CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

ORDER NO. 97-103

SITE CLEANUP REQUIREMENTS FOR:

F.J. FEDERIGHI TRUST B,
G. WILLIAM LEITAO, as the trustee
DOUGLAS T. FEDERIGHI,
MICHAEL H. FEDERIGHI
(c/o Douglas Federighi, 1051 MacArthur Boulevard
San Leandro, CA 94577-3095)

AND

ESTATE OF JOHN B. BECKETT, THOMAS J. BECKETT,
PAMELA BECKETT SCOTT, JOHN R. BECKETT,
SHARON LOUISE BOWMAN (deceased, and represented by BRUCE R. BOWMAN),
RICHARD W. SULLIVAN,
CAROLYN RIDING, BEVERLY J. RIDING,
NANCY RIDING RICE,
SUSAN KAHL
(c/o Richard Sullivan, 1777 Oakland Boulevard, Suite 300
Walnut Creek, CA 94596)

for the property located at

EDEN CENTER
14883 E. 14TH STREET
SAN LEANDRO
ALAMEDA COUNTY

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

1. **Site Location**: The site is the Eden Center property located at 14883 E. 14th Street, San Leandro, Alameda County (hereinafter site). Hesperian Boulevard bounds the eastern reach of the site, whereas East 14th Street, which runs southeast-northwest, is on its northern boundary. Single house residential properties are located across Louise Street and Donna Street on the southern and southwestern sides, respectively, of the site. Although no surface water body is reported within one mile of the property, several private/residential irrigation wells are identified in the immediate downgradient locations of the site. Three of these wells detected Tetrachloroethylene (PCE).

2. **Site History**: A former dry cleaning facility (Swiss Cleaners) was operated on the southeast side

of the property for a number of years. The dry cleaner's space is surrounded by a manicure salon to the northwest and parking lots to the remaining three sides with a covered drive-through lane to the southeast. The dry cleaner tenant had abandoned the premises on or before June 6, 1996. The dry cleaner location was vacant since then.

3. **Named Dischargers**: F. J. Federighi Trust B, c/o G. William Leitao as the trustee, Douglas T. Federighi, and Michael H. Federighi (hereinafter the Federighi party) is one of the two groups of former property owners. Estate of John b. Beckett, Thomas J. Beckett, Pamela Beckett Scott, John R. Beckett, Sharon Louise Bowman (deceased, and represented by Bruce R. Bowman), Carolyn Riding, Nancy Riding Rice, Beverly J. Riding, Susan Kahl, and Richard W. Sullivan (hereinafter the Sullivan party) is the other group of the former property owners. The Federighi and Sullivan parties are named as dischargers as they were the former owners of the Eden Center property during the time in which the dry cleaning facility was operated and unauthorized releases of PCE occurred at the dry cleaning area.

   Board staff have attempted to locate the former owners and operators of the dry cleaner. No update information is available. If additional information is submitted indicating that other parties caused or permitted any waste to be discharged on the site where it entered or could have entered waters of the state, the Board will consider adding that party's name to this order.

4. **Regulatory Status**: This site is currently not subject to Board order.

5. **Site Hydrogeology**: Soil below the site consists of clayey and sandy silt down to five feet, which is underlain by a layer of silty clay interbedded with sand lenses down to approximately 20 feet below ground surface (bgs). The regional shallow groundwater flow direction may flow from the San Leandro Hills and move toward the San Lorenzo Creek, south of the site, or toward San Francisco Bay to the southwest. Groundwater is at about 10-15 feet bgs, and its flow direction is southerly to southeasterly toward the residential area.

6. **Remedial Investigation**: Three phases of subsurface investigations of the site and its downgradient vicinity were performed from 1996 to 1997.

   6.1 The first investigation was performed by a potential buyer of the site. Soil and groundwater sampling results indicated that soil and groundwater below the vicinity of the dry cleaner facility were impacted by PCE, which is widely used by dry cleaners as a cleaning solvent. Groundwater concentrations of PCE analyzed exceeded the maximum contaminant level (MCL), 5 ppb. The All Environmental's *Subsurface Investigation Report dated February 16, 1996* concluded that the most likely source area of PCE pollution was the sewer line from the dry cleaners facility

   6.2 The second investigation was performed in March of 1996. It included collection of soil and groundwater samples from 17 on- and off-site boreholes. Except for the soil sample collected from the vicinity of the sewer line, all other on-site soil samples did not detect PCE. However, PCE was detected in groundwater samples collected from the vicinity and downgradient locations of the dry cleaners facility. The PCE concentrations in groundwater ranged from non-detect to 360 ppb. No other chlorinated solvents were detected in these groundwater samples. The Hageman-Aguiar's *Report of Subsurface*

Investigation dated May 7, 1996 concluded that the source of the PCE pollution was "clearly attributable to" the presence of the dry cleaners facility.

