

APPENDIX A
TENTATIVE ORDER

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

TENTATIVE ORDER

**RESCISSION OF SITE CLEANUP REQUIREMENTS (ORDER No. R2-2002-0091) for:
CAL STEEL COATING
U.S. ARMY CORPS OF ENGINEERS**

for the property located at:

SHORELINE PARCEL ADJACENT TO 2241 CLEMENT AVENUE
OAKLAND AND ALAMEDA HARBOR CHANNEL
ALAMEDA, ALAMEDA COUNTY

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

1. **Regional Water Board Order:** The Regional Water Board adopted site cleanup requirements (SCRs) for the shoreline bank of the Oakland and Alameda Harbor Channel adjacent to the 2241 Clement Avenue property in Alameda (site) on September 18, 2002 (Order No. R2-2002-0091). The SCRs name Cal Steel Coating and the U.S. Army Corps of Engineers (USACE) as dischargers. The SCRs require the development and implementation of a Corrective Action Plan to focus on removing contaminated surface debris and waste along the site's bank to a depth of two feet below surface. This was to include the site's collapsed concrete wharf, sandblast waste and slag material, and surface soil in the vicinity of the wharf to a depth of two feet below the surface. The SCRs also require that the impacted area be restored after remediation. The location of this site is depicted on the attached site location map.
2. **Summary of Investigation and Remediation Activities:** USACE, working in cooperation with U.S. EPA, Cal-Recycle, BCDC, and the adjacent property owner (Francis Collins), has removed all of the debris and waste material from the bank and near shore area at the site and disposed of it offsite at an appropriate facility. In addition, the bank has been fully restored with quality riprap, thereby protecting it from erosion in the future. No waste remains in-place and no long-term monitoring or engineering or institutional controls are needed at the site.
3. **Basis for Rescission:** The SCRs addressed debris and pollution present at the site. The objective of the SCRs was to remove the waste to a depth of two feet below surface, recognizing the limited funds available, and restore the bank in a manner acceptable to the Executive Officer and protective of human health and the environment. The remedial actions undertaken, as summarized above, have complied with and exceeded the requirements of the SCRs by removing all waste and debris present. The site has been properly restored in a manner acceptable to the Executive Officer and no issues remain.

4. **Next Steps Prior to Case Closure:** No further action is needed at the site prior to closure.
5. **California Safe Drinking Water Policy:** It is the policy of the State of California that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes. As this site does not affect in any way potential sources of drinking water, this policy does not apply.
6. **CEQA:** This action rescinds an order to enforce the laws and regulations administered by the Regional Water Board. Rescission of the order is not a project as defined in the California Environmental Quality Act (CEQA). There is no possibility that the activity in question may have a significant effect on the environment. (Cal. Code Regs., tit. 14 §§ 15378 and 15061, subd. (b) (3).)
7. **Notification:** The Regional Water Board has notified the dischargers and all interested agencies and persons of its intent under Water Code section 13304 to rescind SCRs for the discharge and has provided them with an opportunity to submit their written comments.
8. **Public Hearing:** The Regional Water Board, at a public meeting, heard and considered all comments pertaining to this discharge.

IT IS HEREBY ORDERED, pursuant to section 13304 of the Water Code, that Order No. R2-2002-0091 is rescinded.

I, Bruce H. Wolfe, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, San Francisco Bay Region, on _____.

Bruce H. Wolfe
Executive Officer

Attachment: Site Location Map

Site Location Map

U.S. Army Corps of Engineers Property
(Adjacent to 2241 Clement Ave., Alameda)

