

Re: FW: Comments on Tentative Order - 187 Marinwood Avenue, Marinwood, CA

Xiaoru Hoytt <goodnature321@gmail.com>

Fri 8/14/2020 3:34 PM

To: Brian Aubry <baubry@geologicagroup.com>; Lambert, Ralph@Waterboards <ralph.lambert@waterboards.ca.gov>

Cc: Craig Taper <craig@taperfamilyoffice.com>

EXTERNAL:

On Fri, Aug 14, 2020 at 2:30 PM Brian Aubry <baubry@geologicagroup.com> wrote:

Ralph –

Attached please find some handwritten comments on the Tentative Order. Explanatory remarks are provided below:

- **Task 1 Due Date** – The Tentative Order identifies a due date of December 31, 2020 for *Task 1 - Offsite Groundwater Remediation Implementation Report*. Various factors have delayed implementation of this task and while we understand the concern of the Water Board regarding the schedule, it is entirely unrealistic to initiate, implement, and document completion of this task in 2020. Significant lead time and effort is required to obtain the treatment product. In addition, the field execution time is expected to be 4-6 weeks minimum. Driller availability for this must be booked months in advance to secure the rig and crew for the length of time required. Starting now would put us into the rainy season. Drilling in the off-site acreage is extremely difficult in wet conditions. Realistically, field work would not be initiated until Spring 2021. In order to ensure that this task is completed on schedule, we have proposed a due date of Dec 31, 2021.
- **Comments on Self-Monitoring Program (SMP)**– We have made minor edits to the plan as noted in the attachment as follows: (1) a few minor changes have been made to sampling frequency; (2) Wells PT-1 through PT-6 have been eliminated from the program. These wells were installed in the immediate area of MW-10 specific to evaluation of the Pilot Injection Treatment Program. They are largely duplicative of MW-10 and are not appropriate for generalized plume monitoring. It may or may not be of interest to sample them sometime during implementation of the off-site injection, but they do not provide critical information for routine monitoring. (3) We do not believe that continued treatment of the Silveira Well is necessary. Routine sampling since 2015 has indicated a maximum detection of 0.62 ug/l, an order of magnitude lower than the groundwater cleanup goal specified in the Order. More often than not, VOC test results have been ND in the untreated water from the Silveira well. Consequently, we recommend discontinuing treatment system O&M and conduct only annual sampling of the water supply well (if it is in use).

We would be happy to discuss these comments.

Best Regards,
Brian

Brian F. Aubry, PG, CEG, CHg

Principal

Geologica Inc.

5 Third St, Ste 808

San Francisco, CA 94103

[415-722-3629](tel:415-722-3629) (direct)

415-597-7888 (main)

888-858-1382 (fax)

baubry@geologicagroup.com

From: Xiaoru Hoytt <goodnature321@gmail.com>
Sent: Friday, August 14, 2020 10:29 AM
To: Brian Aubry <baubry@geologicagroup.com>; Roger Vosburg <rogervosburg@gmail.com>
Subject: Conference with Ralph

Ralph is off work today, so no conference with him. But we need to send an e mail about our commons by 5 pm.

Brian do you mind to write your point with the history as you know, and send to us ASAP? We are thinking how to get you involved with the cleaning process. Craig agree to pay you once we figure out soon between us.

--

Daniel W. Matthews, P.G.
Associate Hydrogeologist
Geologica Inc.

New Address!

5 Third St., Suite 808
San Francisco, CA 94103
mobile: 415-279-2694
fax: 888-858-1382
dmatthews@geologicagroup.com

C. TASKS

1. OFFSITE GROUNDWATER REMEDIATION IMPLEMENTATION REPORT

COMPLIANCE DATE: December 31, ²⁰²¹2020; and 90 days following implementation of each subsequent phase of injection



Submit a technical report, acceptable to the Executive Officer, describing the implementation of the offsite groundwater remediation proposed in the FS/RAP revised Addendum #3, submitted November 21, 2016 and approved February 15, 2017, as modified by the April 23, 2018 pilot test report, which was approved August 23, 2018. At a minimum, this report shall document the implementation of initial treatment injections as further described in Finding 10c. If additional treatment phases are planned and/or necessary, then an additional report shall be submitted following implementation.

