

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

ORDER NO. 92-068

SITE CLEANUP REQUIREMENTS FOR:

PACIFIC NURSERY POTS, INCORPORATED
SANTA CLARA,
SANTA CLARA COUNTY

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

1. **SITE DESCRIPTION** Pacific Nursery Pots, Incorporated, (PNP) owns the property located at 1015 Martin Avenue in Santa Clara (Figure 1). Eight structures occur on the 4.5 acre property, Santa Clara County parcel No. 224-10-118, and are identified by the addresses 1015, 1027, 1031, 1033, 1037, 1039, 1043, and 1045 Martin Avenue (Figure 2). Various tenants occupy these structures.

2. **SITE HISTORY** PNP has produced plant containers at this location between 1959 and 1985. Prior to 1959, the PNP structure at 1027 Martin was used as a fish cannery, and since 1985 has been used by K Auto Body and Don Roberts Enterprises, auto body and vehicle repair shops. Other tenant activities in other structures on site do not appear to have contributed to site pollution.

Gasoline and diesel, and stoddard paint thinner, were stored in five underground tanks at the site. The five tanks (Figure 3) include one 10,000 gallon thinner tank, two 10,000 gallon diesel tanks, and two gasoline tanks of uncertain capacity. Some or all of the five tanks were determined to have leaked, subsequently all five tanks and some of the associated polluted soil were removed in March, 1985.

3. **REGULATORY STATUS** PNP is a discharger because of their current ownership of the property, and operation of the plant container manufacturing for nearly three decades. If additional potential dischargers are identified, their names will be added to this Order.

4. **SITE POLLUTION** Soil and groundwater at this site has been polluted with petroleum hydrocarbons, mainly gasoline and diesel fuel, and with stoddard thinner. Depth to water is about 18 to 20 feet, and the general direction of shallow groundwater flow is to the northeast.

Gasoline and diesel soil and groundwater pollution is located mainly in the central portion of the site, east of structures

at 1037, 1039 and 1045 (Figure 2). Petroleum hydrocarbon concentrations detected in soil, to a depth of about 14 feet, include up to 52 parts per million (ppm) total petroleum hydrocarbon (TPH) as diesel, 31 ppm TPH as gasoline, 53 parts per billion (ppb) acetone, 8 ppb benzene, 50 ppm toluene, 210 ppm ethylbenzene and 930 ppm xylene. No paint thinner was detected in soil in the former gasoline and diesel tank areas. Concentrations in groundwater include 60 ppm gasoline, 17 ppm benzene, 4 ppm ethylbenzene, 19 ppm toluene, 17 ppm total xylene, 130 ppb 1,1,1-trichloroethane, and free-phase gasoline on the groundwater surface.

Stoddard paint thinner soil and groundwater pollution occurs in the northeastern portion of the site, north of the 1027/1043 structure. Thinner has been detected in soil at up to 520 ppm, but generally less than 100 ppm. Concentrations of thinner in groundwater have been detected at up to 30 ppm, mainly in monitoring well PNP-1A, located near the former thinner tank. The extent of thinner in soil and groundwater is generally above 20 feet depth, and within an area of about 90 by 100 feet, north of the former tank.

5. PAST INVESTIGATIONS Results of a Underground Tank Leak Detection Program Questionnaire, submitted by PNP on May 25, 1982, caused the Regional Board to request in October 1982 that the discharger investigate the extent of groundwater pollution. An initial report, submitted on March 19, 1984, indicated that paint thinner was present in groundwater. Further investigation conducted in 1984 and 1985 indicated both thinner and petroleum hydrocarbon soil and groundwater pollution, and led to removal of all of the underground tanks and an unknown volume of polluted soil in March 1985.

Additional soil borings and monitoring wells were installed in 1986 and 1987 in the former thinner tank area to determine the extent of thinner in soil and groundwater. Since 1987, groundwater has been monitored occasionally in the former thinner tank area. The extent of paint thinner in soil and groundwater appears to be adequately defined.

In July, 1991, additional soil samples were taken in the former gasoline and diesel tank area east of structure 1037 and 1039 (Figure 2). A draft summary of site investigations, including some results of the 1991 work, was submitted to the Board on April 6, 1992.

Two documents have been prepared for the site which include plans and protocols for groundwater monitoring; the Quality Assurance Project Plan and Sampling Plan. Regional Board staff have reviewed and commented on these plans by letter dated August 7, 1987 (attachment 2). Both documents may require updating to reflect final cleanup plans for the former

paint thinner and gasoline and diesel tank areas.

