

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

ORDER R2-2014-0038

RESCISSION OF SITE CLEANUP REQUIREMENTS (ORDER NO. 00-066) for:

HARVEY ROSEN

For the property located at

6259 JARVIS AVENUE
NEWARK, ALAMEDA COUNTY

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

- 1. Regional Water Board Orders:** The Regional Water Board adopted Site Cleanup Requirements, Order No. 00-066 for this site on July 19, 2000. The Order incorrectly identifies the site address as 6257 Jarvis Avenue. The correct address is 6259 Jarvis Avenue, and is hereafter referred to as the Site. The order names Harvey Rosen as the discharger. The Order required site investigation, interim remedial actions, and implementation of approved final remedial actions.
- 2. Summary of Investigation and Remediation Activities:** The Site is known as Kim's Classic Cleaners, a dry cleaning business that occupied Building 2, Space 11 within in the Raley's Shopping Center strip mall in Newark and operated between 1992 and 2003. An environmental investigation conducted in 1997 confirmed releases of tetrachloroethene (PCE) into the soil and groundwater underlying the Site. Site Cleanup Requirements, Order No. 00-066 required the discharger to assess the lateral and vertical extent of the pollution and to propose remedial actions. Site investigations performed between 1998 and 2014 included the collection of soil, groundwater, soil vapor, sub-slab soil vapor, indoor air and ambient air samples at the Site and at the adjoining units at 6255 and 6263 Jarvis Avenue.

A remediation system consisting of soil vapor extraction, air sparging and ozone sparging was installed inside the building near the location of the former dry cleaning equipment. The remediation system removed approximately 225 pounds of volatile organic compounds during operations from 2004 to 2006 and 2009 to 2010. The system remains onsite and will be required to be properly dismantled and removed from the Site. Groundwater quality underlying the Site and vicinity has been monitored semi-annually between 2001 and 2012 with ten shallow zone wells and one deeper well in the Newark Aquifer.

3. Basis for Rescission:

- a. The Site has been fully characterized and all the tasks in the Order have been completed.
- b. Sources of contamination have been removed to the extent feasible. PCE concentrations in groundwater have decreased significantly, and the cleanup standards have been met in eight of the eleven monitoring wells. The PCE plume is stable with evidence of ongoing natural degradation observed in the monitoring wells. Monitoring well MW-7 located within the source area of pollution, adjacent to the former dry cleaning equipment continues to have the highest concentration of PCE, 45 µg/l detected in 2014. Natural attenuation is expected to further reduce the PCE concentration in groundwater to below drinking water standards before the groundwater is used as a source of drinking water.
- c. A Human Health Risk Assessment was performed in 2014 which evaluated potential risks to current and future commercial receptors and construction workers at the Site at 6259 Jarvis Avenue and at the adjoining units at 6255 and 6263 Jarvis Avenue. The assessment used the highest measured and highest predicted indoor air, soil, soil vapor and ambient air concentrations as input parameters, and the results indicate that the site poses acceptable cancer and non-cancer risks for commercial/industrial use of the site.
- d. The nearest water supply well is more than 0.5-mile southeast of the Site. Shallow groundwater is not used as a current source of drinking water but overlies the Newark Aquifer, an important aquifer that is used for drinking water. The Newark Aquifer monitoring well has been monitored since 2007 and has not been affected, indicating the aquitard is preventing vertical migration to deeper groundwater underlying the Site.
- e. Although water quality objectives have not been met, the Site qualifies as a low threat site, based on subsections a-d above.
- f. VN Investment Group LLC will prepare an acceptable risk management plan (RMP) and deed restriction for the Site and adjoining impacted units. The deed restriction will be recorded with the Alameda County and will prohibit the installation of water supply wells and activities that will result in the spreading of pollutants. The RMP will address any residual pollutants that may be encountered during the removal of the remediation system, and during future construction activities. The deed restriction and the RMP will be sufficient to protect human health and the environment in the future.
- g. VN Investment Group LLC will prepare an acceptable work plan for destroying all the monitoring wells and removing the remediation system, consistent with applicable local regulatory agency requirements and in accordance with permits issued by the Alameda County Water District.

4. **Next Steps Prior To Case Closure:** The following tasks need to be completed prior to case closure: submittal of an acceptable RMP and deed restriction, recordation of the deed restriction, and proper closure of all monitoring wells and the remediation system.
5. **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 because maximum contaminant levels (designed to protect human health and ensure that water is safe for domestic use) are and will continue to be met in existing and future supply wells. Residual groundwater contamination is stable and will not affect existing or likely future supply wells. A deed restriction will ensure no contact with the contaminated groundwater.
6. **CEQA:** This action rescinds an order to enforce the laws and regulations administered by the Regional Water Board. Rescission of the order is not a project as defined in the California Environmental Quality Act (CEQA). There is no possibility that the activity in question may have a significant effect on the environment. (Cal. Code Regs., tit. 14 §§ 15378 and 15061, subd. (b) (3)).
7. **Notification:** The Regional Water Board has notified the discharger and all interested agencies and persons of its intent under California Water Code Section 13304 to rescind the Site cleanup requirements for the discharge, and has provided them with an opportunity to submit their written comments.

IT IS HEREBY ORDERED, pursuant to section 13304 of the California Water Code, that Order No. 00-066 is rescinded.

Date: October 24, 2014

Bruce H. Wolfe
Executive Officer