

Appendix A

REVISED TENTATIVE ORDER

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

TENTATIVE ORDER

ADOPTION OF INITIAL SITE CLEANUP REQUIREMENTS for:

**GREGORY VILLAGE PARTNERS, L.P.,
VILLAGE BUILDERS, L.P.,
JOSEPH J. LEE,
ALAN CHOI,
KAUEN CHOI,
JOSEPH WILLIAM O'MALLEY, and
FLOYD G. TAYLOR**

for the property located at:

**1643 CONTRA COSTA BOULEVARD
PLEASANT HILL, CONTRA COSTA COUNTY**

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

- 1. Site Location and Description:** The 3.6-acre Gregory Village Shopping Center, a commercial retail plaza with an address of 1601-1699 Contra Costa Boulevard (Assessor's Parcel No. 150-052-009-1), is located on the west side of Contra Costa Boulevard in Pleasant Hill, California. A dry cleaner, with an address of 1643 Contra Costa Boulevard (the "Site"), once operated out of a small suite within the shopping center. Several commercial parcels are located directly north and south of the plaza, and residential properties also exist to the west and north.
- 2. Site History:** The Gregory Village Shopping Center, reportedly constructed in 1950, contains approximately twenty retail and commercial tenants in a one-story building, and is currently owned by Gregory Village Partners, L.P. (herein "GVP"). Historical records indicate a dry cleaner operated within the Site from at least 1965 until the present. Gregory Cleaners and P&K Cleaners occupied the Site, from 1965-1984 and 1984-2002, respectively.

In 1997, chlorinated volatile organic compounds ("CVOCs"), primarily the common dry cleaning solvent tetrachloroethylene (also known as "PCE" or "Perc"), were detected in shallow soil and groundwater beneath and near the dry cleaner during a due diligence investigation. PCE, a potential human carcinogen, was also detected in shallow soil vapor. Trichloroethylene ("TCE"), cis-1,2-dichloroethene ("cis-1,2-DCE"), trans-1,2-DCE, and vinyl chloride, toxic compounds formed from the degradation of PCE, were detected in soil, soil vapor, and groundwater. A CVOC groundwater plume formed from the past PCE releases, and the plume currently extends beneath a residential subdivision to the north of

the shopping center. CVOCs were detected beneath the concrete slab-on-grade floors of the former dry cleaner and several homes, and also within the indoor air of several houses.

Dry Cleaning Business Operations: According to information provided by GVP, the first dry cleaner to occupy the Site was “Gregory Cleaners”, which reportedly started operations on or about December 2, 1965. Gregory Cleaners reportedly operated until August 1, 1984, when its name was changed to “P&K Cleaners.” The dry cleaner was renamed “Nob Hill Cleaners” on or about May 6, 2002, and retained this name to approximately May 20, 2004, when it was renamed “Park Avenue Cleaners” (a name it currently holds).

According to GVP, Joseph William O’Malley and Floyd G. Taylor (February 9, 1979 to approximately 1983), Alan Choi and Kauen Choi (December 1, 1983 to August 1, 1984), and Joseph J. Lee and Grace M. Lee (August 1, 1984 to April 1, 1988), reportedly operated a dry cleaner at the Site when PCE was likely used and discharged. According to GVP, on-Site dry cleaning operations occurred between 1964 and March 1991, after which the dry cleaner became a “drop-off” and clothes were cleaned at an off-Site facility. Grace M. Lee is now deceased.

Regional Water Board staff was not provided with any information about operators of the dry cleaner prior to 1979, however, given the lack of records indicating a change in type of equipment, and the propensity of dry cleaners to use PCE prior to 1979, it is reasonable to conclude that PCE was used and discharged at the Site before 1979.

Regional Water Board staff discovered a reference to an April 10, 1987, Uniform Hazardous Waste Manifest (for the disposal of hazardous wastes), provided by the Department of Toxic Substances Control, for “P&K Gregory Cleaners” with the Site’s address. This is consistent with the timeframe when dry cleaners using PCE used hazardous waste haulers to dispose of PCE-contaminated wastewater and other waste.