6. **FINAL CLEANUP PLAN** A draft final remedial action plan for the former thinner tank area was submitted in July, 1990. Three alternatives for cleanup in the former thinner tank area were proposed. By letter dated January 4, 1991 (attachment 1), Regional Board staff concurred with alternative 2, which was to monitor groundwater twice yearly in wells PNP-1A, PNP-2, PNP-3, PNP-4B and PNP-5 for five years. If, after three years of monitoring, the concentrations of paint thinner in groundwater increased, then the discharger would submit a proposal to implement alternative 3, groundwater extraction. The three year status report required by the January 4 letter will be incorporated into this Order with an extended due date. The conditions for acceptance of the final cleanup plan for the former paint thinner tank area, outlined in the January 4 letter, will remain in force upon adoption of this Order.

The extent of gasoline and diesel in soil and groundwater in the former gasoline and diesel tank areas requires further definition before a final cleanup plan can be approved. Additional work will include defining the depth and lateral extent of petroleum hydrocarbons, and preparing a proposed final cleanup plan.

7. **SCOPE OF THIS ORDER** The intent of this Order is to update Site Cleanup Requirements, and set out a series of tasks leading to implementation of cleanup measures at the site, and eventually site closure. A final cleanup plan for the gasoline and diesel tank areas will be considered by the Board for approval.
8. The Board adopted a revised Water Quality Control Plan for the San Francisco Bay Region (Basin Plan) on December 17, 1986. The Basin Plan contains water quality objectives for South San Francisco Bay and contiguous surface waters and groundwater.
9. The existing and potential beneficial uses of the groundwater underlying and adjacent to the property include:
 - a. Industrial process water supply
 - b. Industrial service supply
 - c. Municipal and domestic supply
 - d. Agricultural supply
10. The discharger has caused or permitted, and threatens to cause or permit waste to be discharged or deposited where it is or probably will be discharged to waters of the State and creates or threatens to create a condition of pollution or nuisance.
11. This action is an Order to enforce the laws and regulations

administered by the Board. This action is categorically exempt from the provisions of the CEQA pursuant to Section 15321 of the Resources Agency Guidelines.

12. The Board has notified the dischargers and interested agencies and persons of its intent under California Water Code Section 13304 to prescribe Site Cleanup Requirements for the discharge and has provided them with the opportunity for a public hearing and an opportunity to submit their written views and recommendations.
13. The Board, in a public meeting, heard and considered all comments pertaining to the discharge.

IT IS HEREBY ORDERED, pursuant to Section 13304 of the California Water Code, that the dischargers, their agents, successors and assigns, shall cleanup and abate the effects described in the above Findings as follows:

A. PROHIBITIONS

1. The discharge of wastes or hazardous materials in a manner which will degrade water quality or adversely affect the beneficial uses of waters of the State is prohibited.
2. Further significant migration of pollutants 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 pollutants are prohibited.
4. The storage, handling, treatment or disposal of soil or groundwater containing pollutants shall not create a nuisance as defined in Section 13050(m) of the California Water Code.

B. CLEANUP SPECIFICATIONS

1. The dischargers shall conduct further reporting, site investigation and monitoring activities as needed and as described in this Order. Results of such monitoring activities shall be submitted to the Board. Should monitoring results show evidence of plume migration, additional plume characterization may be required.
2. Final cleanup levels for polluted groundwater shall be in accordance with State Water Resources Control Board Resolution No. 68-16, "Statement of Policy with Respect to Maintaining High Quality of waters in California." Proposed final cleanup levels shall be based on a feasibility study of cleanup alternatives that compare cost, effectiveness, time to achieve cleanup levels and an assessment of risk to determine effect

on beneficial uses, human health and the environment. Cleanup levels shall also have the purpose of reducing the mobility, toxicity, and volume of pollutants. Final cleanup levels shall be approved by the Board.

Final cleanup levels for soil shall be approved or determined by the Executive Officer based upon site specific information submitted by the discharger. If the discharger proposes soil cleanup levels site specific information shall be used to demonstrate that the proposed levels will not allow concentrations of pollutants in soil that will threaten the quality of waters of the State, and that cleanup to these levels will protect human health and the environment or more stringent cleanup levels are infeasible.

