CALIFORNIA REGIONAL WATER QUALITY CONTROL WATER BOARD
SAN FRANCISCO BAY REGION

ORDER NO. R2-2008-0093

ADOPTION OF SITE CLEANUP REQUIREMENTS AND RESCISSION OF ORDER NO. R2-2005-0023 FOR:

PETE'S STOP, MR. CUONG CHON HUYNH, DUNG V HA AND KIEU TUYET HUYNH (AS TRUSTEES FOR THE DUNG V HA AND KIEU TUYET HUYNH AB LIVING TRUST), AND MR. PETER SIALARIS

For the property located at

290 KEYES STREET
SAN JOSE
SANTA CLARA COUNTY

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

1. **Site Location**: The Site is located at 290 Keyes Street, San Jose, Santa Clara County (APN# 477-02-046) (Figure 1). The Site comprises approximately 0.22 acres, and is zoned commercial. Site aboveground facilities consist of an approximately 2,000 square foot building used as a gasoline station and a mini-mart. The Site is bounded on the northwest by Keyes Street and on the northeast by South Seventh Street. A private residence is located on the adjacent parcel to the southeast. A commercial building is located on the adjacent property to the southwest.

2. **Site History**: The Site has been an active gasoline station and mini-mart since at least the mid-1990s. Mr. Peter Sialaris owned the Site and operated the Pete's Stop gasoline station at the Site until August 22, 1997. Mr. Peter Sialaris sold the Site and the Pete's Stop gasoline station to Mr. Dung Ha on August 22, 1997. Mr. Dung Ha owned and opertated the Site for approximately 10 years. Dung V Ha and Kieu Tuyet Huynh (as trustees for the Dung V Ha and Kieu Tuyet Huynh AB Living Trust) became the owners on January 23, 2007, and currently own the Site. Mr. Cuong Chon Huynh, doing business as Pete's Stop, is the current operator of the gasoline station.

3. **Named Dischargers**: Mr. Peter Sialaris is named as a discharger because of substantial evidence that he discharged gasoline to soil and groundwater at the Site, including his storage and use of gasoline in underground storage tanks (USTs) located at the Site, the presence of these same pollutants in soil in the immediate vicinity of the USTs, the presence of these same pollutants in groundwater at and down-gradient of the USTs, and because he owned the Site during or after the time of the activity that resulted in the

discharge, had knowledge of the discharge or the activities that caused the discharge, and had the legal ability to prevent the discharge.

Dung V Ha and Kieu Tuyet Huynh (as Trustees for the Dung V Ha and Kieu Tuyet Huynh AB Living Trust) are named as dischargers because they are the current owners of the Site on which there is an ongoing discharge of pollutants, they have knowledge of the discharge or the activities that caused the discharge, and they have the legal ability to control the discharge.

Mr. Cuong Chon Huynh, doing business as Pete's Stop, is named as a discharger because of substantial evidence that he discharged gasoline to soil and groundwater at the Site, including his storage and use of gasoline in underground storage tanks (USTs) located at the Site, the presence of these same pollutants in soil in the immediate vicinity of the USTs, and the presence of these same pollutants in groundwater at and down-gradient of the USTs.

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 Water Board will consider adding those parties' names to this order.

4. **Regulatory Status**: This Site has been subject to the following Water Board order: Cleanup and Abatement Order No. R2-2005-0023 issued on September 27, 2005.

5. **Site Hydrogeology**: The Site is located about thirteen miles southeast of the southern terminus of San Francisco Bay at an approximate elevation of 103 feet above mean sea level. As determined by United States Environmental Protection Agency Drastic Methodology, the Site is located in a medium to high sensitivity zone. Two groundwater bearing zones were encountered beneath the Site to the total depth explored of 40 feet below ground surface (bgs). Groundwater in the shallow water bearing zone is encountered at a depth of approximately 12 to 16 feet bgs. Shallow groundwater has been documented to flow to the north-northeast. Shallow groundwater is present in a low to moderately permeable layer consisting mostly of silty to sandy clay and clayey to sandy silt with minor interbeds of silty sand that extends from 12 to 28 feet bgs. The deeper water bearing zone consists of sands to clayey sands that are present at approximately 28 to 35 feet bgs. Deeper groundwater has been documented to flow to the west. There is limited hydraulic communication between the shallow and deeper water bearing zones.

