CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

ORDER No. R2-2013-0040

ADOPTION OF SITE CLEANUP REQUIREMENTS for:

MAYHEW CENTER, LLC,
AND DEAN DUNIVAN

for the property located at:

3301-3341 VINCENT ROAD
PLEASANT HILL, CONTRA COSTA COUNTY

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

1. **Site Location**: The Mayhew Center site (Site) consists of three 2-story industrial/office buildings at 3301-3341-Vincent Road, in Pleasant Hill (see attached map). The Site covers approximately 3.5 acres at the intersection of Mayhew Way and Vincent Road. Adjacent properties to the north and east include commercial, office, and industrial use; to the west the site is adjacent to senior apartments (Walnut Creek Manor); single-family housing is located to the south across Mayhew Way. The Site is located about 1/3 mile east of I-680, and about 2/3 mile north of the Pleasant Hill BART station.

2. **Site History and Ownership**: The Site includes three buildings that were constructed between 1972 to 1978 by Ed and Norma Beard: building I at 3301-3309 Vincent Road, building II at 3313-3329 Vincent Road, and building III at 3331-3341 Vincent Road. The land under building III is owned by Vincent Hook Ranch LLC, and was under a 99 year lease to the Beards. All improvements and the land under buildings I and II were owned by the Beards. The Beards sold the buildings and the land under buildings I and II, to Mayhew Realty, LLC, in 1983. Mayhew Realty lost ownership of the Site in 1992 to San Francisco Federal Savings & Loan, due to foreclosure. Dean and Diane Dunivan, Betty Gordon as a trustee for the Gordon Family Trust, Mayhew Centre Investors, Cliff Tschetter, and Robert Grimes purchased the Site from the successor to San Francisco Federal Savings & Loan on January 4, 1993. Subsequently Mr. Tschetter acquired the interest from Ms. Grimes and Mr. Gorden. Mayhew Centre Investors, Mr. Tschetter, and the Dunivans transferred title to Mayhew Center, LLC, in June 1997.

   Between 1993 and 2006, more than 250 tenants have occupied the buildings, primarily for office use.

   One tenant at the Site was Etch-Tek Inc. (ETI), which operated as a printed wiring board manufacturer from 1975 to February 1981 in building II (3313 to 3329 Vincent Road). Similar manufacturing often used perchloroethylene (PCE - the primary contaminant of

concern at the Site); however, ETI claims it never used PCE and no records of PCE use by ETI or other tenants have been documented.

PCE was released at the Site, as evidenced by elevated concentrations of PCE in shallow soil and groundwater (see finding 6 below). The mechanisms of release are not known; however, the highest concentrations in shallow soil are found near the western property line in an area where debris, trash containers, and tanks that may have contained liquids have been stored in the past. Potential release mechanisms include surface spillage or dumping of solvent and disposal of solvent into on-site storm drains. The timing and duration of the PCE release are not precisely known but can be estimated, based on the 1991 discovery of PCE, above drinking water standards, in a groundwater monitoring well located about 850 feet downgradient of the onsite release location. Based on the site's hydrogeology, the onsite release is estimated to have begun during the mid-1970s to early 1980s, during the time that the property was owned by the Beards. This result is based on an estimated PCE velocity in groundwater of 55 to 77 feet per year. PCE was first discovered on-site in 2005.

3. **Named Dischargers**: Mayhew Center, LLC, is named as a discharger because it is the current owner of the property on which there is an ongoing discharge of pollutants, it has knowledge of the discharge or the activities that caused the discharge, and it has the legal ability to control the discharge.

Dean Dunivan is named a discharger because he is the part owner and sole manager and operator of Mayhew Center LLC. He has knowledge of the discharge and the legal ability to control an ongoing release.

Betty Gordon as trustee for the Gordon Family Trust, Mayhew Centre Investors, Cliff Tschetter, and Robert Grimes are not named as dischargers at this time. Although they owned a minority interest in the property from approximately 1993 until 1997, there is insufficient evidence that they knew or should have known of the discharge or the activities that caused the discharge between 1993 and 1997, and there is insufficient evidence of their personal involvement with or management of the property to name them for activities occurring after 1997.

San Francisco Federal Savings and Loan and its successors are not named as dischargers because they only acquired the property through foreclosure in early 1992 and sold it to Mayhew Center LLC in January 1993, thus owning the property for only a brief period of time and before the pollution was detected on-site. The Regional Water Board has no information suggesting that San Francisco Federal Savings and Loan had any active management of the property or environmental management activities.