3. The discharger shall optimize, with a goal of 100%, the reclamation or reuse of groundwater extracted as a result of cleanup activities. The dischargers shall not be found in violation of this Order if documented factors beyond their control prevent them from attaining this goal, provided the dischargers have made a good faith effort to attain this goal.

C. PROVISIONS

1. The discharger shall perform all investigation and remedial work in accordance with the requirements of this Order.
2. The discharger shall submit to the Board acceptable monitoring program reports containing results of work performed according to a program prescribed by the Board's Executive Officer.
3. The discharger shall comply with all Prohibitions and Specifications of this Order, in accordance with the following time schedule and tasks:

- a. TASK: SUBMIT SOIL CLEANUP PLAN FOR FORMER GASOLINE AND DIESEL FUEL TANK AREAS
DUE DATE: July 1, 1992

Description: The discharger shall submit a technical report acceptable to the Executive Officer containing a plan for cleanup of gasoline and diesel fuel pollution in soil in the former fuel tank areas. The report shall contain a summary of all tasks necessary for cleanup, and a time schedule for implementation.

- b. TASK: SUBMIT UPDATED QUALITY ASSURANCE PROJECT PLAN AND SAMPLING PLAN
DUE DATE: August 1, 1992

Description: The discharger shall submit a technical report acceptable to the Executive Officer containing an

updated Quality Assurance Project Plan and Sampling Plan. These plans should reflect all current and proposed changes to sampling procedures as well as sampling associated with all proposed soil and groundwater cleanup and monitoring activities.

- c. TASK: SUBMIT GROUNDWATER CLEANUP PLAN FOR FORMER GASOLINE AND DIESEL FUEL TANK AREAS
DUE DATE: September 1, 1992

Description: The discharger shall submit a technical report acceptable to the Executive Officer containing a plan for cleanup of gasoline and diesel fuel pollution in groundwater in the former fuel tank areas. The report shall contain a summary of all tasks necessary for cleanup, a time schedule for implementation, and a groundwater monitoring plan. The report shall also contain the results of at least one round of sampling for all monitoring wells installed in the former gasoline and diesel tank areas.

- d. TASK: SUBMIT STATUS REPORT ON CLEANUP IN THE FORMER PAINT THINNER TANK AREA
DUE DATE: July 31, 1994

Description: The discharger shall submit a technical report acceptable to the Executive Officer containing a discussion of paint thinner concentrations in groundwater relative to alternative 2 of the draft remedial action plan (July, 1990) and Regional Board staff conditions of acceptance outlined in a January 4 letter response (attachment 1). The report shall also include a summary table of all groundwater monitoring data, listed in chronologic order for all wells. If concentrations have increased or significant migration of the plume has occurred, the report shall include a proposal to implement alternative 3 (groundwater extraction), until concentrations decrease to less than 50 ppb or the plume is stabilized. If concentrations have stabilized or decreased, the report shall include a proposal for reducing Board oversight for the former paint thinner tank area.

- e. TASK: SUBMIT FINAL CLEANUP IMPLEMENTATION REPORT
DUE DATE: Within 60 days after completion of all cleanup tasks approved under items 3.a. and 3.c. above.

Description: The discharger shall submit a technical report acceptable to the Executive Officer containing a summary of all final cleanup tasks for the site.

- f. TASK: SUBMIT STATUS REPORT ON SITE CLEANUP
DUE DATE: June 17, 1997

Description: Submit a technical report acceptable to the Executive Officer discussing the effectiveness of site cleanup, particularly in the former gasoline and diesel tank areas. The report shall contain results of any additional investigative work completed, an evaluation of the effectiveness of installed final cleanup measures, additional recommended measures and costs to achieve final cleanup levels, if necessary, the tasks and time schedule necessary to implement any additional final cleanup measures, and recommended measures for reducing Board oversight. If safe drinking water levels have not been achieved through remedial actions taken, this report shall also contain an evaluation addressing whether it is technically feasible to do so.

4. The submittal of technical reports evaluating remedial measures shall consider the guidance provided by Subpart F of the National Oil and Hazardous Substances Pollution Contingency Plan (40CFR part 300); Section 25356.1(c) of the California Health and Safety Code; CERCLA guidance documents with reference to Remedial Investigation, Feasibility Studies, and Removal Actions; and the State Water Resources Control Board's Resolution No. 68-16, "Statement of Policy with Respect to Maintaining High Quality of Waters in California".
5. If the discharger is delayed, interrupted or prevented from meeting one or more of the completion dates specified in this Order, the discharger shall promptly notify the Executive Officer.
6. The discharger shall submit to the Regional Board acceptable reports on groundwater monitoring and compliance with the requirements of this Order. The compliance reports shall be submitted on a quarterly basis through 1993, then twice yearly thereafter, and due by the last day of the month following the reporting period. The first quarterly compliance report shall be due on October 31, 1992. The first biannual compliance report shall be due on July 31, 1994.