6. **Remedial Investigations:** Soil and groundwater beneath the Site have been contaminated by petroleum hydrocarbons from leaking USTs. Several remedial investigations to delineate this contamination have occurred between 1986 and 2006. Twenty groundwater monitroing wells have been installed at the Site. Quarterly groundwater monitoring has been performed since 1999.

Soil samples collected during Site investigations contained the following maximum concentrations: 5,900 miligrams per kilogram (mg/kg) Total Petroleum Hydrocarbons as diesel (TPH-d), 4,600 mg/kg Total Petroleum Hydrocarbons as gasoline (TPH-g), 70 mg/kg Methyl-tert butyl ether (MtBE), and 13 mg/kg benzene. Soil samples collected during a Site investigation conducted in January/February 2006 contained the following maximum concentrations: 3,300 mg/kg TPH-g, 1.2 mg/kg benzene, 12 mg/kg MtBE, and 3 mg/kg tertiary butyl alcohol (TBA).

Groundwater samples collected during Site investigations contained the following maximum concentrations: 560,000 micrograms per kilogram (µg/l) TPH-d; 440,000 µg/l MtBE; 250,000 µg/l TPH-g; 26,000 µg/l benzene; 27 µg/l TBA, and; 5.9 µg/l tertiary amyl methyl ether. Groundwater samples recently collected at the Site during the first quarter 2008 monitroing event contained the following maximum concentrations: 28,000 µg/l TBA, 15,000 µg/l TPH-g, 13,000 µg/l MtBE, 3,100 µg/l benzene and 1,200 µg/l TPH-d.

The extent of soil and groundwater contamination has been delineated. The shallow groundwater plume extends off-Site approximately 200 feet to the north beneath the intersection of Keyes Street and South 7th Street.

7. **Adjacent Sites**: Pete's Auto Service at 299 Keyes Street Site, a closed fuel leak site, is located approximately 175 feet to the north-northwest.

8. **Prior Corrective Measures**: One 12,000-gallon and two 10,000-gallon gasoline USTs and two 10,000-gallon and one 2,000-gallon diesel UST, and associated piping and dispensers were removed and replaced at the Site in September/October 1997.

A groundwater extraction and treatment system has operated sporadically at the Site since December 2002. The system consists of four shallow extraction wells with granular activated carbon treatment. A total of 1,165,000 gallons of groundwater were treated as of February 2008. Approximately 40 pounds of gasoline were removed by groundwater extraction.

Mr. Cuong Chon Huynh submitted the Revised (v.2) Corective Action Plan for Remediation of Fuel Impacted Soils & Groundwater for the Site on August 25, 2005. A feasibility study was conducted considering several corrective action alternatives, including excavation, in-situ and ex-situ bioremediation, soil vapor extraction (SVE), radio wave heating, thermal desorption, and steam injection. SVE was proposed as the best corrective alternative based upon cost and proven effectiveness of this technology.

A SVE system was installed at the Site and operated sporadically from May 2006 to December 2007. An internal combustion engine extracted and treated hydrocarbon contaminated vapor from four groundwater monitroing wells and six vapor extraction

wells. However, to date, corrective efforts have not resulted in reducing the residual contamination to acceptable levels. Accurate hydrocarbon mass removal estimation is not possible due to incomplete record keeping.

Soil and groundwater remediation has not been completed at the Site. Additional soil and groundwater remediation is needed to meet cleanup standards.

9. Environmental Risk Assessment:

a. **Screening Levels:** A screening level environmental risk assessment was carried out for the Site to evaluate potential environmental concerns related to identified soil gas, soil and groundwater impacts. The risk assessment evaluated benzene, TPH-g, TBA and MtBE, as they are the primary chemicals of concern identified at the Site.

