

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

ORDER 95-113

**AMENDMENT OF SITE CLEANUP REQUIREMENTS ORDER 93-162 AND 94-041
FOR:**

**2005, 2017, 2025, 2065 BAY ROAD OPERABLE UNIT (BAW-OU)
RAVENSWOOD INDUSTRIAL AREA,
EAST PALO ALTO
SAN MATEO COUNTY**

PRIMARY DISCHARGERS:

- 1) Lauren Boscacci;
- 2) Lauren Boscacci, doing business as the companies named as dischargers in this Order;
- 3) Nancy Boscacci;
- 4) Nancy Boscacci, doing business as the companies named as dischargers in this Order;
- 5) Anthony Boscacci;
- 6) Anthony Boscacci, doing business as the companies named as dischargers in this Order;
- 7) United Auto Wreckers;
- 8) Bay Area Auto Dismantlers;
- 9) Bay Area Auto Wreckers;
- 10) Bay Area Auto Wrecking or Bay Area Auto Wrecking, Inc.;
- 11) Bay Area Auto Wrecking Company or Bay Area Auto Wrecking Company, Inc.;
- 12) Bay Area Towing or Bay Area Towing Company;
- 13) Bay Area Towing and Wrecking Company or Bay Area Towing and Wrecking Company, Inc.;
- 14) Bay Area Marine Salvage and Dismantling;
- 15) ABC Auto Wrecking;
- 16) ABC Imported Parts or ABC Imported Parts Bay Area Foreign

SECONDARY DISCHARGER:

Michael Demeter

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

BACKGROUND

1. **Site Location:** The Ravenswood Industrial Area (RIA) of East Palo Alto, consists of numerous privately owned parcels or properties which are located adjacent to wetlands along the western margin of San Francisco Bay immediately south of the Dumbarton Bridge (Figure 1). The 2005, 2017, 2025, 2065 Bay Road Operable Unit (BAW-OU) is one of the properties located within the RIA.
2. **Site History:** The BAW-OU is the former location of an auto dismantling facility which was operated by the primary dischargers. Discharges of pollutants related to the dismantling operations has impacted both soil and groundwater at the property. These pollutants generally consist of hydrocarbons and heavy metals.
3. **Dischargers:** The persons (Lauren Boscacci, Nancy Boscacci and Anthony Boscacci) having operated the property and having done business as the companies listed below during the period when discharges occurred are named as primary dischargers. The companies (United Auto Wreckers; Bay Area Auto Dismantlers; Bay Area Auto Wreckers; Bay Area Auto Wrecking or Bay Area Auto Wrecking, Inc.; Bay Area Auto Wrecking Company or Bay Area Auto Wrecking Company, Inc.; Bay Area Towing or Bay Area Towing Company; Bay Area Towing and Wrecking Company or Bay Area Towing and Wrecking Company, Inc.; Bay Area Marine Salvage and Dismantling; ABC Auto Wrecking; ABC Imported Parts or ABC Imported Parts Bay Area Foreign) having operated on the property during the period when discharges occurred are also named as primary dischargers.

Michael Demeter, the owner of the property is named as a secondary discharger based on his ownership of the property and shall be responsible for compliance with the requirements of this Order in the case where the primary dischargers fail to comply.

4. **Site Hydrology:** The hydrogeologic conditions have not been characterized at the BAW-OU. On the adjacent Romic site 4 distinct aquifers have been identified. From top to bottom these units occur between 2 and -14 feet mean sea level (MSL), -15 and -45 feet MSL, -47 and -74 feet MSL, and below -129 feet MSL (Romic, RCRA Facility Investigation Phase III Report, January 1995). The 3 shallow aquifers are generally high in total dissolved solids and not considered a potential source of drinking water. It is believed that the same general hydrogeologic conditions exist at the BAW-OU.
5. **Remedial Investigation:** Demeter has submitted a Site and Chemical Use History as well as a limited Phase I and Phase II Site Assessment prepared by Mittelhauser Corporation.
6. **Interim Remedial Measures:** In order to investigate and remediate the property, all cars have been removed and the dismantling operations discontinued. All structures

on the property, including the buildings and fences have also been removed. In addition, upon demolition of the structures, it was determined that portions of the property were covered by concrete slab which was also removed at that time. It is anticipated that portions of the property may still have concrete slab which has been covered by gravelly fill. This concrete will be removed during remediation.

