

**Appendix A**

**REVISED TENTATIVE ORDER**

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
SAN FRANCISCO BAY REGION

TENTATIVE ORDER

ADOPTION OF INITIAL SITE CLEANUP REQUIREMENTS for:

**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**

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

- 1. Site Location and Description:** The 0.48-acre property (Assessor’s Parcel No. 150-103-016-5) is a rectangular-shaped, commercial parcel (the “Site”). The Site is located in the Gregory Gardens area of Pleasant Hill, California, and is currently developed with a Chevron-branded gasoline service station. The Site is bounded by Contra Costa Boulevard to the east, Doris Drive to the north, Linda Drive to the west, and a parking lot and commercial building to the south. The Gregory Village Shopping Center and its main parking lot are located directly north of Doris Drive.

Site improvements include a small station/convenience store, car wash, three underground storage tanks (“USTs”) for automotive fuels, product dispensers and underground piping, underground pavements and landscape areas. A dry cleaner once occupied the southern portion of the Site.

- 2. Site History:** An automotive fueling facility has existed on the northern parcel for over 60 years. Standard Oil operated on the northern parcel from 1950 until 1977. The successor to Standard Oil, Chevron U.S.A. Inc. (herein referred to as “Chevron”), operated at the Site from 1977 until 2003. Automotive repairs were undertaken on the Site from approximately 1950 to 1987.

In 1971, two commercial parcels, a northern lot at 1705 Contra Costa Boulevard (Assessor’s Parcel No. 150-103-011) and a southern lot at 1709 Contra Costa Boulevard (Assessor’s Parcel No. 103-103-012) were merged to form one parcel, which was then split to create a larger northern parcel to facilitate the construction of an automotive maintenance and repair building (constructed in 1972). Both of these properties were owned jointly by the Lehrmans and Robinsons between 1965 and late 1986. A dry cleaner had reportedly operated at 1709 Contra Costa Boulevard since the mid-1950s. According to

information provided by the Contra Costa County Assessor's office, prior to the construction of the new service station building in 1972, the common (central) property line between 1705 and 1709 Contra Costa Boulevard was shifted to the south approximately 35 feet to create a bigger lot. The southern part of the new building, along with a steel waste oil UST, were then located in a section over the original dry cleaner property.

In late December 1986, Chevron purchased both 1705 and 1709 Contra Costa Boulevard, and sometime in 1987 merged the two lots into one parcel. According to available building permits and inspection reports, by late 1987, the former dry cleaner building had been removed, and in early 1988 Chevron constructed the car wash. Chevron sold the Site in March 2003 to MB Enterprises, Inc., the current property owner and gas station operator.

Unauthorized releases of volatile organic compounds (VOCs) and related constituents, including chlorinated volatile organic compounds (CVOCs), chiefly tetrachloroethylene (PCE) and trichloroethylene (TCE), and various petroleum hydrocarbons (e.g., benzene, toluene, ethylbenzene, xylenes, etc.), were documented at the Site, mainly from former leaking USTs. It is common knowledge that PCE and TCE have been used at automotive repair stations for many years to clean brakes, carburetors, and fuel injection systems and to degrease engines and other parts, and oftentimes USTs were used to store waste oil and related products.<sup>1 2 3</sup> PCE is also commonly associated with dry cleaners.

**Land Ownership:** According to information provided by Chevron, the Site was owned by several different individuals and/or businesses since about 1950, as follows:

#### 1950 to 1960

- Gregory Village, Inc. (a business that no longer exists with no agent for service of process)

#### 1960 to 1986

- Phil Heraty Organization (a business that no longer exists with no agent for service of process)
- Philip and Jane Lehrman (Philip Lehrman is deceased)
- Ned and Marjorie P. Robinson (Mr. Robinson is deceased)
- Philip and Jane Lehrman, Ned and Marjorie P. Robinson owned the property between June 25, 1965 and December 31, 1986
- Merle D. Hall Company (no clear evidence of property ownership)
- Max W. Parker (no clear evidence of property ownership)

<sup>1</sup> USEPA, November 1993, Economic Impact Analysis of the Halogenated Solvent Cleaning NESHAP, EPA-453/D-93-058.

<sup>2</sup> State of California Environmental Protection Agency/Air Resources Board, June 1997, Status Report, Perchloroethylene Needs Assessment for Automotive Consumer Products.

<sup>3</sup> State of California Environmental Protection Agency, November 2006, Automotive Aerosol Cleaning Products: Low-VOC, Low Toxicity Alternatives, Report prepared by Institute for Research and Technical Assistance for the Department of Toxic Substances Control and City of Santa Monica.

December 1986 to March 2003

- Chevron U.S.A. Inc.

March 2003 to Present

- MB Enterprises, Inc. (current property owner and gas station operator)

3. **Named Dischargers:** Jane A. Lehrman and Marjorie P. Robinson are named as dischargers because they owned the entire property during the time when CVOCs were discharged, had knowledge of the discharge and/or the activities that caused the discharge, and had the legal ability to prevent the discharge. Mrs. Robinson is being named both in her individual capacity and as presumptive heir to her husband.

