

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

ORDER 95-163

(RESCINDING ORDER 94-061 and AMENDING ORDERS 92-037 and 92-086)

SITE CLEANUP REQUIREMENTS FOR:

1836-1858 BAY ROAD OPERABLE UNIT
RAVENSWOOD INDUSTRIAL AREA,
EAST PALO ALTO
SAN MATEO COUNTY

DISCHARGERS: Dennis Sibbert and Action Associates, Inc.

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

BACKGROUND

1. **SITE DESCRIPTION** The Ravenswood Industrial Area (hereinafter called the Site) in the city of East Palo Alto, consists of numerous privately owned parcels, or properties which are located adjacent to wetlands on the western margin of San Francisco Bay (Figure 1). These properties consist generally of agricultural, manufacturing, auto wrecking, and storage facilities. The Site area has been used for agricultural and industrial purposes for at least 60 years.
- 1.1 **OPERABLE UNIT DESIGNATION** The Site has been divided into Operable Units (OUs) in order to expedite investigation and cleanup and to more accurately determine responsible parties. OUs may consist of single parcels, groups of parcels or portions of parcels which have similar uses, ownership or pollution.
- 1.2 **OPERABLE UNIT DESCRIPTION** The 1836-1858 Bay Road OU, which is addressed by this Order, consists of an approximate 1.2 parcel (Figure 2) located on the south side of Bay Road about a half mile from San Francisco Bay. The parcel is improved with two tilt-up concrete buildings, 10,000 and 20,000 square feet respectively. The northern building is divided into the following units: 1836, 1844, 1848 and 1850 Bay Road. The southern building is divided into the following units: 1852, 1854 and 1858 Bay Road. The structures are thought to be constructed about 1965.
2. **OPERABLE UNIT OWNERSHIP** The 1836-1858 Bay Road OU is currently owned by Action Associates, Inc. Action Associates, Inc. purchased the property from

Foothill Thrift and Loan (Foothill) in 1994. Foothill acquired the property in 1993 by foreclosure from Dennis Sibbert (Sibbert), the previous owner. Sibbert Purchased the property from R. C. Worsted, Incorporated (Worsted) in 1980. Worsted bought the property in 1962. Ownership prior to 1962 is unknown.

2.1 OPERABLE UNIT HISTORY The property appears to have been used for agricultural purposes prior to construction of the two buildings in 1965. Information contained in the February 1993, Site and Chemical Use History report submitted to the Board by Sibbert pursuant to Board Orders 92-037 and 92-086 was vague as to chemical use and tenancy on the property. Foothill and Sibbert have since submitted additional information to the Board identifying the following tenants and their activities on the property:

- 1) Chemnetics, Inc., operated plating activities at 1836 Bay Road from 1966 to 1979.
- 2) Sandoz Agro, Inc., occupied the entire northern building (1836-1848 Bay Road) from 1981 to 1993. Sandoz used the property for storage and packaging of pesticides. The insecticides include: methoprene, kinoprene and lindane.
- 3) ABS Fabricators, a manufacturer of steel handrails, occupied a portion of the northern building prior to 1981. In 1981 they moved the operation to the southern building. Chemical use by ABS is unknown as well as the dates of occupancy.
- 4) Bay Cities Auto or Bay Cities Auto Body, an auto body and painting operation occupied a portion of the southern building during approximately 1992-1993. The floor in this portion of the building was stained with paint residue. The asphalt outside the roll-up door was also stained as a result of washing floors and washing the rinse out the door. It is likely that Bay Cities Auto activities used chemicals which have impacted soil and groundwater on the property. Bay Cities Auto is thought to be bankrupt.
- 5) Bay City Towing, and auto repair, an auto body and painting operation occupied a portion of the southern building during approximately 1992-1993. Bay City Towing activities may have included use of chemicals which have impacted the property.
- 6) Superior Auto Body/City Towing, occupied 1852 Bay Road during approximately 1992-1993. Their activities are thought to be auto storage, repair and painting. These activities may have included use of chemicals which have impacted the property.
- 7) D-sign Company, occupied 1852 Bay Road for an unknown period of time. D-sign Company activities are unknown.

