3,200	120
Benzene	900	<1.0
Ethyl-benzene	420	3.2
Methyl-tert Butyl Ether (MTBE)	<1.0	<1.0

\* TPH-d detections analyzed using silica gel cleanup

**14. Remedial Action Plans:** A remedial action plan (RAP) was prepared for the Site in 1995. In response to the Regional Water Board's comments, two subsequent revisions were prepared in 1997 and 2001. The RAPs presented and evaluated numerous remedial alternatives for soil and groundwater remediation:

- a. The following alternatives were evaluated for soil: bioventing, nutrient injection, steam injection, surfactant injection, fracturing, vitrification, solidification, capping, excavation, soil vapor extraction, and no action.
- b. The following alternatives were evaluated for groundwater: groundwater extraction from wells, groundwater extraction from trenches, non-aqueous phase skimming, vacuum enhanced product recovery, 3-phase vacuum assisted capture system, phytoremediation, sheet piling, slurry wall, nutrient injection, air injection, electro-osmosis, natural attenuation, and no action.
- c. Criteria for evaluation included the potential disruption of facility operations, impact to the community, technical feasibility, institutional feasibility, timeliness, environmental impacts, protection of human health and the environment, and cost. Based on this evaluation the following remedial actions were selected: 1) installation of a total fluids extraction system that extracts groundwater from two french drains and extraction from wells in the eastern portion of the Site; 2) recovery of mobile product when present from wells MW-2R, MW-12, MW-13, MW-15, MW-19, LF-10, and LF-15, the northeastern sump, and temporary extraction wells; 3) phytoremediation along the southern and western property boundaries; and 4) extraction and treatment of groundwater containing dissolved-phase petroleum hydrocarbons and treatment of process water generated as part of Site operations. Groundwater from the extraction and treatment systems is treated and discharged under permit to the Central Contra Costa Sanitary District.
- d. After failure of the first phytoremediation system installed in 1999, an *Expanded Phytoremediation Workplan* prepared for the Site in 2010 presented the design of a new phytoremediation system to mitigate offsite migration of impacted groundwater from the southwestern portion of the Site. The workplan stated that in the event that the

phytoremediation system fails to perform and the cause cannot be determined or cannot be addressed, a sheet pile barrier with groundwater extraction will be installed. Regional Water Board staff approved the workplan in a letter dated July 21, 2010. The letter specifies January 1, 2013, as the deadline for demonstrating the phytoremediation system effectiveness. Although there is preliminary evidence that the phytoremediation system may be effective in containing petroleum hydrocarbons in groundwater onsite, additional data are required to demonstrate system effectiveness. This Order requires a system effectiveness evaluation to address this data gap.

**15. Basis for Cleanup Levels:**

- a. **State Water Board Resolution No. 68-16**, entitled "Statement of Policy with Respect to Maintaining High Quality of Waters in California," applies to this discharge and requires the highest water quality consistent with the maximum benefit of the people.
- b. **State Water Board Resolution No. 92-49**, entitled "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.
- c. **Regional Water Board Resolution No. 89-39**, entitled "Sources of Drinking Water," defines potential sources of drinking water to include all groundwater in the region with limited exceptions for areas of high total dissolved solids, low yield, or naturally-high contaminant levels. Groundwater underlying and adjacent to the Site qualifies as a potential source of drinking water.
- d. **Beneficial Uses:** The 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 water 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 Basin Plan designates the following potential beneficial uses of groundwater underlying and adjacent to the Site:

- i. Municipal and domestic supply;
- ii. Industrial process supply;
- iii. Industrial service supply;
- iv. Agricultural water supply; and
- v. Freshwater replenishment to surface water.

Groundwater discharge to Walnut Creek occurs at different times of the year based on shallow groundwater and surface water levels. The existing and potential beneficial uses of Walnut Creek include:

- i. Water contact recreation;
- ii. Non-contact water recreation;
- iii. Cold fresh water habitat;
- iv. Wildlife habitat;

- v. Preservation of rare and endangered species; and
  - vi. Fish migration and spawning
- e. The Discharger supports the use of the San Francisco Bay Regional Water Board May 2013 Environmental Screening Levels (May 2013 ESLs) as interim cleanup levels. As required by Task 4, these interim cleanup levels will be superseded by site-specific cleanup levels acceptable to the Executive Officer and to be proposed by the Discharger. The specific basis for each cleanup scenario is discussed below:
- i. **Basis for Groundwater Interim Cleanup Levels:** The groundwater interim cleanup levels for the Site and downgradient properties are intended to protect beneficial uses of groundwater and will result in acceptable residual risk to human health, safety, and the environment. The groundwater interim cleanup levels are selected from the May 2013 ESLs document. Groundwater interim cleanup levels are shown in section B.2 below. SFPP will propose site-specific groundwater cleanup levels as required by Task 4 of this Order.
  - ii. **Basis for Soil Interim Cleanup Levels:** The soil interim cleanup levels are based on a commercial/industrial land use exposure scenario for the Site and the downgradient property at 5650 Imhoff Drive and on unrestricted land use for the Walnut Creek Flood Control Channel. The soil interim cleanup levels are selected from the May 2013 ESLs. Soil interim cleanup levels are shown in section B.3 below. SFPP will propose site-specific soil cleanup levels as required by Task 4 of this Order.
  - iii. **Basis for Soil Gas Interim Cleanup Levels:** The soil gas interim cleanup levels for the Site are intended to prevent vapor intrusion into occupied buildings and will result in acceptable residual risk to humans. The soil gas interim cleanup levels are based on a commercial/industrial land use scenario for the Site and Concord Business Park Property and on an unrestricted land use scenario for the Walnut Creek Flood Control Channel. The soil gas interim cleanup levels are selected from the May 2013 ESLs. Soil gas interim cleanup levels are shown in section B.4 below. SFPP will propose site-specific soil gas cleanup levels as required by Task 4 of this Order.
  - iv. **Basis for Indoor Air Interim Cleanup Levels:** The indoor air interim cleanup levels for the Site are intended to prevent unhealthy levels of volatile organic compounds (VOCs) in indoor air as a result of vapor intrusion. The indoor air interim cleanup levels are based on a commercial/industrial land use scenario and selected from the May 2013 ESLs. The indoor air interim cleanup levels are shown in section B.5 below. SFPP will propose site-specific indoor air cleanup levels as required by Task 4 of this Order.
- 16. Future Changes to Cleanup Levels:** The goal of this remedial action is to restore the beneficial uses of surface water and groundwater underlying and adjacent to the Site and to protect human health, safety, and the environment. If new technical information indicates that cleanup levels can be surpassed, the Regional Water Board may determine that further cleanup actions shall be taken.
- 17. Reuse or Disposal of Extracted Groundwater:** 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 current discharge requirements are presented in Order No. R2-2012-0012 (NPDES No. CAG912002) General Waste Discharge Requirements for Discharge or Reuse of Extracted and Treated Groundwater Resulting from the Cleanup of Groundwater Polluted by Volatile Organic Compounds, Fuel Leaks, and Other Related Wastes (VOC and Fuel General Permit).

- 18. Basis for 13304 Order:** California Water Code (CWC) section 13304 authorizes the Regional Water Board to issue orders requiring the Discharger to cleanup and abate waste where the Discharger has 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.
- 19. California Environmental Quality Act (CEQA):** This Site has been previously subject to cleanup requirements under Order No. 92-082. This Order only requires that the requirements first imposed by the previous order be continued, and to gather information, improve the effectiveness of the ongoing remediation, and further evaluate the Site's environmental conditions. These actions will not result in any potential significant impacts beyond the existing baseline. As such, the general rule that CEQA only applies to projects that have the potential for causing a significant effect on the environment (the "common sense" exemption) applies, and no environmental document needs to be prepared in connection with the adoption of this Order [Cal. Code Regs., title 14, §15061(b)(3)].
- 20. Notification:** The Regional Water Board has notified the Discharger and interested agencies and persons of its intent to update Order No. 92-082 and has provided them with an opportunity to submit their written views and recommendations.
- 21. Public Hearing:** The Regional Water Board, in a public meeting, heard and considered all comments pertaining to the proposed site cleanup requirements order for the Site.

**IT IS HEREBY ORDERED**, pursuant to CWC sections 13304 and 13267, that the Discharger 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. CORRECTIVE ACTION PLAN AND CLEANUP LEVELS**

1. **Implement Corrective Actions:** The Discharger shall implement corrective actions as necessary to comply with the requirements of this Order. At a minimum, implementation of remedial actions shall be demonstrated through compliance with the SMP attached to this Order and as may be revised by the Executive Officer. The attached SMP is designed to collect information necessary to evaluate the potential migration of chemicals of concern (COCs) associated with known releases at the site and the effectiveness of remedial actions implemented to address those releases. The attached SMP may be revised at the discretion of the Executive Officer, as necessary, to better evaluate site conditions, discharges, and remedial action effectiveness.
  