As part of the assessment, site data were compared to Environmental Screening Levels (ESLs) compiled by Board staff (*Screening for Environmental Concerns at Sites with Contaminated Soil and Groundwater*, California Regional Water Quality Control Board, San Francisco Bay Region, Interim Final-November 2007, revised May 2008). The presence of chemicals at concentrations above the ESLs indicates that additional evaluation of potential threats to human health and the environment is warranted. Screening levels for groundwater address the following environmental concerns: 1) drinking water impacts (toxicity and taste and odor), 2) impacts to indoor air, and 3) migration and impacts to aquatic habitats. Screening levels for soil address: 1) direct exposure, 2) leaching to groundwater, and 3) nuisance issues. Screening levels for soil gas address impacts to indoor air. Screening levels for drinking water are based on the lowest of toxicity based standards (e.g., promulgated Primary Maximum Contaminant Levels (MCLs) or equivalent) and standards based on taste and odor concerns (e.g., Secondary MCLs or equivalent). Chemical specific screening levels for other human health concerns (i.e., indoor air and direct exposure) are based on a target excess cancer risk of $1x10^{-6}$ for carcinogens and a target Hazard Quotient of 0.2 for noncarcinogens. Groundwater screening levels for the protection of aquatic habitats are based on promulgated surface water standards (or equivalent). The Water Board considers a cumulative excess cancer risk range of $1x10^{-4}$ to $1x10^{-6}$ and a target Hazard Index of 1.0 to be generally acceptable for human health concerns at remediation sites. Soil screening levels for potential leaching concerns are intended to prevent impacts to groundwater above target groundwater goals (e.g., drinking water standards). Soil screening levels for nuisance concerns are intended to address potential odor and other aesthetic issues.

b. Soil Assessment: As indicated in the table below, TPH-g, benzene and MtBE exceeded their screening levels in soil for commercial or industrial land use with groundwater as a drinking water resource. TPH-g exceeds its screening levels for gross contamination, leaching to groundwater and direct exposure. Benzene exceeds

its screening levels for leaching to groundwater and direct exposure. MtBE exceeds its screening level for leaching to groundwater.

Chemicals of Concern in Soil	Maximum Reported Concentration (mg/kg)	Gross Contamination	Leaching to Groundwater	Direct Exposure
TPH-G	3,300	X	X	X
Benzene	1.2		X	X
MtBE	12		X	

Note: an "X" indicates that respective Environmental Screening Level was exceeded

c. **Groundwater Assessment:** As indicated in the table below, TPH-g, benzene, MtBE and TBA exceed their screening levels in groundwater for drinking water concerns. TPH-g, benzene, and MtBE exceed their screening levels in groundwater for gross contamination concerns, and benzene exceeds the groundwater screening level for vapor intrusion concerns.

Chemicals of Concern in Groundwater	Maximum Reported Concentration (µg/l)	Gross Contamination	Drinking Water	Indoor-Air Vapor Intrusion
TPH-G	15,000	X	X	
Benzene	3,100	X	X	X
MtBE	13,000	X	X	
TBA	28,000		X	

d. **Conclusions:** Additional corrective action is needed due to the excessive risk to human health and the environment from TPH-g, benzene, MtBE and TBA contamination at the Site.

10. Basis for Cleanup Standards

a. **General**: 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. The previously cited Revised Corrective Action Plan confirms the Water Board's initial conclusion that background levels of water quality cannot be restored. This Order and its requirements are consistent with Resolution No. 68-16.

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.

b. **Beneficial Uses**: The Water Quality Control Plan for the San Francisco Bay Basin (Basin Plan) is the Water Board's master water quality control planning document. It designates beneficial uses and water quality objectives for waters of the State, including surface waters and groundwater. It also includes programs of implementation to achieve water quality objectives. The Basin Plan was duly adopted by the Water Board and approved by the State Water Board, U.S. EPA, and the Office of Administrative Law where required.

Water 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. Groundwater underlying and adjacent to the Site qualifies as a potential source of drinking water.

The Basin Plan designates the following potential beneficial uses of groundwater underlying and adjacent to the Site:

- Municipal and domestic water supply
- Industrial process water supply
- Industrial service water supply
- Agricultural water supply

At present, there is no known use of groundwater underlying the Site for the above purposes.

c. **Basis for Groundwater Cleanup Standards**: The groundwater cleanup standards for the Site are based on applicable water quality objectives and are the more stringent of U.S. EPA and California primary maximum contaminant levels (MCLs), or the gross contamination level. Cleanup to this level will protect beneficial use of groundwater and will result in acceptable residual risk to humans.

d. **Basis for Soil Cleanup Standards**: The soil cleanup standards for the Site are based on soil leaching concerns. Cleanup to this level is intended to prevent

leaching of contaminants to groundwater and will result in acceptable residual risk to humans.

e. **Basis for Soil Gas Cleanup Standards**: The soil gas cleanup standards for the Site are based on indoor-air vapor intrusion concerns. Cleanup to this level is intended to prevent intrusion of soil gas to indoor air and will result in acceptable residual risk to humans.