- 8) Joyce Brothers Woodworking, occupied one-quarter of the southern building, known as 1854 Bay Road. The start date of their operation is unknown, but they are thought to have vacated the property in 1990.
- 9) Exhibits of California, occupied 1836 bay Road for an unknown time period. The company produced exhibits for trade shows. Their operations included the use of paints.
- 10) Heartwood Cabinets, occupied 1858 bay Road for an unknown period of time in the late 1970s/early 1980s.
- 11) Wiecon Manufacturing, occupied 1856 bay Road for an unknown period of time. The operation of Wiecon is unknown.
- 12) Solectric, occupied 1858 Bay Road for an unknown period of time. it is believed that Solectric was an electrical contractor.
- 13) The East Palo Alto Sanitary District, occupied 1856-1858 Bay Road from the late 1970s to the early 1980s.

It is not known if Bay Cities Auto Body, Bay City Towing and Superior Auto Body/City Towing are the same operation or separate.

- 2.2 CHEMICAL HANDLING AND DISCHARGES Chemical handling practices are not well documented. Generally insecticides, petroleum products related to auto repair and paints and solvents have been used on the property. Surface staining of paints and petroleum products as well as the drums with the wastes of these chemicals stored in them on the property indicate poor handling practices.
- 2.3 SURFACE DRAINAGE The property is graded to allow for surface drainage into a single storm drain on the central eastern portion of the parcel. This drain appears to be one of the point sources for pollution on the property.
3. INVESTIGATIONS Pursuant to the requirements of Site Cleanup Requirements (SCR) Orders 92-037 and 92-086, a Site and Chemical Use History and Workplan for Additional Investigation which included a Quality Assurance Project Plan, Sampling and Analysis Plan, and a Health and Safety Plan (February 1993) was submitted to the Board by Sibbert. Before approval by Board staff of the proposed Workplan for Additional Investigation, Foothill acquired the property. Foothill, upon acquiring the property conducted a Phase I and II Investigation. These investigations which included soil and grab groundwater sampling confirm that impacts to both soil and groundwater exists on the property.
- 3.1 SOIL Analytical results presented in the Phase II Site Assessment report detected solvents and petroleum hydrocarbons in soil at the following maximum concentrations:

methylene chloride 78 ug/kg; tetrachloroethane 5.85 ug/kg; trichlorofluoromethane 16.7 ug/kg; chloroform 78 ug/kg; 1,1,1-trichloroethane 77.6 ug/kg; 1,1,2-trichloroethane 8.64 ug/kg; trichloroethene 326 ug/kg; and, total recoverable hydrocarbons 213 mg/kg.

- 3.2 **GROUNDWATER** The Phase II Site Assessment for groundwater consisted of 5 borings and grab groundwater samples. Solvents and petroleum hydrocarbons were detected in groundwater with the following maximum concentrations: methylene chloride 33.4 ug/l; trichlorofluoromethane 9.3 ug/l; chloroform 22.4 ug/l; cis 1,2-dichloroethene 73.2 ug/l; 1,1,1 trichloroethane 17 ug/l; trichloroethene 283 ug/l; and, 1.3 mg/l total petroleum hydrocarbons. Further groundwater investigation is necessary to fully evaluate the lateral and vertical extent of groundwater pollution.
4. **REGULATORY HISTORY** The California Regional Water Quality Control Board, San Francisco Bay Region, adopted Site Cleanup Requirements, Orders 92-037 and 92-086 for all properties located in the Ravenswood Industrial Area of East Palo Alto. The SCR Orders contain tasks required to evaluate if soil and or groundwater pollution has occurred by past or present activities on each of the properties. The Orders named each of the individual property owners as dischargers because of their current ownership of the Site properties and required they comply with all requirements for their individual parcels. Dennis Sibbert, the previous owner of the 1836-1858 OU property was named as a discharger and was required to submit a site and chemical use history and workplan for investigation. Sibbert has submitted both of these reports. Foothill upon acquiring the property conducted Phase I and II Site Assessments. These investigations confirmed soil and groundwater impacts on the property. At this time, SCR Orders 92-037 and 92-086 were amended by SCR Order 94-061 to name Foothill as a discharger and set forth a task and time schedule for investigation and remediation of impacts to soil and water. Property ownership again changed after adoption of Order 94-061, when Action Associates, Inc. purchased the property from Foothill. This Order rescinds Order 94-061, removes Foothill as a discharger and names Actions Associates, Inc. as a discharger.
- 4.1 **DISCHARGERS** The parties having operated on the property and discharged the pollutants into soil and groundwater have not been fully identified or located. In the absence of the parties who operated on the property and discharged pollutants which have affected soil and groundwater, the former owner Sibbert is named as a discharger based on his ownership of the property when discharges occurred. Action Associates, Inc. the current property owner is named as a discharger based on his current ownership of the property. Sibbert and Action Associates, Inc. shall comply with the requirements of this Order pursuant to the task and time schedule contained herein. Foothill is no longer named as a discharger because no discharges occurred during their ownership of the property and their name has been removed from the title. Should former tenants who have discharged pollutants on the property be identified and located, this Order may be amended or revised to include them as dischargers.