2. REMEDIAL ACTION PLAN COMPLETION REPORT – OFFSITE GROUNDWATER

COMPLIANCE DATE: February 15, 2027

Submit a technical report, acceptable to the Executive Officer, documenting completion of offsite groundwater remediation. Specifically, offsite groundwater is to reach drinking water standards as specified in Section B, Groundwater Cleanup Levels. Proposals for further system expansion or modification may be included in annual reports (see attached Self-Monitoring Program).

3. PUBLIC PARTICIPATION PLAN

COMPLIANCE DATE: 30 days following Executive Officer requirement

Submit a Public Participation Plan (PPP), acceptable to the Executive Officer, responding to the community's interest in the environmental cleanup. The PPP shall include plans to timely circulate fact sheets for key cleanup and investigation documents to interested persons and provide an opportunity for comment on these documents. Interested persons include other agencies, local officials, non-profit organizations, and interested landowners and residents/occupants in the Source Property's vicinity. This task is to ensure that the local community is provided with timely and accurate information related to investigation and cleanup. It should encourage representatives from the local community to share their

which have the potential to cause further migration of contaminants or which would provide new opportunities for site investigation.

6. **Record Keeping:** The Discharger or his/her 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.
7. **SMP Revisions:** Revisions to the Self-Monitoring Program may be ordered by the Executive Officer, either on his/her own initiative or at the request of the Discharger. For example, groundwater monitoring frequency for selected wells may change to be more frequent after groundwater remediation is implemented. 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.

Table 1

Groundwater Monitoring

Well	Sampling Frequency
<i>Marinwood Plaza Property</i>	
MW-1	Annually
MW-2	Annually
MW-3	2/yr
MW-4	Well destroyed
MW-5	2/yr
MW-16	Annually
<i>Offsite Wells</i>	
MW-6	Annually
MW-7	Annually
MW-8	Annually
MW-9	Annually

MW-11	2/yr
MW-12	2/yr
MW-13	2/yr
MW-14	2/yr
MW-15	Annually
MW-17	Annually
MW-18	Annually
MW-19	Annually
Offsite Pilot Test Wells	
MW-10	2/yr
PT-1	Annually <i>e</i>
PT-2	2/yr <i>e</i>
PT-3	2/yr <i>e</i>
PT-4	Annually <i>e</i>
PT-5	2/yr <i>e</i>
PT-6	2/yr <i>e</i>
Silveira Water Supply Well	
Influent	Qtr if well being used 2/yr if not in use <i>do not sample if in use, Annually</i>
After treatment (1)	Qtr if well being used 2/yr if not in use
Miller Creek	
Downstream	Annually

Note:
 (1) Discontinue Treatment.

Vapor Monitoring Program

Vapor Probe	Sampling Frequency
Marinwood Plaza Property	
SVM-1	2/yr
SVM-2	Well destroyed
SVM-3	2/yr
SVM-4	2/yr
SVM-5	2/yr
SVM-6	2/yr
SVM-7	2/yr
SVM-9	Qtr 2/yr
SVM-10	Qtr 2/yr
Offsite Vapor Monitoring	
SVM-8	Qtr
SVM-9	Qtr
SVM-10	Qtr
SVM-11	Qtr

Notes:

2/yr = Sample twice per year

Annually = Sample once a year

Qtr = Sample quarterly

Analyze vapors for VOCs by USEPA Method TO-15

Analyze groundwater for VOCs by USEPA Method 8260

MICHAEL J. VAN ZANDT
PARTNER
DIRECT DIAL (415) 995-5001
DIRECT FAX (415) 995-3566
E-MAIL mvanzandt@hansonbridgett.com



August 14, 2020

VIA ELECTRONIC MAIL ONLY

San Francisco Bay Regional Water Quality
Control Board
c/o Ralph Lambert
1515 Clay Street, Suite 1400
Oakland, California 94612
Ralph.Lambert@waterboards.ca.gov

Re: Comments on Tentative Order for Site Cleanup Requirements
187 Marinwood Avenue, San Rafael, California ("Marinwood Plaza")

Dear Mr. Lambert:

Catholic Charities CYO of the Archdiocese of San Francisco ("Catholic Charities") submits these comments on the Regional Board's July 14, 2020 Tentative Order for Site Cleanup Requirements at Marinwood Plaza.