Dry cleaning equipment was present at Site 1 from March 1991 until 1999, and releases of PCE could have occurred during this time frame. Furthermore, high concentrations of PCE were detected in soil vapor directly beneath the former dry cleaner, strong evidence that PCE was used and released at the property.

Land Ownership during Dry Cleaner Operations: The Gregory Village Shopping Center property was owned by several different individuals and entities since approximately 1949 to the present. The chain-of-title to the property, since December 1965 (when dry cleaning activities reportedly commenced) is as follows:

December 1965 through February 25, 1998

- Ken Lowry/Kenlow Corporation
 - According to the California Secretary of State’s web-site, the business license for the Kenlow Corporation, who reportedly owned the shopping center starting on August 1, 1960, was suspended in 2000. No agent for service of process is listed for the company.

February 25, 1998 through Present

- Gregory Village Partners, L.P. (60% tenancy-in-common interest)

- Village Builders, L.P. (40% tenancy-in-common interest)
- On March 29, 2004, the Village Builders' interest was sold to Gregory Village Partners, L.P., currently holding 100% fee interest in the property

The Site currently houses Park Avenue Cleaners. Since PCE was not used at the Site for many years (reportedly since at least 1991), there is no reason to suspect the current business is responsible for the pollution.

3. **Named Dischargers:**

GVP is named as a discharger because it is the current owner of the property on which there is an ongoing discharge of pollutants, it has knowledge of the discharge or the activities that caused the discharge, and it has the legal ability to control the discharge.

Joseph J. Lee, Alan Choi, Kauen Choi, Joseph William O'Malley, and Floyd G. Taylor are named as dischargers because of substantial evidence that they discharged pollutants to soil and groundwater at the Site: it is common knowledge that releases occurred during routine operations involving chlorinated solvents in dry cleaning; these same pollutants are present in soil and groundwater directly beneath and in the immediate vicinity of the dry cleaner; and these same pollutants are present in groundwater at and downgradient of the dry cleaner in concentrations that generally diminish with distance. Each of these dischargers knew of the discharge or activities that caused the discharge, and each had the legal ability to control the discharge during their respective period of operating the dry cleaner.

Village Builders, L.P. is named as a discharger because it is a former owner of the property during whose ownership there was an ongoing discharge of pollutants, it had knowledge of the discharge or the activities that caused the discharge, and it had legal ability to control the discharge.

If additional information is submitted indicating 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 to this Order.

4. **Regulatory Status:** The Site is currently not subject to a Regional Water Board order.

5. **Site Hydrogeology:** The Site is located within the Ygnacio Valley Groundwater Basin, a structural depression between the Berkeley Hills to the west and the Diablo Range to the east. The basin sediments consist of thick Quaternary-age alluvial and floodplain deposits, generally comprised of unconsolidated to partially-consolidated, discontinuous layers of silt, clay, sand, and gravel. The local topography is gently tilted to the north and northwest.

Groundwater levels in the first-encountered/shallow water-bearing zone below and downgradient of the Site have fluctuated between approximately seven and 14 feet below the ground surface. The groundwater flow direction in the shallow zone has varied from northwest to northeast, with a regional flow direction to the north, at an average gradient of approximately 0.005 feet per foot.

6. **Hydrology:** The closest major surface water bodies to the Site are Grayson Creek, located approximately 2,000 feet to the west, and Walnut Creek, located roughly 2,000 feet to the east. No municipal drinking water supply wells are known to exist within a two-mile radius of the site. Shallow “backyard” irrigation wells are common on residential parcels in Pleasant Hill, but a door-to-door domestic well survey has not been completed in the residential subdivision downgradient of the Site.
7. **Remedial Investigation:** Numerous soil, soil vapor, and groundwater samples collected and analyzed during approximately 17 years of environmental investigation and cleanup activities at the Site have detected a variety of chemicals, several of which are very toxic to human health. CVOCs were detected in soil, soil vapor, and shallow groundwater within the boundaries of the shopping center and also in soil vapor and groundwater upgradient and downgradient of the Site, at concentrations above health-based standards. For example, the data indicates CVOCs are present in groundwater at levels exceeding the maximum contaminant levels (MCLs).¹

In 1997, several environmental assessments identified the Site as a source of PCE contamination and confirmed that two previous tenants used PCE in their dry cleaning operations. The studies confirmed the presence of CVOCs, mainly PCE, in soil and groundwater in the vicinity of the Site. PCE was detected in soil up to 1.1 mg/kg, and groundwater samples contained PCE up to 27,000 micrograms per liter ($\mu\text{g/L}$) near a sewer lateral at the rear of the Site.

