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9
10 **DECLARATION OF BILL C. WIGGINS, P.E., IN SUPPORT OF THE SHILOH**
11 **GROUP LLC COMMENTS RE NCRWQCB PROPOSED ORDER NO. R1-2017-0003**
12

13 I, Bill C. Wiggins, declare as follows:
14

15 1. I am the proprietor/owner of Trans Tech Consultants
16 ("TTC"), an environmental consulting and engineering firm with
17 headquarters at 930 Shiloh Road in Windsor, California. I am a
18 Civil Engineer duly licensed to practice by the State of
19 California. I have personal knowledge of the following, except
20 for those matters stated on information and belief, and as to
21 those matters I am informed and believe them to be true. If
22 called as a witness herein, I could and would competently
23 testify to the following.

24 2. TTC was first retained by The Shiloh Group LLC ("TSG")
25 with respect to TSG's 31-acre, industrial and commercial
26 property at 930 Shiloh Road in Windsor ("TSG Property") in or
27 approximately 2000. I have observed and have gained a thorough
28 knowledge of the TSG Property, specifically including the .65-
acre site known as the Ecodyne Tower Site ("Tower Site"), which
is being remediated by Ecodyne Corporation ("Ecodyne") under the

1 supervision of the North Coast Regional Water Quality Control
2 Board ("**NCRWQCB**" or "**Board**"). TTC staff and I have observed the
3 activities on the Tower Site and the Pond Site immediately to
4 the south (which is being remediated by Fluor Corporation
5 [**"Fluor"**] under DTSC supervision) over the last several years.
6

7 3. On October 10, 2016, I received by email from NCRWQCB
8 staff ("**Staff**") (a) a copy of Staff's letter of that date to Mr.
9 Ray Avendt of The Marmon Group, LLC ("**Marmon**"), Ecodyne's
10 representative for the Tower Site, and (b) proposed order No.
11 R1-2017-0003 ("**Proposed Order**").
12

13 4. Fluor Corporation ("**Fluor**") is presently excavating on
14 the Tower Site, under the supervision of California's Department
15 of Toxic Substance Control ("**DTSC**"), in soil that is believed to
16 be contaminated by hexavalent chromium ("**CrVI**"). The extent and
17 timing of Fluor's excavation is not presently known, and will
18 depend upon the weather to a significant degree. DTSC has
19 indicated, however, that it intends to ensure that all of the
20 contamination in the drainage ditch along the western edge of
21 the Tower Site is addressed.
22

23 5. Fluor is remediating, under DTSC's supervision (per
24 Consent Order, No. HSA 88/89-027), creosote and other
25 contamination at the Pond Site on the TSG Property. The Pond
26 Site adjoins the southern boundary of the Tower Site, and both
27 sites share a drainage ditch ("**Ditch**") along their western edge,
28 in which water flows from southeast to northwest and drains into

1 Pruitt Creek. Fluor has been performing extensive soil
2 excavation on the Pond Site this year, and is now to the point
3 of 'chasing' its constituents of concern ("COCs") in the Ditch
4 to the north of the Pond Site (i.e., onto the Tower Site). That
5 excavation, which involves removal of the concrete lining in the
6 Ditch, began at the start of this week. That work is being done
7 with small equipment and by hand due at least in part to the
8 presence of a PG&E gas line under the concrete liner in the
9 Ditch. The two photographs attached hereto as Exhibit A were
10 taken on November 7 and November 8, 2016, looking north from the
11 Pond Site onto the Tower Site, and reflect the conditions in the
12 Ditch and the other areas shown, at that time.

13
14 6. DTSC's Tom Lanphar indicated in a telephone conference
15 this morning (in which I participated) that DTSC intends to
16 address not only the Fluor COCs in the Ditch, but also the
17 Ecodyne COCs. Water Board Staff indicated in an email dated
18 October 5, 2016, that it is aware of this situation and has
19 agreed that DTSC will be the lead agency with respect to that
20 excavation.

21
22 7. I have seen and reviewed a letter dated September 27,
23 2016, regarding the Ditch, written and signed by DTSC's Tom
24 Lanphar. The letter states his and DTSC's conclusion that
25 "Arsenic, copper and chromium are known Constituents of Concern
26 at the Ecodyne Tower Site and [results of soil tests in the
27 Ditch; performed by Fluor pursuant to its preliminary
28 endangerment assessment] indicate that a release to the [Ditch]

1 has occurred."

