

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

ORDER No. R2-2016-0032

**RESCISSION OF SITE CLEANUP REQUIREMENTS (ORDER No. 89-060) for:
ROYAL AUTO BODY AND TOWING COMPANY**

for the property located at:

150 NORTH WOLFE ROAD
SUNNYVALE, SANTA CLARA 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 the site at 150 North Wolfe Road, Sunnyvale (Site) on April 19, 1989 (Order No. 89-060). The order named Royal Auto Body and Towing Company as the discharger.
2. **Compliance with Board Order:** The order required the discharger to define the extent of pollution at the Site and implement a remedial action plan. The discharger has completed these tasks.
3. **Basis for Rescission:** Rescission of Order No. 89-060 is appropriate for the reasons discussed below:
 - a. **Pollutant sources are identified and evaluated.** Several commercial laboratories operated at the Site during the 1960s and 1970s. The commercial laboratories used a sump on the east side of the Site for the disposal of cleaning liquids that contained trichloroethene (TCE). The sump leaked causing a discharge of TCE, 1,2,4-trichlorobenzene, and petroleum hydrocarbons to soil and groundwater.
 - b. **The Site is adequately characterized.** The Site has been characterized through a series of groundwater, soil, and soil gas investigations. Thirteen monitoring wells were installed starting in 1988 and adequately defined the lateral and vertical extent of the volatile organic compound (VOC) plume in groundwater. Soil investigations were conducted in 2003 and 2004 to define the extent of soil contamination in the area of the former sump. Soil gas investigations were conducted in 2014 and 2015 beneath the onsite building and one offsite building.
 - c. **Exposure pathways, receptors, and potential risks, threats, and other environmental concerns are identified and assessed.** The Site and surrounding area are zoned for industrial and commercial use. The Site is developed with a one-story industrial building and paved parking areas. The shallow groundwater beneath the Site is not currently used for drinking water. The VOC plume does not threaten deeper groundwater aquifers that are used for drinking water due to the presence of an extensive regional aquitard separating the shallow and deeper aquifers. There are no active water supply wells within a one-mile radius of the Site. Vapor intrusion is discussed in finding 3.e.

- d. **Pollutant sources are remediated to the extent feasible.** In 2003, the sump was removed and soil was over-excavated to a depth of 11 feet below ground surface. A total of approximately 73 tons of soil was transported from the Site to an offsite disposal facility. In 2009, enhanced bioremediation was conducted by the injection of a hydrogen release compound into soil and groundwater through 77 boreholes in onsite and offsite areas. Additional cleanup was not conducted because TCE concentrations in groundwater decreased as a result of the implemented remedial measures.
- e. **Unacceptable risks to human health, ecological health, and sensitive receptors, considering current and future land and water uses, are mitigated.** Based on groundwater sampling conducted in 2013, TCE concentrations are below the commercial/industrial land use environmental screening level (ESL) for vapor intrusion. Based on soil gas sampling conducted in 2015, tetrachloroethene (PCE) and TCE concentrations in soil vapor exceed their respective residential land use ESLs but are below their commercial/industrial land use ESL. Therefore, vapor intrusion of TCE under the current commercial/industrial land use is not a concern. Based on soil sampling conducted in 2003 and 2004, total VOC concentrations and petroleum hydrocarbons in soil are less than the commercial/industrial ESLs for direct exposure to soil. Therefore, direct exposure to soil in a commercial/industrial land use is not a concern.
- f. **Unacceptable threats to groundwater and surface water resources, considering existing and potential beneficial uses, are mitigated.** The shallow groundwater plume is not impacting any surface water bodies or drinking water wells. All onsite and offsite groundwater monitoring wells associated with the Site will be properly destroyed. As discussed in finding 3.c, shallow groundwater beneath the Site is not currently used for drinking water and an extensive regional aquitard separates the shallow, affected aquifer from the deeper, water supply aquifer.
- g. **Groundwater plume is decreasing.** The remediation has greatly reduced groundwater VOC concentrations. Monitoring results over 27 years indicate that the groundwater plume has been shrinking in size. The maximum concentrations of TCE in groundwater beneath the Site have decreased from 1,600 micrograms per liter ($\mu\text{g/L}$) in 1987 to 120 $\mu\text{g/L}$ in 2013. The maximum concentrations of TCE in offsite wells have decreased from 170 $\mu\text{g/L}$ in 2008 to 62 $\mu\text{g/L}$ in 2013.
- h. **Cleanup levels can be met in a reasonable time frame.** Natural attenuation is expected to reduce remaining Site-related contaminant concentrations in shallow groundwater to below drinking water standards before the shallow groundwater will be used as a source of drinking water.
- i. **Risk management measures are appropriate, documented, and do not require further Regional Water Board oversight:** A deed restriction was recorded on June 15, 2016, that restricts sensitive land uses and use of groundwater. The approved risk management plan (RMP) contains procedures and instructions to be used during future construction and subsurface activities at the Site. The purpose of the RMP is to protect Site occupants, workers, nearby residents, and the surrounding area from potential chemical releases to air from soil, soil vapor, and groundwater potentially containing VOCs.

4. **Next Steps Prior to Case Closure:** The former monitoring wells owned by the discharger need to be properly closed before this case is closed by the Regional Water Board, to eliminate vertical conduits for potential future groundwater contamination.
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. The extent of contamination from the Site does not reach any water supply wells and is not expected to migrate to any water supply wells.
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 Water Code section 13304 to rescind 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. 89-060 is rescinded.

IT IS FURTHER ORDERED that the discharger shall properly close all monitoring and extraction wells consistent with applicable local agency requirements and shall document such closure in a technical report to be submitted to the Regional Water Board within 30 days following the completion of closure activities.

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 June 27, 2016.

Bruce H. Wolfe
Executive Officer

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.
