

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

EXECUTIVE OFFICER'S SUMMARY REPORT
MEETING DATE: November 12, 2014

ITEM: 8

SUBJECT: **Chevron U.S.A. Inc., MB Enterprises, Inc., Jane A. Lehrman, and Marjorie P. Robinson, for the property located at 1705 Contra Costa Boulevard, Pleasant Hill, Contra Costa County – Adoption of Initial Site Cleanup Requirements**

CHRONOLOGY: The Board has not previously considered this item.

DISCUSSION: The Revised Tentative Order (Appendix A) would establish site cleanup requirements (SCRs) for a contaminated dry cleaner and automotive service center site located at 1705 Contra Costa Boulevard in Pleasant Hill (Chevron Site). The SCRs would require the named dischargers to complete the site investigation and prepare a draft cleanup plan for Board approval. This item is being heard together with another dry cleaner site located nearby at 1643 Contra Costa Boulevard in Pleasant Hill (Gregory Village Site) in order to address the issue of whether the groundwater contamination plumes from the two sites have commingled.

Separate Functions: To help ensure the fairness and impartiality of this enforcement proceeding, the functions of Water Board staff who have been overseeing this site (Cleanup Team) have been separated from those who will provide advice to the Board (Advisory Team). The Cleanup Team includes Kevin Brown, Laurent Meillier, Stephen Hill, Dyan Whyte, and Tamarin Austin. The Advisory Team includes Yuri Won, Ross Steenson, and me.

Background: The two sites are located north of downtown Pleasant Hill. The Chevron Site is a Chevron-branded gasoline service station; the property is currently owned by MB Enterprises, Inc. A service station has operated at the site since the 1950s, and a dry cleaner operated at the site from the mid-1950s through 1986. The solvents tetrachloroethylene (PCE) and trichloroethylene (TCE) were released at the Chevron Site and have impacted soil and groundwater. Groundwater contamination extends offsite to the north and northwest for hundreds of feet. Chevron previously conducted cleanup activities to address petroleum and solvent releases at the service station, but these activities did not adequately address the impacts of the solvent releases. Source control and other cleanup actions are still needed.

Tentative Order Comments: The Cleanup Team circulated tentative orders for the two sites for public comment in July, along with a Staff Report (Appendix B) that provides the Cleanup Team's rationale for naming the dischargers on

each of the tentative orders and not naming the local sanitary sewer agency, and for the Cleanup Team's finding that the two plumes are commingled.

The comment period on these tentative orders was extended to mid-September to allow interested parties an opportunity to provide additional comments or rebut comments submitted by other parties. The Cleanup Team received comments from eight parties, including Gregory Village Partners, Chevron, the Central Contra Costa Sanitary District, and several others (Appendix C). The Cleanup Team made minor revisions to the tentative orders in response to these comments. The Cleanup Team's response to comments is contained in Appendix D. Below is a summary of the three key issues raised in the comments received relative to the Chevron Site:

Naming Chevron Issue: There are two possible reasons for naming Chevron as a discharger at this site: (i) solvent releases occurred from a waste oil tank at this site during the period when Chevron operated a service station, and (ii) solvent releases from a former dry cleaner at this site occurred prior to Chevron's property ownership. Chevron has argued that the only solvent releases at this site are from former dry cleaner operations and it should not be named, since it is not the current owner and did not own the property at the time of the release. The Cleanup Team concludes that the waste oil tank had its own solvent release for which Chevron can be named. It also concludes that Chevron should be named for the past dry cleaner releases, since the ongoing subsurface migration of solvents constitutes an ongoing discharge. The Cleanup Team concludes that Chevron therefore meets the criteria for naming a former landowner as a discharger: it owned the property at the time of an ongoing discharge, had knowledge of the activities that resulted in the discharge, and had the legal ability to prevent the discharge.

Plume Commingling Issue: At issue is whether the groundwater contamination plume from this site has migrated to the north and northwest and commingled with the groundwater contamination plume from the Gregory Village Site; this affects the scope of cleanup needed for each of the two sites. Chevron argues that groundwater contamination from the Chevron Site is migrating away from the Gregory Village Site, and there is no commingling of the two plumes. The Cleanup Team concludes that the groundwater plume from the Chevron Site has migrated to the north-northwest and has commingled with the groundwater plume originating from the Gregory Village Site. Therefore, the Cleanup Team proposes that both sets of dischargers take responsibility for cleanup tasks in the offsite area to the north of the Gregory Village Site.

Naming Sanitary Sewer Agency Issue: Until recent years, dry cleaners routinely discharged wastewater containing PCE to the sanitary sewer. At issue is whether the Central Contra Costa Sanitary District (the agency that owns and operates the sanitary sewers in this area) should be named as a discharger due to alleged releases of PCE from its sewers to soil and groundwater. Gregory Village Partners and Chevron argue that the District should be named, mainly citing general evidence that sanitary sewers are

prone to leakage. The Cleanup Team concludes that there is not substantial evidence of PCE releases from the sanitary sewers in this area, and therefore the District should not be named.

Board Hearing: I anticipate that these items will be contested at the Board meeting by several parties including Gregory Village Partners, Chevron, the Central Contra Costa Sanitary District, and possibly others. I have allotted each party (including the Cleanup Team) up to 15 minutes to present evidence, cross-examine witnesses (if warranted), and provide a closing statement at the hearing.

**RECOMMEN-
DATION:**

I will have a recommendation following the hearing.

File No.

07S0204 (KEB)

Appendices:

A – Revised Tentative Order

B – Cleanup Team Staff Report [see item 7]

C – Correspondence [see item 7]

D – Cleanup Team Response to Comments [see item 7]