Mayhew Realty, LLC, is not named as a discharger at this time. Although Mayhew Realty LLC owned buildings I and II from approximately January 1984 to March 1992, there is insufficient evidence that Mayhew Realty LLC knew or should have known of the discharge or the activities that caused the discharge.

Norma Beard is not named as a discharger at this time. Although she, along with her deceased husband Ed Beard, owned the property during or after the time of the activity that resulted in the discharge, there is insufficient evidence that Ms. Beard knew or should have known of the discharge or the activities that caused the discharge.

None of the former tenants are named as dischargers at this time because no records have been found that document PCE use by of these tenants.

Vincent-Hook Ranch, LLC, is not named as a discharger at this time because it does not appear that releases occurred on the portion of the Site that it owns.

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

4. **Regulatory Status**: This site is currently not subject to a previous Regional Water Board 13304 Order. However, the site has been subject to multiple 13267 directive letters.

5. **Site Hydrogeology**: The site is relatively flat, except for an approximately two- to three-foot drop at a retaining wall along the western property boundary that separates Mayhew Center from the adjacent Walnut Creek Manor. The site is covered primarily by buildings or asphalt, with small landscaped areas. Shallow soils consist of fine-grained clays and sandy clays to a depth of approximately 13 feet below ground surface (bgs). Coarser-grained sediments, consisting of sand and silty or clayey sand, were encountered between approximately 13 to 20 feet bgs, and are referred to as the A-zone. Groundwater is first encountered at about 15 feet bgs. A deeper zone, which is hydraulically connected to the A-zone, has been identified from approximately 34 to 40 feet bgs. This deeper zone is referred to as the B-zone. Groundwater flow in both the A- and B-zones is to the north-northeast.

6. **Remedial Investigation**:
<u>Soil Investigation</u> – On-site soil investigation began in 2005. PCE concentrations up to 4.4 milligrams per kilogram (mg/kg) were detected in shallow soils up to three feet bgs and up to 14 mg/kg in deeper vadose zone soils at 11 feet bg. Concentrations were generally higher close to the water table, at a depth of about 15 feet, while samples collected from saturated soil below 17 feet contained much lower concentrations of PCE. The Environmental Screening Level (ESL) intended to protect against PCE leaching to groundwater from overlying soils is 0.7 mg/kg. The ESL addressing direct contact with shallow soils at commercial facilities is 3.4 mg/kg. The concentration in soil is sufficiently high to act as a continuing source of contamination to groundwater and soil vapor. PCE degradation products, including trichloroethene (TCE) and cis-1,2-dichloroethene (cis-1,2-DCE), have also been detected in lower concentrations in soil.

The area of impacted soil, having concentrations high enough to act as a continuing source (referred to as a secondary source), has been sufficiently delineated and is located along the common property boundary with Walnut Creek Manor. This impacted area extends approximately 50 feet along the common property line between building II at Mayhew Center and Walnut Creek Manor, and about 15 to 20 feet from both sides of the property line (see the attached location map). The area of impacted soil at the Site is covered by an asphalt parking area or driveway, except for a narrow landscaped area along the property line. Additionally a smaller area having elevated PCE in soil is located in the paved area between buildings II and III at the Site. The area of impacted soil on the Walnut Creek Manor side of the property line is covered by asphalt paving and a carport.

The depth of soil requiring treatment extends to about 16 feet. The shallowest impacts, and highest concentrations, are found in soil on the Mayhew Center side of the Mayhew Center/Walnut Creek Manor common property line, supporting the conclusion that Mayhew Center was the release location and remains a continuing source of PCE to soil and groundwater.

Groundwater Investigation – Off-site impacts of PCE and associated degradation products, including TCE and cis-1,2-DCE, to groundwater were discovered in 1991 as part of the investigation of a TCE plume associated with the Hookston Station site, located about 300 feet east of this Site. The PCE and TCE plumes are co-mingled down gradient (northeast) of Mayhew Center. Hookston Station TCE plume extends northeast and downgradient of Mayhew Center.

