

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

STAFF SUMMARY REPORT: Cleet Carlton
MEETING DATE: June 8, 2022

ITEM: 6

Marinwood Plaza LLC and Hoytt Enterprises, Inc. for the property located at 187 Marinwood Avenue, Marinwood, Marin County – Amendment of Final Site Cleanup Requirements Order R2-2020-0025

DISCUSSION

The Tentative Order (Appendix A) would amend Final Site Cleanup Requirements Order R2-2020-0025 (2020 Order) to update the status of remedial actions at the property, clarify the requirement for monthly progress reports and remedial effectiveness reports, and add clear deadlines for implementing and reporting on an approved remedial action plan.

Releases of tetrachloroethene (PCE) from past dry-cleaning operations at a former dry cleaner located in the Marinwood Plaza shopping center impacted soil, soil vapor, and groundwater at the property and adjacent properties. Investigations identified two source areas where PCE was released. A PCE groundwater plume extends 2,900 feet downgradient and impacts agricultural lands owned by the Silveira Ranch and Catholic Charities. A water supply well at the Silveira Ranch remains operational. Samples collected from the well do not exceed drinking water standards for PCE and its degradation byproducts, and a treatment system was installed as a cautionary measure. A soil vapor plume extends westward toward the nearby Casa Marinwood residential complex. Low-permeable cut-off walls installed within utility trenches between Casa Marinwood and the former dry cleaner limit soil vapors from migrating toward residences.

The Board adopted the 2020 Order on September 29, 2020, to consolidate previously issued cleanup orders for the property. The 2020 Order rescinded orders R2-2014-0007, R2-2014-0036, and R2-2018-0035, except for enforcement purposes. The 2020 Order requires the responsible parties to implement a remedial action plan for groundwater and soil vapor described in the order. Groundwater remedial actions were implemented in 2021 according to the approved remedial action plan, and ongoing groundwater monitoring suggests that the remedial actions are working effectively toward a groundwater cleanup completion date of February 2027, as specified in the 2020 Order. Soil vapor, however, was not addressed.

The responsible parties must implement onsite soil excavation to address elevated soil vapor contamination that could threaten the nearby residences. On April 5, 2022, the responsible parties provided a schedule for completing the soil excavation work by July 29, 2022, and for submitting an implementation report by September 9, 2022. The soil excavation work includes demolition of the former dry cleaner building, which has been unoccupied for several years. The Tentative Order would incorporate this schedule as enforceable deadlines.

On April 29, 2022, we circulated the Tentative Order to interested parties for a 14-day public comment period. We received comments (Appendix B) from two members of the public objecting to further cleanup delays. Our response, presented in Appendix C, explains that the Tentative Order would not revise any deadlines in the 2020 Order.

We expect this item to be contested.

APPENDICES

- A. Tentative Order
- B. Comments
- C. Response to Comments

Appendix A

Tentative Order

Appendix B

Comments

For an electronic copy of the comments,
please email Cleet Carlton at Cleet.Carlton@waterboards.ca.gov.

Appendix C

Response to Comments

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

RESPONSE TO WRITTEN COMMENTS

On the Tentative Order for
Marinwood Plaza LLC and Hoytt Enterprises Inc.
187 Marinwood Avenue
Marinwood, Marin County

The Regional Water Board received written comments from the following individuals on a tentative order distributed for public comment on April 29, 2022:

1. Stephen Nestel (May 10, 2022)
2. Bill McNicholas (May 11, 2022)

Staff presents excerpts of these comments below with staff responses.

Stephen Nestel Comment: *“We have patiently waited for Marinwood Plaza, LLC to perform under the initial RWQCP order since 2014. ... They have used tactic after tactic to ask for delays. ... We say, leave the current orders in place WITHOUT AMENDMENTS that will incentivize the NEXT DELAY TACTIC. Let the penalties accrue until this issue is resolved. ... By allowing penalties to accrue the RWQCB will regain a fair negotiating position when the costs of non compliance increase.”*

Response: We disagree. The addition of the proposed deadlines does not replace or extend any existing deadline in Final Site Cleanup Requirements Order R2-2020-0025 (2020 Order). The 2020 Order does not contain specific deadlines for implementing the approved onsite soil excavation or for reporting on its implementation. The tentative order provides clear deadlines for these actions. Clear deadlines are critical to any successful enforcement action.

Bill McNicholas Comment: *“I am totally against another extension for the discharger’s failure to comply and no enforcement, just more amendments and extensions.”*

Response: See response to Stephen Nestel Comment.