Catholic Charities appreciates the Regional Board's continued efforts to hold Marinwood Plaza's owners accountable. However, it has been at least thirteen years since the owners of Marinwood Plaza, LLC and Hoytt Enterprises, Inc. (collectively "Dischargers") first discovered PCE and related products under their property. Since that time, the Dischargers have consistently failed to meet deadlines and delayed treatment of the contamination without explanation. This has allowed contamination to continue migrating from Marinwood Plaza onto Catholic Charities' property. As noted in the Tentative Order, as recent as 2019, the contamination still exceeds levels that create a potential threat to human health and the environment.

It is understandable that such findings are unacceptable to Catholic Charities: Contamination persists on its property without any realistic timeframe within which to expect its property to be cleansed to cleanup levels. And because of the lack of any plan for prompt remediation, Catholic Charities' latest negotiations to sell or lease its property have reached an impasse and are in jeopardy of breaking down. So, without question, Catholic Charities will continue to suffer harm unless the Regional Board holds the Dischargers accountable for their inaction.

The Tentative Order does well to address many concerns arising from these past failures. Catholic Charities, however, makes the following comments and proposed revisions on those vital issues that the Tentative Order does not address.

I. The Deadline to Implement a Groundwater Remedial Action Plan Must Follow a Submission of Proof That Doing So Will Be Feasible.

Catholic Charities supports the concept of the Tentative Order's setting a firm deadline for implementing the groundwater remedial action plan. (Tentative Order §§ 5 [p. 4] and C.1 [p. 18].) A deadline for implementation addresses, in part, Catholic Charities' concern with the Dischargers' ongoing delays, missed deadlines, and failure to show how they will meet cleanup levels by 2027. Catholic Charities raised these concerns multiple times, including its [April 3, 2020 letter](#), which Catholic Charities incorporates herein. Catholic Charities supports a firm implementation deadline that will hold the Dischargers accountable for promptly treating the plume.

Catholic Charities remains concerned that the Dischargers have provided no information showing how implementing their proposed treatment will address offsite contamination. As raised in Catholic Charities' April 3rd letter, the Dischargers' Pilot Test data shows that the permeable reactive barriers ("PRBs") are not breaking down the plume as intended. In fact, the Dischargers' [recent sampling in July 2020](#) found that TCE, cis-DCE, and VC continue to **increase** since 2017.

The Dischargers' Pilot Test intended to "permit optimal design of the full-scale cleanup system" that "has a high probability of achieving groundwater cleanup levels" by 2027. ([Conditional Approval of Revised Remedial Action Plan Addendum #3](#) (Feb. 15, 2017), at p. 2.) However, the Dischargers' Pilot Test has, to date, not yielded data that will achieve this purpose. Instead, the Pilot Test has proven the opposite: implementing the Dischargers' full-scale remedial action plan will *not* achieve groundwater cleanup levels by 2027, or any time afterward.

Given this, the Tentative Order must require that the Dischargers first prove how an adjusted remedial action plan will account for the Pilot Test's failure. Implementing a full-scale treatment system without adjusting for that failure will exacerbate the Dischargers' unacceptable delay in treating the contamination thus far. It also cuts against the assurance that "[t]he time spent on the pilot test should not increase the net time to cleanup..." (*Ibid.*)

A constant refrain throughout these proceedings from the Regional Board and the public, is the Dischargers' ongoing delays and repeated failures to meet deadlines. Indeed, the July 2020 sampling referenced above happened only after an unexplained year-long hiatus that led to the Regional Board's [third Notice of Violation](#). While the Dischargers' uncooperative behavior underscores the need for an implementation deadline, Catholic Charities requests that the Regional Board revise the Tentative Order to require, again, that the Dischargers first prove how full-scale implementation will achieve cleanup goals. Without including this necessary step, nothing in the record shows how a 2020 implementation deadline will ensure that the Dischargers meet the 2027 completion deadline.