RATIONALE FOR ORDER

5. The Board, pursuant to SCR Orders 92-037 and 92-086 as well as their amendments and revisions is pursuing a sub-regional cleanup of the Ravenswood Industrial Area to address soil and groundwater pollution that pose a threat to surface and groundwater in the bay margin area of East Palo Alto. Soil and groundwater pollution have been confirmed on the 1836-1858 Bay Road OU. Investigation and remediation are necessary to protect human health and the environment.

SCOPE OF ORDER

6. This Order removes Foothill as a discharger and names the new property owner Action Associates, Inc. as a discharger. The Tasks and time schedules set forth in SCR Order 94-061 to investigate and remediate impacts caused by the discharge of solvents and petroleum hydrocarbons have been modified. This Order sets forth a revised task and time schedule to develop a remedial investigation workplan to investigate soil and groundwater pollution, submit results of the investigation, propose a groundwater monitoring program and schedule, develop a feasibility study and propose remedial action.
7. COST RECOVERY Pursuant to Section 13304 of the California Water Code, the dischargers are hereby notified that the Board is entitled to, and may seek reimbursement for all reasonable costs actually incurred by the 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. The Industrial Property Owners Association, DBA Industrial Development Employment Association (IDEA) is the contact for cost recovery billing by the State Water Resources Control Board. IDEA is a privately held corporation for area redevelopment whose membership includes the dischargers named in SCR Order 92-037.

BASIN PLAN

8. The Board adopted a revised Water Quality Control Plan for the San Francisco Bay Basin (Basin Plan) on December 17, 1986. The Basin Plan contains water quality objectives and beneficial uses for South San Francisco Bay and contiguous surface and groundwater.
9. The existing and potential beneficial uses of the groundwater underlying and in the vicinity of the site include:
 - a. Industrial process water supply
 - b. Industrial service water supply
 - c. Municipal and Domestic water supply
 - d. Agricultural water supply

10. The existing and potential beneficial uses of the surface waters (San Francisco Bay and San Francisquito Creek) and wetland include:
 - a. Contact and non-contact water recreation
 - b. Warm and cold fresh water habitat
 - c. Fish migration and spawning
 - d. Commercial and sport fishing
 - f. Preservation of rare and endangered species
 - g. Estuarine habitat
 - h. Wildlife habitat
 - i. Salt marsh habitat
 - j. Navigation
 - k. Shellfish harvesting
 - l. Industrial service supply
11. The 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.

CEQA

12. 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.

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 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 the waters of the State, is prohibited.
2. Significant migration of pollutants through surface or 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. SPECIFICATIONS

1. The dischargers shall conduct site investigation and monitoring activities as needed to define the current local hydrogeologic conditions and the lateral and vertical extent of soil and groundwater pollution. Should monitoring results show evidence of pollutant migration, additional characterization of pollutant extent may be required.
2. The cleanup standards for source-area soils shall be health-based and protective of human health and the environment. A human health risk assessment shall be the basis for establishing soil cleanup standards, and shall follow EPA guidance. If levels higher than those set by health-based parameters for pollutants are proposed, the discharger must demonstrate that cleanup to lower levels is infeasible, that the alternate levels will not threaten the quality of waters of the State, and that human health and the environment are protected. If levels higher than those set by health-based parameters are proposed, physical and institutional controls shall be considered. If any pollutants are left in the soil, a program of continued groundwater monitoring may be required.
3. Final cleanup standards for polluted groundwater, onsite and offsite, 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 standards shall be based on a feasibility study of remedial alternatives that compare implementability, cost, effectiveness, time to achieve cleanup goals and an assessment of risk to determine affect on beneficial uses, human health and the environment. Assessment of human health risk shall follow EPA guidance. Cleanup standards shall also have the goal of reducing the mobility, toxicity, and volume of pollutants.
4. If groundwater extraction and treatment is considered as an alternative, the feasibility of water reuse, reinjection, and disposal to the sanitary sewer must be evaluated. Based on the Regional Board Resolution 88-160, the dischargers 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 the Order if documented factors beyond the discharger's control prevent the dischargers from attaining this goal, provided the dischargers have made a good faith effort to attain this goal by feasible and practicable means. If reuse or reinjection is part of a proposed alternative, an application for Waste Discharge Requirements may be required. If discharge to waters of the State is part of a proposed alternative, an application for an NPDES permit

