CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

TENTATIVE ORDER

CLEANUP AND ABATEMENT ORDER R2-2025-XXXX for:

MC PORTFOLIO PROPERTIES, LLC
DODG CORPORATION
MANN FAMILY 5051 LLC
SST II 5200 COLISEUM WAY, LLC
PACIFIC GAS AND ELECTRIC
VOLVO TRUCKS NORTH AMERICA

For the properties located at:

750 50th AVENUE, AND
5050, 5051, AND 5200 COLISEUM WAY
OAKLAND
ALAMEDA COUNTY

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

1. **Site Location:** The properties addressed by this Order are located in a primarily commercial/industrial area of Oakland, Alameda County (Figure 1). Collectively, these four properties listed above comprise the Site. The Site is approximately 13 acres, bounded to the northwest by 50th Avenue, to the northeast by Union Pacific Railroad tracks, to the southwest by Peralta Creek and to the southeast by 54th Avenue Creek.

2. **Site History:** From about 1879 to 1903, lead smelting from sulfide ores occurred at the Site. From 1903 to 1917, sulfuric acid and nitric acid were produced, including the retort processing of pyrite ores and sodium nitrate. The smelting and ore reduction activities resulted in the deposition of 15,000 cubic yards of process waste residuals on the 5050 and 5200 Coliseum Way properties, which was discovered in 1990. These wastes have not been removed and remain at the Site.

   From 1917 to 1926, the Site was used by various chemical manufacturing companies. Starting in 1926, the Glidden Paint Company developed and operated a lithopone (barium and zinc-based pigment) manufacturing facility at the Site. Lithopone manufacturing wastes included barium sulfate, zinc sulfate, and black ash, which were deposited on the 750 50th Avenue, and 5050, 5051, and 5200 Coliseum Way properties. These deposits were identified in environmental investigations in the 1990s and have not been removed. Waste depths range from approximately 7.5 feet to 25 feet (Figure 1) and are up to

approximately 10 feet thick. Coal tar was also stored at 5050 and 5200 Coliseum Way in above-ground storage tanks and drums. The pigment manufacturing facility operated until 1963, and the above-ground structures were demolished in 1964.

From 1974 to the late 1990s, Volvo / General Motors (Volvo GM) operated a truck maintenance facility at 750 50th Avenue and 5050 Coliseum Way. By 1998, Millennium Holdings, Inc purchased the 750 50th Avenue, 5050 Coliseum Way and 5051 Coliseum Way properties. Currently, the City of Oakland operates a maintenance yard at the 750 50th Avenue and 5050 Coliseum Way properties. Automotive maintenance facilities typically use and store petroleum products and waste oils.

In 1977, the property at 5200 Coliseum Way was developed into a self-storage facility, which is still in operation.

From an unknown date until 1998, the 5051 Coliseum Way property was used for parking and storing PG&E construction materials. From 2017 to 2024, the 5051 Coliseum Way property was used to store towed and impounded vehicles. Currently, 5051 Coliseum Way is being used as truck parking.

3. **Named Dischargers:**

All of the dischargers named below are collectively referred to as the Dischargers. The Dischargers are divided into three groups based on Site ownership history: (1) Table 1 for 750 50th Avenue & 5050 Coliseum Way (5050 Dischargers); (2) Table 2 for 5051 Coliseum Way (5051 Dischargers); and (3) Table 3 for 5052 Coliseum Way (5052 Dischargers).

Table 1 – 750 50th Avenue & 5050 Coliseum Way Site Ownership History

Time Period	*Owner Name*
1926 to 1954	Glidden Paint Company
1954 to 1963	Chemical and Pigment Company
1974 to 1997	Volvo / General Motors Truck Division
1997 to 1999	Millennium Holdings, Inc.
1999 to 2000	LeMean Property Holdings
2000 to 2001	5050 Coliseum, LLC
2001 to present	DODG Corporation

750 50th Avenue and 5050 Coliseum Way Named Dischargers (5050 Dischargers)

Volvo Trucks North America is named as a discharger because they are the successor entity to Volvo / General Motors Truck Division. Volvo / General Motors Truck Division owned the 750 50th Avenue and 5050 Coliseum Way properties from 1974 to 1997, while there was an ongoing discharge, they had knowledge of the discharge, and they had the legal ability to control the discharge.