2. **Interim Cleanup Levels:** Pending the establishment of site-specific cleanup levels as required by Task 4 of this Order, the Discharger shall use the following interim cleanup levels for the purpose of conducting remedial investigation and remedial actions:
  - a) The following groundwater interim cleanup levels shall be met in all wells located on the Site's western boundary and on the Walnut Creek Flood Control Channel:

**Table B 2.1: Walnut Creek Flood Control Channel Groundwater Interim Cleanup Levels**

Constituent	Level (µg/l)	Basis
Gasoline (TPH-g) (C6-C12)	500	Aquatic Habitat (AH) Protection
Diesel Fuel (TPH-d)* (C9-C25)	640	AH Protection
Benzene	46	AH Protection
Ethyl-benzene	30	AH Protection
Methyl-tert Butyl Ether (MTBE)	8,000	AH Protection

*Note:* The groundwater interim cleanup levels are selected from the May 2013 ESLs compiled by Regional Water Board staff, Table F-2a: *Surface Water Screening Levels-Fresh Water Habitat*

- b) The following groundwater interim cleanup levels shall be met in all wells located onsite and on the Concord Business Park Property:

**Table B 2.2: Onsite and Concord Business Park Property Groundwater Interim Cleanup Levels**

Constituent	Level (µg/l)	Basis
Gasoline (TPH-g) (C6-C12)	100	Protection of groundwater as a source or potential source of drinking water
Diesel Fuel (TPH-d)* (C9-C25)	100	Protection of groundwater as a source or potential source of drinking water
Benzene	1	Protection of groundwater as a source or potential source of drinking water
Ethyl-benzene	30	Protection of groundwater as a source or potential source of drinking water
Methyl-tert Butyl Ether (MTBE)	5	Protection of groundwater as a source or potential source of drinking water

*Note:* The groundwater interim cleanup levels are selected from the May 2013 ESLs compiled by Regional Water Board staff, Table F-1a: *Groundwater Screening Levels (groundwater is a current or potential drinking water resource)*

**3. Soil Interim Cleanup Levels:**

- a) The following soil interim cleanup levels shall be met in all Concord Business Park Property soils:

**Table 3.1: Concord Business Park Property Soil Interim Cleanup Levels**

Constituent	Level (mg/kg)	Basis
Gasoline (TPH-g) (C6-C12)	500	Odor threshold
Diesel Fuel (TPH-d)* (C9-C25)	500	Odor threshold
Benzene	0.044	Protection of groundwater as a source or potential source of drinking water
Ethyl-benzene	3.3	Protection of groundwater as a source or potential source of drinking water
Methyl-tert Butyl Ether (MTBE)	0.023	Protection of groundwater as a source or potential source of drinking water

*Note:* The soil interim cleanup levels selected from the May 2013 ESLs compiled by Regional Water Board staff, Table G: *Soil Screening Levels for Leaching Concerns – drinking water resource* and Table H2: *Components for Ceiling Levels in Shallow Soil*

b) The following soil interim cleanup levels shall be met in all onsite property soils:

**Table 3.2: Onsite Property Soil Interim Cleanup Levels**

Constituent	Level (mg/Kg)	Basis
Gasoline (TPH-g) (C6-C12)	2,400	Protection of commercial/industrial worker
Diesel Fuel (TPH-d)* (C9-C25)	1,100	Protection of commercial/industrial worker
Benzene	3.7	Protection of commercial/industrial worker
Ethyl-benzene	24	Protection of commercial/industrial worker
Methyl-tert Butyl Ether (MTBE)	190	Protection of commercial/industrial worker

*Note:* The soil interim cleanup levels are selected from the May 2013 ESLs compiled by Regional Water Board staff, Table K-2: *Direct Exposure Soil Screening Levels – commercial/industrial worker exposure scenario*

c) The following soil interim cleanup levels shall be met in all Walnut Creek Flood Control Channel soils:

**Table 3.3: Walnut Creek Flood Control Channel Soils Interim Cleanup Levels**

Constituent	Level (mg/Kg)	Basis
Gasoline (TPH-g) (C6-C12)	100	Unrestricted land use – odor threshold
Diesel Fuel (TPH-d)* (C9-C25)	100	Unrestricted land use - odor threshold
Benzene	0.044	Unrestricted land use – protection of groundwater
Ethyl-benzene	3.3	Unrestricted land use - protection of groundwater
Methyl-tert Butyl Ether (MTBE)	0.023	Unrestricted land use – protection of groundwater

*Note:* The soil interim cleanup levels are selected from the May 2013 ESLs compiled by Regional Water Board staff, Table A-1: *Shallow Screening Levels for Residential Land Use (groundwater is a current or potential drinking water resource)*



**4. Soil Gas Interim Cleanup Levels:**

- a) The following soil gas interim cleanup levels shall be met in all Concord Business Park Property soil gas samples to ensure protection of human health in occupied buildings. Onsite soil vapor results shall be evaluated by the Discharger as part of standard operating procedures:

**Table 4.1: Onsite and Concord Business Park Property Soil Gas Interim Cleanup Levels**

Constituent	Level ( $\mu\text{g}/\text{m}^3$ )	Basis
Gasoline (TPH-g) (C6-C12)	1,200,000	Vapor intrusion (VI) protection
Diesel Fuel (TPH-d)* (C9-C25)	570,000	VI protection
Benzene	420	VI protection
Ethyl-benzene	4,900	VI protection
Methyl-tert Butyl Ether (MTBE)	47,000	VI protection

*Note:* The soil gas interim cleanup levels are selected from the May 2013 ESLs compiled by Regional Water Board staff, Table E-2: *Shallow Soil Gas Screening Levels for Evaluation of Potential Vapor Intrusion*

- b) Should land use change in the future along the Walnut Creek Flood Control Channel, the following soil gas cleanup levels shall be met in all soil gas samples:

**Table 4.2: Walnut Creek Flood Control Channel Soil Gas Interim Cleanup Levels**

Constituent	Level ( $\mu\text{g}/\text{m}^3$ )	Basis
Gasoline (TPH-g) (C6-C12)	150,000	Unrestricted land use- Vapor intrusion (VI) protection
Diesel Fuel (TPH-d)* (C9-C25)	68,000	Unrestricted land use- VI protection
Benzene	420	Unrestricted land use- VI protection
Ethyl-benzene	490	Unrestricted land use- VI protection
Methyl-tert Butyl Ether (MTBE)	4,700	Unrestricted land use- VI protection

*Note:* The soil gas interim cleanup levels are obtained from the May 2013 ESLs compiled by Regional Water Board staff, Table E-2: *Shallow Soil Gas Screening Levels for Evaluation of Potential Vapor Intrusion*

5. **Indoor Air Interim Cleanup Levels:** The following indoor air interim cleanup levels shall be met in occupied Concord Business Park Property buildings to ensure protectiveness of human health:

**Table 5.1: Indoor Air Interim Cleanup Levels**

Constituent	Level ( $\mu\text{g}/\text{m}^3$ )	Basis
Gasoline (TPH-g) (C6-C12)	1,200	Indoor air protection
Diesel Fuel (TPH-d)* (C9-C25)	570	Indoor air protection
Benzene	0.42	Indoor air protection
Ethyl-benzene	4.9	Indoor air protection
Methyl-tert Butyl Ether (MTBE)	47	Indoor air protection

*Note:* The soil gas interim cleanup levels are selected from the May 2013 ESLs compiled by Regional Water Board staff, Table E-3: *Ambient and Indoor Air Screening Levels (volatile chemicals only)*

**C. TASKS**

1. **Offsite Southern Area Investigation Technical Report:** The Discharger shall submit a technical report, acceptable to the Executive Officer, that presents the results of the recent investigation performed at the Concord Business Park Property - 5650 Imhoff Drive in Concord. The report shall summarize the implementation of the work proposed in the June 14, 2013, workplan, as approved by Regional Water Board staff on August 1, 2013. The report shall include a description of geologic conditions, soil properties, contaminant concentrations, risk modeling results, and recommendations relevant for assessing potential vapor intrusion risk on the Concord Business Park Property that is related to COCs attributable to the Discharger.

**Compliance Date:                      November 29, 2013**

2. **Southwestern Border Area "A" Investigation Technical Report:** The Discharger shall submit a technical report, acceptable to the Executive Officer, that presents investigation findings for the Southwest Border Area "A" and the Walnut Creek Flood Control Channel. The additional investigation shall be conducted in accordance with the May 31, 2013, workplan approved by Regional Water Board staff on August 14, 2013. The report shall include a description of geologic conditions encountered, contaminant concentrations, and recommendations required to assess risk to Walnut Creek and the wetlands adjacent to Walnut Creek.

**Compliance Date:                      December 20, 2013**

3. **Risk Assessment Workplan:** Submit a workplan acceptable to the Executive Officer for the preparation of a site-specific risk assessment and site-specific cleanup levels for groundwater, soil, soil gas, and indoor air. The workplan shall include a conceptual site model (CSM) (i.e., identify pathways and receptors where Site contaminants pose a potential threat to human health, safety, or the environment).

**Compliance Date:**            **January 17, 2014**

4. **Risk Assessment Report:** The Discharger shall submit a technical report acceptable to the Executive Officer that contains an updated human and ecological health risk assessment for receptor pathways identified in Task 3, a detailed discussion of updated CSM elements, and site-specific cleanup levels for groundwater, soil, soil gas, and indoor air.