must be completed and submitted in a timely manner, and must include the evaluation of the feasibility of water reuse, reinjection, and disposal to the sanitary sewer.

C. PROVISIONS

1. The dischargers shall comply with the Prohibitions and Specifications above, in accordance with the following time schedule and tasks.

- a. **TASK: REMEDIAL INVESTIGATION WORKPLAN**
DUE DATE: August 31, 1995

Description: The dischargers shall submit a technical report acceptable to the Executive Officer containing a comprehensive workplan for soil and groundwater investigation in order to define completely the sources and extent of pollution. A time schedule to implement the workplan within 30 days of approval by the Executive Officer shall also be included.

- b. **TASK: SUBMIT RESULTS OF REMEDIAL INVESTIGATION AND PROPOSE GROUNDWATER MONITORING PROGRAM AND SCHEDULE**
DUE DATE: no later than 90 days after completion of implementation of Remedial Action Workplan (Task C.1.a.)

The dischargers shall submit a technical report acceptable to the Executive Officer documenting implementation and containing the results of the remedial investigation conducted pursuant to the workplan identified in Provision C.1.a. The report shall contain but not necessarily be limited to: documentation of the occurrence of field investigations performed pursuant to the Remedial Investigation Workplan, including information regarding the results of the investigations performed, such as sampling locations, boring logs, cross sections, chemical data tables and figures, isoconcentration maps, and laboratory analytical reports. Should additional investigations need be conducted prior to development of the Feasibility Study and proposed Remedial Action Plan (Provision C.1.c.) a time schedule necessary to complete these investigations must be provided. A proposed groundwater monitoring program and schedule shall also be included.

- c. **TASK: FEASIBILITY STUDY REPORT AND PROPOSED REMEDIAL ACTION PLAN**
DUE DATE: no later than 90 days after approval by the Executive Officer of the Results of Remedial Investigation (Task C.1.b.)

The dischargers shall submit a technical report acceptable to the Executive Officer, based on the results of the Remedial Investigation report (Provision

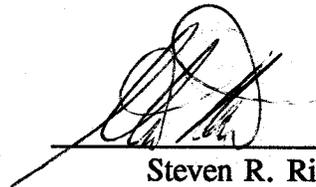
C.1.b.), containing a Feasibility Study and proposed Remedial Action Plan. This technical report shall include: 1) proposed soil and groundwater cleanup standards based on Specifications B.2, B.3. and B.4., 2) a feasibility study evaluating alternative final remedial actions and the proposed remedial actions necessary to achieve the proposed cleanup standards, and 3) the time schedule necessary to implement the proposed final remedial actions.

2. The dischargers shall submit to the Regional Board acceptable reports on compliance with the requirements of this Order that contain descriptions and results of work and analyses performed. It is not the intent of the Board to duplicate any reports due, therefore any reports due concurrently may be combined. These reports are prescribed below:
 - a. A program of groundwater monitoring shall be established based on the Remedial Investigation report (Provision C.1.b.). The dischargers shall submit reports to the Board on results of groundwater monitoring. Groundwater monitoring reports shall be submitted in accordance with the schedule proposed in Provision C.1.b. and approved by the Executive Officer. All compliance and monitoring reports shall include at least the following:
 - 1) Cumulative tabulated results of water quality sampling analyses for all wells and groundwater pollution plume maps based on these results.
 - 2) A cumulative tabulation of all well construction details, water level measurements and updated piezometric maps based on these results.
 - 3) Reference diagrams and maps including any updated geologic cross sections describing the hydrogeologic setting of the site, and appropriately scaled and detailed base maps showing the location of all monitoring wells and extraction wells, and identifying facilities and structures.
 - b. The dischargers shall submit annual summary status reports on the progress of compliance with all requirements of this Order and propose modifications which could increase the effectiveness of final cleanup actions. The first report shall be due on January 31, 1996, and would cover the previous calendar year. The report shall include at least: progress on site investigation and remediation, operation and effectiveness of remediation actions and systems, and an evaluation of the feasibility of meeting groundwater and soil cleanup goals.
3. The dischargers may, by written request, seek modifications or revisions of this Order or any program or plan submitted pursuant to this Order at any time. This Order and any applicable program, plan, or schedule may be modified, terminated or revised by the Board.