MC Portfolio Properties, LLC (MCPP) is named as a discharger because it is the successor entity to 5050 Coliseum LLC which owned 750 50th Avenue and 5050 Coliseum Way from 2000 to 2001. MCPP's predecessors owned the properties while there was an ongoing discharge, they had knowledge of the discharge, and they had the legal ability to control the discharge.

DODG Corporation is named as a discharger because they have owned the 750 50th Avenue and 5050 Coliseum Way properties since 2001. There is an ongoing waste discharge at these properties, DODG Corporation has knowledge of the waste discharge, and they have the legal ability to control the waste discharge.

Table 2 – 5051 Coliseum Way Site Ownership History

Time Period	*Owner Name*
1926 to 1934	The Glidden Company of California
1934 to 1936	The Chemical and Pigment Company, Inc.
1936 to Unk.	The Glidden Company of California
Unk. to 1998	Pacific Gas and Electric
1998 to 1999	Millennium Holdings, Inc.
1999 to 2000	LeMean Property Holdings
2000 to 2001	Oakland 5051, LLC
2001 to 2020	DODG Corporation
2020 to 2020	Baljit S & Surinder K Mann
2020 to present	Mann Family 5051 LLC

5051 Coliseum Way Named Dischargers (5051 Dischargers)

Pacific Gas and Electric (PG&E) is named as a discharger because they owned 5051 Coliseum Way until 1998 while there was an ongoing discharge, they had knowledge of the discharge, and had the legal ability to control the discharge.

MCPP is named as a discharger because it is the successor entity to Oakland 5051 LLC, which owned 5051 Coliseum Way from 2000 to 2001. MCPP's predecessors owned the properties while there was an ongoing discharge, they had knowledge of the discharge, and they had the legal ability to control the discharge.

DODG Corporation previously owned 5051 Coliseum Way, from 2001 to 2020. During DODG Corporation's period of ownership of 5051 Coliseum Way there was an ongoing waste discharge, they had knowledge of the waste discharge, and they had the legal ability to control the discharge.

Mann Family 5051, LLC is named as a discharger because they have owned the 5051 Coliseum Way property since 2020, where there is an ongoing waste discharge, they have knowledge of the waste discharge, and they have the legal ability to control the waste discharge.

Table 3 – 5200 Coliseum Way Site Ownership History

Time Period	*Owner Name*
1977 to 2013	Coliseum Storage Associates, LLC
2014 to 2016	Oak Town Storage Partners LP
2016 to present	SST II 5200 Coliseum Way, LLC

5200 Coliseum Way Named Discharger (5200 Discharger)

SST II 5200 Coliseum Way, LLC is named as a discharger because they have owned the 5200 Coliseum Way property since 2015, where there is an ongoing waste discharge, they have knowledge of the waste discharge, and they have the legal ability to control the waste discharge.

Unnamed Dischargers

Chemical and Pigment Company, LeMean Property Holdings, Millennium Holdings, Inc., Coliseum Storage Associates, and Oak Town Storage Partners LP were owners of the Site or portions thereof while there were ongoing discharges, however these entities are not named as dischargers because the

companies have been dissolved and the Regional Water Board is not aware of any existing successor entities. If the Regional Water Board receives or obtains additional information regarding these entities, or indicating that other parties caused or permitted any waste to be discharged on any portion of 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:** The Site was subject to the following Regional Water Board Orders;

   - Site Cleanup Requirements Order No. 01-032, adopted March 21, 2001, and
   - Site Cleanup Requirements Order No. 99-014, adopted April 8, 1999.

5. **Purpose of Order**: The remedy implemented under Order No. 01-032 has not achieved the cleanup standards set for the Site in the Order, and it has not been demonstrated that beneficial uses are protected or that contaminant migration is minimal. Additionally, the discharge continues to pose a risk to human health based on updated health criteria. This Cleanup and Abatement Order requires remedial investigations, a new feasibility study and remedial action plan to address the historical discharges of waste at the Site and its continuing effects. This Order also requires the 5050 Dischargers and 5051 Dischargers to perform corrective actions to clean up and abate the effects of waste discharges to waters of the state that threaten beneficial uses.