Recent grab groundwater samples from on-site contained up to 7,300 micrograms per liter (µg/L) of PCE near building II at Mayhew Center. For reference, the drinking water standard is 5 µg/L. A new on-site well had a concentration of 2,800 µg/L. From this location a plume containing PCE and its degradation products at concentrations above drinking water standards extends north east about 1,300 feet and commingles with the groundwater contamination plumes from both the Haber Oil site and the Hookston Station site. Low concentrations of PCE were found in groundwater and soil gas further down gradient in residential areas. However, the downgradient (northern) edge of the Mayhew property has not been investigated sufficiently to confirm if there is another, off-site, source contributing to the PCE plume. PCE has been detected at up to 2,000 µg/L in well MW-20B, a B-zone well installed by the Hookston Station parties. This well is located about 400 feet downgradient from the primary Mayhew Center site impacted soil area. Overall, the data shows that there is downward migration of the PCE and associated breakdown products through water-bearing strata from the shallower A-zone to the deeper B-zone, and that these contaminates have migrated downgradient from the Site toward the northeast. However, the on-site vertical and horizontal extent of groundwater impact is not sufficiently defined.

Soil Vapor Investigation – The soil gas-to-indoor air pathway needs to be investigated. While some passive soil gas samples have been collected, they provide only relative

concentrations. Soil gas to indoor air represents a potential exposure pathway to both on-site and off-site building occupants.

Concentrations of PCE and associated breakdown product found in soil and groundwater indicate a condition of pollution. Water quality beneficial uses have been impaired and there is a threat of vapor intrusion to occupants of buildings that overlie the plume.

7. **Interim Remedial Measures**: An Interim Remedial Action Plan (IRAP) that proposed to clean up the source area in the vicinity of the common property boundary between Mayhew Center and Walnut Creek Manor was conditionally approved on October 8, 2012. The proposed measures include excavating impacted soil in parking areas on both sides of the property boundary. The excavation is planned for a depth of about 10 feet at Walnut Creek Manor, and about 17 feet at Mayhew Center; approximately 50 to 60 feet along the property line, and out about 15 to 20 feet from the property line. Mayhew Center has not implemented this IRM due to disputes between the property owners. On January 16, 2013, the Regional Water Board issued a Notice of Violation to Mayhew Center LLC for failure to implement the IRAP. Implementing the IRM will reduce the threat to water quality, public health, and the environment posed by the discharge of waste. If the dischargers are unable to obtain access to Walnut Creek Manor an alternative approach would be to install some sort of groundwater treatment along the common property boundary, on the Mayhew Center side of the boundary, to treat any contamination that may move onto their property from Walnut Creek Manor. Groundwater flows from Walnut Creek Manor to Mayhew Center; however contamination can move from Mayhew Center toward Walnut Creek Manor via dispersion (moving from areas of higher concentration to areas of lower concentration).

   In June 2013, representatives of Mayhew Center indicated interest in an alternative cleanup method consisting of multi-phase extraction (MPE, extraction of both soil vapor and groundwater), which is intended to achieve desired source removal at less cost. In July 2013 Mayhew Center performed a pilot test of MPE and subsequently reported that the test removed an estimated 36 to 60 pounds of PCE from the subsurface. This pilot test demonstrated that MPE is a viable method for removing contaminant mass with less surface disruption than from the soil excavation proposed in the IRM.

8. **Adjacent Sites**: Two nearby sites are under investigation or cleanup. These sites include the Hookston Station site and the Haber Oil site (also called Pitcock Petroleum).

   The Hookston Station site is located east and northeast and downgradient of the Mayhew Center site. The Hookston Station site is the source of a groundwater plume containing TCE and associated degradation products that extends to the northeast under a residential neighborhood. This site is currently undergoing remediation. Groundwater remediation includes a zero-valent iron permeable reactive barrier for the A-zone, and injections of potassium permanganate in the B-zone. In addition, vapor mitigation is taking place at several households, and private wells have been destroyed. The County has adopted an ordinance that prohibits installation of new water wells for a selected area until

appropriate groundwater cleanup standards are met. The PCE plume from the Mayhew Center site partially overlaps the TCE plume from Hookston Station. In addition, the PCE released from the Mayhew Center site is breaking down to TCE and contributing to the Hookston Station TCE plume.

The Haber Oil site is located to the northeast of Mayhew Center and is undergoing investigation and remedial pilot testing to clean up petroleum hydrocarbons. Low concentrations of PCE have been found in Haber Oil's up-gradient and eastern-most monitoring wells. There is no evidence that the PCE originated at the Haber Oil site.

9. **Basin Plan**: The Water Quality Control Plan for the San Francisco Bay Basin (Basin Plan) is the 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 Resources Control Board, Office of Administrative Law and the U.S. EPA, where required.