Following site investigations in 2003 and 2008 that detected PCE in soil vapor at the rear of the suite and below the Site’s slab-on-grade floor, in June 2009 soil vapor samples were collected from multi-depth soil vapor probes (“MSVPs”). These MSVPs were installed in several streets within a residential neighborhood downgradient of the Site. PCE, TCE, and cis-1,2-DCE were detected at maximum concentrations of 52,100 $\mu\text{g/m}^3$ at six feet, 15,700 $\mu\text{g/m}^3$ at nine feet, and 16,300 $\mu\text{g/m}^3$ at nine feet, respectively. The highest on-Site soil vapor concentrations were detected in MSVP-7, a probe advanced directly to the rear (west) of the dry cleaner; at this location, PCE and TCE were discovered at 54,800 $\mu\text{g/m}^3$ and 6,240 $\mu\text{g/m}^3$ at a depth of nine feet.

In May 2010, five sub-slab soil vapor probes (SSVPs) were installed beneath the Site, while four probes were constructed beneath the two adjacent commercial units. Beneath the Site, PCE soil vapor concentrations ranged from 5,720 $\mu\text{g/m}^3$ to 1,490,000 $\mu\text{g/m}^3$, with the highest concentration directly beneath the former dry cleaner machine. Below the 1637 Contra Costa Boulevard unit (a suite directly north of the Site), PCE concentrations were 61,200 $\mu\text{g/m}^3$ and 59,600 $\mu\text{g/m}^3$, while PCE concentrations beneath the 1649 Contra Costa Boulevard unit (a suite directly south of the Site) were 2,100 $\mu\text{g/m}^3$ and 3,080 $\mu\text{g/m}^3$.

In June 2010, PCE was detected in a sub-slab soil vapor sample collected directly beneath the garage floor of a residential property (95 Cynthia Drive) located downgradient of the Site at a concentration of 12,800 $\mu\text{g/m}^3$. PCE was detected in an exterior probe (5.5 feet

¹ The drinking water standard for PCE and TCE, known as the maximum contaminant level, or MCL, is 5 $\mu\text{g/L}$. The Regional Water Board’s 2013 Environmental Screening Levels (ESLs) for potential vapor intrusion concerns at commercial facilities are 2,100 $\mu\text{g/m}^3$ (PCE) and 3,000 $\mu\text{g/m}^3$ (TCE), respectively.

deep) at a concentration of 220 $\mu\text{g}/\text{m}^3$. A follow-up sub-slab sample collected on August 17, 2010, detected PCE in soil vapor beneath the garage at 18,600 $\mu\text{g}/\text{m}^3$. Two indoor air samples were also collected on August 16 and 17, 2010, and PCE was detected at concentrations of 6.46 $\mu\text{g}/\text{m}^3$ and 1.04 $\mu\text{g}/\text{m}^3$. In November 2010, samples collected from two sub-slab soil vapor probes installed at 99 Cynthia Drive detected PCE at concentrations of 1,540 $\mu\text{g}/\text{m}^3$ and 6,530 $\mu\text{g}/\text{m}^3$.

The maximum detected concentrations of contaminants of potential concern are listed by medium in the table below:

Analyte	Maximum Concentration Detected		
	Groundwater ($\mu\text{g}/\text{L}$)	Soil (mg/kg)	Soil Gas ($\mu\text{g}/\text{m}^3$)
PCE	27,000	5.3	1,490,000
TCE	130	0.03	<12,900
cis-1,2-DCE	<40	<0.04	<9,520
vinyl chloride	<50	<0.05	<6,130

The CVOC concentrations in groundwater are substantially above the drinking water standards (e.g., the Maximum Contaminant Level, or MCL, for PCE is 5 $\mu\text{g}/\text{L}$). The concentrations of PCE detected in soil vapor directly beneath the dry cleaner and adjacent units (subslab) are well above the Regional Water Board's 2013 *Environmental Screening Levels* (ESLs)² for potential vapor intrusion concerns at commercial facilities, which is 2,100 $\mu\text{g}/\text{m}^3$. The concentrations of PCE detected in sub-slab soil vapor beneath several homes exceed the Regional Board's 2013 ESLs for potential vapor intrusion concerns at residential sites (210 $\mu\text{g}/\text{m}^3$).