4. If the dischargers may be delayed, interrupted or prevented from meeting one or more of the completion dates specified in this Order, the dischargers shall promptly notify the Executive Officer. If, for any reason, the dischargers are unable to perform any activity or submit any document within the time required under this Order, the dischargers may make a written request for a specified extension of time. The extension request shall include a justification for the delay, and shall be submitted in advance of the date on which the activity is to be performed or the document is due. The Board staff may propose an amendment to the Order and bring the matter to the Board for consideration.
5. All hydrogeological plans, specifications, technical reports and documents shall be signed by or stamped with the seal of a State registered geologist, registered civil engineer, or certified engineering geologist.
6. All samples shall be analyzed by State certified laboratories or laboratories accepted by the Executive Officer using approved EPA methods for the type of analysis to be performed. All laboratories or the consultant shall maintain quality assurance/quality control records for Board review for a period of six years.
7. The dischargers shall maintain in good working order, and operate in the normal standard of care, any facility or control system installed to achieve compliance with the requirements of this Order.
8. Copies of all correspondence, reports, and documents pertaining to compliance with the Prohibitions, Specifications, and Provisions of this Order shall be provided to the following agencies:
 - a. San Mateo County Health Department
 - b. City of East Palo Alto
 - c. Cal-EPA, Department of Toxic Substances Control
 - d. The Executive Officer may require additional copies be placed in a public repository
9. The dischargers shall permit, within the scope of each of their authorities, the Board or its authorized representative, 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.