   The Site is located in the Ygnacio Valley Groundwater Basin, listed in the Basin Plan as DWR Basin 2-6. 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

   At present there is no known use of groundwater directly underlying the Site. However, domestic irrigation wells were in use in the Colony Park neighborhood located down gradient of Mayhew Center. Ten of these wells have now been destroyed as part of the remedial efforts connected with Hookston Station. The County has placed a restriction on installing new production wells in this area to prevent future exposure to contaminated ground water.

10. **Other Regional Water Board Policies**: Regional 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.

    Regional 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.

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. 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. 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 remedial action plan will assess the feasibility of attaining background levels of water quality. This order and its requirements are consistent with the provisions of Resolution No. 92-49, as amended.

12. **Preliminary Cleanup Goals**: Pending the establishment of site-specific cleanup levels, the following preliminary cleanup goals may be used for the purpose of conducting remedial investigation and interim remedial actions:

    a. Groundwater: Applicable screening levels such as the Regional Water Board's Environmental Screening Levels (ESLs). Groundwater screening levels should incorporate at least the following exposure pathways: groundwater ingestion and vapor intrusion to indoor air. For groundwater ingestion, use applicable water quality objectives (e.g., lower of primary and secondary maximum contaminant levels or MCLs) or, in the absence of a chemical-specific objective, equivalent drinking water levels based on toxicity and taste and odor concerns.

    b. Soil: Applicable screening levels such as the Regional Water Board's Environmental Screening Levels (ESLs). Soil screening levels are intended to address a full range of exposure pathways, including direct exposure, nuisance, and leaching to groundwater. For purposes of this subsection, the dischargers should assume that groundwater is a potential source of drinking water.

    c. Soil gas: Applicable screening levels such as the Regional Water Board's Environmental Screening Levels (ESLs). Soil gas screening levels are intended to address the vapor intrusion- to- indoor air pathway.

13. **Basis for 13304 Order**: California Water Code Section 13304 authorizes the Regional Water Board to issue orders requiring a discharger to cleanup and abate waste where 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 dischargers are hereby notified that the Regional Water Board is entitled to, and may seek reimbursement for, all reasonable costs actually incurred by the Regional Water 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. **California Safe Drinking Water Policy:** It is the policy of the State of California that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes. This order promotes that policy by requiring discharges to be remediated such that maximum contaminant levels (designed to protect human health and ensure that water is safe for domestic use) are met in existing and future supply wells. The PCE plume does not affect any existing supply wells.

16. **CEQA**: This action is an order to enforce the laws and regulations administered by the Regional 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.

17. **Notification**: The Regional 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.

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

IT IS HEREBY ORDERED, pursuant to sections 13304 and 13267 of the California Water Code, that the dischargers (or their agents, successors, or assigns) shall investigate, 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 that 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 that will cause significant adverse migration of wastes or hazardous substances are prohibited.

B. **TASKS**

1. **REVISED INTERIM REMEDIAL ACTION WORK PLAN**

COMPLIANCE DATE: MARCH 31, 2014

If not implementing the current Interim Remedial Action Plan (IRAP), dated October 10, 2012, submit a revised work plan acceptable to the Executive Officer to evaluate interim remedial action alternatives and to recommend one or more alternatives for implementation. This revision may include only working on Mayhew Center property and could include some sort of treatment or cut-off wall for pollutants both entering and leaving the property.

Any new work plan should include the following:

a. A description of site conditions including the nature and extent of contamination
b. Goals of the interim remedial action (i.e., mass removal)
c. Discussion of anticipated effectiveness
d. Description of proposed work including the rationale, location, depths, etc of prosed work
e. Description of proposed methods including the installation of wells; equipment staging; and storage, handling, and disposition of generated wastes
f. Description of sampling plan to confirm effectiveness
g. Measures to be employed to ensure health and safety of workers and the public during implementation of the IRAP
h. Proposed time schedule, and
i. Appropriate professional stamp.

Work may be phased to allow the remedial work to proceed efficiently and may include different tasks for soil, ground water, and soil vapor remedial action. The Executive Officer may waive this task if access is obtained to Walnut Creek Manor property and the original IRAP is implemented.