Based on the characterization studies completed to date, additional delineation of CVOCs in soil, soil vapor and groundwater is necessary.

- 8. Interim Remedial Measures:** In October 1999, approximately 30 gallons of PCE were removed from the dry cleaning machine and transported off-Site to a disposal facility. In November 1999, approximately 30 cubic yards of soil were excavated from beneath the concrete floor slab and transported to the Altamont Landfill in March 2000.

In 2011, sub-slab depressurization (SSD) systems were installed as mitigation measures beneath the concrete floor of the Site (dry cleaner only) and two residential properties; 95 Cynthia Drive and 99 Cynthia Drive. The SSD systems were installed to prevent soil vapors from entering the structures; the systems are not remediating CVOC-contaminated soil and groundwater beneath the structures.

Additional interim remedial measures likely will be necessary to reduce the threat to water quality, public health, and the environment posed by the past chemical releases, and to provide a technical rationale behind the selection and design of final remedial measures.

² See Regional Water Board webpage: http://www.waterboards.ca.gov/rwqcb2/water_issues/programs/esl.shtml

- 9. Nearby Sites:** The property at 1705 Contra Costa Boulevard, directly south of the shopping center, is currently a Chevron-branded gas station. Between 1972 and 1986, a former steel waste oil Underground Storage Tank (UST) leaked petroleum hydrocarbons and CVOCs into soil and groundwater at this property. A former dry cleaner used to operate in the southern part of the property; the dry cleaner used and leaked PCE into the subsurface. The property has a long and well-documented history of chemical use and unauthorized releases, including significant CVOC releases to soil and groundwater. Petroleum and CVOC releases at this property have commingled with the CVOC plume originating from the Site. This property is the subject of another proposed order directed to Chevron U.S.A., Inc. and others.

A former Unocal gas station located at 1690 Contra Costa Boulevard is cross-gradient and east of the southern part of the main parking lot. This site, now a McDonald's restaurant, had confirmed releases of petroleum hydrocarbons and fuel oxygenates to soil and groundwater. A waste oil UST was removed from the site in 2000. The case (Regional Water Board Case No. 07-0450) was closed on September 27, 2010. It is possible that MTBE and other fuel-related constituents have migrated in groundwater from this property and onto the Site, but there is insufficient evidence to reach this conclusion at this time.

A former gas station (now a Taco Bell restaurant, 1700 Contra Costa Boulevard) is located cross-gradient and approximately 150 feet southeast of the main parking lot. This property had historic releases of petroleum hydrocarbons. A waste oil UST was removed from the site in the past (date unknown). The case (Regional Water Board Case No. 07-0873) was closed on May 20, 2008. It is possible that fuel-related chemicals have migrated in groundwater from this property and beneath the Site, but there is insufficient evidence to reach this conclusion at this time.

Minor concentrations of CVOCs were detected in the groundwater beneath a former gas station at 1521-1529 Contra Costa Boulevard, located directly north of the main parking lot and upgradient of CVOC detections in soil vapor and groundwater in the residential neighborhood north of the Gregory Village Shopping Center. The property, which was an automotive service and fueling station until 1977, has an unknown chemical release history. The case (Regional Water Board Case No. 07-0893) is currently open. It is possible that fuel-related chemicals have migrated in groundwater from this property and beneath the Site, but there is insufficient evidence to reach this conclusion at this time. Additional data will be necessary to confirm that CVOCs were not released during the historic service station operations.