**Compliance Date:**            **July 16, 2014**

5. **Revised Corrective Action Plan (CAP):** Submit a technical report acceptable to the Executive Officer containing:

- a) An evaluation of historical remedial action effectiveness implemented at: 1) the Site, 2) the Concord Business Park Property, and 3) the Walnut Creek Flood Control Channel and wetlands including:
- i) Adequately measured soil, geologic, hydrologic, and water quality parameters, including 1) contaminant concentrations in soil, soil gas, indoor air, and groundwater, 2) water levels demonstrating hydraulic capture and containment, or lack thereof, 3) appropriately calculated hydraulic gradients, and 4) chemical gradients;
  - ii) A summary of the effectiveness of contaminant migration control and the protection of human health, safety, and the environment;
  - iii) A comparison of contaminant concentration trends with site-specific cleanup levels as required by Task 4; and
  - iv) Remediation performance data including: 1) contaminant mass removed or destroyed; 2) volume and mass of separate-phase product removed; 3) volume of groundwater extracted; 4) mass removed per million gallons extracted; and 5) total mass flux annually to Walnut Creek wetlands and offsite towards the south from 1993 till present, presented annually. If these historical remediation performance data do not exist, the Discharger shall evaluate the performance using other methods, such as free product mass reduction or declining soluble contaminant concentrations.
- b) A feasibility study evaluating alternative final remedial actions including:
- i) Projections of cost, effectiveness, benefits, and impacts on public health, safety, and the environment for each remedial alternative;
  - ii) A plan that ensures no additional contaminated groundwater migrates offsite to the Walnut Creek Flood Control Channel wetlands or the Concord Business Park Property;
  - iii) Recommended final remedial actions; and
  - iv) Proposed tasks and a time schedule for implementation.

The feasibility study, item 5.b above, shall be consistent with the guidance provided by Subpart F of the National Oil and Hazardous Substances Pollution Contingency Plan (40 C.F.R. § 300), CERCLA guidance documents with respect to remedial investigations and feasibility studies, Health and Safety Code section 25356.1(c), and State Water Board Resolution No. 92-49 as amended ("Policies and Procedures for Investigation and Cleanup and Abatement of Discharges Under Water Code Section 13304").

**Compliance Date:**                    **January 16, 2015**

6. **Corrective Action Implementation Report:** Submit a technical report acceptable to the Executive Officer documenting completion of necessary the tasks identified in Task 5 – Revised CAP. For ongoing actions, such as soil vapor extraction or groundwater extraction, the report shall document system startup (as opposed to completion) and shall present initial system effectiveness results (e.g., capture zone or area of influence). Proposals for further system expansion or modification may be included in annual reports (see Self-Monitoring Program).

**Compliance Date:**                    **December 18, 2015**

7. **Corrective Action Completion Status Reports:** Submit three technical reports acceptable to the Executive Officer documenting the completion of necessary tasks identified in Task 5-revised CAP for the Walnut Creek Flood Control Channel wetlands, the Concord Business Park property, and the Site. The reports shall present the completion of the remedial actions implemented to eliminate current and future potential exposure to concentrations above site specific cleanup levels required by Task 4. The reports shall demonstrate achievement of onsite hydraulic containment. The reports shall provide a detailed discussion of any instances of implementation actions falling short of the Task 5 requirements, including an assessment of any potential human health or environmental effects resulting from these shortfalls. The report may be combined with a self-monitoring report, provided that the report title clearly indicates its scope. The report may propose changes to the CAP acceptable to the Executive Officer.

The three reports will have the following completion dates:

- a) **Corrective Action Completion Status Report for Walnut Creek Flood Control Channel Wetlands**

**Compliance Date:**                    **December 20, 2016**

- b) **Corrective Action Completion Status Report for Concord Business Park Property**

**Compliance Date:**                    **December 20, 2016**

- c) **Corrective Action Completion Status Report for the Site**

**Compliance Date:**                    **December 20, 2019**

- 8. Optimization of Monitoring Well Network and Revised Self-Monitoring Program:** The Discharger shall submit a technical report, acceptable to the Executive Officer, that evaluates and optimizes the location, condition, and effectiveness of all monitoring wells that comprise the Site groundwater monitoring network. The evaluation shall consider well location, total well depth, screen interval, as well as the total number and spatial distribution of wells in terms of providing adequate monitoring data for plume monitoring and remediation effectiveness evaluation. The report shall: 1) propose the destruction, repair, and/or replacement of any wells that are damaged, improperly screened, or poorly located; 2) propose the construction of any new wells necessary to provide sufficient monitoring data needed to adequately perform the tasks specified in this Order; 3) present a revised, detailed Self-Monitoring Program for the Site.

**Compliance Date:**                    **December 20, 2013**

- 9. Revised Risk Assessment Report:** When required, as outlined below, the Discharger shall submit a technical report, acceptable to the Executive Officer, that contains an updated human and/or ecological health risk assessment (risk assessment), a detailed discussion of updated CAP elements, and proposed implementation actions taken.

An updated and/or more detailed human and/or ecological health risk assessment will be required if any of the following triggers occur: 1) data indicate that the approved remedial action plan should be revised in response to revision of drinking water standards, maximum contaminant levels, or other health-based criteria, 2) upon presentation by the property owner of a credible, specific reuse and/or redevelopment plan to Regional Water Board staff and the Discharger for areas immediately adjacent to the Site where offsite impacts may exist, or 3) upon any actual or proposed material change to the Site as determined by the Discharger or Regional Water Board staff. The purpose of the risk assessment would be to identify risks to potential human or ecological receptors posed by petroleum fuel hydrocarbons discharged from the Site both onsite and offsite, when applicable and to ensure protection of human health, safety, and the environment, which may require a land use covenant recorded on the property deed. 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 corrective action plan or cleanup levels.

**Compliance Date:**                    **90 days after any trigger (1-3)**

- 10. Proposed Curtailment:** Submit a technical report acceptable to the Executive Officer containing a proposal to curtail remediation. Curtailment includes monitoring program reduction or termination (e.g., abandonment of some or all monitoring wells). The report shall include the rationale for curtailment. Proposals for final closure shall demonstrate that cleanup levels have been met, contaminant concentrations are stable, and contaminant migration potential is minimal.

**Compliance Date:**                    **60 days prior to proposed curtailment**

- 11. Implementation of Curtailment:** Submit a technical report acceptable to the Executive Officer documenting completion of the tasks identified in Task 10.

**Compliance Date:**                    **60 days after Executive Officer approval**

- 12. Evaluation of New Technical Information:** When requested, submit a technical report acceptable to the Executive Officer evaluating new technical information that bears on the approved corrective 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 will not be requested unless the Executive Officer determines that the new information is reasonably likely to warrant a revision in the approved CAP or cleanup levels.

**Compliance Date:                    90 days after requested by Executive Officer**

- 13. Delayed Compliance:** If the Discharger is delayed, interrupted, or prevented from meeting one or more of the completion dates specified for the above tasks, the Discharger shall promptly notify the Executive Officer, and the Executive Officer may consider revision to this Order or formal enforcement.

#### **D. PROVISIONS**

- 1. No Nuisance:** The storage, handling, treatment, or disposal of polluted soil or groundwater shall not create a nuisance as defined in CWC, section 13050(m).
- 2. Operations and Maintenance:** The Discharger 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. Construction Stormwater:** For any proposed grading or development project greater than one acre in size, the Discharger shall submit a Notice of Intent to the State Water Board, submit a Storm Water Pollution Prevention Plan acceptable to the Executive Officer, and implement best management practices for the control of stormwater in accordance with requirements specified in the State Water Board's General Permit for Storm Water Discharges Associated with Construction Activities Order No. 2009-0009-DWQ. The Discharger will be deemed in compliance with this provision if another party constructing improvements on property owned by the Discharger, pursuant to an easement granted by the Discharger, has obtained coverage under the General Permit.
- 4. Cost Recovery:** The Discharger is liable, pursuant to CWC section 13304, to the Regional Water Board for all reasonable costs 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 reimbursement 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.
- 5. Access to Site and Records:** The Discharger 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; and
  - 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.
6. **Contractor / Consultant Qualifications:** All technical documents shall be signed by and stamped with the seal of a California-registered 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 U.S. EPA methods for the type of analysis to be performed. All laboratories shall maintain quality assurance/quality control records for Regional Water Board review. This provision does not apply to analyses that can only reasonably be performed onsite (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, and the Executive Officer may modify this list as needed: Regional Water Board, Contra Costa County Environmental Health Services, CWCA Concord BP 17, LLC (or future owner of Concord Business Park Property), and the Contra Costa County Flood Control and Water Conservation District.
  9. **Electronic Reporting:** All reports submitted pursuant to this Order shall be submitted as paper copies and electronic files in PDF format. The Regional Water Board has implemented a document imaging system, which is ultimately intended to reduce the need for printed report storage space and streamline the public file review process. Documents in the imaging system may be viewed, and print copies made, by the public, during file reviews conducted at the Regional Water Board's office. PDF files can be created by converting the original electronic file format (e.g., Microsoft Word) and/or by scanning printed text, figures & tables.  
  