II. The Plume Is Not Adequately Delineated.

Catholic Charities remains concerned about the plume's inadequate delineation. The Tentative Order correctly acknowledges that the offsite groundwater contamination has impacted Catholic Charities' property. (Tentative Order § 7 [p. 5].) But the Tentative Order also states that the onsite and offsite extent of groundwater contamination is delineated. (*Ibid.*)

The Dischargers' sampling to date undermines this conclusion. For instance, the Regional Board's conditional approval of the Pilot Test required that the Dischargers "demonstrate how the fringe areas of the plume will meet the applicable MCLs within 10 years as specified in Task 7D of the Order." ([Conditional Approval of Pilot Test Implementation and Off-Site Groundwater Remediation Report](#) (Aug. 7, 2018), p. 3.) In response, the Dischargers installed new monitoring wells in locations that they suggested were the outer edges of the plume. Rather than finding contaminants at or below cleanup levels, sampling from wells like MW-17 and MW-18 found PCE in concentrations between 18 and 28 ppb. These are double the concentrations that the Dischargers had predicted in their "plume fringe" contour. Thus, the plume has migrated farther north and east than the Dischargers' delineation had assumed.

These significant concentrations in the supposedly unconfirmed outer edges of the plume supports Catholic Charities' longstanding concern that the plume is not adequately delineated. Without a more complete delineation, the Dischargers cannot ensure that their treatment plan—no matter when they implement one—will adequately address the contamination. This remains a significant concern, and Catholic Charities asks that the Regional Board revise the Tentative Order to require further investigation of the northern and eastern areas of the now known extent of the plume.

III. Monitored Natural Attenuation Will Not Effectively Treat the Plume.

Catholic Charities remains concerned about allowing monitored natural attenuation ("MNA"). (See Tentative Order § 12(c) [p. 11] (discussing the August 23, 2018 approval for MNA in the "lower concentration areas" and the Dischargers' failure to implement a full plume treatment plan).) This sixty-year-old plume extends over three thousand feet downgradient at concentrations that are only marginally less than those found near the source property, Marinwood Plaza. Those downgradient concentrations are several times higher than MCLs.

This shows that passive treatment like MNA will allow significant concentrations of contamination to persist and continue migrating downgradient. Nothing in the data collected justifies how the natural system downgradient is reducing concentrations of the plume. If anything, it has proven the opposite: The downgradient extent of the plume is not naturally attenuating. Nothing supports MNA as a feasible treatment method that will achieve cleanup levels. In turn, allowing these concentrations to remain unabated on Catholic Charities' property contradicts the Tentative Order's prohibition on "[f]urther significant migration of wastes or hazardous substances through subsurface transport to waters of the State...." (Tentative Order § A.2 [p. 15].) Catholic Charities recommends that the Tentative Order reconcile this prohibition and the 2027 completion deadline with the proposed MNA by requiring further investigation of the outer edges of the plume. Otherwise, the Tentative Order should not allow MNA.

IV. Revise the Well Sampling Schedule to Better Reflect the Wells' History and Location.

Catholic Charities also is concerned about the sampling frequencies proposed in the Self-Monitoring Program. Catholic Charities recommends revising the Table 1 Groundwater Monitoring Schedule to better tie sampling frequency with the history of the wells, extent of contamination, anticipated treatment methods, and the risks posed to offsite properties.

For example, Table 1 proposes only annual sampling for MW-17, MW-18, and MW-19. (Tentative Order, Self-Monitoring Program, pp. 3-4.) The Dischargers have sampled these new

wells only twice thus far: June 2019 and May 2020. And both MW-17 and MW-18 yielded exceedances of PCE, along with the presence of daughter products.

On top of this inadequate and insufficient sampling history, these wells are in the area that the Dischargers intend to address through MNA. Thus, they are outside the planned treatment zone. If the Dischargers proceed with MNA as proposed—something to which Catholic Charities strongly objects—then the Dischargers should sample those areas outside the active treatment zone more often, not less. That would allow a better assessment of whether the proposed MNA is working. Given the wells' locations and limited history, Catholic Charities requests that the Tentative Order require sampling of these wells at least twice per year.