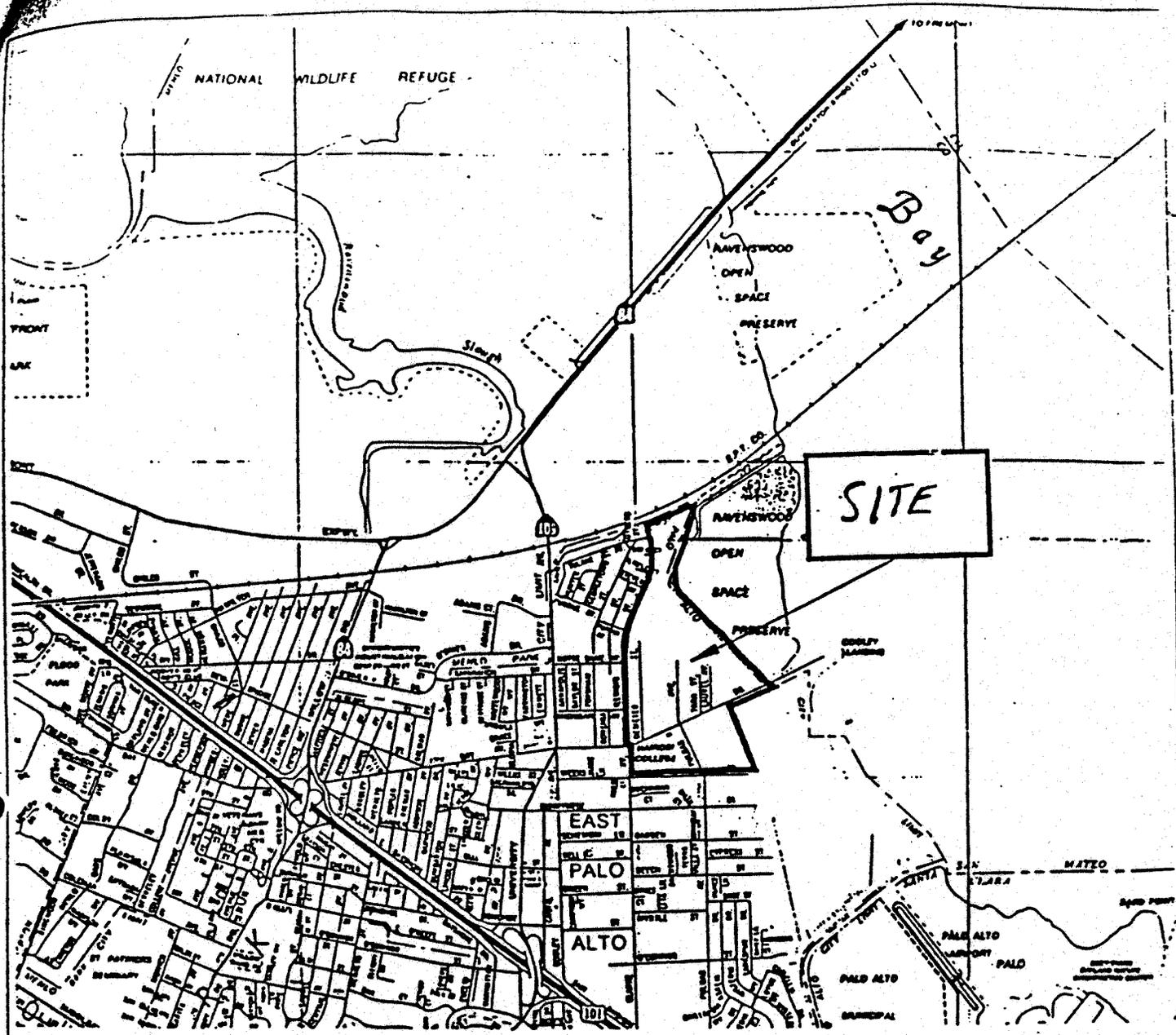
- c. **Inspection of any monitoring equipment or methodology implemented in response to this Order.**
 - d. **Sampling of any groundwater or soil which is accessible, or may become accessible, as part of any investigation or remedial action program undertaken by the discharger.**
10. **The dischargers shall file a report in a timely manner on any changes in site occupancy and ownership associated with the facility described in this Order.**
 11. **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 dischargers shall report such a discharge to this Board, at (510) 286-1255 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-office hours. A written report shall be filed with the Board within five (5) working days and shall contain information relative to: the nature of the waste or pollutant, quantity involved, duration of incident, cause of spill, Spill Prevention, Control and Countermeasure Plan in effect, if any, estimated size of affected area, nature of effects, corrective measures that have been taken or planned, and a schedule of these activities, and persons notified.**
 12. **Adoption of this Order supersedes SCR Order 94-061 and it is hereby rescinded.**
 13. **This Order is intended to be the primary regulating document by which cleanup of the 1836-1858 Bay Road OU shall proceed with the Board as lead agency.**
 14. **The dischargers shall be liable, pursuant to Section 13304 of the California Water Code, to the Board for all reasonable costs actually incurred by the 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. If the Site addressed by this Order are enrolled in a State Board-managed reimbursement program, reimbursement shall be made pursuant to this Order and according to procedures established in that program. Any disputes raised by the dischargers over the reimbursement amounts or methods used in that program shall be consistent with the dispute resolution procedures of that program.**
 15. **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 July 21, 1995.

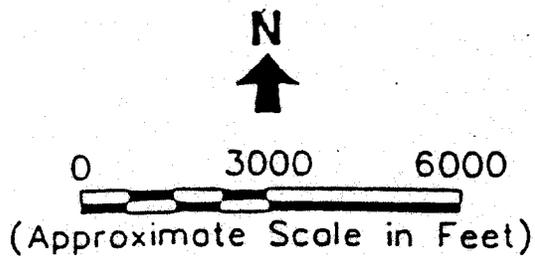
A handwritten signature in black ink, appearing to read 'S. Ritchie', is written over a horizontal line.