11. **Future Changes to Cleanup Standards:** The goal of this corrective action is to restore the beneficial uses of groundwater underlying and adjacent to the Site. Results from other Sites suggest that full restoration of beneficial uses to groundwater as a result of active remediation at this Site may not be possible. If full restoration of beneficial uses is not technologically nor economically achievable within a reasonable period of time, then the dischargers may request modification to the cleanup standards or establishment of a containment zone, a limited groundwater pollution zone where water quality objectives are exceeded. Conversely, if new technical information indicates that cleanup standards can be surpassed, the Water Board may decide that further cleanup actions shall be taken.

12. **Reuse or Disposal of Extracted Groundwater**: Water 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.

13. **Basis for 13304 Order**: California Water Code Section 13304 authorizes the Water Board to issue orders requiring the dischargers to cleanup and abate waste where the dischargers have 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 dischargers are hereby notified that the Water Board is entitled to, and may seek reimbursement for, all reasonable costs actually incurred by the Water Board to investigate unauthorized discharges of waste and to oversee cleanup of such waste, abatement of the effects thereof, or other corrective action, required by this order.

15. **CEQA**: This action is an order to enforce the laws and regulations administered by the Water 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 Water Board has notified the dischargers 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 Water 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 dischargers (or their 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. CORRECTIVE ACTION PLAN AND CLEANUP STANDARDS

1. **Implement Corrective Action Plan**: The dischargers shall implement the Corrective Action Plan required in Tasks C.1 and 2.

2. **Groundwater Cleanup Standards**: The following groundwater cleanup standards shall be met in all wells identified in the Self-Monitoring Program:

Constituent	Groundwater Cleanup Standard (µg/l)	Basis
TPH-g (gasoline)	100	Gross Contamination
Benzene	1	California MCL
MtBE	13	California MCL
TBA	1,200	CDPH RL

Note: Gross contamination groundwater cleanup standard based on taste and odor threshold. Value from *Screening for Environmental Concerns at Sites with Contaminated Soil and Groundwater*, Table F-1a.
µg/l - microgram per liter
MCL - Maximum Contaminant Level
CDPH RL - California Department of Public Health Response Level

3. **Soil Cleanup Standards:** The following soil cleanup standards shall be met in all on-Site vadose-zone soils and shall be verified by collecting confirmatory soil samples.

Constituent	Soil Cleanup Standard (mg/kg)	Basis
TPH-g	83	Leaching to Groundwater
Benzene	0.044	Leaching to Groundwater
MtBE	0.023	Leaching to Groundwater
TBA	0.075	Leaching to Groundwater

Note: Values based on leaching of chemical from soil to groundwater. Values from *Screening for Environmental Concerns at Sites with Contaminated Soil and Groundwater*, Table G.
mg/kg - milligram per kilogram

4. **Soil Gas Cleanup Standards**: The following soil gas cleanup standards shall be met in all on-Site soil gas and shall be verified by collecting confirmatory soil gas samples.

Constituent	Soil Gas Cleanup Standard (µg/m^3)	Basis
TPH-g (gasoline)	29,000	Vapor Intrusion
Benzene	280	Vapor Intrusion
MtBE	31,000	Vapor Intrusion

Note: Values based on vapor intrusion into a commercial building. Values from *Screening for Environmental Concerns at Sites with Contaminated Soil and Groundwater*, Table E-2.
$\mu g/m^3$- microgram per cubic meter

C. TASKS

1. DRAFT REVISED CORRECTIVE ACTION PLAN

COMPLIANCE DATE: December 8, 2008

Submit a technical report acceptable to the Executive Officer containing:

a. Evaluation of the installed prior corrective actions
b. Feasibility study evaluating alternative corrective actions
c. Recommended revised corrective actions
d. Implementation tasks and time schedule
e. Fact sheet

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

Items a and b 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 corrective investigations and feasibility studies, Health and Safety Code Section 25356.1(c), and State Water Board Resolution No. 92-49 as amended ("Policies and Procedures for Investigation and Cleanup and Abatement of Discharges Under Water Code Section 13304").