6.3 The third investigation consisted of monitoring well installation, an offsite well survey, and additional soil borings to further delineate the pollution extent. Three on-site and one off-site monitoring wells of 15 feet deep were installed in December 1996, and up to 1,500 ppb of PCE was detected in the monitoring well located in the vicinity of the sewer line. Subsequent soil investigations confirmed that PCE at concentrations higher than 3,000 ug/kg (up to 140,000 ug/kg) were detected in all 2.5-feet soil samples collected below and just outside of the rear service entrance of the dry cleaners facility. Groundwater concentration of PCE at 7,200 ppb was detected at the hot spot location below the dry cleaners facility. The reports of these findings suggested that previous spillage of PCE within the facility building might be the source of impact to soil and groundwater below the site.

6.4 The offsite well survey performed in April/May of 1997 identified five private wells, of which three are used for irrigation, in the downgradient residential area across Louise Street and Donna Street. The fourth well has been abandoned and the status of the fifth is unknown. PCE concentrations ranging from 23 ppb to 350 ppb (exceeding MCL) were detected in all three irrigation wells. Degraded products of PCE including Trichloroethylene (TCE) and 1,2-Dicholoethylene (1,2-DCE) were also detected in these wells. The furthest irrigation well, which is about 400 feet downgradient of the site, detected the highest concentrations of the degraded products among these downgradient irrigation wells. This supports the postulation that PCE has migrated from the dry cleaners facility, and PCE degradation is occurring.

Since the removal of the dry cleaning operation from the site, groundwater concentrations of PCE have been shown decreasing. However, considering the elevated levels of PCE in soil and groundwater, and based on the understanding of the chemical pollutants and the subsurface conditions, Board staff believe that additional investigations of the soil and groundwater pollution is required.

7. **Interim Remedial Measures**: The discharger has submitted a work plan for corrective action which Board staff considered insufficient as only impacted soil was addressed. At this time, no interim remedial measures have been implemented. In light of the significant subsurface pollution below and outside the dry cleaning facility, interim remedial measures need to be implemented to reduce the threat to water quality, public health, and the environment posed by the discharge of waste, and to provide a technical basis for selecting and designing final remedial measures.

8. **Adjacent Sites**: No other site with similar pollution type has been identified within this area. The PCE detection in shallow groundwater is attributed to the former dry cleaners facility on site.

9. **Basin Plan**: The Board adopted a revised Water Quality Control Plan for the San Francisco Bay Basin (Basin Plan) on June 21, 1995. This updated and consolidated plan represents the Board's master water quality control planning document. The revised Basin Plan was approved by the State Water Resources Control Board and the Office of Administrative Law on July 20, 1995, and November 13, 1995, respectively. A summary of regulatory provisions is contained in 23 CCR

3912. The Basin Plan defines beneficial uses and water quality objectives for waters of the State, including surface waters and groundwaters.

The potential beneficial uses of groundwater underlying and adjacent to the site include:

a. Municipal and domestic water supply
b. Industrial process water supply
c. Industrial service water supply
d. Agricultural water supply
e. Freshwater replenishment to surface waters

10. **Other Board Policies**: Board Resolution No. 88-160 allows discharges of extracted, treated groundwater from site cleanups to surface waters only if it has been demonstrated that neither reclamation nor discharge to the sanitary sewer is technically and economically feasible.

Board Resolution No. 89-39, "Sources of Drinking Water," defines potential sources of drinking water to include all groundwater in the region, with limited exceptions for areas of high TDS, low yield, or naturally-high contaminant levels.

11. **State Water Board Policies**: State Water Board Resolution No. 68-16, "Statement of Policy with Respect to Maintaining High Quality of Waters in California," applies to this discharge and requires attainment of background levels of water quality, or the highest level of water quality which is reasonable if background levels of water quality cannot be restored. Cleanup levels other than background must be consistent with the maximum benefit to the people of the State, not unreasonably affect present and anticipated beneficial uses of such water, and not result in exceedance of applicable water quality objectives.