Steven R. Ritchie
Executive Officer

Figure 1, Site Location Map
Figure 2, 1836-1858 Bay Road Parcel Map



Source: California State Automobile Association (1991)



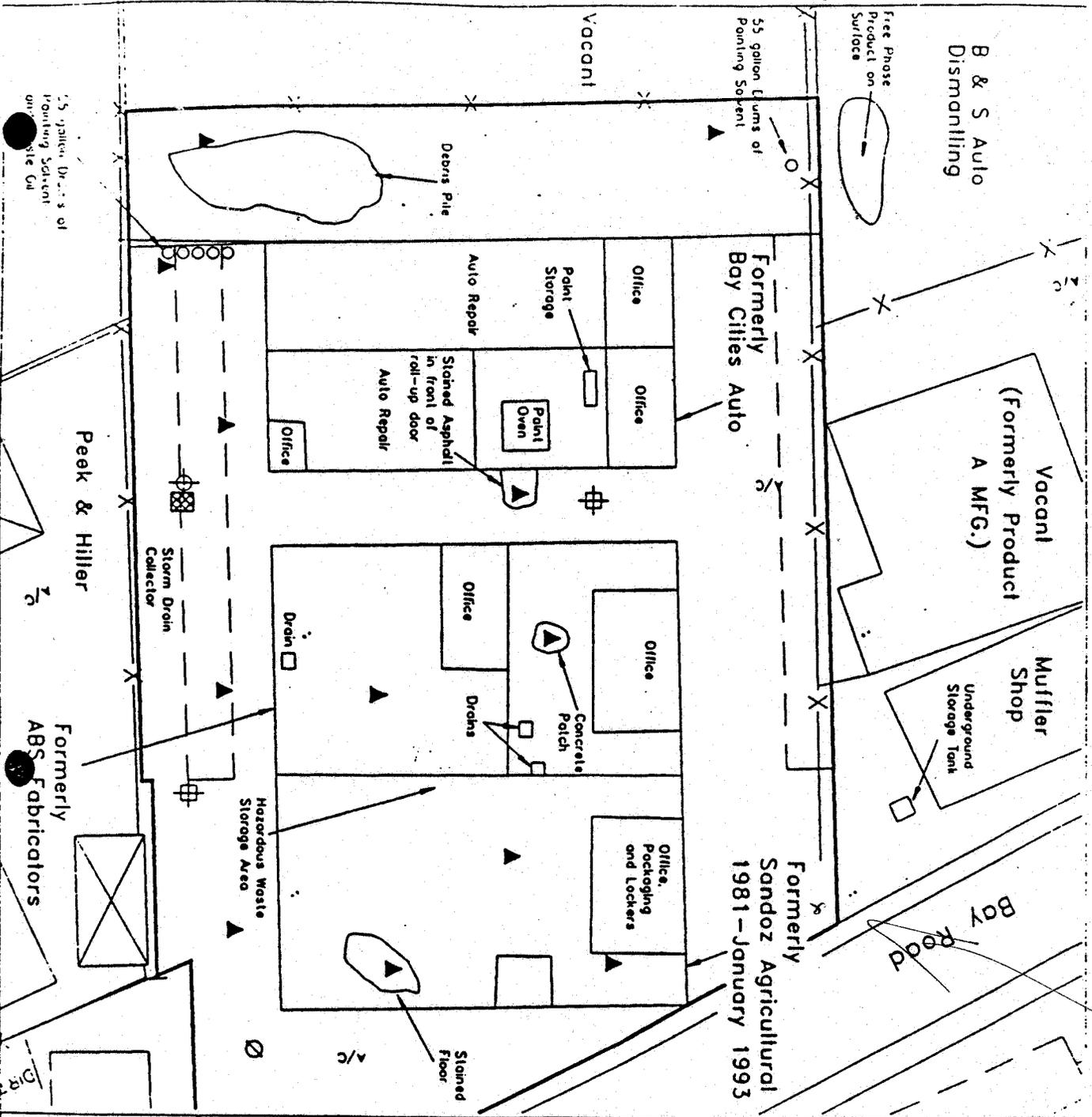
Erler & Kalinowski, Inc.

Project Location Map

IDEA
 East Palo Alto, CA
 March 1993
 EKI 920050.00
 Figure 1

Notes:

1. All locations are approximate.



LEGEND

- Property-Line
- X- Fence
- ▲ Proposed Soil Sampling Location
- ⊕ Proposed Monitoring Well Location
- ⊙ Approximate Location of Safety Specialists Soil Sampling B-4
- ⊕ Proposed Hydroponch Sampling Location

Notes:

1. All locations are approximate

Erler & Kalinowski, Inc.

Dennis Sibberl

Fig. 2

IDEA
 East Palo Alto, CA
 March, 1993
 EKI 920050 UD