Gregory Village, Inc. and Phil Heraty Organization are not being named as dischargers because these businesses no longer exist, and the California Secretary of State has no record for an agent for service of process on file for either company. Merle D. Hall Company and Max W. Parker are not being named as dischargers because there is no clear evidence of their ownership of Site 2.

Chevron is named as a discharger with respect to the discharge and migration of CVOCs from a former waste oil tank and the former dry cleaner, both located on the Site. First, with respect to CVOC releases from a former on-Site leaking waste oil UST, Chevron is named as a discharger because of substantial evidence that it discharged CVOCs to soil and groundwater at the Site. This evidence includes Standard Oil/Chevron's operation of the waste oil UST for many years, and the pattern of CVOC and petroleum contamination subsequently detected in the vicinity of the former waste oil UST. As of at least 1986, Chevron knew of the discharge or the activities that caused the discharge and had the legal ability to prevent the discharge.

Second, with respect to CVOC releases from the former on-Site dry cleaner, Chevron is a discharger because it owned the property during the time of a discharge of CVOCs to soil and groundwater, had knowledge of the discharge and/or the activities that caused the discharge, and had the legal ability to control the discharge.

MB Enterprises, Inc. is named as a discharger because it is the current owner of the property on which there is an ongoing discharge of pollutants, has knowledge of the discharge, and the ability to control the discharge.

Regional Water Board staff was unable to locate a former operator of the dry cleaner, Charles Grant Bostwick and Joanne Bostwick. Regional Water Board staff understands that former operators of the dry cleaner, Morris and Genoise Jorgenson, are also deceased.

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. Collectively the above identified responsible parties are referred as Dischargers.

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.

From June 1989 through May 2013, groundwater levels in various monitoring wells associated with the Site ranged from a low of approximately 20 feet below the ground surface (bgs) to a high of approximately six feet bgs. The lowest groundwater level recorded coincides with a time when Chevron was pumping and treating polluted groundwater. Groundwater flow direction in the shallow zone has been mainly to the north at an average gradient of approximately 0.005 feet per foot.

6. **Hydrology:** The closest major surface water bodies are Grayson Creek, located approximately 2,000 feet to the west, and Walnut Creek, located approximately 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 26 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. The data indicates CVOCs are present in groundwater at levels exceeding the maximum contaminant levels (MCLs)<sup>4</sup> beneath and downgradient (north and northwest) of the Site, and have likely commingled with another CVOC groundwater plume associated with the former P&K Cleaners location north of the Site

Petroleum and chlorinated VOCs were detected in soil, soil vapor, and shallow groundwater within the boundaries of the Site, adjacent to the Site, and within the Gregory Village Shopping Center parcel downgradient of the Site.

The Site was an open environmental case from 1986 to early 2005. Chevron indicated the Site did not pose a threat to human health, groundwater and the environment. Based on the findings and analysis in environmental assessment reports from Chevron, groundwater contamination appeared to be localized and adequately characterized. Chevron requested closure of the UST case. Based on the data presented, the Regional Water Board concurred and closed the fuel UST case on January 14, 2005. All groundwater monitoring wells, with the exception of off-Site well EA-5, were destroyed in March 2005.

An October 31, 2005, letter from Cambria Environmental Technology, Inc. about the destruction of monitoring wells stated, *As part of approved case closure, one sentinel well, EA-5, will remain active and sampled annually for petroleum hydrocarbons and halogenated volatile organic compounds.* EA-5 has been monitored on an annual basis for

<sup>4</sup> The drinking water standard for PCE and TCE, known as the maximum contaminant level, or MCL, is 5 µg/L.

the past eight years. The maximum historic PCE and TCE detections in groundwater samples from off-Site well EA-5 have been 52 µg/L, and 84 µg/L, respectively.<sup>5</sup>

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

| Analyte        | Maximum Concentration Detected |                 |                                  |
|----------------|--------------------------------|-----------------|----------------------------------|
|                | Groundwater<br>(µg/L)          | Soil<br>(mg/kg) | Soil Gas<br>(µg/m <sup>3</sup> ) |
| PCE            | 5,000                          | 720             | 3,247,700                        |
| TCE            | 3,600                          | 1.6             | 2,100,000                        |
| cis-1,2-DCE    | 2,900                          | 2.7             | 410,000                          |
| vinyl chloride | 910                            | <48             | <5,200                           |
| benzene        | 12,000                         | 2.2             | 520,733                          |
| TPH-gasoline   | 110,000                        | 80              | 916,667                          |

The CVOC concentrations in groundwater are substantially above the drinking water standards (e.g., the Maximum Contaminant Level, or MCL, for PCE is 5 µg/L). The CVOC concentrations in soil vapor are well above risk-based screening levels (e.g., Regional Water Board's ESLs<sup>6</sup>) for potential vapor intrusion concerns at commercial facilities (e.g., ESL is 2,100 µg/m<sup>3</sup>), and pose a direct threat to indoor air.

