

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

TENTATIVE ORDER

**RESCISSION OF SITE CLEANUP REQUIREMENTS (ORDER NO. 00-051) and
REQUIREMENT FOR TECHNICAL REPORT for:**

Cerro Metal Products Company (former)

For the property located at:

FORMERLY 6707 MOWRY AVENUE (CURRENTLY 6701, 6723-37, 6753, 6815, 6839,
6851 MOWRY AVENUE)
NEWARK, ALAMEDA COUNTY

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

1. **Regional Water Board Order:** The Regional Water Board adopted Site Cleanup Requirements [Order 00-051](#) (Order) for the Source Property located at 6707 Mowry Avenue, in Newark (Property) on June 21, 2000. The Order named Cerro Metal Products Company as the discharger and rescinded Order 91-133 as was amended by Order 94-013.
2. **Compliance with Board Order:** The Order required the discharger to monitor natural attenuation progress toward achieving cleanup goals, implement institutional controls as needed to control exposures, submit five-year status reports, and implement curtailment of the groundwater remedial system.

The remaining chemicals of concern (COCs) at the Source Property are trichloroethene (TCE), cis-1,2-dichloroethene, (cis-1,2-DCE), 1,1-dichloroethane (1,1-DCA), and 1,1-dichloroethene (1,1-DCE) at low concentrations in the shallow zone groundwater. The following table compares the historic and current concentrations of COCs in groundwater. The remediation at the Property has significantly reduced the magnitude and size of the groundwater plume, which continues to decrease via natural attenuation.

Concentrations of COCs in Groundwater (micrograms per liter)

	TCE	Cis-1,2-DCE	1,1-DCE	1,1-DCA
Current Concentration	180	49	84	47
Maximum Concentration	7,200	430	1,500	250
Cleanup Level	5	6	6	5

Natural attenuation, including continued reductive dichlorination, is effectively reducing the remaining concentrations of TCE, cis-1,2-DCE, 1,1-DCE, and 1,1-DCA in shallow groundwater toward cleanup levels as required by the Order.

The land use covenant (LUC) recorded for the Property in 2023 restricts sensitive land uses and the use of groundwater. The LUC incorporates an approved Risk Management Plan (RMP) dated November 15, 2022. The RMP outlines specific actions to avoid exposure to residual soil and groundwater contamination in the event of excavation, construction, or redevelopment.

3. **Basis for Rescission:** The discharger has completed all tasks required by the Order.
4. **Human Right to Water:** The State of California's policy is that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes. (Wat. Code, § 106.3; see also State Water Board Resolution No. 2016-0010.) The human right to water extends to all Californians, including disadvantaged individuals and groups and communities in rural and urban areas. This Order promoted the human right to water by requiring discharges to meet the maximum contaminant levels designed to protect human health and ensure that water is safe for domestic use. The rescission of the Order will not affect the human right to water.
5. **CEQA:** This action rescinds an order to enforce the laws and regulations administered by the Regional Water Board. Rescission of the order is not a project as defined in the California Environmental Quality Act (CEQA). (Public Resources Code, § 21065; Cal. Code Regs., tit. 14, § 15378.) In the alternative, this action is exempt from CEQA because there is no possibility that the activity in question may have a significant effect on the environment. (Cal. Code Regs., tit. 14, § 15061, subd. (b)(3).)
6. **Notification:** The Regional Water Board has notified the discharger and all interested agencies and persons of its intent under Water Code section 13304 to rescind site cleanup requirements for the discharge and has provided them with an opportunity to submit their written comments.

IT IS HEREBY ORDERED that Order 00-051 is rescinded.

Eileen M. White
Executive Officer