Two other dry cleaners, located at 1946 Contra Costa Boulevard (07S0088; Former Dutch Girl Cleaners and currently the "Hosanna Cleaners") and 2001 Contra Costa Boulevard, are upgradient of the Site. The 07S0088 case is inactive and approximately 2,000 feet south-southeast of the Site. It is highly unlikely, primarily because of the lateral distance between this property and the Site, that any PCE released on this property has migrated in groundwater and commingled with the CVOC plume associated with the Site. The 2001 Contra Costa Boulevard property, currently named PH Bargain Cleaners, is located approximately 1,300 feet to the south, and is not listed as a case in the Water Board records.

Three former and current paint shops - 1725 Contra Costa Boulevard, 1720 Linda Drive, and 1942 Linda Drive - are located upgradient of the Chevron property. The 1725 Contra Costa Boulevard property, the former "Deen Pierce Paint Company (Case No. 07-0344 and closed on July 20, 1994), had a former UST which reportedly contained mineral spirits; the UST was removed on or about July 16, 1986. Regional Water Board staff does not have any information about the other two paint shops. There is insufficient evidence to determine whether constituents from these properties have commingled with contamination at the Site.

Former and current automotive maintenance facilities at 1855-1859 Contra Costa Boulevard are located approximately 1,100 feet upgradient of the Site. CVOCs and petroleum hydrocarbons were released at this site. The case (Regional Water Board Case No. 07-0022) is open. No evidence was presented to the Regional Water Board to indicate a groundwater plume from this property has migrated all the way to 1705 Contra Costa Boulevard (the "Chevron" property).

- 10. Basin Plan:** The Water Quality Control Plan for the San Francisco Bay Basin (Basin Plan) is the Regional Water Board's master water quality control planning document. It designates beneficial uses and water quality objectives for waters of the State, including surface waters and groundwater, and 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 Resources Control Board, U.S. EPA, and the Office of Administrative Law where required.

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

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

At present, there is no known use of the shallow groundwater zone underlying the Site for the above purposes. The vertical extent of groundwater contamination is unknown, and a future vertical delineation study is warranted. Because the Regional Water Board has insufficient information regarding the actual use of groundwater in the vicinity of the Site, Task 1 includes a requirement to survey for sensitive receptors. Similarly, the extent to which the shallow groundwater zone is connected to lower zones is not well-defined, necessitating the requirement in Task 1 to study potential vertical conduits and preferential pathways.

- 11. State Water Board Policies:** State Water Board Resolution No. 68-16, "Statement of Policy with Respect to Maintaining High Quality of Waters in California," applies to this discharge and requires attainment of background levels of water quality, or the highest level of water quality which is reasonable if background levels of water quality cannot be restored. Cleanup levels other than background shall be consistent with the maximum benefit to the people of the State, not unreasonably affect present and anticipated beneficial

uses of such water, and not result in exceedance of applicable water quality objectives. This order and its requirements are consistent with Resolution No. 68-16.

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

- 12. Other Board Policy:** Regional Water Board Resolution No. 89-39, "Sources of Drinking Water," defines potential sources of drinking water to include all groundwater in the region, with limited exceptions for areas of high TDS, low yield, or naturally-high contaminant levels. The groundwater at this Site is a potential source of drinking water.
- 13. Preliminary Cleanup Goals:** The Dischargers will need to make assumptions about future cleanup standards for soil, soil vapor, and groundwater in order to determine the necessary extent of remedial investigation, interim remedial actions, and the draft remedial action plan. Pending the establishment of site-specific cleanup standards, the following preliminary cleanup goals shall be used:
 - a. Groundwater: Applicable water quality objectives (e.g., the lower of primary/toxicity and secondary/taste and odor MCLs) or, in the absence of a chemical-specific objective, equivalent drinking water levels based on toxicity and taste and odor concerns.
 - b. Soil and Soil Vapor: Applicable screening levels as compiled in the Regional Water Board's Environmental Screening Levels (ESLs) document or its equivalent. Soil and soil vapor screening levels are intended to address a full range of exposure pathways, including direct exposure, indoor air impacts, nuisance, and leaching to groundwater. For purposes of this subsection, the Discharger shall assume that groundwater is a potential source of drinking water.
- 14. Basis for 13267 and 13304 Order:** Water Code section 13267 authorizes the Regional Water Board to require a person who has discharged, discharges or is suspected of having discharged or discharging, to furnish technical or monitoring program reports. The burden of the reports required by this Order bears a reasonable relationship to the need for the report and the benefits to be obtained (to characterize the extent of contamination, the associated risks to human health and the environment, and document success of remediation efforts). Water Code section 13304 authorizes the Regional Water Board to issue orders requiring a 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. As discussed above, each of the dischargers has caused or permitted waste to be discharged or deposited, causing contamination of soil and groundwater. Contamination of groundwater creates and threatens to create conditions of pollution and nuisance.