State Water Board Resolution No. 92-49, "Policies and Procedures for Investigation and Cleanup and Abatement of Discharges Under Water Code Section 13304," applies to this discharge. This order and its requirements are consistent with the provisions of Resolution No. 92-49, as amended.

12. **Preliminary Cleanup Goals**: The discharger will need to make assumptions about future cleanup standards for soil and groundwater, in order to determine the necessary extent of remedial investigation, interim remedial actions, and the draft cleanup plan. Pending the establishment of site-specific cleanup standards, the following preliminary cleanup goals should be used for these purposes:

a. Groundwater: Applicable water quality objectives (e.g. maximum contaminant levels, or MCLs) or, in the absence of a chemical-specific objective, risk-based levels (e.g. drinking water equivalent levels).

b. Soil: 1 mg/kg total volatile organic compounds (VOCs), 10 mg/kg total semi-volatile organic compounds (SVOCs), and background concentrations of metals.

13. **Basis for 13304 Order**: The discharger has caused or permitted waste to be discharged or deposited where it is or probably will be discharged into waters of the State and creates or threatens to create a condition of pollution or nuisance.

14. **Cost Recovery**: Pursuant to California Water Code Section 13304, the discharger is 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.

15. **CEQA**: This action is an order to enforce the laws and regulations administered by the Board. As such, this action is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15321 of the Resources Agency Guidelines.

16. **Notification**: The Board has notified the discharger and all 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 an opportunity to submit their written comments.

17. **Public Hearing**: The Board, at a public meeting, heard and considered all comments pertaining to this discharge.

IT IS HEREBY ORDERED, pursuant to Section 13304 of the California Water Code, that the discharger (or its agents, successors, or assigns) shall cleanup and abate the effects described in the above findings as follows:

A. **PROHIBITIONS**

1. The discharge of wastes or hazardous substances in a manner which will degrade water quality or adversely affect beneficial uses of waters of the State is prohibited.

2. Further significant migration of wastes or hazardous substances 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 wastes or hazardous substances are prohibited.

B. **TASKS**

1. **REMEDIAL INVESTIGATION WORKPLAN**

COMPLIANCE DATE: September 30, 1997

Submit a workplan acceptable to the Executive Officer to complete (i) the delineation of the vertical and lateral extent of soil and groundwater pollution, and (ii) the evaluation of potential conduits for migration of the pollution. The workplan should specify investigation methods and a proposed time schedule. Work may be phased to allow the investigation to proceed efficiently.

2. **COMPLETION OF REMEDIAL INVESTIGATION**

COMPLIANCE DATE: December 1, 1997

Submit a technical report acceptable to the Executive Officer documenting completion of necessary tasks identified in the Task 1 workplan. The technical report should (i) define the vertical and lateral extent of pollution down to concentrations at or below typical cleanup standards for soil and groundwater, and (ii) conclude whether or not potential conduits exist below the site. Should migration paths be identified during site investigations, alternatives should be included in the report to remove or seal off those paths which are amenable for such closing/sealing actions.

If the remedial investigation is subdivided into phases - e.g. on-site soil, on-site groundwater, off-site groundwater - each phase shall have workplan followed by a technical report of findings.

3. **INTERIM REMEDIAL ACTION WORKPLAN**

COMPLIANCE DATE: January 15, 1998

Submit a workplan acceptable to the Executive Officer to evaluate interim remedial action alternatives and to recommend one or more alternatives for implementation. The workplan should specify a proposed time schedule. Work may be phased to allow the investigation to proceed efficiently. If groundwater extraction is selected as an interim remedial action, then one task will be the completion of an NPDES permit application for discharge of extracted, treated groundwater to waters of the State. The application must demonstrate that neither reclamation nor discharge to the sanitary sewer is technically or economically feasible.

4 **COMPLETION OF INTERIM REMEDIAL ACTIONS**

COMPLIANCE DATE: April 15, 1998

Submit a technical report acceptable to the Executive Officer documenting completion of necessary tasks identified in the Task 3 workplan. For ongoing actions, such as soil vapor extraction or groundwater extraction, the report should document start-up as opposed to completion.

Should the interim remedial action consists of different phases of work, e.g. on-site soil, on-site groundwater, and off-site groundwater, each phase shall have a workplan followed by a technical report.