Upon request by Regional Water Board staff, monitoring results, including water level measurements, sample analytical results, coordinates, elevations, etc., shall be provided electronically in Microsoft Excel<sup>®</sup> or similar spreadsheet format. This format facilitates data computations and/or plotting that Regional Water Board staff may undertake during their review. Data tables submitted in electronic spreadsheet format will not be included in the case file for public review as long as a PDF version is included.  
  
All electronic files shall be submitted via the Regional Water Board's Geotracker website, email (only if the file size is less than 10 MB) or on CD. CD submittals may be included with a print report. Email notification shall be provided to Regional Water Board staff whenever a file is uploaded to Geotracker.
  10. **Reporting of Changed Owner or Operator:** The Discharger shall file a technical report on any changes in Site occupancy or ownership associated with the property described in this Order.
  11. **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.

**12. Implementation of Self-Monitoring Program:** The Discharger shall implement the Self-Monitoring Program attached to this Order and as may be revised by the Executive Officer.

**13. Rescission of Existing Order:** This Order supersedes and rescinds Order No. 92-082 except for enforcement purposes.

**14. Periodic SCR Review:** The Regional Water Board will review this Order periodically and may revise it when necessary.

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 XX, XX 2013.

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Bruce H. Wolfe  
Executive Officer

Attachments:    Self-Monitoring Program  
                      Figure 1: Vicinity Map  
                      Figure 2: Site Plan  
                      Figure 3: Aerial View of Site  
                      Figure 4: Dissolved Phase Hydrocarbon Contaminants in Groundwater  
                      Figure 5: Measurable Non-aqueous Phase Hydrocarbons Thickness



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

**SELF-MONITORING PROGRAM for ORDER NO. R2-2013-00XX for the:  
SFPP, L.P., an operating partnership of Kinder Morgan Energy Partners, L.P.**

for the property located at:

1550 Solano Way  
Concord, Contra Costa County

1. **Authority and Purpose:** The Regional Water Board requests the technical reports required in this Self-Monitoring Program (SMP) pursuant to CWC sections 13267 and 13304. This SMP is intended to document compliance with Order No. R2-2013-00XX.
2. **Monitoring Requirements:** The Discharger shall perform monitoring (water level measurement, observations, and analytical sampling) according to the following table:

Well #	Sampling Frequency	Analyses
MW-2R, MW-3, MW-4, MW-5, MW-6, MW-8R, MW-10, MW-12, MW-13, MW-14, MW-15, MW-16, MW-19, MW-22, MW-26, MW-27, MW-28, MW-29, MW-30, MW-31, MW-32, MW-34, MW-35, MW-37, MW-38, MW-39, MW-40, MW-41, MW-42, LF-2, LF-3, LF-4, LF-5, LF-6, LF-8, LF-9, LF-10, LF-11, LF-12, LF-15, LF-16, LF-17, LF-19, LF-20, LF-22, LF-23, LF-24, LF-27, EX-1, EX-5, EX-16, EX-17, EX-18R, EX-19R, EX-20, EX-21, EX-22, EX-26, EX-27, EX-28, EX-29, and RW-1	SA	TPH-D 8015M; TPH-G, BTEX, and MTBE by 8260B
LF-1, LF-7, LF-21, LF-25, LF-26, and LF-28	A	TPH-D 8015M; TPH-G, BTEX, and MTBE by 8260B

- Notes: SA = Semi-Annually (May & November)  
A = Annually (November)  
TPH-D = total petroleum hydrocarbons as diesel (w/out silica gel cleanup)  
TPH-G = total petroleum hydrocarbons as gasoline  
BTEX = benzene, toluene, ethylbenzene, and total xylenes  
MTBE = methyl tert-butyl ether  
8015M = EPA method 8015M or equivalent (w/out silica gel cleanup)  
8260B = EPA method 8260B or equivalent

- a. Measure groundwater elevation quarterly in all monitoring wells (February, May, August, and November).

- b. Measure thickness of free product in wells that contain free product or sheen. These wells will not be sampled; analytical data from such wells do not represent dissolved concentrations.
- c. Sheen will be confirmed using a clean disposable bailer. Groundwater samples are to be collected using the standard three well volume purge procedures.

The Discharger may propose changes in the above table; any proposed changes are subject to Executive Officer approval.

- 3. **Stormwater Sampling:** The Discharger shall collect and analyze stormwater samples representative of all stormwater leaving the Site and in compliance with the State Water Board's Industrial Storm Water General Permit Order No. 97-03-DWQ until this Order is rescinded. Once rescinded, the Discharger shall comply with the requirements set forth in the current Industrial Storm Water General Permit.
- 4. **Soil Vapor Sampling:** The Discharger shall collect and analyze soil vapor samples to evaluate the potential risks to human health in the vicinity of the buildings located at 5650 Imhoff Drive (the Concord Business Park Property) in compliance with: 1) Active Soil Gas Advisory – California Environmental Protection Agency – Department of Toxic Substances Control, 2012, Advisory – Active Soil Gas Investigations, March; 2) Vapor Intrusion Guidance – California Environmental Protection Agency – Department of Toxic Substances Control (DTSC), 2011, Guidance for the Evaluation and Mitigation of Subsurface Vapor Intrusion to Indoor Air, October; and 3) DTSC, 2011, Vapor Intrusion Mitigation Advisory, Revision 1, October.
- 5. **Reporting Requirements:** The Discharger shall submit self-monitoring reports (SMRs) to Regional Water Board staff in accordance with the following schedule. Reports due at the same time may be combined into one report for convenience, as long as monitoring activities and results pertaining to each monitoring period are clearly distinguishable.

Reporting Frequency	Report Due Dates
Semi-Annual	February 15, August 15

At a minimum, each SMR shall include the following information:

- a. **Transmittal Letter:** A cover letter transmitting the essential points shall be included with each SMR. The transmittal letter shall discuss any violations during the reporting period and actions taken or planned to correct the problem. The letter shall also certify the completion of all monitoring requirements. The letter shall be signed by the Discharger's principal executive officer, or his/her duly authorized representative, and shall include a statement by the official, under penalty of perjury, that the report is true and correct to the best of the official's knowledge.
- b. **Graphic Presentation:** The following maps, figures, and graphs (if applicable) shall be included in each SMR to visually present data collected pursuant to this SMP:
  - (1) Plan-view maps showing all monitoring and sampling locations, surface water bodies, and the Site's boundaries;

- (2) Groundwater level/piezometric surface contour maps for each groundwater-bearing zone of interest showing calculated groundwater gradients and flow directions under/around the Site, based upon the present water level elevations and pertinent visual observations;
  - (3) Iso-concentration contour maps displaying analyte concentrations and sample locations for each constituent of concern;
  - (4) Concentration vs. time graphs for key sampling parameters for select sampling locations; and
  - (5) Any other maps, figures, photographs, cross-sections, graphs, and charts necessary to visually demonstrate the appropriateness and effectiveness of sampling, monitoring, characterization, investigation, or remediation activities relative to the goals of this Order.
- c. **Tabular Presentation:** The following data (if applicable) shall be presented in tabular form and included in each SMR to show a chronological history and allow quick and easy reference:
- (1) Well designations
  - (2) Well location coordinates (latitude and longitude)
  - (3) Well construction (including top of well casing elevation, total well depth, screen interval depth below ground surface, and screen interval elevation)
  - (4) Groundwater depths
  - (5) Groundwater elevations
  - (6) Horizontal groundwater gradients
  - (7) Vertical groundwater gradients (including comparison wells from different zones) when appropriate
  - (8) Phase-separated product elevations
  - (9) Phase-separated product thicknesses
  - (10) Current analytical results (including analytical method and detection limits for each constituent)
  - (11) Historical analytical results (including at least the past five years unless otherwise requested)
  - (12) Measurement dates
  - (13) Groundwater extraction, including:
    - (a) Average daily extraction rate
    - (b) Total volume extracted for monitoring period
    - (c) Cumulative total volume extracted since system inception
  - (14) Contaminant mass removal, including:
    - (a) Average daily removal rate
    - (b) Total mass removed for monitoring period
    - (c) Cumulative total mass removed since system inception
- d. **Discussion:** Discussion of the following information, based on field and laboratory data results, shall be provided in each SMR:
- (1) Data Interpretations
  - (2) Conclusions
  - (3) Recommendations
  - (4) Newly implemented or planned investigations & remedial measures
  - (5) Data anomalies

- (6) Variations from protocols
- (7) Condition of wells
- (8) Explanation why monitoring could not be performed at any required location

e. **Appendices:** The following information shall be provided as appendices in electronic format (PDF format). Hard copies of the following information shall be submitted only if requested by Regional Water Board staff:

- (1) New boring and well logs
- (2) Method and time of water level measurements (field data sheets)
- (3) Purging methods and results including the type of pump used, pump placement in the well, pumping rate, equipment and methods used to monitor field pH, temperature, and conductivity, calibration of the field equipment, pH, temperature, conductivity, and turbidity measurements, and method of disposing of the purge water
- (4) Sampling procedures, field and travel blanks, number and description of duplicate samples, type of sample containers and preservatives used, the date and time of sampling, the name of the person actually taking the samples, and any other relevant observations
- (5) Documentation of laboratory results, analytical methods, detection limits, and Quality Assurance/Quality Control (QA/QC) procedures for the required sampling.