2. IMPLEMENTATION OF REVISED CORRECTIVE ACTIONS

COMPLIANCE DATE: June 15, 2009

Submit a technical report acceptable to the Executive Officer documenting completion of necessary tasks identified in the Task 1 workplan. For ongoing actions, such as soil vapor extraction or groundwater extraction, the report should document system start-up (as opposed to completion) and should present initial results on system effectiveness (e.g., capture zone or area of influence). Proposals for further system expansion or modification may be included in annual reports (see Self-Monitoring Program).

3. FIVE-YEAR STATUS REPORT

COMPLIANCE DATE: October 31, 2013, and every five years thereafter

Submit a technical report acceptable to the Executive Officer evaluating the effectiveness of the approved corrective action plan. The report should include:

a. Summary of effectiveness in controlling contaminant migration and protecting human health and the environment
b. Comparison of contaminant concentration trends with cleanup standards
c. Comparison of anticipated versus actual costs of cleanup activities
d. Performance data (e.g., groundwater volume extracted, chemical mass removed, mass removed per million gallons extracted)
e. Cost effectiveness data (e.g., cost per pound of contaminant removed)
f. Summary of additional investigations (including results) and significant modifications to remediation systems
g. Additional corrective actions proposed to meet cleanup standards (if applicable) including time schedule

If cleanup standards have not been met and are not projected to be met within a reasonable time, the report should assess the technical practicability of meeting cleanup standards and may propose an alternative cleanup strategy.

4. **PROPOSED CURTAILMENT**

COMPLIANCE DATE: 60 days prior to proposed curtailment

Submit a technical report acceptable to the Executive Officer containing a proposal to curtail remediation. Curtailment includes system closure (e.g., well abandonment), system suspension (e.g., cease extraction but wells retained), and significant system modification (e.g., major reduction in extraction rates, closure of individual extraction wells within extraction network). The report should include the rationale for curtailment. Proposals for final closure should demonstrate that cleanup standards have been met, contaminant concentrations are stable, and contaminant migration potential is minimal.

5. **IMPLEMENTATION OF CURTAILMENT**

COMPLIANCE DATE: 60 days after Executive Officer approval of Task 4

Submit a technical report acceptable to the Executive Officer documenting completion of the tasks identified in Task 4.

6. **EVALUATION OF NEW HEALTH CRITERIA**

COMPLIANCE DATE: 90 days after requested by Executive Officer

Submit a technical report acceptable to the Executive Officer evaluating the effect on the approved corrective action plan of revising one or more cleanup standards in response to revision of drinking water standards, maximum contaminant levels, or other health-based criteria.

7. **EVALUATION OF NEW TECHNICAL INFORMATION**

COMPLIANCE DATE: 90 days after requested by Executive Officer

Submit a technical report acceptable to the Executive Officer evaluating new technical information which bears on the approved corrective action plan and cleanup standards for this Site. In the case of a new cleanup technology, the report should evaluate the technology using the same criteria used in the feasibility study. Such technical reports shall not be requested unless the Executive Officer determines that the new information is reasonably likely to warrant a revision in the approved Corrective Action Plan or cleanup standards.

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

D. 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. **Good Operation and Maintenance**: The dischargers 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.

3. **Access to Site and Records**: In accordance with California Water Code Section 13267(c), the dischargers shall permit the Water 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 corrective action program undertaken by the dischargers.

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

5. **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.

6. **Lab Qualifications**: All samples shall be analyzed by State-certified laboratories or laboratories accepted by the Water Board using approved U.S. EPA methods for the type of analysis to be performed. All laboratories shall maintain quality assurance/quality control (QA/QC) records for Water Board review. This provision does not apply to analyses that can only reasonably be performed on-Site (e.g., temperature).

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

   a. Santa Clara County Department of Environmental Health

   The Executive Officer may modify this distribution list as needed. The dischargers will contact the above agencies to verify that electronic submittals alone will be adequate.

8. **Reporting of Changed Owner or Operator**: The dischargers shall file a technical report on any changes in Site occupancy or ownership associated with the Site described in this Order.

9. **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 dischargers shall report such discharge to the Water Board by calling (510) 622-2369 during regular office hours (Monday through Friday, 8:00 to 5:00).