- 15. Cost Recovery:** Pursuant to Water Code section 13304, the Dischargers are hereby notified that the Regional Water Board is entitled to, and may seek reimbursement for, all reasonable costs actually incurred by the Regional Water Board to investigate unauthorized discharges of waste and to oversee cleanup of such waste, abatement of the effects thereof, or other remedial action, required by this order.
- 16. California Environmental Quality Act (CEQA):** This action is an order to enforce the laws and regulations administered by the Regional Water Board. As such, this action is categorically exempt from the provisions of CEQA pursuant to Title 14 of the California Code of Regulations, section 15321.
- 17. Safe Drinking Water Act:** It is the policy of the State of California that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes. This order promotes that policy by requiring discharges to meet the lower of primary and secondary maximum contaminant levels designed to protect human health and ensure that water is safe for domestic use.
- 18. Notification:** The Regional Water Board has notified the Dischargers and all interested agencies and persons of its intent under Water Code section 13304 to prescribe Site Cleanup Requirements for the discharge, and has provided them with an opportunity to submit their written comments.
- 19. Public Hearing:** The Regional Water Board, at a public meeting, heard and considered all comments pertaining to the proposed site cleanup requirement for the Site.

IT IS HEREBY ORDERED, pursuant to sections 13267 and 13304 of the Water Code, that the Dischargers (or their agents, successors, or assigns) shall investigate, cleanup, and abate the effects described in the above findings as follows:

A. PROHIBITIONS

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

B. TASKS

1. COMPLETION OF SENSITIVE RECEPTOR SURVEY AND CONDUIT STUDY

COMPLIANCE DATE: January 7, 2015

Submit a technical report acceptable to the Executive Officer documenting the completion of an up-to-date sensitive receptor survey and a conduit study. To evaluate

the potential impact of the contamination on human health and the environment, the locations of sensitive receptors, including all water supply and irrigation wells, shall be identified. A door-to-door well survey shall be completed in the residential subdivisions to the north and west of the shopping plaza. A conduit study is needed to evaluate the role of subsurface utilities in the migration or accumulation of CVOCs in the subsurface.

2. PUBLIC PARTICIPATION PLAN

COMPLIANCE DATE: January 7, 2015

Submit a technical report acceptable to the Executive Officer to ensure adequate public participation will be undertaken at key steps in the remedial action process.

3. REMEDIAL INVESTIGATION/DATA GAP WORK PLAN

COMPLIANCE DATE: February 12, 2015

Submit a work plan acceptable to the Executive Officer to further evaluate source areas and to define the vertical and lateral extent of CVOCs in soil, soil vapor, and groundwater including, but not limited to: new vapor sampling at certain residential parcels and units within the shopping center; resampling of existing soil vapor probes; and, deeper groundwater investigation and sampling, both on- and off-Site. The work plan shall specify investigation methods and a proposed time schedule.

4. COMPLETION OF REMEDIAL INVESTIGATION

COMPLIANCE DATE: 90 Days after Executive Officer approval of Task 3.
Work Plan

Submit a technical report acceptable to the Executive Officer documenting completion of necessary tasks identified in the Task 2 work plan. The technical report shall define the vertical and lateral extent of pollution down to concentrations at or below typical cleanup standards for soil, soil vapor, and groundwater.

5. COMPLETION OF HUMAN HEALTH RISK ASSESSMENT

COMPLIANCE DATE: 90 Days after Executive Officer approval of Task 4.

Submit a technical report acceptable to the Executive Officer documenting the completion of an appropriate human health risk assessment.

6. DRAFT REMEDIAL ACTION PLAN INCLUDING DRAFT CLEANUP STANDARDS

COMPLIANCE DATE: 90 Days after Executive Officer approval of Task 5.