6. **Violation Reports:** If the Discharger violates requirements in Order No. R2-2013-00XX, then the Discharger shall notify the Regional Water Board office by telephone as soon as practicable once the Discharger has knowledge of the violation. Regional Water Board staff may, depending on violation severity, require the Discharger to submit a separate technical report on the violation within five working days of telephone notification.

7. **Other Reports:** The Discharger shall notify the Regional Water Board in writing prior to any Site activities, such as construction or underground tank removal, which have the potential to cause further migration of contaminants or which would provide new opportunities for Site investigation.

8. **Record Keeping and Maintenance of Written Records:** The Discharger or its agent shall retain data generated for the above reports, including lab results and QA/QC data, for a minimum of six years after origination and shall make them available to the Regional Water Board upon request. The Discharger shall maintain written information required pursuant to this SMP for at least five years. The five-year period of retention shall be extended during the course of any unresolved litigation regarding this discharge or when requested by the Regional Water Board.

9. **SMP Revisions:** Revisions to this SMP may be ordered by the Executive Officer, either on his/her own initiative or at the request of the Discharger. Prior to making SMP revisions, the Executive Officer will consider the burden, including costs, of associated self-monitoring reports relative to the benefits to be obtained from these reports.

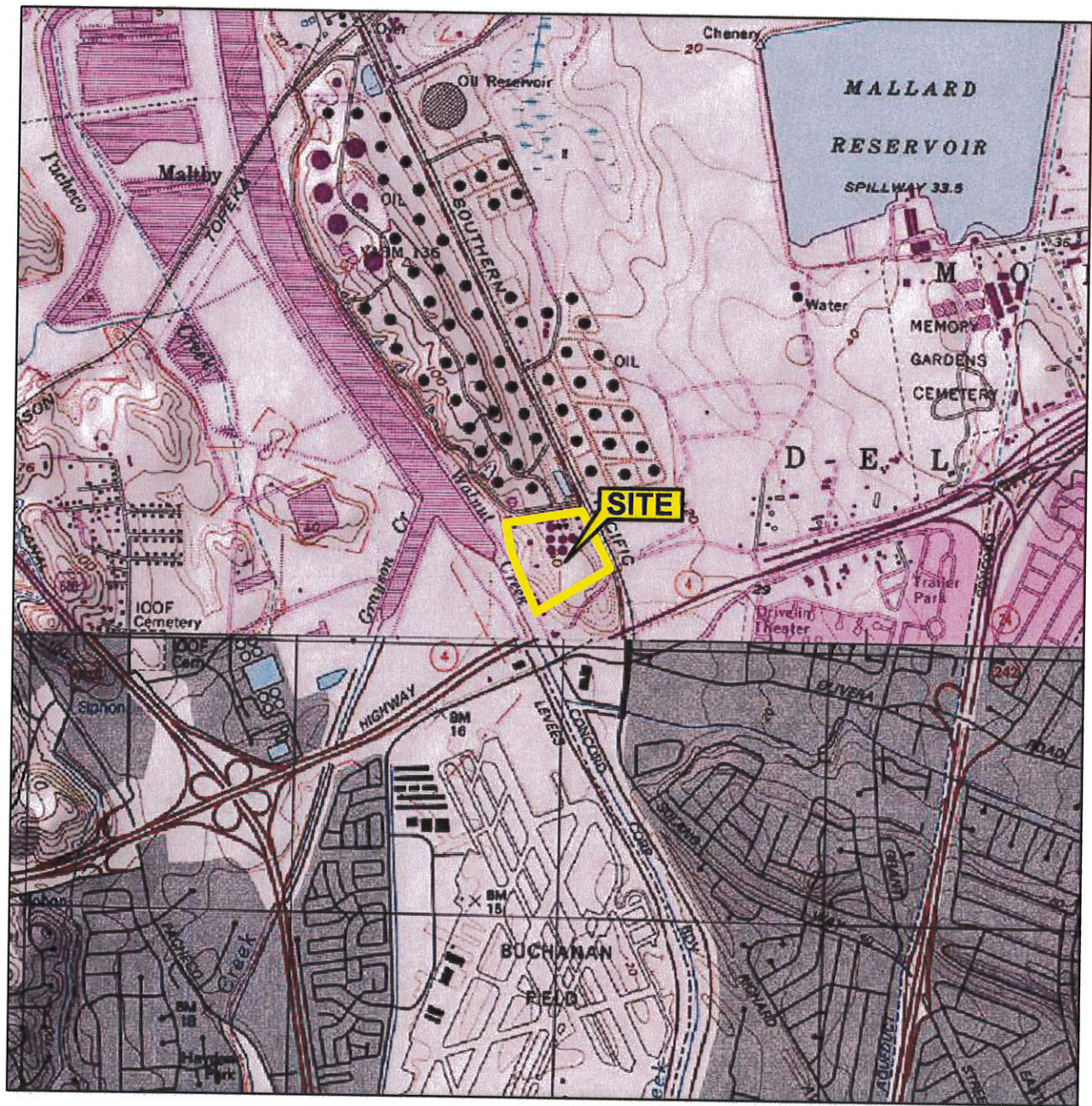
10. **Electronic Reporting:** All SMRs submitted pursuant to this SMP shall be submitted as electronic files in PDF format. The Regional Water Board has implemented a document imaging system, which is ultimately intended to reduce the need for printed report storage space and streamline the public file review process. Documents in the imaging system may be viewed, and print copies made, by the public, during file reviews conducted at the Regional Water Board's office. PDF files

can be created by converting the original electronic file format (e.g., Microsoft Word) and/or by scanning printed text, figures and tables.

Upon request by Regional Water Board staff, monitoring results, including water level measurements, sample analytical results, coordinates, elevations, etc., shall be provided electronically in Microsoft Excel<sup>®</sup> or similar spreadsheet format. This format facilitates data computations and/or plotting that Regional Water Board staff may undertake during their review. Data tables submitted in electronic spreadsheet format will not be included in the case file for public review as long as a PDF version is included.

All electronic files shall be submitted via the Regional Water Board's Geotracker website (<http://geotracker.waterboards.ca.gov>). Files may additionally be sent via email (only if the file size is less than 10 MB) or on CD. CD submittals may be included with a print report. Email notification shall be provided to Regional Water Board staff whenever a file is uploaded to Geotracker.

## FIGURES



SCALE 1 : 24,000



SOURCE:

United States Geological Survey  
7.5 Minute Topographic Maps:  
Vine Hill and Walnut Creek Quadrangles  
California



### VICINITY MAP

SFPP - Concord Station  
Concord, California



201263.1

**FIGURE 1**










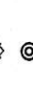



**AERIAL VIEW OF SITE**  
 KMEP, L.P. - Concord Station  
 Concord, California

**TRC** 201263.1

**FIGURE 2**



**LEGEND**

-  Petroleum storage tank and designated KMEP number
-  Berm
-  Gate
-  Fence
-  Area border
-  Monitoring well
-  Deep monitoring well
-  Extraction well
-  French drain / recovery trenches
-  Arroyo willow
-  White alder