Lastly, consistent with its concerns over the plume's inadequate delineation, Catholic Charities requests that the Tentative Order and its Self-Monitoring Program require the Dischargers to install additional wells on the northern and eastern downgradient areas of the plume.

The Dischargers' history of delays and missed ordered reporting deadlines calls into question the sincerity of their commitment over remediation and halting of the continued advance of the plume under Catholic Charities' property and to our client's damage. They continue to place compliance at a lower priority than limiting their financial burden in meeting the Regional Board's outstanding orders.

It should be obvious, given the slow to nonexistent compliance by the Dischargers, that sterner measures are needed on the enforcement side to motivate them to comply with the Regional Board's clear, comprehensive, and equitable orders. The Board should consider enforcement measures in the form of fines or other penalties against the Dischargers to ensure full compliance with the Regional Board's orders. Catholic Charities continues to appreciate the Regional Board's efforts to oversee the cleanup, and looks forward to the Regional Board incorporating Catholic Charities' comments into a revised Tentative Order.

Sincerely,



Michael J. Van Zandt
Attorney for Catholic Charities CYO
of San Francisco

/sgh



August 14, 2020

VIA E-MAIL

Ralph Lambert, PG, CHg
Regional Water Quality Control Board
San Francisco Bay Region
1515 Clay St., Suite 1400
Oakland, CA 94612
E-mail : Lambert, Ralph@Waterboards ralph.lambert@waterboards.ca.gov

**Re: Review of Tentative Order
Former Prosperity Cleaners
Marinwood Plaza Shopping Center
187 Marinwood Avenue, San Rafael, CA
Case #21S0053**

Dear Mr. Lambert:

Apex and I have been asked by Silveira San Rafael Ranch, LLC and its attorney to review and provide comments on the Tentative Order re: Adoption of Final Site Cleanup Requirements (“Tentative Order”) and rescinding previous Cleanup Orders issued to Named Dischargers Marinwood Plaza, LLC and Hoytt Enterprises, Inc. for the property located at 187 Marinwood Avenue, San Rafael, CA. Our comments are provided below.

1. The Tentative Order should provide cleanup goals for offsite soil vapor concentrations, consistent with future commercial and/or residential use of the Silveira ranch and other downgradient properties. As drafted the Order identifies (at pp.13, Section 12e, 12f) indoor air risks to structures using the 2019 Environmental Screening Levels (ESL’s). However, PCE and PCE daughter product concentrations in groundwater on the offsite properties are similar to the onsite concentrations (at pp. 5, 2020 PCE in groundwater concentrations 58 ug/L onsite vs 52 ug/L offsite); and thus there also is a reasonably foreseeable and potential risk of vapor migration to the surface on the offsite properties. The cleanup goals for offsite soil vapor (at pp. 17, Section 22, B4, Soil Vapor Cleanup Levels) should reflect, and provide protection for, future potential offsite uses – not just protect the onsite areas at Marinwood Plaza.

2. The Tentative Order provides (see Section C, Task 7, at pp. 20-21) for a new Three-Year Remediation Effectiveness Evaluation Report on June 30, 2023, and every three years thereafter. A critical underpinning of this three-year evaluative process is a stated requirement for quarterly and annual assessment of the remedial progress (see Tentative Order Self-Monitoring Program at pp. 1-5). The problem with implementation of that assessment requirement is the lack of adequate monitoring and data collection offsite, see comment 3 below; and the lack of any yearly requirement for a trend analysis to more precisely assess whether or not offsite groundwater remediation is on track for completion by the required February 15, 2027 end date. These elements should be added/incorporated into a revised Tentative Order for presentation to the Water Board.