6. **Site Hydrogeology:** The ground surface of the Site is primarily flat and underlain by 3 to 7 feet of clayey to silty sand with gravel fill, underlain by waste materials. The waste materials are present down to 25 feet below ground surface (bgs). Beneath the waste materials are Bay Mud, consisting of silty clay, clayey sand, silt, and thinly bedded sands. Groundwater is first encountered at approximately 7 feet bgs. Groundwater typically flows to the west, towards Peralta Creek.

   The Site is bordered on three sides by tidally influenced creeks. 54th Avenue Creek is unlined, bordering the southeast of the 5051 Coliseum Way property. Courtland Creek is culverted below-ground near the northwestern and southwestern boundary of 750 50th Avenue and 5050 Coliseum Way. Peralta Creek daylights in a concrete lined channel south of Coliseum Way and is present along the northwestern boundary of 5051 Coliseum Way. San Leandro Bay is approximately 1,000 feet southwest of the Site.

7. **Remedial Investigation:** Investigations at the Site have been conducted since 1990. Waste materials, including waste ore and slag materials, lithopone process waste residuals, and petroleum hydrocarbons are present beneath portions of 750 50th Avenue, and 5050, 5051 and 5200 Coliseum Way properties. Petroleum hydrocarbons and metals, including arsenic, barium, cadmium, cobalt, copper,

lead, nickel, and zinc have been detected in soil and groundwater. Based on available data, it has not been demonstrated that the groundwater plumes are contained on the properties.

On 5050 Coliseum Way, sulfide-rich waste material has contributed to a localized area of low pH shallow groundwater, which has solubilized metals, including zinc, barium and cadmium. The zinc plume extends from 5050 Coliseum Way to 5051 Coliseum Way. On the 5200 Coliseum Way property, the deposition of black filter cake has caused a localized plume of barium and arsenic which extends to the 5050 and 5051 Coliseum Way properties. Petroleum hydrocarbons have been identified on the 5050, 5051, and 5200 Coliseum Way properties due to the former tar storage, distillation facility, and associated piping at 5200 Coliseum Way.

Metals contained in the waste remaining at the Site continue to leach and discharge to groundwater in a manner that creates and threatens to create a condition of pollution and nuisance. Cadmium, cobalt, copper, nickel, and zinc are present in water samples collected from weep holes discharging into Peralta Creek, downgradient of the groundwater diversion barrier along the northwestern border of 5051 Coliseum Way. The waste products that remain at 750 50th Avenue, and 5050 and 5051 Coliseum Way are discharging to groundwater and contributing to this waste discharge from weepholes to Peralta Creek. Based on available data, it does not appear that the 5200 Coliseum Way property is contributing to this comingled waste discharge to Peralta Creek.

The maximum concentrations of metals in soil, groundwater, and weep water are shown in Table 4 (750 50th Avenue and 5050 Coliseum Way), Table 5 (5051 Coliseum Way), and Table 6 (5052 Coliseum Way). The soil sample results are from the investigations conducted in the 1990s, and the groundwater and weep water sampling results are from 2025. The tables also include the cleanup levels from Order 01-032 for comparison.

Table 4. Maximum Contaminant Concentrations in Soil and Groundwater at 750 50th Avenue and 5050 Coliseum Way

750th Ave & 5050 Coliseum Way				
Constituent	**Soil (mg/kg)**	**Order 01-032 (mg/kg)**	**Groundwater (µg/L)**	**Order 01-032 (µg/L)**
Arsenic	18,000	14	5,920	360
Barium	92,000	1,500	3,190	10,000
Cadmium	1,400	12	7,680	93
Chromium	80	12[a]	3.7	500[b]
Cobalt	30	80	4,130	N/A
Copper	3,600	225	1,220	49
Lead	24,000	1,000	7	56

750th Ave & 5050 Coliseum Way				
Constituent	**Soil (mg/kg)**	**Order 01-032 (mg/kg)**	**Groundwater (µg/L)**	**Order 01-032 (µg/L)**
Mercury	62	10	0.35	0.25
Nickel	120	150	4,190	71
Zinc	60,000	600	1,340,000	580