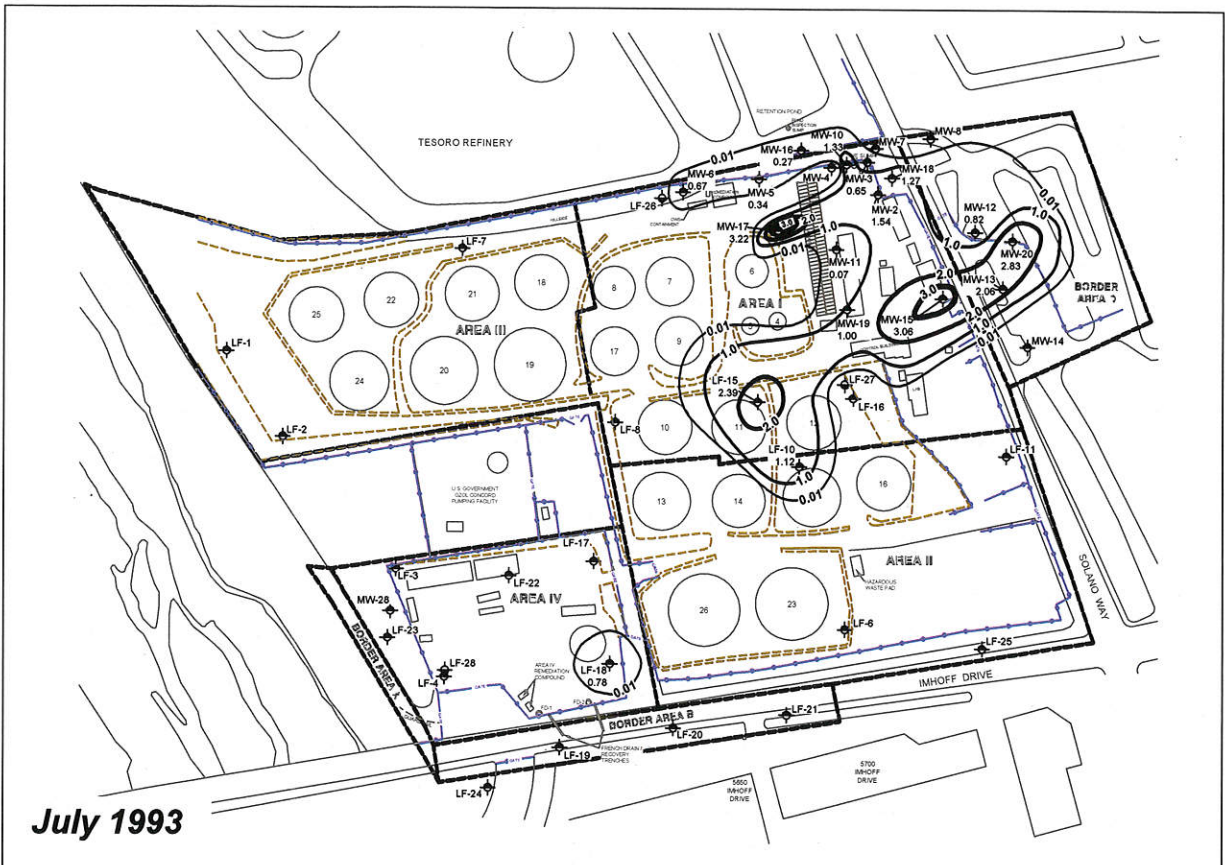
**SITE PLAN**

KMEP, L.P. - Concord Station  
Concord, California

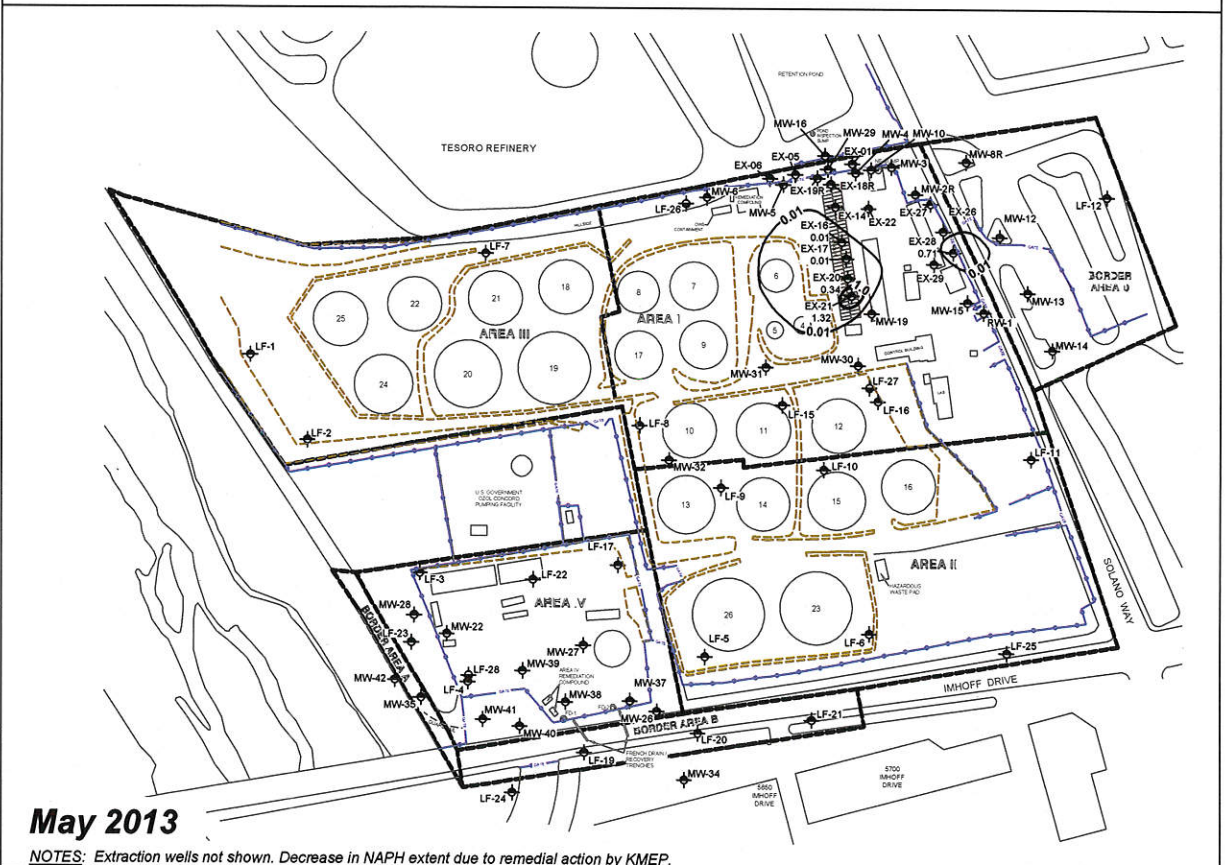
TRC 201263

**FIGURE 3**

**NOTES:**  
Based on March 2004 site plan by Geomatrix, revised per March-April 2004 well survey by Towill; June 2004 field verification of site features by TRC; and surveys by V. Chavez, PLS 6323 in March 2005, June 2006, May 2010, and May 2011. Arroyo willows and white alders have not been surveyed. Grayed trees are dead.



July 1993

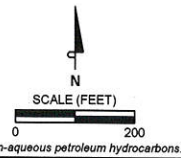


May 2013

NOTES: Extraction wells not shown. Decrease in NAPL extent due to remedial action by KMEP.

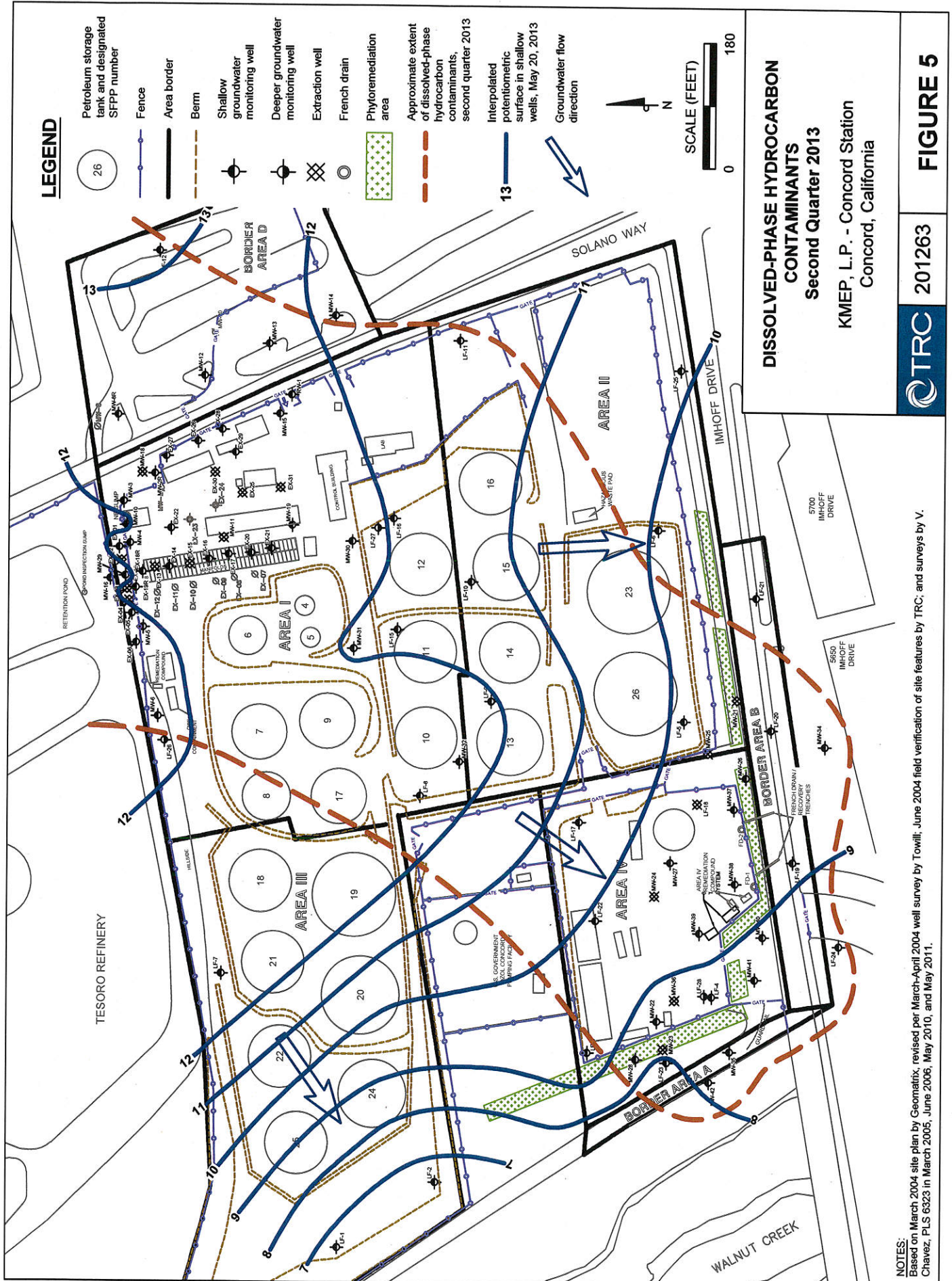
**LEGEND**

Petroleum storage tank and designated SFPP number	Shallow groundwater monitoring well	0.01 Product thickness value in feet
Fence	Deeper groundwater monitoring well	— 0.01 Product thickness contour in feet
Area border		
Berm		