Submit a technical report acceptable to the Executive Officer containing:

- a. Results of the remedial investigation;
- b. Evaluation of the installed interim remedial actions;
- c. Feasibility study evaluating alternative final remedial actions;
- d. Risk assessment for current and post-cleanup exposures;
- e. Recommended final remedial actions and cleanup standards; and,
- f. Implementation tasks and time schedule.

Item c shall include projections of cost, effectiveness, benefits, and impact on public health, welfare, and the environment of each alternative action.

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

Item e shall consider the preliminary cleanup goals for soil and groundwater identified in finding 13, and shall address the attainability of background levels of water quality (see finding 11).

7. DELAYED COMPLIANCE

If the Dischargers are delayed, interrupted, or prevented from meeting one or more of the completion dates specified for the above tasks, the Discharger shall promptly notify the Executive Officer and the Board may consider revision to this Order.

C. PROVISIONS

- 1. No Nuisance:** The storage, handling, treatment, or disposal of polluted soil or groundwater shall not create a nuisance as defined in Water Code section 13050(m).
- 2. Good Operations and Maintenance (O&M):** 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. Cost Recovery:** The Dischargers shall be liable, pursuant to Water Code section 13304, to the Board for all reasonable costs actually incurred by the 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 Board-managed reimbursement program, reimbursement shall be made pursuant to this Order and according to the procedures established in that program. Any disputes raised by the Dischargers over reimbursement amounts or methods used in that program shall be consistent with the dispute resolution procedures for that program.
- 4. Access to Site and Records:** In accordance with Water Code section 13267(c), the Dischargers shall permit the Board or its authorized representative:

- a. Entry upon premises in which any pollution source exists, or may potentially exist, or in which any required records are kept, which are relevant to this Order.
 - b. Access to copy any records required to be kept under the requirements of this Order.
 - c. Inspection of any monitoring or remediation facilities installed in response to this Order.
 - d. Sampling of any groundwater or soil which is accessible, or may become accessible, as part of any investigation or remedial action program undertaken by the Dischargers.
5. **Self-Monitoring Program:** The Dischargers shall comply with the Self-Monitoring Program as attached to this Order and as may be amended by the Executive Officer.
6. **Contractor/Consultant Qualifications:** All technical documents shall be signed by and stamped with the seal of a California 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 Board using approved EPA methods for the type of analysis to be performed. All laboratories shall maintain quality assurance/quality control (QA/QC) records for Board review. This provision does not apply to analyses that can only reasonably be performed on-Site (e.g., temperature).
8. **Document Distribution:** Copies of all correspondence, technical reports, and other documents pertaining to compliance with this Order shall be provided to the following agencies:
- Regional Water Quality Control Board
 - City of Pleasant Hill
 - County of Contra Costa

The Executive Officer may modify this distribution list as needed.

All reports submitted pursuant to this Order shall be submitted as electronic files in PDF format. All electronic files shall be submitted via the State Water Board's Geotracker website, email (only if the file size is less than 3 MB), or on CD.

9. **Reporting of Changed Owner or Operator:** The Dischargers shall file a technical report on any changes in Site occupancy or ownership associated with the property described in this Order.
10. **Reporting of Hazardous Substance Release:** If any hazardous substance is discharged in or on any waters of the State, or discharged or deposited where it is, or probably will be, discharged in or on any waters of the State, the Dischargers shall report such discharge to the Board by calling (510) 622-2369 during regular office hours (Monday through Friday, 8:00 AM to 5:00 PM).

A written report shall be filed with the 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 Office of Emergency Services required pursuant to the Health and Safety Code.

- 12. Periodic Site Cleanup Requirement Review:** The Board will review this Order periodically and may revise it when necessary. The Dischargers may request revisions and upon review the Executive Officer may recommend that the Board revise these requirements.

