

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION**

ORDER No. R2-2014-0036

**AMENDMENT OF SITE CLEANUP REQUIREMENTS (ORDER No. R2-2014-0007) for:
MARINWOOD PLAZA, LLC**

for the property located at:

187 MARINWOOD AVENUE
MARINWOOD, MARIN COUNTY

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

1. **Regional Water Board Order:** The Regional Water Board adopted site cleanup requirements for this site on February 12, 2014 (Order No. R2-2014-0007, hereinafter the Order). The Order names Marinwood Plaza, LLC, as a discharger. The Order requires the discharger to undertake tasks including completing onsite and offsite investigations and preparing and implementing a remedial action plan.
2. **Reasons for Amendment:** This amendment of the Order (Amendment) clarifies the reporting requirements included in Task 2 (Offsite Remedial Investigation Workplan), modifies the compliance date included in Task 3 (Offsite Remedial Investigation Report), and decouples the onsite interim remedial action workplan from a potential offsite remedial action workplan in Task 4 (Interim Remedial Action Workplan), as explained below:
 - a) Task 2 - Offsite Remedial Investigation Workplan:
Task 2 requires submittal of a workplan to define the vertical and lateral extent of groundwater pollution offsite and assess the potential for contaminants to impact offsite domestic or agricultural wells. Depending upon the results of the initial offsite investigation, additional phases of work may be necessary. Additional workplans will be needed to describe these activities. The Amendment changes the text of Task 2 to accommodate additional workplans, as appropriate.
 - b) Task 3 – Offsite Remedial Investigation Report:
Task 3 requires submittal of an offsite remedial investigation report documenting completion of the offsite investigation within 120 days following Executive Officer approval of the Task 2 Workplan or 90 days following completion of required access agreement(s), whichever is later. The Executive Officer has approved a Task 2 workplan for the initial phase of work. There has been an unanticipated delay in developing an access agreement between Marinwood Plaza, LLC, and the offsite landowner, Silveira Ranches, that has delayed the offsite investigation. To protect beneficial uses of groundwater by ensuring that the first phase of work is completed prior to the 2014 winter season, the Amendment modifies the text of Task 3 to include a date certain for submittal of the initial offsite remedial investigation report.
 - c) Task 4 – Interim Remedial Action Workplan:
Task 4 requires submittal of an interim remedial action workplan for implementation of interim remedial actions onsite and/or offsite. The Amendment modifies Task 4 to decouple

onsite interim remedial actions from potential offsite interim remedial actions to allow these activities to proceed independently. This will potentially accelerate cleanup of onsite contaminant sources area(s) to facilitate redevelopment at the Site.

d) Task 5 – Completion of Interim Remedial Actions

Task 5 requires submittal of a technical report describing completion of interim remedial actions onsite and/or offsite. As with Task 4, the Amendment modifies Task 5 to decouple onsite interim remedial actions from potential offsite interim remedial actions to allow these activities to proceed independently. This will potentially accelerate cleanup of onsite contaminant sources area(s) to facilitate redevelopment at the Site.

3. **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. The Order, as modified by the Amendment, promotes that policy by requiring discharges to meet maximum contaminant levels designed to protect human health and ensure that water is safe for domestic use.
4. **CEQA:** This action makes technical amendments to an order that enforces the laws and regulations administered by the Regional Water Board. Amendment 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).)
5. **Notification:** The Regional Water Board has notified the discharger and all interested agencies and persons of its intent under Water Code section 13304 to amend 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 Water Code, that Order No. R2-2014-0007 shall be amended as follows:

- A. The following text is hereby added to Task 2: “If the Executive Officer determines that additional workplans are necessary to describe offsite remedial investigation activities, a workplan shall be submitted within 45 days following a requirement letter from the Executive Officer.”
- B. The compliance date for Task 3 is hereby changed to read: “December 15, 2014, or 90 days following completion of required access agreement(s), whichever is sooner.”
- C. Task 4 is hereby replaced by two related tasks (Tasks 4A and 4B):
 - 4A. INTERIM REMEDIAL ACTION WORKPLAN – ONSITE
COMPLIANCE DATE: 45 days following Executive Officer requirement letter
Submit a workplan acceptable to the Executive Officer to evaluate interim remedial action alternatives for soil, soil vapor, and groundwater contamination and recommend alternatives for implementation onsite. The workplan shall specify a proposed time schedule for implementation of interim remedial actions. The Executive Officer will require this workplan if site contamination poses a potential threat to human health (e.g., indoor air concentrations are above ESLs for the contaminants of concern).

4B. INTERIM REMEDIAL ACTION WORKPLAN – OFFSITE

COMPLIANCE DATE: 45 days following Executive Officer requirement letter

Submit a workplan acceptable to the Executive Officer to evaluate interim remedial action alternatives for soil, soil vapor, and groundwater contamination and recommend alternatives for implementation offsite. The workplan shall specify a proposed time schedule for implementation of interim remedial actions. The Executive Officer will require this workplan if contaminants in offsite groundwater pose a potential threat to or impact an offsite domestic or agricultural well.

D. Task 5 is hereby replaced by two related tasks (Tasks 5A and 5B):

5A. COMPLETION OF INTERIM REMEDIAL ACTIONS – ONSITE

COMPLIANCE DATE: 120 days following Executive Officer approval of Task 4A workplan

Submit a technical report acceptable to the Executive Officer documenting completion of the tasks identified in the Task 4A workplan. For ongoing actions, such as soil vapor extraction or groundwater extraction, the report shall document startup, monitoring, and ongoing operations as opposed to completion.

5B. COMPLETION OF INTERIM REMEDIAL ACTIONS – OFFSITE

COMPLIANCE DATE: 120 days following Executive Officer approval of Task 4B workplan

Submit a technical report acceptable to the Executive Officer documenting completion of the tasks identified in the Task 4B workplan. For ongoing actions, such as mitigation of impacts to an offsite domestic or agricultural well, the report shall document startup, monitoring, and ongoing operations as opposed to completion.

September 26, 2014
Date

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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