**MEASURABLE NAPL\* THICKNESS**  
 July 1993 vs. May 2013  
 KMEP, L.P. - Concord Station  
 Concord, California

FILE NAME: N:\PROJECTS\CONCORD\CONCORD\_Site\Reviewed\FW\CD\Drawings\1993 vs 2013\_CLIENT.dwg [Layout 1] 11/17



**LEGEND**

- Petroleum storage tank and designated SFPP number
- Fence
- Area border
- Berm
- Shallow groundwater monitoring well
- Deeper groundwater monitoring well
- Extraction well
- French drain
- Phytoremediation area
- Approximate extent of dissolved-phase hydrocarbon contaminants, second quarter 2013
- Interpolated potentiometric surface in shallow wells, May 20, 2013
- Groundwater flow direction



**DISSOLVED-PHASE HYDROCARBON CONTAMINANTS**  
**Second Quarter 2013**  
 KMEP, L.P. - Concord Station  
 Concord, California

**TRC** 201263

**FIGURE 5**

**NOTES:**  
 Based on March 2004 site plan by Geomatrix; revised per March-April 2004 well survey by Towill; June 2004 field verification of site features by TRC; and surveys by V. Chavez, PLS 6323 in March 2005, June 2006, May 2010, and May 2011.

**APPENDIX B**  
**COMMENTS RECEIVED**



FITZGERALD ABBOTT & BEARDSLEY LLP

1221 Broadway, 21<sup>st</sup> Floor Oakland, CA 94612

CALIFORNIA REGIONAL WATER

OCT 2 2013

QUALITY CONTROL BOARD

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www.fablaw.com

Paul S. Kibel  
pkibel@fablaw.com

September 30, 2013

**VIA U.S. MAIL AND ELECTRONIC MAIL**

Adriana Constantinescu, P.G.  
Engineer Geologist  
San Francisco Bay Regional Water Quality Control Board  
1515 Clay Street, 14<sup>th</sup> Floor  
Oakland, California 94612  
Adriana.Constantinesco @waterboards.ca.gov

**Re: Comments of CWCA Concord BP 17, LLC on September 12, 2013  
Tentative Order (Updated Site Cleanup Requirements for SFPP,  
L.P.) for Property Located at 1550 Solano Way, Concord, California**

Dear Ms. Constantinescu:

This comment letter is submitted on behalf of CWCA Concord BP 17, LLC ("Owner") in connection with the above-referenced September 12, 2013 Tentative Order (the "Tentative Order") for 1550 Solano Way, Concord, California ("Responsible Property"). The Responsible Property is owned by SFPP, L.P. (an affiliate of Kinder Morgan). Owner is the owner of the property located at 5650 Imhoff Way, Concord, California ("Owner's Property"), which is adjacent to the Responsible Property.

As indicated in the Tentative Order, subsurface contamination originating on and from the Responsible Property has migrated onto and under the Owner's Property. Although the contamination on/under Owner's Property is entirely due to off-site releases by SFPP, L.P./Kinder Morgan, Owner has provided SFPP L.P./Kinder Morgan with access to the Owner's Property to conduct groundwater and soil vapor monitoring.

The September 12, 2013 Tentative Order discusses the regulatory standards that the San Francisco Bay Regional Water Quality Control Board ("RWQCB") may use to evaluate groundwater, soil vapor, and indoor air quality conditions at the Owner's Property. As RWQCB staff and SFPP, L.P./Kinder Morgan evaluate what additional testing and/or remedial work may be warranted for the Responsible Property, Owner hereby specifically and respectfully requests that Owner be directly included in meetings and discussions between the RWQCB and SFPP, L.P./Kinder Morgan regarding such matters. There are currently multiple tenants of Owner at the Owner's Property, and any additional testing or remedial work ordered by the RWQCB at the

Owner's Property has the potential to impact both Owner's and the tenants' business operations, relations between Owner and its tenants, and compliance with the leases between Owner and its tenants. For these reasons, Owner needs to be directly and meaningfully involved in decisions pertaining to any future testing or remedial work at the Owner's Property. This is particularly true in connection with any proposed indoor air sampling (for the buildings on Owner's Property) or any physical remediation work at the Owner's Property.

Thank you for your consideration of these comments. We hope that the RWQCB will keep in mind as it proceeds that Owner is not a responsible party in connection with the contamination that is the subject of this Tentative Order. Owner simply has the misfortune of off-site contamination migrating onto and under its property, and is just trying to take appropriate and reasonable steps to protect its interests and those of its tenants under these unfortunate circumstances caused by the activities of an adjacent landowner.

Yours,

FITZGERALD ABBOTT & BEARDSLEY LLP

A handwritten signature in black ink, appearing to read "Paul S. Kibel". The signature is written in a cursive style with a large initial "P" and "S".

Paul S. Kibel



Contra Costa County  
**Flood Control**  
& Water Conservation District

Julia R. Bueren,  
ex officio Chief Engineer  
Steve Kowalewski,  
Deputy Chief Engineer

October 7, 2013



Adriana Constantinescu  
San Francisco Bay Regional Water Quality Control Board  
1515 Clay Street, 14<sup>th</sup> Floor  
Oakland, CA 94612

RE: Updated Site Cleanup Requirements for the SFPP, L.P. Property  
Located at 1550 Solano Way, Concord, CA  
Our File: 3125-06 159-110-032, -033, -035

Dear Ms. Constantinescu:

We have reviewed the Tentative Order of the Regional Water Board for the Updated Site Cleanup Requirements on the SFPP, L.P. property located at 1550 Solano Way, Concord, California (Site).

Our agency, Contra Costa County Flood Control and Water Conservation District (FC District), owns the property for Walnut Creek Flood Control Channel (Walnut Creek) adjacent to the Site. As indicated in the Tentative Order, the contaminants (petroleum fuel hydrocarbons) from the Site have migrated to and impacted FC District's property for Walnut Creek. We request that SFPP, L.P. be financially responsible for all remediation on our property.

We request that the FC District be included in all meetings, discussions, and correspondence between the Regional Water Board and SFPP, L.P. that relate to additional remedial work that would affect the FC District's property.

SFPP, L.P. has established a phytoremediation area and other related facilities in the FC District's property for Walnut Creek to monitor the spread of the contaminants. The SFPP, L.P. consultants have provided quarterly monitoring reports to the FC District.

The FC District does not have the expertise in interpreting and evaluating the results of the monitoring reports, and we rely on the findings and recommendations provided by the consultants. In the event that the FC District will need the services of consultants and experts to help us assess the findings of the monitoring reports and evaluate remedial work plans that the Regional Water Board may require in the future, we request that our expenses for these tasks be paid for by SFPP, L.P.

Adriana Constantinescu

October 7, 2013

Page 2 of 2

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Walnut Creek is a federal flood control facility. All work affecting Walnut Creek will need approval from the Flood Protection and Navigation Section of the Sacramento District, U.S. Army Corps of Engineers as well as a flood control permit from the FC District.

We appreciate the opportunity to provide comments on this project and we welcome continued coordination. Please contact me at (925) 313-2283 if you have questions.

Sincerely,



Mario Consolacion  
Senior Engineering Technician  
Contra Costa County Flood Control  
& Water Conservation District

MAC:cw

G:\fldctl\CurDev\CITIES\Concord\Phytoremediation Monitoring Reports, Kinder Morgan\7Oct2013 ltr, Constantinescu.docx

c: Mike Carlson, Flood Control  
Tim Jensen, Flood Control  
Teri E. Rie, Flood Control  
Robert Truedinger, SFPP, L.P./Kinder Morgan Energy Partners  
1100 Town and Country  
Orange, CA 92868-0001  
Mike Hanak, SFPP, L.P./Kinder Morgan Energy Partners  
Scott Martin, SFPP, L.P./Kinder Morgan Energy Partners  
Nancy Van Bugel, SFPP, L.P./Kinder Morgan Energy Partners





October 14, 2013

Ms. Adriana Constantinescu, PG  
Engineering Geologist  
California Regional Water Quality Control Board - SF Bay Region  
1515 Clay Street, Suite 1400  
Oakland, CA 94612

Subject: Comments for Final Draft Tentative Order – Updated Site Cleanup Requirements for Concord Station, 1550 Solano Way, Concord, Contra Costa County, CA

Dear Ms. Constantinescu:

SFPP, L.P., an operating partnership of Kinder Morgan Energy partners, L.P. (KMEP) has reviewed the final draft Tentative Order (TO) – Updated Site Cleanup Requirements for the SFPP, L.P. Concord Station, located at 1550 Solano Way, California (the Site), and has prepared this letter summarizing our comments for the consideration of the California Regional Water Quality Control Board – San Francisco Bay Region (RWQCB).