5. **PROPOSED FINAL REMEDIAL ACTIONS AND CLEANUP STANDARDS**

COMPLIANCE DATE: October 30, 1998

Submit a technical report acceptable to the Executive Officer containing:

a. Results of the remedial investigation

b. Evaluation of the installed interim remedial actions
c. Feasibility study evaluating alternative final remedial actions
d. Risk assessment for current and post-cleanup exposures
e. Recommended final remedial actions and cleanup standards
f. Implementation tasks and time schedule

Item c should include projections of cost, effectiveness, benefits, and impact on public health, welfare, and the environment of each alternative action.

Items a through c should be consistent with the guidance provided by Subpart F of the National Oil and Hazardous Substances Pollution Contingency Plan (40 CFR Part 300), CERCLA guidance documents with respect to remedial investigations and feasibility studies, Health and Safety Code Section 25356.1(c), and State Board Resolution No. 92-49 as amended ("Policies and Procedures for Investigation and Cleanup and Abatement of Discharges Under Water Code Section 13304").

Items a through e should consider the preliminary cleanup goals for soil and groundwater identified in finding 12.

C. PROVISIONS

1. **No Nuisance**: The storage, handling, treatment, or disposal of polluted soil or groundwater shall not create a nuisance as defined in California Water Code Section 13050(m).

2. **Delayed Compliance**: If the discharger is delayed, interrupted, or prevented from meeting one or more of the completion dates specified for the above tasks, the discharger shall promptly notify the Executive Officer and the Board may consider revision to this Order.

3. **Good Operation and Maintenance (O&M)**: 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.

4. **Cost Recovery**: The discharger shall be liable, pursuant to California Water Code Section 13304, 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 is enrolled in a State Board-managed reimbursement program, reimbursement shall be made pursuant to this Order and according to the procedures established in that program. Any disputes raised by the discharger over reimbursement amounts or methods used in that program shall be consistent with the dispute resolution procedures for that program.

5. **Access to Site and Records**: In accordance with California Water Code Section

13267(c), the discharger shall permit the Board or its authorized representative:

a. Entry upon premises in which any pollution source exists, 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 requirements of this Order.

c. Inspection of any monitoring or remediation facilities installed 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.

6. **Self-Monitoring Program**: The discharger shall comply with the Self-Monitoring Program as attached to this Order and as may be amended by the Executive Officer.

7. **Contractor / Consultant Qualifications**: All technical documents shall be signed by and stamped with the seal of a California registered geologist, a California certified engineering geologist, or a California registered civil engineer.

8. **Lab Qualifications**: 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 (QA/QC) records for Board review. This provision does not apply to analyses that can only reasonably be performed on-site (e.g. temperature).

9. **Document Distribution**: Copies of all correspondence, technical reports, and other documents pertaining to compliance with this Order shall be provided to the following agencies:

   a. City of San Leandro, Fire Department
   b. Alameda County Environmental Health Department
   c. Department of Toxics Substance Control

   The Executive Officer may modify this distribution list as needed.

10. **Reporting of Changed Owner or Operator**: The discharger shall file a technical report on any changes in site occupancy or ownership associated with the property described in this Order.

11. **Reporting of Hazardous Substance Release**: If any hazardous substance is discharged in or on any waters of the State, or discharged or deposited where it is, or probably will be, discharged in or on any waters of the State, the discharger shall report such discharge to the Regional Board by calling (510) 286-1255 during regular office hours (Monday through Friday, 8:00 to 5:00).

A written report shall be filed with the Board within five working days. The report shall describe: the nature of the hazardous substance, estimated quantity involved, duration of incident, cause of release, estimated size of affected area, nature of effect, corrective actions taken or planned, schedule of corrective actions planned, and persons/agencies notified.

This reporting is in addition to reporting to the Office of Emergency Services required pursuant to the Health and Safety Code.

12. **Periodic SCR Review**: The Board will review this Order periodically and may revise it when necessary. The discharger may request revisions and upon review the Executive Officer may recommend that the Board revise these requirements.

I, Loretta K. Barsamian, 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 August 20, 1997.