Former Gasoline and Diesel Tank Area: Groundwater monitoring of all wells shall be on a calendar quarter basis through the last quarter of 1993, and thereafter shall be on a biannual basis.

Former Paint Thinner Tank Area: Groundwater monitoring of all wells shall be on a biannual basis through June of 1994. Continuation of groundwater monitoring will be evaluated with submittal of the technical status report of Provision 3.d.

Each compliance report shall contain the following:

- 1) Summary of work completed during the reporting period,
 - 2) Work to be completed during the next reporting period,
 - 3) Any obstacles which may threaten compliance with this Order and what steps will be taken to overcome these obstacles,
 - 4) Results of water quality sampling analyses (results shall be in a chronologic summary table, to include all historic groundwater monitoring data, all chemicals detected, all concentrations detected including detection limits instead of "ND"),
 - 5) Groundwater elevation contour map, updated with current water level data, and other maps, cross-sections or diagrams necessary to illustrate compliance with this Order,
 - 6) Results of free product thickness measurement in all monitoring wells, and
 - 7) Summary of any cleanup activities in terms of pounds of pollutants removed from soil and groundwater.
 - 8) Compliance reports submitted on January 31 of each year shall contain an Annual Report on overall compliance with this Order.
7. All hydrogeological plans, specifications, reports and documents shall be signed by and/or stamped with the seal of a registered civil engineer or geologist, or certified engineering geologist.
8. All samples shall be analyzed by State certified laboratories or laboratories accepted by the Board using approved EPA methods for the type of analysis to be performed. All laboratories shall maintain quality assurance/quality control records for Board review.
9. The discharger 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.
10. Copies of all correspondence, reports and documents pertaining to compliance with the requirements of this Order shall be provided to the following agencies:
- a. Santa Clara Valley Water District
 - b. Santa Clara County Health Department
 - c. City of Santa Clara
 - d. Cal-EPA Department of Toxic Substance Control

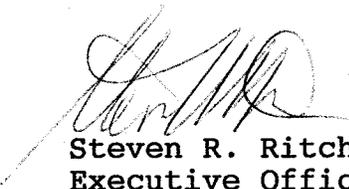
The Executive Officer shall receive one complete copy of all correspondence, reports, and documents pertaining to compliance with this Order, and may require additional copies

be provided to the U.S. Environmental Protection Agency, Region IX, and to a local repository for public use.

11. The discharger shall permit the Board or its authorized representatives, in accordance with Section 13267(c) of the California Water Code:
 - a. Entry upon dischargers' premises in which any pollution sources exist, 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 terms and conditions of this Order.
 - c. Inspection of any monitoring equipment or methodology implemented 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 discharger.
12. The discharger shall file a report on any changes in Site occupancy and ownership associated with the facility described in this Order.
13. If any hazardous substance is discharged in or on any waters of the state, or discharged and deposited where it is, or probably will be discharged in or on any waters of the state, the discharger shall report such discharge to this Regional Board, at (510)464-1255 on weekdays during office hours from 8 a.m. to 5 p.m., and to the Office of Emergency Services at (800)852-7550 during non-business hours. A written report shall be filed with the Regional Board within five (5) working days and shall contain information relative to: the nature of waste or pollutant, quantity involved, duration of incident, cause of spill, Spill Prevention, Control, and Countermeasure Plan (SPCC) in effect, if any, estimated size of affected area, nature of effect, corrective measures that have been taken or planned, and a schedule of these activities, and persons/agencies notified.
14. Order 85-105 is hereby rescinded with adoption of this Order.
15. Pursuant to Section 13304 of the Water Code, the discharger is hereby notified that the Regional Board is entitled to, and may seek reimbursement for, all reasonable costs actually incurred by the Regional 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. Upon receipt of a billing statement for such costs, the discharger shall reimburse the Regional Board.
16. The Board will review this Order periodically and may revise

the requirements when necessary.

I, Steven R. Ritchie, 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 June 17, 1992.



Steven R. Ritchie
Executive Officer