#### **Comment 1**

Part 9 – Hydrogeology. This section of the TO was revised to indicate that depths to groundwater range from 30 to 39 feet bgs. However, as written in the earlier draft TO, a range of approximately 3 to 30 feet bgs is more accurate. In addition, the final draft TO characterizes the range of groundwater elevations as varying “from approximately 7 to 16 feet mean sea level”. Please revise this language to more accurately reflect historical groundwater elevation ranges from approximately 4 to 23 feet mean sea level and the depths to groundwater discussed above.

#### **Comment 2**

Part 12 – Site History and Environmental Impacts, Subpart c. This section of the TO refers to a number of releases that occurred between 1992 and 2007. In the 5<sup>th</sup> paragraph of this section, a summary of an April 1, 2003 release is presented that indicates there was a release from above ground storage tank CC-14. The release involved product being pumped from AST CC-14, however, the release occurred in the manifold area of the Site and all remedial activities associated with this release also occurred in the manifold area of the Site.

This paragraph should be re-written to state: “On April 1, 2003, a release of approximately 530 barrels (approximately 22,260 gallons) of gasoline **occurred in the manifold area of the Site** happened during a routine shipment of gasoline from Tank CC-14. Product affected soil in the vicinity of the release was excavated. Between April 2 and May 30, 2003, product recovery was completed at wells **in the manifold area using** ~~around Tank CC-14~~ by a vacuum truck.”

#### **Comment 3**

Part 12 – Site History and Environmental Impacts, Subpart c. The 6<sup>th</sup> paragraph of this section references a release that occurred on April 14, 2003 from AST CC-6. The second to last sentence of this paragraph indicates that “...temporary extraction points were installed in the northwest area.” This

sentence should be revised to say that "...temporary extraction points were installed in the northeast area."

#### **Comment 4**

Part 12 – Site History and Environmental Impacts, Subpart c. The 8<sup>th</sup> paragraph of this section indicates that "...a vapor monitoring point was installed in the excavation that continues to be monitored for changes in vapor concentrations." However, this vapor monitoring point was removed during replacement of the tank valve. This paragraph should be revised to state "...a temporary vapor monitoring point was installed in the excavation to collect soil vapor samples, which was removed during replacement of the tank valve."

#### **Comment 5**

Part 12 – Site History and Environmental Impacts, Subpart c. The thirteenth paragraph of this section indicates "on September 20, 2007, an excavation was completed in the northwestern area..." of the Site. This sentence should be revised to state "on September 20, 2007, an excavation was completed in the northeastern area..."

#### **Comment 6**

Part 13 – Investigations, Subpart c. This section of the TO should be revised to include reference to the additional off-site investigations including the installation of monitoring well MW-43 on the IndCor property to assess the southern extent of groundwater impacts, the installation of 5 multi-depth soil vapor monitoring probes on the IndCor property, the installation of 7 piezometers to assess phytoremediation barrier performance, the completion of 7 soil borings to collect groundwater samples from beneath the Walnut Creek floodplain, and the collection of 6 surface water samples from Walnut Creek to further evaluate potential off-site impacts.

#### **Comment 7**

Part 14 – Remedial Action Plans. The final paragraph of this section no longer includes the subsection formatting and (d) designation present in the previous version of the draft TO. Please revise this subsection to include the subsection formatting.

#### **Comment 8**

Section A - Prohibitions. The last paragraph of this section no longer includes the subsection formatting and (3) designation present in the previous version of the draft TO. Please revise this subsection to include the subsection formatting.

#### **Comment 9**

Section B, Part 3 – Soil Cleanup Levels. The title of this section should be revised to say "Soil Interim Cleanup Levels".

#### **Comment 10**

Section B, Part 5 – Indoor Air Cleanup Levels. The title of this section should be revised to say "Indoor Air Interim Cleanup Levels".

#### **Comment 11**

Section C, Part 7 - Corrective Action Completion Reports. It is KMEP's understanding that the corrective action completion reports are intended to be summaries of remedial actions completed to eliminate current and future potential exposure to concentrations above site-specific cleanup levels, and

not that site-specific cleanup levels for each media will be met at the time when the corrective action completion reports are due to the RWQCB.

**Comment 12**

Section C, Part 7 - Corrective Action Completion Reports , 4<sup>th</sup> sentence. This section of the final draft TO includes the language, "the reports shall provide a detailed discussion of any instances of implementation actions falling short of Task 2 requirements, including an assessment of any potential human health or environmental effects resulting from these shortfalls." This sentence should be revised to refer to Task 5 – Revised Corrective Action Plan, rather than Task 2.

**Comment 13**

Section C, Part 13 – Delayed Compliance. KMEP previously provided comments on the language in this section of the TO that was not incorporated into the most recent revision of the TO. The September 5, 2013 letter to the RWQCB recommended inclusion of the following language:  
"In the event that permitting, encroachment or other processes beyond the control of the Discharger delays completion of a task, the Regional Water Board may extend the time schedule if the Discharger provides reasonable notice of such delays and evidence showing that Discharger used reasonable care in their efforts to obtain permits and encroachment agreements." We respectfully request that this language be included in the final Order for the Site.

**Comment 14**

General Self-Monitoring Program, Part 2. The table included in this section of the general self-monitoring program has some typographical errors that should be removed; several extra commas are embedded in the listing of wells included in the program that likely resulted from removal of well designations for wells that are no longer present or included in the monitoring program at the Site.

Please feel free to contact me at 510-412-8813 if you have any questions regarding the attached information.

Sincerely,



Robert F. Truedinger  
Senior EHS Specialist - Remediation

Cc: Mike Hanak, KMI  
Nancy Van Burgel, KMI  
Jonathan Scheiner, TRC  
David Hull, ARCADIS

**APPENDIX C**  
**RESPONSE TO COMMENTS**

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

**RESPONSE TO WRITTEN COMMENTS**

Tentative Order - Updated Site Cleanup Requirements

SFPP, L.P.  
Kinder Morgan Concord Facility  
1550 Solano Way, Concord, Contra Costa County

This document provides responses to comments received on the tentative order (TO) updating the Site Cleanup Requirements (SCR) for the subject site. On September 13, 2013, staff distributed the TO to the appropriate parties and posted the TO on the San Francisco Bay Regional Water Quality Control Board (Regional Water Board) website for public comment.

On September 30, October 7, and 14, 2013, comments on the TO were received from the following parties, respectively:

- Paul S. Kibel - Fitzgerald, Abbot, and Beardsley, LLP – Attorney representing CWCA Concord BP 17, LLC, the owner of the Concord Business Park Property, located at 5650 Imhoff Drive, Concord (downgradient property);
- Mario Consolacion - Contra Costa County Flood Control & Water Conservation District (the District) – Engineer representing the owner of the Walnut Creek Flood Control Channel (downgradient property); and
- Robert F. Truedinger - SFPP, L.P., an operating partnership of Kinder Morgan Energy Partners, L.P. – Senior EHS Specialist representing the Discharger

Our responses to comments are summarized below and the proposed changes were incorporated into the Revised Tentative Order (RTO) where appropriate. Additionally, staff have incorporated minor editorial and formatting changes into the RTO.

**Response to CWCA Concord BP 17, LLC Comments**

Regional Water Board staff will directly include CWCA Concord BP 17, LLC's representative, Mr. Tom Graf, an environmental consultant, in meetings and discussions with SFPP, L.P., regarding the evaluation of groundwater, soil vapor, and indoor air quality conditions at the Concord Business Park Property located at 5650 Imhoff Way, Concord.

**Response to the District's Comments**

Regional Water Board staff will include Ms. Teri E. Rie, Civil Engineer, representing the District, in all meetings, discussions, and correspondence between the Regional Water Board and

SFPP, L.P., regarding additional remedial work that would affect the Walnut Creek Flood Control Channel.

Regional Water Board staff does not agree to change the RTO to include provisions requiring that SFPP, L.P., compensate the District for expenses associated with the hiring of consultants and experts that can assist the District in interpretation of technical reports issued by SFPP, L.P., as the Regional Water Board does not have the authority to do so. However, Regional Water Board staff will be reviewing and commenting on all technical documents submitted by SFPP, L.P., and are available to consult with the District and address its questions or concerns.

### **Response to SFPP, L.P.,'s Comments**

The first 10 comments and comments # 12 and #14 proposed minor editorial changes to the TO. We noted the comments and made appropriate changes to the RTO.

**Comment #11:** In this comment SFPP, L.P., presents that its understanding of the corrective action completion reports required by Task #7 is that they are intended to summarize the remedial actions completed to date to eliminate current and future exposure to contaminant concentrations above site-specific cleanup levels.

**Response:** We agree with this interpretation. The RTO was changed to clarify the Task #7 language requiring that the corrective action completion reports document the status of the remedial actions completed to date.

**Comment #13:** SFPP, L.P., proposed changes to Task #13 to include a list of events that could possibly delay project progress.

**Response:** We did not make the requested changes because Task #13 already clearly provides the opportunity to notify the Executive Officer when the Discharger is delayed, interrupted, or prevented from meeting one or more of the completion dates.