Table 5. Maximum Contaminant Concentrations in Soil, Groundwater, and Weep Water at 5051 Coliseum Way

5051 Coliseum Way					
Constituent	**Soil (mg/kg)**	**Order 01-032 (mg/kg)**	**Groundwater (µg/L)**	**Weep Water (µg/L)**	**Order 01-032 (µg/L)**
Arsenic	1,500	14	171	ND < 199	360
Barium	100,000	1,500	141,000	52.4	10,000
Cadmium	2,100	12	5,740	669	93
Chromium	210	12[a]	ND < 148	7.1	500[b]
Cobalt	332	80	6.4	10	N/A
Copper	4,100	225	350	434	49
Lead	42,000	1,000	1,090	ND < 52.7	56
Mercury	65	10	0.34	ND < 0.124	0.25
Nickel	580	150	94.5	846	71
Zinc	55,800	600	69,600	146,000	580

Table 6. Maximum Contaminant Concentrations in Soil and Groundwater at 5200 Coliseum Way

5200 Coliseum Way				
Constituent	**Soil (mg/kg)**	**Order 01-032 (mg/kg)**	**Groundwater (µg/L)**	**Order 01-032 (µg/L)**
Arsenic	890	14	1,630	360
Barium	190,000	1,500	176,000	10,000
Cadmium	230	12	17.5	93
Chromium	49	12[a]	3.8	500[b]
Cobalt	150	80	44.5	N/A
Copper	6,200	225	25	49
Lead	23,000	1,000	5.6	56
Mercury	2.6	10	ND < 0.124	0.25
Nickel	600	150	770	71
Zinc	65,000	600	1,020	580

Key
mg/kg = milligrams per kilogram
µg/L = micrograms per liter
N/A = not applicable
ND < X = not detected above laboratory reporting limit

a. Groundwater cleanup standard for chromium (VI)
b. Soil cleanup standard for total chromium

Cadmium and zinc concentrations routinely exceed cleanup standards in monitoring wells LF-12 and CW-13, which are the two western-most wells on the 5050 Coliseum Way property. There are no data points defining the downgradient plume boundary. Additional investigation is necessary to define the lateral and vertical extent of cadmium and zinc in groundwater. On October 1, 2024, the Regional Water Board issued a Water Code section 13267 directive to MCPP to delineate the groundwater plume on 5050 Coliseum Way. MCPP submitted the Enhanced Groundwater Delineation Work Plan to the Regional Water Board on December 2, 2024, and the Board approved the plan on January 7, 2025. The investigation work has not been conducted to date, and the completion of this work is required in Task 4.

8. **Previous Remedial Activities:** In 2001, a groundwater diversion barrier was installed on the northwestern boundary of the 5051 Coliseum Way property. The groundwater barrier consists of interlocking sheet piles, measuring 350 feet long, and ranging from the surface to 15 to 20 feet bgs. The intent of the barrier was to prevent soluble metals from discharging into the adjacent surface water, Peralta Creek. As evidenced by the metals concentrations in the weep water samples, the diversion barrier is not preventing the discharge of soluble metals to Peralta Creek. There is an ongoing discharge of waste to Peralta Creek in violation of Order 01-032.

   In 2002, the 5051 Coliseum Way property was capped with asphalt to reduce surface water infiltration and contaminant migration. In 2023, the asphalt cap on 5051 Coliseum Way was identified as deficient in most areas of the property.

9. **Adjacent Sites:** There are three open cleanup cases and two closed cleanup cases within a 500-foot radius of the Site. The open cases include AAA Equipment Company to the northwest, the Forman Property to the northwest, and A-Paratransit to the east, which is a petroleum underground storage tank (UST) cleanup case. The two closed cases are Western Stucco to the northeast and the EBMUD Oakport Wet Weather Facility to the south, which are both UST cleanup cases. None of these cases are known to affect the Site.