2
3 8. I received a copy of an email from Staff to Fluor's
4 environmental consultant (Joe Neely of GHD) dated October 5,
5 2016, regarding this excavation. Staff wrote that Fluor's RDIP
6 for the Pond Site:

7 "will be amended for work on Ecodyne Corporation site to
8 conform with the 'Draft Soil Management Plan' prepared
9 by MWH and attached to this email. This will include
10 updating the Health and Safety Plan (HSP) to include
11 provisions for excavating in soil that may contain
12 hexavalent chromium (CrVI) and analyzing excavated soil
13 for concentrations of CrVI to assure proper disposal."
14

15 9. Staff's October 5, 2016, email also instructed Mr. Neely
16 (1) to not perform such work "during a storm event", (2) to
17 cover and stabilize exposed soil "to prevent discharges of soil
18 to the drainage channel during any storm event", and (3) to not
19 compromise the integrity of the storm drain that intersects with
20 the Ditch in the middle of the Tower Site.
21

22 10. The attachment to Staff's October 5 email is the "Final
23 Site Management Plan" for the Tower Site, prepared by MWH
24 Americas, Inc. ("**MWHAI**") for Marmon (for Ecodyne). The title
25 notwithstanding, this report ("**Draft FSMP**") is undated and
26 unsigned and is not final. The Draft FSMP includes as Appendix
27 A MWHAI's September 15, 2015, "Final Remedial Action Plan"
28 ("**FRAP**"), which is referenced in paragraph 40 of the Proposed

1 Order.


2
3 11. Given that Fluor is currently excavating soil from the
4 Ditch on the Tower Site, and given that the excavated soil may
5 be contaminated with CrVI and/or other Ecodyne COCs, it does not
6 seem to be accurate to state (as the Proposed Order does) that
7 "Active remediation at the site has been discontinued".

8
9 12. I am informed and believe that in 2015, Fluor entered
10 into a voluntary cleanup agreement ("**VCA**") with DTSC (DTSC
11 Docket No. HAS-FY14/15-039, Site No. 202038, effective July 15,
12 2015) regarding the entire TSG Property other than the Pond Site
13 and the Tower Site. Pursuant to that VCA, Fluor prepared a
14 preliminary endangerment assessment ("**PEA**") that includes
15 results of soil tests under the concrete liner in the Ditch.
16 Those tests results reveal high concentrations of total chrome
17 in at least two locations in the Ditch north of the Tower Site.
18 Rather than insert into the Board's file the entire PEA report,
19 which I am informed is more than 1,200 pages thick, attached
20 hereto as Exhibit B are two relevant pages (one a site map and
21 the second a table of test results) from the report, which show
22 the test results that reveal high concentrations of total
23 chromium in the soil in the Ditch north of the Tower Site. It
24 is evident that Ecodyne's work at the Tower Site has not to date
25 resulted in the removal or remediation of all of the "[a]rsenic,
26 copper and chromium" discharged by Ecodyne at the Tower Site.
27 In my opinion, the Existing Order is or could still be "needed
28 for the protection of water quality."

13. I believe that Ecodyne is not presently in compliance with all of the obligations and mandates of the Existing Order. Ecodyne caused soil on certain non-ditch portions of the Tower Site to be excavated, sprayed/mixed with calcium polysulfide, and replaced in the ground (but not compacted). Attached hereto as Exhibit C are a site map and two photographs depicting this activity on the Tower Site in September 2004.

14. Ecodyne has not constructed berms or placed straw wattles around those areas to prevent storm water from coming into contact with the impacted soil in the excavated areas. Ecodyne also has not maintained an earthen berm just to the east of the Ditch, and has not carefully maintained the straw wattle barrier on the slope above the Ditch. Attached hereto as Exhibit D are two photographs. The first photograph reflects the conditions on the surface of the non-Ditch portions of the Tower Site as of October 12, 2016. The second photograph reflects the condition of the straw wattle barrier on the slope above the Ditch on the Tower Site as of October 12, 2016.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on November 10, 2016, at Windsor, California.