As noted in our previous comments on Revised RAP Addendum #3, the length and number of offsite groundwater treatment lines proposed by Marinwood Plaza and its consultant are not sufficient to meet the Response Action Outcome (RAO) required in this case – i.e., reducing the level of VOC contamination in the groundwater so that it meets the drinking water standard of 5 ug/L for PCE and associated daughter products in the projected time frame deadline of 2027. The length of the treatment lines should be extended as close to the VOC 5 ug/L contour as realistically possible, (See link below to my December 19, 2016 letter to Water Board staff addressing this point in further detail.)

https://documents.geotracker.waterboards.ca.gov/regulators/deliverable_documents/5778473377/21S0053%20Silveira%20comments%20Addendum%203%20to%20RAP.pdf

The fact that the RAP put forward by the Named Dischargers does not provide for such extended treatment lines remains a potential impediment in the remedial design for achieving compliance with the Water Board's February 27, 2027 deadline for offsite groundwater remediation, as the RAP's reliance on natural attenuation in significant portions of the plume is unlikely to meet the intended end point in a timely manner.

To partially address this deficiency, it would be appropriate for the Water Board to make targeted modifications to the Self-Monitoring Program (Section D, Provision 5 and attached Self-Monitoring Program) for increased frequency and Section, C Task 7b of the Tentative Order, directing the Named Dischargers to examine and evaluate trends in contaminant concentrations using appropriate modeling software. Apex recommends that the Water Board direct the use of a statistical model to optimization remediation analysis (such as MAROS) that will allow for the development of a PCE and PCE daughter products attenuation and degradation model with remediation time-to-completion estimates.

3. The proposed annual monitoring of offsite groundwater is inadequate, and semi-annual monitoring should be required, for the following reasons:
 - a. Annual samples in the heart of the plume will not provide enough data to analyze the progress of the plume or its remediation. If this sampling frequency is

approved, then at the three-year mark (i.e., June 30, 2023), only 2 or 3 samples will have been analyzed. That will not be enough to provide any precision for statistical analysis or to identify trends. The Tentative Order should require at least semi-annual monitoring of all offsite groundwater monitoring wells (i.e., MW-6 through MW-19 and pilot wells PT-1 through PT-6), consistent with the required semi-annual sampling frequency for the sentry wells, *i.e.* those wells located downgradient of the plume which are designed to monitor the extent and expansion of the plume and its migration downgradient.

- b. Groundwater monitoring and sampling semi-annual will also provide insight as to seasonal variances in the migration of and remediation of the PCE-contaminated plume impacting the offsite properties. Annual data will miss either the dry season or wet season depending on when annual sampling is to take place.
 - c. Requiring semi-annual sampling will allow for faster determination of offsite areas where the remedial program is not achieving required groundwater remediation progress, and the development and implementation of corrective measures to fix problem areas. The time frame for bio-degradation and natural attenuation is and can be very slow. Delays in acquiring and analyzing data will unduly prolong and delay the groundwater remediation process.
 - d. If a trend and degradation model is to be used (like MAROS) to determine likely attainment of goals, more data will need to be collected than annual data.
 - e. Miller Creek should also be monitored as part of the Self-Monitoring Program semi-annually to capture dry and wet season variances which could be different season over season.
4. Yearly analysis of the offsite PCE plume migration and remediation progress, as outlined in the Self-Monitoring Program, should include attenuation model updates (and use of MAROS or equivalent is suggested). The models available allow for statistical evaluation which will show whether the plume is increasing, decreasing or in a stable condition. The model also can do simple linear regression on the data set to give some insight as to potential or likely time frames in which the GW may achieve remedial goals. This approach to plume analysis was proposed by Apex in 2018, see link below.

https://documents.geotracker.waterboards.ca.gov/regulators/deliverable_documents/4806538462/21S0053%20Silveira%20-Apex%20Response%20to%20Geologica%20Fringe%20area%20work%20plan%202018.pdf

If there are any questions regarding these comments, please don't hesitate to contact me at 805-432-5339 or fred.clark@apexcos.com. Thank you. .

Sincerely,

Apex Companies, LLC

Fred Clark

Fred Clark P.G. 4802
Principal Geologist

cc: David W. Trotter, Esq.