10. **Preliminary Cleanup Goals:** Pending the establishment of Site-specific cleanup levels, preliminary cleanup goals are needed for the purpose of conducting

remedial investigation and interim remedial actions. The preliminary cleanup goals in Section B of this Order address all relevant media (e.g., weep water, groundwater, and soil) and all relevant concerns (e.g., aquatic habitat, groundwater ingestion, groundwater dermal contact, and dust inhalation).

11. **Basis for Cleanup Goals:**

a. **General:** 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. It directs the Regional Water Boards to set cleanup levels equal to background water quality or the best water quality which is reasonable if background levels cannot be restored, considering all demands being made and to be made on those waters and the total values involved, beneficial and detrimental, economic and social, tangible and intangible. Cleanup levels other than background are subject to California Code or Regulations, title 23, section 2550.4 and 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 cleanup levels established in the remedial action plan must be consistent with the provisions of Resolution No. 92-49, as amended.

Resolution 92-49 also requires cleanup actions to be consistent with State Water Board Resolution No. 68-16, "Statement of Policy with Respect to Maintaining High Quality of Waters in California." Resolution 68-16 requires maintenance of high quality waters unless a lesser water quality is consistent with maximum benefit to the people of the State, will not unreasonably affect present and anticipated beneficial uses, and will not result in exceedance of applicable water quality objectives. This Order is consistent with Resolution No. 68-16 because the preliminary groundwater cleanup goals for the Site are based on the most stringent applicable water quality objectives protective of the beneficial uses listed in finding 11b.

b. **Beneficial Uses**: The Water Quality Control Plan for the San Francisco Bay Basin (Basin Plan) is the Regional Water 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 Regional Water Board and approved by the State Water Resources Control Board (State Water Board), Office of Administrative Law and the United States Environmental Protection Agency (USEPA), where required.

The Basin Plan designates the following existing beneficial uses to groundwater within the East Bay Plain subbasin, where the Site is located:

- Municipal and domestic water supply (MUN)
- Industrial process water supply (PROC)
- Industrial service water supply (IND)
- Agricultural water supply (AGR)

The Basin Plan designates the following existing beneficial uses of Peralta Creek including:

- Warm freshwater habitat (WARM)
- Wildlife habitat (WILD)
- Water contact recreation (REC-1)
- Noncontact water recreation (REC-2)

The Basin Plan designates the following existing beneficial uses of San Leandro Bay, which apply to 54th Street Creek, Courtland Creek, and East Creek Slough as tributaries:

- Estuarine Habitat (EST)
- Fish Migration (MIGR)
- Preservation of Rare and Endangered Species (RARE)
- Wildlife habitat (WILD)
- Water contact recreation (REC-1)
- Noncontact water recreation (REC-2)

c. **Basis for Preliminary Groundwater and Weep Water Cleanup Goals:** The groundwater and weep water cleanup goals for the Site are based on the lowest (most conservative) applicable water quality objectives protective of the beneficial uses of Peralta Creek and groundwater listed in finding 11b. Where the water quality objectives are based on the maximum contaminant levels (MCLs) for protection of the MUN beneficial use, the selected MCLs are the more stringent of USEPA and California primary and secondary MCLs.

d. **Basis for Preliminary Soil Cleanup Levels:** The soil cleanup levels for the Site are intended to protect human health considering all reasonable soil exposure pathways. Cleanup to these levels will result in acceptable residual risk to humans and protection of beneficial uses. The soil direct

exposure Environmental Screening Levels for commercial land use are protective of future occupants' long-term exposure to contaminants, and are based on the following:

- The ESLs are set at a target cancer risk of 1 X 10-6 and a non-cancer hazard quotient (HQ) of 1, following USEPA guidance. Specifically, the USEPA Risk Assessment Guidance for Superfund: Volume I Human 7 Health Evaluation Manual, Part D states that remediation goals are generally set at a cancer risk of 1 X 10-6 and a non-cancer HQ of 1 or less to be protective of potential of cancer and non-cancer effects.

- The ESLs use toxicity criteria required by the Toxicity Criteria for Human Health Risk Assessment Regulation approved by the Office of Administrative Law and filed with the Secretary of State on September 4, 2018.

- The ESLs are based on default commercial/industrial exposure parameters recommended by USEPA.