   A written report shall be filed with the Water 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.

10. **Rescission of Existing Order**: This Order supercedes and rescinds Order No. R2-2005-0023.

11. **Periodic SCR Review**: The Water Board will review this Order periodically and may revise it when necessary.

I, Bruce H. Wolfe, 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 November 12, 2008.

Digitally signed by Bruce Wolfe
Date: 2008.11.14 18:30:26 -08'00'

Bruce H. Wolfe
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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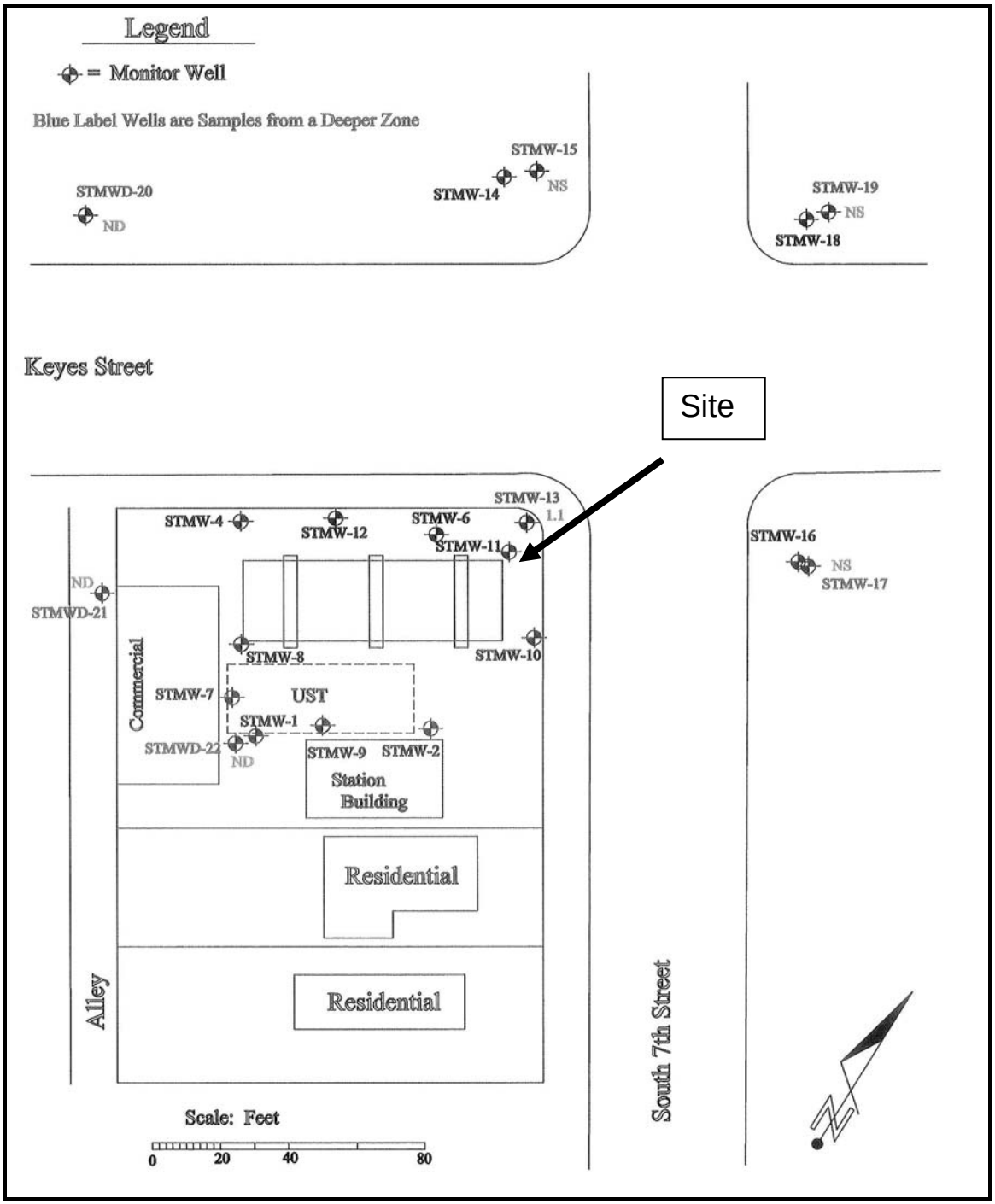
Attachments: Site Map
Self-Monitoring Program