2. **COMPLETION OF INTERIM REMEDIAL ACTIONS**

COMPLIANCE DATE: MAY 30, 2014

Submit a technical report acceptable to the Executive Officer documenting completion of necessary tasks identified in the Interim Remedial Action Plan (IRAP), dated October 10, 2012, or the alternative Task 1 work plan. For ongoing actions, such as soil vapor extraction or in-situ treatment, the report should document start-up and operation.

3. **COMPLETION OF APPROVED ONSITE REMEDIAL INVESTIGATION**

COMPLIANCE DATE: MAY 30, 2014

Submit a technical report acceptable to the Executive Officer documenting completion of necessary tasks identified in the approved work plan for investigation, dated March 14, 2011. While some of this work plan has already

been implemented, this task is intended to result in completion of the investigation of the on-site horizontal and vertical extent of soil and groundwater impacts. This task is also intended to resolve whether there are potential soil vapor impacts to the onsite office spaces and if there is another, down-gradient, PCE source. The technical report should define the vertical and lateral extent of pollution down to concentrations at or below typical cleanup levels for soil and groundwater.

4. **OFF-SITE REMEDIAL INVESTIGATION WORK PLAN**

COMPLIANCE DATE: JULY 28, 2014

Submit a work plan acceptable to the Executive Officer to define the vertical and lateral extent of soil, soil vapor, groundwater, and indoor air pollution. The work plan should specify investigation methods and a proposed time schedule. Any additional on-site investigation work that may be needed should be included with this task. The work may be phased to allow the investigation to proceed efficiently, provided that this does not delay compliance.

5. **COMPLETION OF OFF-SITE REMEDIAL INVESTIGATION**

COMPLIANCE DATE: 100 DAYS AFTER EXECUTIVE OFFICER APPROVAL OF TASK 4 WORK PLAN

Submit a technical report acceptable to the Executive Officer documenting completion of necessary tasks identified in the Off-Site Remedial Investigation Work Plan. The technical report should document the vertical and lateral extent of pollution down to concentrations at or below typical cleanup levels for soil vapor, groundwater, and indoor air quality.

6. **RISK ASSESSMENT WORK PLAN**

COMPLIANCE DATE: 45 DAYS AFTER EXECUTIVE OFFICER APPROVAL OF TASK 3 REPORT

Submit a work plan acceptable to the Executive Officer for preparation of either a screening level evaluation or a site-specific risk assessment. The work plan shall include a conceptual site model that identifies pathways and receptors where site contaminants pose a potential threat to human health or the environment. If a screening level evaluation is selected, the work plan shall identify which screening levels will be used and demonstrate that they address all relevant pathways and receptors for the site. The Executive Officer may revise this date if needed.

7. **RISK ASSESSMENT COMPLETION REPORT**

COMPLIANCE DATE: 60 DAYS AFTER EXECUTIVE OFFICER APPROVAL OF TASK 6 WORKPLAN

Submit a technical report acceptable to the Executive Officer documenting completion of tasks identified in the Task 6, Risk Assessment Work plan. The report shall comprise either a screening level evaluation or a site-specific risk assessment. The results of this report will help establish acceptable exposure levels, to be used in developing remedial alternatives in Task 8.

8. **REMEDIAL ACTION PLAN INCLUDING PROPOSED CLEANUP STANDARDS**

COMPLIANCE DATE: 60 DAYS FOLLOWING EXECUTIVE OFFICER APPROVAL OF COMPLETION OF TASK 7 REPORT

Submit a technical report acceptable to the Executive Officer containing:

a. Summary of remedial investigation
b. Summary of risk assessment
c. Evaluation of the installed interim remedial actions
d. Feasibility study evaluating alternative final remedial actions
e. Recommended final remedial actions and cleanup levels
f. Implementation tasks and time schedule

The Remedial Action Plan must propose remedial work that has a high probability of eliminating unacceptable threats to human health and restoring beneficial uses of water in a reasonable time. An assessment of “reasonable time” shall be based on the severity of impact to the beneficial use (for current impacts) or the time before the beneficial use will occur (for potential future impacts).

This task may be subdivided to separately address on- and off-site groundwater, soil, and vapors. Each part could have a separate work plan and technical report.

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

Items a through d should be consistent with the guidance provided by Subpart F of the National Oil and Hazardous Substances Pollution Contingency Plan (40 C.F.R. § 300), CERCLA guidance documents with respect to remedial 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").

Item e should consider the preliminary cleanup goals for soil and groundwater identified in finding **12** and should address the attainability of background levels of water quality (see finding **11**).

9. 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 Regional Water Board or Executive Officer may consider revision to this Order.