12. **Future Changes to Cleanup Goals or Levels:** If new technical information indicates that the established cleanup goals or levels are significantly over-protective or under-protective, the Regional Water Board will consider revising those cleanup goals and levels.

13. **Other Regional 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 total dissolved solids (TDS), low-yield, or naturally high contaminant levels.

14. **Cleanup and Abatement and Reporting Authority:** California Water Code section 13304 authorizes the Regional Water Board to issue orders requiring a discharger to clean up 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. Pursuant to Water Code section 13304, this Order requires the Dischargers to investigate the extent of the discharge and undertake corrective actions to clean up the waste discharged and abate its effects.

In addition to its authority to require remedial investigations under Water Code section 13304, the Regional Water Board has authority to require technical and monitoring reports from any person who has discharged or is suspected of having discharged waste under Water Code section 13267. The burden of preparing any reports required pursuant to Water Code section 13267, including costs, must bear a reasonable relationship to the need for the reports and the benefits to be obtained from the reports, namely the restoration of beneficial uses at the Site. The technical reports are necessary for the protection and restoration of beneficial uses at the Site. These documents will help the Regional Water Board assess potential and ongoing discharges, and evaluate alternatives to reduce metals discharges to and concentrations in the water bodies listed in Finding 11b. The reports will also assist the Dischargers in scheduling and performing work at the Site. The burden of preparing these reports required by Tasks 2, 3, and 4, including the costs of hiring a consultant and completing investigative work, is estimated to be as high as $400,000. The Regional Water Board considers this burden reasonable in light of these important benefits.

15. **Cost Recovery**: Pursuant to California Water Code Section 13304, the Dischargers are hereby notified that the Regional Water Board is entitled to, and will 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.

16. **Human Right to Water:** Under Water Code section 106.3, the State of California's policy is that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes. (Water Code, § 106.3; see also State Water Board Resolution No. 2016-0010.) The human right to water extends to all Californians, including disadvantaged individuals and groups and communities in rural and urban areas. This Order promotes the human right to water by requiring discharges to meet maximum contaminant levels designed to protect human health and ensure that water is safe for domestic use.

17. **CEQA:** Adoption of this Order is intended to support site cleanup requirements (see Finding 5) and will have no potential for significant environmental effects. The project is therefore exempt and not subject to the California Environmental Quality Act (CEQA) under the general rule that there is no possibility that the Order may have a significant effect on the environment. (Cal. Code of Regs, tit. 14, § 15061, subd. (b)(3).)

18. **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.

IT IS HEREBY ORDERED, pursuant to section 13304 of the Water Code, that the Dischargers (or their agents, successors, or assigns) shall clean up and abate the discharge of waste, and the effects of the waste, 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. PRELIMINARY CLEANUP GOALS

1. **Weep Water:** The following goals shall be met in weep water at the sampling locations specified in the attached Self-Monitoring Program or as may be amended by the Executive Officer to abate the effects of the waste discharge to Peralta Creek.

Constituent	Concentration (µg/L)	Basis
Arsenic	36	Table 3-3
Barium	1,000	Maximum Contaminant Level
Cadmium	1.1	Table 3-4
Copper	9.0	Table 3-4
Lead	2.5	Table 3-4
Nickel	8.2	Table 3-3
Zinc	81	Table 3-3

Weep water preliminary cleanup goals listed above are the lesser of the marine and freshwater water quality objectives for surface waters in the Basin Plan for the San Francisco Bay.

2. **Groundwater Preliminary Cleanup Goals**: Applicable screening levels that are protective of human health, such as the Regional Water Board's

ESLs. Groundwater cleanup goals shall at least incorporate groundwater ingestion. For groundwater ingestion, use applicable water quality objectives (e.g., lower of primary and secondary maximum contaminant levels, or MCLs).