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

=====

FAILURE TO COMPLY WITH THE REQUIREMENTS OF THIS ORDER MAY SUBJECT YOU TO ENFORCEMENT ACTION, INCLUDING BUT NOT LIMITED TO: IMPOSITION OF ADMINISTRATIVE CIVIL LIABILITY UNDER WATER CODE SECTIONS 13268 OR 13350, OR REFERRAL TO THE ATTORNEY GENERAL FOR INJUNCTIVE RELIEF OR CIVIL OR CRIMINAL LIABILITY

=====

Attachment: Self-Monitoring Program

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

SELF-MONITORING PROGRAM for:

**GREGORY VILLAGE PARTNERS, L.P.,
VILLAGE BUILDERS, L.P.,
JOSEPH J. LEE,
ALAN CHOI,
KAUEN CHOI,
WILLIAM O'MALLEY, and
FLOYD G. TAYLOR**

for the property located at:

**1643 CONTRA COSTA BOULEVARD
PLEASANT HILL, CONTRA COSTA COUNTY**

- 1. Authority and Purpose:** The Regional Water Board requests the technical reports required in this Self-Monitoring Program (SMP) pursuant to Water Code sections 13267 and 13304. This Self-Monitoring Program is intended to document compliance with Regional Water Board Order No. **R2-2014-XXX** (Site Cleanup Requirements).
- 2. Monitoring:** The Dischargers shall measure groundwater elevations quarterly in all monitoring wells, and shall collect and analyze representative samples of groundwater according to the following schedule:

Well #	Sampling Frequency	Analyses	Well #	Sampling Frequency	Analyses
MW-1	A	8260B	MW-7	SA	8260B
MW-2	A	8260B	MW-8	SA	8260B
MW-3	SA	8260B	MW-9	SA	8260B
MW-4	SA	8260B	MW-10	SA	8260B
MW-5	A	8260B	MW-11	SA	8260B
MW-6	A	8260B			

Key: SA = Semi-Annually
8260B = EPA Method 8260B or equivalent
A = Annually

The Dischargers shall sample any new monitoring or extraction wells quarterly and analyze groundwater samples for the same constituents as shown in the above table. The Dischargers may propose changes in the above table; any proposed changes are subject to Executive Officer approval.

- 3. Semi-Annual and Annual Monitoring Reports:** The Dischargers shall submit semi-annual monitoring reports to the Regional Water Board no later than 45 days following the sampling event. The reports shall include:
- a. Transmittal Letter: The transmittal letter shall discuss any violations during the reporting period and actions taken or planned to correct the problem. 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. Groundwater Elevations: Groundwater elevation data shall be presented in tabular form, and a groundwater elevation map shall be prepared for each monitored water-bearing zone. Historical groundwater elevations shall be included in the fourth quarterly report each year.
 - c. Groundwater Analyses: Groundwater sampling data shall be presented in tabular form, and a map shall be prepared that includes the analytical data for one or more key contaminants for each monitored water-bearing zone, as appropriate. The report shall indicate the analytical method used, detection limits obtained for each reported constituent, and a summary of QA/QC data. Historical groundwater sampling results shall be included in the fourth quarterly report each year. The report shall describe any significant increases in contaminant concentrations since the last report, and any measures proposed to address the increases. Supporting data, such as lab data sheets, need not be included (however, see record keeping - below).
 - d. Groundwater Extraction: If applicable, the report shall include groundwater extraction results in tabular form, for each extraction well and for the Site as a whole, expressed in gallons per minute and total groundwater volume for the quarter. The report shall also include contaminant removal results, from groundwater extraction wells and from other remediation systems (e.g., soil vapor extraction), expressed in units of chemical mass per day and mass for the quarter. Historical mass removal results shall be included in the fourth quarterly report each year.
 - e. Status Report: The quarterly report shall describe relevant work completed during the reporting period (e.g., site investigation, interim remedial measures) and work planned for the following quarter.

- 4. Violation Reports:** If the Dischargers violate requirements in the Site Cleanup Requirements, then the Dischargers shall notify the Regional Board office by telephone as soon as practicable once the Dischargers have knowledge of the violation. Regional Water Board staff may, depending on violation severity, require the Dischargers to submit a separate technical report on the violation within five working days of telephone notification.
- 5. Other Reports:** The Dischargers 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.
- 6. Record Keeping:** The Dischargers or their agents 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 six-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.
- 7. 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 Dischargers. 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.