C. **PROVISIONS**

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

2. **Good Operation and Maintenance (O&M)**: 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. **Cost Recovery**: The dischargers shall be liable, pursuant to Water Code section 13304, to the Regional Water Board for all reasonable costs actually incurred by the Regional Water 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 Water 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 dischargers over reimbursement amounts or methods used in that program shall be consistent with the dispute resolution procedures for that program.

4. **Access to Site and Records**: In accordance with Water Code section 13267(c), the dischargers shall permit the Regional 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 remedial action program undertaken by the dischargers.

5. **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.

6. **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.

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

8. **Uploading Documents to the GeoTracker database**: Electronic copies of all correspondence, technical reports, and other documents pertaining to compliance with this Order shall be uploaded to the State Water Board's GeoTracker database within five business days after submittal to the Regional Water Board. Guidance for electronic information submittal is available at: http://www.waterboards.ca.gov/water_issues/programs/ust/electronic_submittal/

9. **Document Distribution**: An electronic and paper version of all correspondence, technical reports, and other documents pertaining to compliance with this Order shall be provided to the Regional Water Board, and electronic copies shall be provided to the following agencies and interested parties:

   a. Contra Costa County Health Services Department
   b. Hookston Station Parties
   c. Walnut Creek Manor Parties

   The Executive Officer may modify this distribution list as needed.

10. **Reporting of Changed Owner or Operator**: The dischargers shall file a technical report on any changes in contact information, 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 dischargers

shall report such discharge to the Regional Water Board by calling (510) 622-2369.

A written report shall be filed with the Regional 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 California Emergency Management Agency required pursuant to the Health and Safety Code.

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

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 December 11, 2013.

Digitally signed by Bruce H. Wolfe
DN: cn=Bruce H. Wolfe, o=SWRCB, ou=Region 2, email=bwolfe@waterboards.ca.gov, c=US
Date: 2013.12.13 16:29:45 -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: Self-Monitoring Program
Location Map

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

SELF-MONITORING PROGRAM for:

MAYHEW CENTER, LLC,
AND DEAN DUNIVAN

for the property located at:

3301-3341 VINCENT ROAD
PLEASANT HILL, CONTRA COSTA COUNTY

1. **Authority and Purpose**: The Regional Water 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 Regional Water Board Order No. R2-2013-0040 (site cleanup requirements).

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

Well #	Sampling Frequency	Analyses
MW-1A	SA	8260
MW-1B	SA	8260
MW-1C	A	8260
MPE-1	SA	8260
MPE-2	SA	8260
MPE-3	SA	8260
MPE-4	SA	8260
MW-20A	SA	8260
MW-20B	SA	8260
MW-21A	SA	8260
MW-21B	SA	8260
Future wells	TBD	8260

Note: Wells MW-20A, -20B, -21A, and 21B are Hookston Station wells. Sampling these wells will require an agreement with the Hookston parties.

Key: TBD = To be determined
SA = Semi-Annually
A = Annually
8260 = U.S. EPA Method 8260 or equivalent

The dischargers shall sample any new monitoring or extraction wells semi-annually and analyze groundwater samples for the same constituents as shown in the above table.

Monitoring well gauging and sampling at this site shall be coordinated with gauging and sampling at the adjacent Hookston Station site to the extent possible. In no case shall these data be collected more than one week apart. Groundwater samples shall be analyzed using U.S. EPA method 8260. The dischargers may propose changes in the sampling and analytical program; any proposed changes are subject to Executive Officer approval.

3. **Semi-Annual Monitoring Reports**: The dischargers shall submit semi-annual monitoring reports to the Regional Water Board no later than 30 days following the end of the quarter sampled (e.g., report for first quarter of the year due April 30). The first monitoring report shall be due on April 30, 2014. 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 or their 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 the final monitoring report each year.

Groundwater elevations shall be measured from a surveyed point at each well established by a California licensed surveyor. The survey should use the same datum as the adjacent Hookston Station Site.

c. Groundwater Analyses: Groundwater sampling data shall be presented in tabular form, and an isoconcentration map(s) 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. A graph and a table showing historical groundwater sampling results shall be included in the final monitoring 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, interim remedial measures) and work planned for the following quarter.