SITE MAP


Legend
= Monitor Well
Blue Label Wells are Samples from a Deeper Zone
STMW-15
NS
STMW-14
STMWD-20
ND
STMW-19
NS
STMW-18
Keyes Street
Site
STMW-13
1.1
STMW-4
STMW-12
STMW-6
STMW-11
STMW-16
NS
STMW-17
ND
STMWD-21
STMW-8
STMW-10
Commercial
STMW-7
UST
STMW-1
STMWD-22
ND
STMW-9
STMW-2
Station
Building
Residential
Residential
Alley
South 7th Street
Scale: Feet
0
20
40
80

CALIFORNIA REGIONAL WATER QUALITY CONTROL WATER BOARD
SAN FRANCISCO BAY REGION

SELF-MONITORING PROGRAM FOR:

PETE'S STOP, MR. CUONG CHON HUYNH, DUNG V HA AND KIEU TUYET HUYNH (AS TRUSTEES FOR THE DUNG V HA AND KIEU TUYET HUYNH AB LIVING TRUST), AND MR. PETER SIALARIS

For the property located at

290 KEYES STREET
SAN JOSE, SANTA CLARA COUNTY

1. **Authority and Purpose**: The Water Board requires the technical reports in this Self-Monitoring Program pursuant to Water Code Sections 13267 and 13304. This Self-Monitoring Program is intended to document compliance with Water Board Order No. R2-2008-0093 (site cleanup requirements).

2. **Monitoring**: The dischargers shall measure groundwater elevations quarterly in all monitoring wells, and shall collect and analyze representative samples of groundwater according to the following table:

Well #	Sampling Frequency	Analyses	Well #	Sampling Frequency	Analyses
STMW-1	Q	8015B/8260B	STMW-13	Q	8015B/8260B
STMW-2	SA	8015B/8260B	STMW-14	Q	8015B/8260B
STMW-4	Q	8015B/8260B	STMW-15	SA	8015B/8260B
STMW-6	SA	8015B/8260B	STMW-16	A	8015B/8260B
STMW-7	A	8015B/8260B	STMW-17	SA	8015B/8260B
STMW-8	Q	8015B/8260B	STMW-18	A	8015B/8260B
STMW-9	Q	8015B/8260B	STMW-19	SA	8015B/8260B
STMW-10	Q	8015B/8260B	STMW-20	A	8015B/8260B
STMW-11	Q	8015B/8260B	STMW-21	A	8015B/8260B
STMW-12	Q	8015B/8260B			

Key: Q = Quarterly SA = Semi-Annual A = Annual
8015B = Total Petroleum Hydrocarbons as Gasoline and Diesel by EPA Method 8015B or equivalent; 8260B = Benzene, Toluene, Ethylbenzene, and total Xylenes and Fuel Oxygenates by EPA Method 8260B or equivalent; must have detection limit of 0.5 µg/l for MTBE

The dischargers shall sample any new monitoring or extraction wells quarterly and analyze groundwater samples for the same constituents as shown in the above table. The dischargers may propose changes in the above table; any proposed changes are subject to Executive Officer approval.

3. **Quarterly Monitoring Reports**: The dischargers shall submit quarterly monitoring reports to the Water Board no later than 30 days following the end of the quarter (e.g., report for last quarter of the year due January 30). Reports shall be submitted electronically to the GeoTracker web site (https://geotracker.waterboards.ca.gov) and in hard copy to the Water Board. 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 dischargers' principal executive officer(s) or their duly authorized representatives, 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 groundwater elevation maps should be prepared for the shallow and deep water-bearing zones. Historical groundwater elevations shall be included in the annual fourth quarterly report each year.

   c. Groundwater Analyses: Groundwater sampling data shall be presented in tabular form, and an isoconcentration maps should be prepared for TPH-g, benzene, MtBE and TBA for each monitored water-bearing zone. 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 the fourth quarterly report each year. 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 (however, see record keeping - below).

   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 fourth quarterly report each year.

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

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

6. **Other Reports**: The dischargers shall notify the Water 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.

7. **Record Keeping**: The dischargers or their agents 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 Water Board upon request.

8. **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 dischargers. 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.