Bill C. Wiggins

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EXHIBIT A

Photos of Work in Ditch on Tower Site, Nov. 7 and 8, 2016



looking south at beginning of excavation work
on tower site



potential
staining

extent of hand digging at Pond/Tower Fence - looking north

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EXHIBIT B

Excerpts From Fluor PEA Report

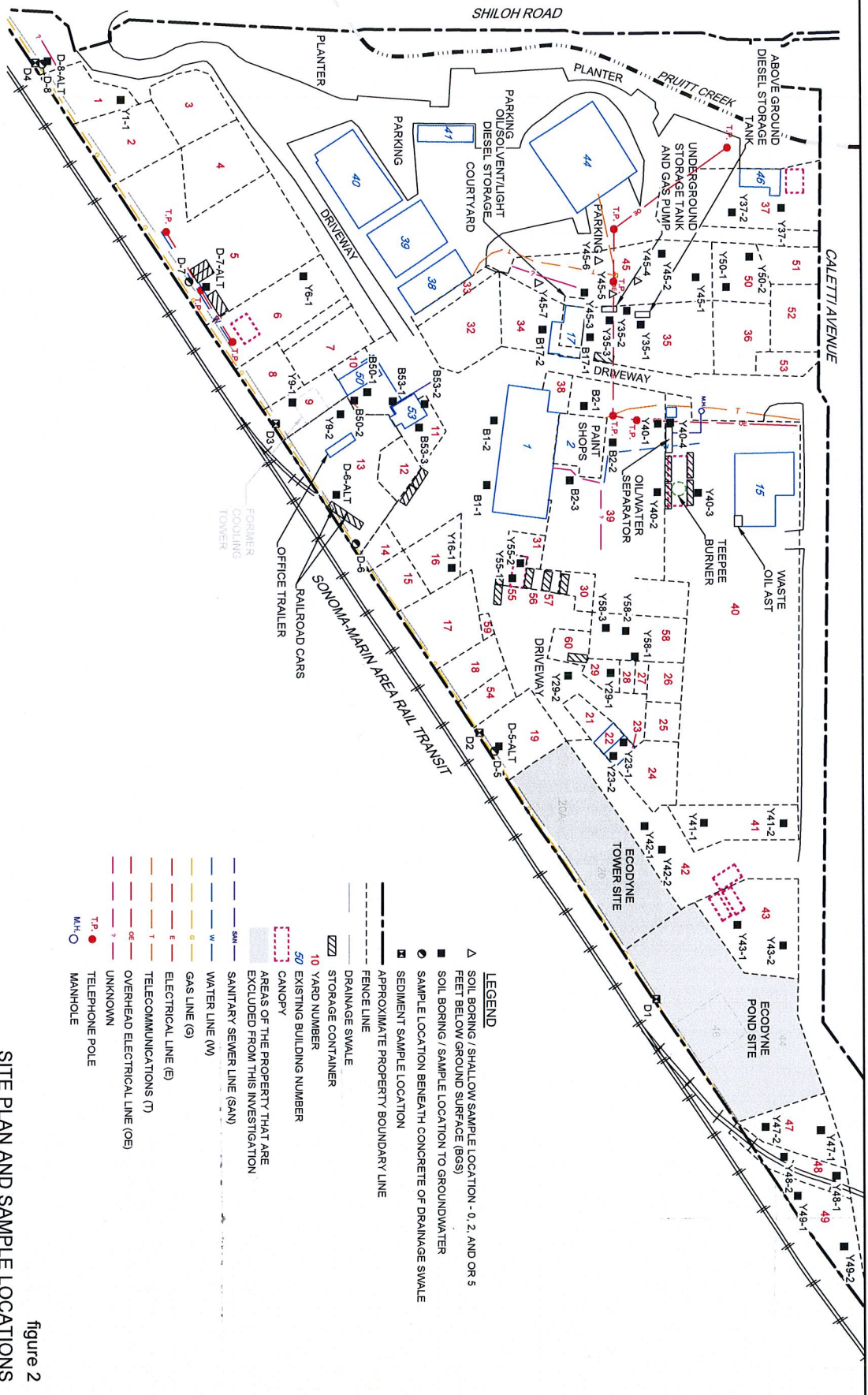


figure 2

SITE PLAN AND SAMPLE LOCATIONS
THE SHILOH GROUP PROPERTY
Shiloh Road, Windsor, California

Table 2
Metal and pH Concentrations in Soil
The Shiloh Group Property
930 Shiloh Road
Windsor, California