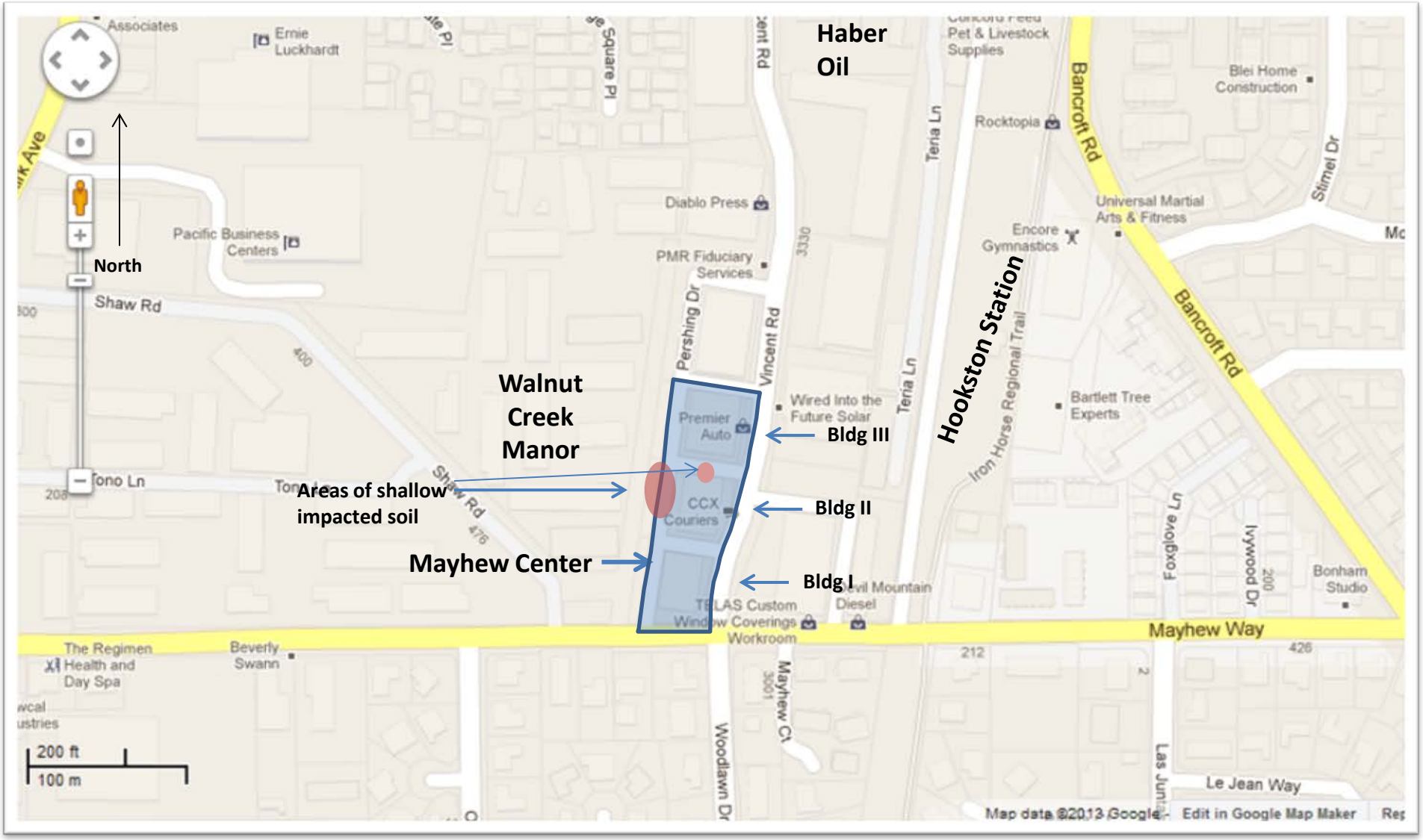
4. **Violation Reports**: If the dischargers violate requirements in the Site Cleanup Requirements, then the dischargers shall notify the Regional Water Board office by telephone as soon as practicable once the dischargers have knowledge of the violation. Regional Water Board staff may, depending on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

5. **Other Reports**: The dischargers shall notify the Regional 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.

6. **Record Keeping**: The dischargers or their 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 Regional Water 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 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.

8. **Uploading Reports to the GeoTracker database:** All monitoring reports and laboratory data shall be uploaded to the State Water Board's GeoTracker database within five business days of submittal to the Regional Water Board. An electronic copy and one paper copy of all reports shall be submitted to the Regional Water Board, and an electronic copy submitted to Contra Costa County, Health Services Department.



Mayhew Center - Location Map