Loretta K. Barsamian
Executive Officer

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FAILURE TO COMPLY WITH THE REQUIREMENTS OF THIS ORDER MAY SUBJECT YOU TO ENFORCEMENT ACTION, INCLUDING BUT NOT LIMITED TO: IMPOSITION OF ADMINISTRATIVE CIVIL LIABILITY UNDER WATER CODE SECTIONS 13268 OR 13350, OR REFERRAL TO THE ATTORNEY GENERAL FOR INJUNCTIVE RELIEF OR CIVIL OR CRIMINAL LIABILITY

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Attachments: Site Map
Self-Monitoring Program

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

SELF-MONITORING PROGRAM FOR:

F.J. FEDERIGHI TRUST B,
G. WILLIAM LEITAO, as the trustee
DOUGLAS T. FEDERIGHI,
MICHAEL H. FEDERIGHI
(c/o Douglas Federighi, 1051 MacArthur Boulevard
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ESTATE OF JOHN B. BECKETT, THOMAS J. BECKETT,
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for the property located at

EDEN CENTER
14883 E. 14TH STREET
SAN LEANDRO
ALAMEDA COUNTY

1. **Authority and Purpose**: The Board requests the technical reports required in this Self-Monitoring Program pursuant to Water Code Sections 13267 and 13304. This self-Monitoring Program is intended to document compliance with Board Order No. 97-103 (site cleanup requirements).

2. **Monitoring**: The discharger shall measure groundwater elevations in all monitoring wells, and shall collect and analyze representative samples of groundwater quarterly for volatile organic chemicals. The discharger may propose changes to the quarterly groundwater monitoring and sampling program. Any proposed changes are subject to Executive Officer approval.

3. **Quarterly Monitoring Reports**: The discharger shall submit quarterly monitoring reports to the Board no later than 30 days following the end of the quarter. The first quarterly monitoring report shall be due on October 31, 1997. The reports shall include:

   a. Transmittal Letter: The transmittal letter shall discuss any violations during the reporting

period and actions taken or planned to correct the problem. The letter shall be signed by the discharger's principal executive officer or his/her duly authorized representative, and shall include a statement by the official, under penalty of perjury, that the report is true and correct to the best of the official's knowledge.

b. Groundwater Elevations: Groundwater elevation data shall be presented in tabular form, and a groundwater elevation map should be prepared for each monitored water-bearing zone. Historical groundwater elevations shall be included in quarterly monitoring reports.

c. Groundwater Analyses: Groundwater sampling data shall be presented in tabular form, and an isoconcentration map should be prepared for one or more key contaminants for each monitored water-bearing zone, as appropriate. The report shall indicate the analytical method used, detection limits obtained for each reported constituent, and a summary of QA/QC data. Historical groundwater sampling results shall be included in quarterly monitoring reports. The report shall describe any significant increases in contaminant concentrations since the last report, and any measures proposed to address the increases. Supporting data, such as lab data sheets, need not be included.

d. Groundwater Extraction: If applicable, the report shall include groundwater extraction results in tabular form, for each extraction well and for the site as a whole, expressed in gallons per minute and total groundwater volume for the quarter. The report shall also include contaminant removal results, from groundwater extraction wells and from other remediation systems (e.g. soil vapor extraction), expressed in units of chemical mass per day and mass for the quarter. Historical mass removal results shall be included in the quarterly monitoring reports.

e. Status Report: The quarterly report shall describe relevant work completed during the reporting period (e.g. site investigation, interim remedial measures) and work planned for the following quarter.

4. **Violation Reports**: If the discharger violates requirements in the Site Cleanup Requirements, then the discharger shall notify the Board office by telephone as soon as practicable once the discharger has knowledge of the violation. Board staff may, depending on violation severity, require the discharger to submit a separate technical report on the violation within five working days of telephone notification.

5. **Other Reports**: The discharger shall notify the Board in writing prior to any site activities, such as construction or underground tank removal, which have the potential to cause further migration of contaminants or which would provide new opportunities for site investigation.

6. **Record Keeping**: The discharger or his/her agent shall retain data generated for the above reports, including lab results and QA/QC data, for a minimum of six years after origination and shall make them available to the Board upon request.

7. **SMP Revisions**: Revisions to the Self-Monitoring Program may be ordered by the Executive Officer, either on his/her own initiative or at the request of the discharger. Prior to making SMP revisions, the Executive Officer will consider the burden, including costs, of associated self-

monitoring reports relative to the benefits to be obtained from these reports.

I, Loretta K. Barsamian, Executive Officer, hereby certify that this Self-Monitoring Program was adopted by the Board on August 20, 1997.

Loretta K. Barsamian
Executive Officer