The distribution and types of contaminants in groundwater downgradient of the Site generally mirror the contaminants found in soil, soil vapor and groundwater directly beneath the Site. The data demonstrates that CVOC concentrations in groundwater are generally higher near the former steel waste oil UST, then generally decrease in concentrations as the plume expanded to the north and attenuated, indicating the pollution in groundwater migrated and likely commingled with the P&K Cleaners plume.

Nevertheless, there are several data gaps in regards to the vertical and lateral distribution of CVOCs in soil, soil vapor and groundwater, both on-Site and off-Site. Additional soil, soil vapor and groundwater characterization studies, and a human health risk assessment, are warranted.

- 8. Interim Remedial Measures:** The first-generation fueling facilities were removed and replaced in 1971-1972. The second-generation fueling facilities were removed and replaced in 1987-1988. A steel waste oil UST installed in 1972 was removed in 1986. There are no records to indicate contaminated soils were excavated and hauled away during any of the waste oil UST removal and replacement activities.

Between August 1991 and July 1996, pumping, treatment, and permitted disposal of contaminated groundwater was conducted at the Site as an interim remedial measure.

<sup>5</sup> These concentrations are much lower than on-Site concentrations of CVOCs and in groundwater samples collected more recently and to the west of EA-5 (as discussed below), indicating EA-5 is probably not located in an appropriate area to function as a "sentinel" well.

<sup>6</sup> See Regional Water Board webpage: [http://www.waterboards.ca.gov/rwqcb2/water\\_issues/programs/esl.shtml](http://www.waterboards.ca.gov/rwqcb2/water_issues/programs/esl.shtml)

Approximately 1,900,000 gallons of polluted groundwater were extracted, treated, and discharged to the sanitary sewer system. Chevron reported removal of approximately 12 pounds of Total Petroleum Hydrocarbons and 41 pounds of CVOCs. Chevron reported that the pump and treat system did little to reduce the high concentrations of CVOCs dissolved in groundwater.

In 1995, as part of site renovation activities, trench liners, pea gravel, and product piping were removed, and shallow soil contaminated with petroleum hydrocarbons was excavated to approximately three feet bgs.

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.

- 9. Nearby Sites:** A commercial property to the north, 1601-1699 Contra Costa Boulevard and currently the Gregory Village Shopping Center, is directly downgradient of the Site. A dry cleaner that used PCE in their operations existed in one of the tenant suites within the plaza (with a property address of 1643 Contra Costa Boulevard). CVOC releases from this former dry cleaner are well-documented (Regional Water Board Case No. 07S0132). This property is the subject of another proposed order directed to Gregory Village Partners, L.P., and others.

A former Unocal gas station located at 1690 Contra Costa Boulevard is cross-gradient and approximately 150 feet northeast of the Site. 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. There is insufficient evidence to determine whether MTBE and other fuel-related constituents from this former gas station property have commingled with contamination at the Site.

A former gas station (now a Taco Bell restaurant), located at 1700 Contra Costa Boulevard, is cross-gradient and approximately 100 feet east of the Site. 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. There is insufficient evidence to determine whether fuel-related constituents from this property have commingled with contamination at the Site.

Minor concentrations of CVOCs were detected in the groundwater beneath a former gas station at 1521-1529 Contra Costa Boulevard, approximately 600 feet north of the Site 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. There is insufficient evidence to determine whether fuel-related constituents from this former gas station property have commingled with contamination at the Site or migrated beneath the adjacent residential neighborhood. 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 southeast of the Site. Because of the lateral distance between this property and the Site, it is unlikely that any PCE released on this property migrated in groundwater and commingled with the CVOC plume associated with the Site. The 2001 Contra Costa Boulevard property, currently PH Bargain Cleaners, is located approximately 1,300 feet to the south and is not listed as a case in the Water Board’s records.

Former and current automotive maintenance facilities at 1855-1859 Contra Costa Boulevard are located approximately 650 feet upgradient (south) of the Site. CVOCs were released at this site. The case (Regional Water Board Case No. 07-0022) is open. There is insufficient evidence to determine whether fuel-related constituents from this property have commingled with contamination at the Site.

Three current and former paint shops - 1725 Contra Costa Boulevard, 1720 Linda Drive, and 1942 Linda Drive - are located upgradient of the Site. 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.

- 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 and immediate area 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 for these purposes:
- a. Groundwater: Applicable water quality objectives (e.g., lower of primary (toxicity) and secondary (taste and odor) maximum contaminant levels, or 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 draft 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 Dischargers must 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 dischargers to cleanup and abate waste where the dischargers have 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 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 its 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 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 water supply and irrigation wells, shall be identified. 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 all source areas and to define the vertical and lateral extent of CVOCs in soil, soil vapor, and groundwater. 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 measures
- 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
- 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 Water 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 Dischargers shall promptly notify the Executive Officer and the Regional Water 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 Dischargers 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 are liable, pursuant to Water Code section 13304, to the Regional Water Board 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. 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 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 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.
  - 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 may be established 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 Regional Water Board using approved 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 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 megabytes), 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 Regional Water 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 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 Office of Emergency Services required pursuant to the Health and Safety Code.

- 11. **Periodic SCR Review:** The Regional Water 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 Regional Water 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

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

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