Sample ID	Depth in feet	Date Sampled	Antimony	Arsenic	Barium	Beryllium	Cadmium	Chromium	Cobalt	Copper	Lead	Molybdenum	Nickel	Selenium	Silver	Thallium	Vanadium	Zinc	Mercury	pH
B53-3	2	9/23/2015	<1.8	<3.5	360	<0.35	<0.44	66	6.7	12	6.9	<1.8	50	<3.5	<0.88	<1.8	27	38	0.039	-
B53-3	5	11/5/2015	<1.2	<2.4	160	0.77	<0.29	41	7.4	14	7.1	<1.2	51	<2.4	<0.59	<1.2	22	33	0.15	-
B53-3	10	11/5/2015	<0.88	<1.8	91	0.47	<0.22	42	5.7	14	5.0	<0.88	47	<1.8	<0.44	<0.88	24	32	0.14	-
B53-3	15	11/5/2015	<0.43	2.8	220	0.30	<0.11	30	11	14	4.2	<0.43	62	<1.7	<0.22	<0.87	31	22	0.17	-
D1	Sediment	9/24/2015	3.0	4.3	140	<0.36	0.60	92	12	51	75	<1.8	68	<3.6	<0.90	<1.8	47	490	0.10	-
D2	Sediment	9/24/2015	11	17	190	<0.34	1.1	540	32	330	50	6.8	260	<3.4	<0.84	<1.7	53	520	0.23	-
D3	Sediment	9/24/2015	5.8	13	100	<0.38	0.71	270	18	170	19	1.9	89	<3.8	<0.94	<1.9	47	300	0.11	-
D4	Sediment	9/24/2015	3.2	7.8	100	<0.37	0.73	120	15	120	34	<1.9	49	<3.7	<0.93	<1.9	39	320	0.15	-
D-5	0	11/6/2015	<3.7	300	130	<0.30	0.40	13,000	14	12,000	120	2.1	67	<3.0	<0.74	<3.7	57	280	0.16	-
D-5-ALT*	5	11/12/2015	<0.44	2.1	150	0.95	<0.11	50	8.2	17	5.5	<0.44	60	<0.88	<0.22	<0.44	30	29	0.21	-
D-5-ALT*	10	11/12/2015	<1.9	<3.8	190	0.80	<0.48	71	10	16	6.6	<1.9	72	<3.8	<0.95	<1.9	32	34	0.31	-
D-5-ALT*	15	11/12/2015	<0.46	2.4	160	0.51	<0.11	41	12	17	3.3	<0.46	63	<0.92	<0.23	<0.46	32	34	0.11	-
D-6	0	11/6/2015	18	110	160	0.22	0.46	7,600	27	3,900	69	1.0	87	<0.85	0.21	<1.7	44	330	0.59	-
D-6-ALT*	5	11/6/2015	<1.6	4.8	100	0.58	<0.40	32	12	15	8.4	<1.6	26	<3.2	<0.81	<1.6	26	22	0.10	-
D-6-ALT*	10	11/6/2015	<1.6	3.5	110	0.63	<0.40	33	5.6	16	7.7	<1.6	45	<3.2	<0.79	<1.6	21	29	0.15	-
D-6-ALT*	15	11/6/2015	<1.7	<3.5	160	0.50	<0.43	45	16	18	6.3	<1.7	72	<3.5	<0.87	<1.7	26	32	0.18	-
D-7	0	11/6/2015	<1.2	3.6	220	0.61	<0.30	80	10	84	8.9	<1.2	65	<2.4	<0.61	<1.2	33	82	0.14	-
D-7-ALT*	5	11/6/2015	<0.73	<1.5	100	0.53	<0.18	34	5.1	9.2	6.0	<0.73	25	<1.5	<0.36	<0.73	17	21	0.2	-
D-7-ALT*	10	11/6/2015	<1.4	<2.9	95	0.78	<0.36	32	7.2	13	6.0	<1.4	47	<2.9	<0.72	<1.4	18	29	0.14	-
D-7-ALT*	15	11/6/2015	<1.6	<3.3	110	0.58	<0.41	41	11	17	5.9	<1.6	61	<3.3	<0.81	<1.6	30	34	0.14	-
D-8	0	11/6/2015	<0.48	15	130	0.49	0.26	760	9.2	840	18	<0.48	45	<0.95	<0.24	<0.48	49	130	0.17	-
D-8-ALT*	5	11/6/2015	<0.44	3.5	92	0.56	<0.44	28	12	9.1	7	<0.44	20	<0.88	<0.22	<0.44	24	13	0.17	-
D-8-ALT*	10	11/6/2015	<1.9	2.6	160	0.45	<0.48	34	14	12	5.6	<1.9	56	<3.8	<0.95	<1.9	33	20	0.099	-
D-8-ALT*	16	11/6/2015	<0.42	2.6	230	0.53	<0.11	42	14	17	6.7	<0.42	61	<0.84	0.26	<0.42	33	35	0.13	-
**Y9-2-0-EB	-	9/23/2015	<10	<10	<10	<2.0	<2.5	<10	<2.0	<20	<5.0	<10	<10	<20	<5.0	<10	<10	<20	<0.20	-

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EXHIBIT C

Site Plan, Photos Re Ecodyne September 2004 Excavation





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EXHIBIT D

Photographs of Tower Site, October 12, 2016



10/12/2016



10/12/2016