Silveira and Fred Clark / Apex Comments on Water Board Tentative Order

David Trotter <david.trotter@dtrotterlaw.com>

Fri 8/14/2020 8:58 AM

To: Lambert, Ralph@Waterboards <ralph.lambert@waterboards.ca.gov>

Cc: Fred Clark <Fred.Clark@apexcos.com>; 'Renee' <rfsilv@comcast.net>; Richard Bowles <rbowles@bowlesverna.com>; Debbie Ayres <dayres@bowlesverna.com>; David Trotter <dtrotter@bowlesverna.com>

 1 attachments (193 KB)

F. Clark comment letter to Water Board re Tentative Order FINAL 081320 (00949497x9E19F).pdf;

EXTERNAL:

Ralph Lambert, PG, CHg
San Francisco Regional Water Quality Control Board
1515 Clay Street
Suite 1400
Oakland, CA 94612

Dear Ralph:

Silveira San Rafael Ranch, LLC, the Silveira family and I appreciate this opportunity to comment on the Water Board's Tentative Order re Adoption of Final Site Cleanup Requirements with respect to the Marinwood Plaza site.

We support the Water Board's decision to identify both Marinwood Plaza, LLC and Hoytt Enterprises, Inc. as Named Dischargers with responsibility for cleaning up the onsite PCE contamination at the 187 Marinwood Avenue property, and the offsite impacts of that PCE contamination in groundwater on the Silveira property and other downgradient properties. The inclusion of Hoytt Enterprises is amply supported, both factually and legally, by the evidence presented and discussed in the Site History and Named Discharger sections of the beginning of the Tentative Order (see pp. 1-4).

Given the failure and repeated delays of the Named Dischargers and their consultants over the past two years to take remedial actions on the offsite properties which are required under previous Water Board Orders, we also believe that the setting of a firm due date for the commencement of offsite groundwater cleanup activities is both appropriate, and long overdue.

As Silveira and its consultant, Fred Clark of Apex, have previously noted in comments on Revised RAP Addendum #3, the length and number of offsite groundwater treatment lines proposed by Marinwood Plaza and its consultant are not sufficient to meet the clean-up standard set forth in previous Orders, and reiterated in the Tentative Order – that is, reducing the level of VOC contamination in the groundwater so that it meets the drinking water standard of 5 ug/L for PCE and associated daughter products in the projected time frame deadline of February 15, 2027. To achieve such an outcome, the length of the treatment lines should be extended as close to the VOC 5 ug/L contour as is realistically possible, and not leave these areas of the mapped PCE contamination on the Silveira and St. Vincent's properties unprotected.

A link to Mr. Clark's December 19, 2016 letter to Water Board staff addressing this point in further detail, and mapping proposed extended treatment lines, is provided below for convenient reference.

https://documents.geotracker.waterboards.ca.gov/regulators/deliverable_documents/5778473377/21S0053%20Silveira%20comments%20Addendum%203%20to%20RAP.pdf

The issuance of this Tentative Order presents an opportunity for the Water Board to act now to get those treatment lines extended, and thus correct this oversight in the Named Dischargers' remedial program. For reasons previously stated we believe that this should occur.

Finally, Mr. Clark has reviewed and made other technical comments on the Tentative Order. A copy of his August 13, 2020 letter is attached here for consideration by the Water Board. Thank you.

Best regards,

David Trotter

Law Offices of David W. Trotter
119 Allen Court
Moraga, CA 94556
Telephone: (925) 876-1503

From: Fred Clark <Fred.Clark@apexcos.com>**Sent:** Thursday, August 13, 2020 1:54 PM**To:** David Trotter <dtrotter@bowlesverna.com>**Cc:** 'Renee' <rfsilv@comcast.net>; David Trotter <david.trotter@dtrotterlaw.com>; Richard Bowles <rbowles@bowlesverna.com>**Subject:** Water Board Tentative Order re Prosperity Cleaners

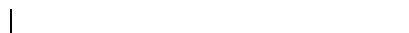
Fred Clark, P.G., QSD
Principal Geologist

Apex Companies, LLC
299 W Hillcrest Dr, Ste 220
Thousand Oaks, CA 91360

O) 805-373-9063 x1701 M) 805-432-5339

Add me to your contact list!

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