7. **Adjacent Sites:** The BAW-OU is surrounded by other properties which are currently under investigation or remediation. These sites include: Romic environmental Technologies on the north and east; the 1990 Bay Road Site to the south; and, Rogge's Auto Wrecking to the west.
8. **Regulatory Status:** On April 15, 1992, the California Regional Water Quality Control Board, San Francisco Bay Region, adopted Site Cleanup Requirements Order (SCR) 92-037 for several parcels in the RIA, including the BAW-OU. The Order was amended by Order 92-086 to include all other properties located in the RIA. Michael Demeter (Demeter), the current owner of the BAW-OU property was named as a discharger and was required to submit a site and chemical use history and workplan for investigation. Demeter has submitted both of these reports as well as the May 1992 limited Phase I and Phase II Site Assessment prepared by Mittelhauser Corporation. Based on the findings in these reports, SCR Order 93-162 was adopted by the Board naming the Boscaccis and their businesses as primary dischargers and set forth a task and time schedule for investigation and remediation of soil and groundwater pollution. Order 93-162 was later amended by Order 94-041 to revise tasks and time schedule.
9. **Rationale for Order Amendment:** Board staff have met with the dischargers to develop a strategy for an expedited investigation and remediation of the BAW-OU in the most timely manner. The amended tasks included in this Order will allow for the implementation of a investigation and remediation strategy aimed at completing all soil work by the end of 1995.
10. **Scope of Order:** This Order shall amend the tasks and time schedule set forth in Order 94-041, which amended Order 93-162. Tasks will include: surfacial soil removal and additional investigation; submittal of the results of the additional investigation; proposing final cleanup objectives and actions for soil and groundwater; and, document implementation of the final remedy. Except as superseded by adoption of this Order, Site Cleanup Requirements Order No. 93-162 and 94-041 shall remain in effect.
11. **Basis for 13304 Order:** The primary dischargers have caused or permitted, and threaten to cause or permit, waste to be discharged or deposited where it is or probably will be discharged to waters of the State and create or threaten to create a condition of pollution or nuisance as defined in Section 13050(m) of the California Water Code.

12. **CEQA:** 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.
13. **Notifications:** 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.
14. **Public Hearing:** 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 findings above and in Board Orders 92-037, 92-086, 93-162 and 94-041, and that Order 94-041 be amended as follows:

PROVISIONS C.1.a through C.1.d. are deleted and replaced with C.1.a through C.1.c. as follows:

- C.1.a. **TASK:** **IMPLEMENT EARLY ACTION REMOVAL PLAN FOR SOIL AND ADDITIONAL INVESTIGATION**
DUE DATE: no later than September 1, 1995

Description: The dischargers shall submit a technical report acceptable to the Executive Officer describing the early action removal activities at the site. The activities will be conducted in conformance with the approved Workplan (Mittelhauser, May 1995) submitted to the Board. The report will delineate areas which were addressed during the early action removal.

- C.1.b. **TASK:** **SUBMIT RESULTS OF INVESTIGATION (TASK C.1.a) AND PROPOSE FINAL CLEANUP OBJECTIVES AND ACTIONS/REMEDIAL ACTION PLAN FOR SOIL AND GROUNDWATER POLLUTION.**
DUE DATE: No later than October 1, 1995

Description: The primary dischargers shall submit a technical report acceptable to the Executive Officer containing the results of the soil and groundwater investigation. The report will document the results of investigations delineated in the approved

Workplan (Mittelhauser, May 1994) and Addendum (Mittelhauser, May 1995). The report shall also propose final cleanup objectives and actions/remedial action plan (FCOA/RAP) for soil and groundwater pollution. The FCOA/RAP shall contain at a minimum: proposed soil cleanup levels for each of the pollutants, a rationale for selecting these levels and the feasibility of achieving them, as well as a schedule for implementation.

C.1.c **TASK:** **DOCUMENT IMPLEMENTATION OF REMEDIAL ACTION PLAN FOR SOIL AND GROUNDWATER POLLUTION**
DUE DATE: no later than 90 days after completion of implementation of provision C.1.b

Description: The primary dischargers shall submit a technical report acceptable to the Executive Officer documenting implementation of the remedial actions.

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 May 24, 1995



Steven R. Ritchie
Executive Officer