Constituent	Concentration (µg/L)	Basis
Arsenic	10	Maximum Contaminant Level
Barium	1,000	Maximum Contaminant Level
Cadmium	5.0	Maximum Contaminant Level
Copper	1,000	Maximum Contaminant Level
Lead	15	Maximum Contaminant Level
Nickel	100	Maximum Contaminant Level
Zinc	5,000	Maximum Contaminant Level

3. **Soil Preliminary Cleanup Goals**: Applicable screening levels that are protective of human health, such as the Regional Water Board's ESLs. Soil cleanup goals are intended to address a full range of exposure pathways, including direct exposure and leaching to groundwater. For purposes of this subsection, the Dischargers shall assume that groundwater is a potential source of drinking water The following cleanup goals shall be met in all vadose-zone soils.

Constituent	Concentration (mg/kg)	Basis
Arsenic	0.31	Commercial ESL
Barium	220,000	Commercial ESL
Cadmium	1,100	Commercial ESL
Cobalt	350	Commercial ESL
Copper	47,000	Commercial ESL
Lead	320	Commercial ESL
Nickel	11,000	Commercial ESL
Zinc	350,000	Commercial ESL

Soil preliminary cleanup goals listed above are the commercial/industrial shallow soil exposure scenario, for the lesser of the cancer risk or the non-cancer exposure.

C. TASKS

1. ABATE THE EFFECT OF THE DISCHARGE OF WASTE TO PERALTA CREEK

COMPLIANCE DATE: *(90 days after adoption of Order)*

The 5050 and 5051 Dischargers shall immediately abate the effects of the ongoing discharge of waste in weep water from the 5051 Coliseum Way property into Peralta Creek by meeting the weep water cleanup goals in Section B.

If the 5050 and 5051 Dischargers determine it is not feasible to immediately abate the effects of the discharge within 90 days from the issuance date of this Order, the 5050 and 5051 Dischargers shall submit a report explaining why it is not feasible by the compliance date. In such case, the 5050 and 5051 Dischargers shall also include a plan and schedule to abate the effects of the discharge to Peralta Creek as part of Task 6.

2. WORKPLAN FOR 54TH AVENUE CREEK REMEDIAL INVESTIGATION

COMPLIANCE DATE: (*90 days after adoption of Order*)

The Dischargers must submit a workplan, subject to the approval of the Executive Officer, to assess if the metals groundwater plume from 5050, 5051, and 5200 Coliseum Way is discharging to the nearby surface water, 54th Avenue Creek. At a minimum, the workplan must include the following elements:

- Proposed sampling locations to delineate the vertical and horizontal extents of the groundwater plume.
- Isoconcentration maps of constituents of concern using the most recent data available.
- Proposed groundwater sampling methodologies.
- Proposed analytical methods.
- Sampling and reporting schedule.

At a minimum, samples must be analyzed for total petroleum hydrocarbons as gasoline, diesel, and motor oil; benzene, toluene, ethylbenzene, and xylenes (BTEX); metals, including arsenic, barium, cadmium, nickel, and zinc; and pH.

3. **COMPLETION OF REMEDIAL INVESTIGATION UNDER TASK 2**

COMPLIANCE DATE: In accordance with the schedule approved in Task 2

The Dischargers must implement the workplan required under Task 2 as approved by the Executive Officer and submit a technical report acceptable to the Executive Officer documenting the implementation of the workplan.

4. **IMPLEMENTATION AND COMPLETION OF DECEMBER 2, 2024, WORKPLAN**

COMPLIANCE DATE: *(90 days after adoption of Order)*

The 5050 Dischargers must implement the approved December 2, 2024, Enhanced Delineation Groundwater Workplan described in Finding 7 and submit a technical report acceptable to the Executive Officer documenting the implementation of the workplan.

5. **FEASIBILITY STUDY**

COMPLIANCE DATE: *(120 days after adoption of Order)*

The Dischargers must submit a Feasibility Study (FS), acceptable to the Executive Officer, that evaluates alternatives to remediate the full extent of contamination at the Site in a reasonable time frame. The FS must include the following elements:

- Summary of all past investigations, previous remedial activities, and extent of contaminated soil and groundwater above the preliminary cleanup goals.
- Proposed remedial action objectives (RAOs), including a description of the areas or volumes to which remedial actions would be applied, consistent with State Water Board Resolution No. 92-49, as discussed in Finding 11a.
- Identify cleanup levels for soil and groundwater.
- Identify and evaluate remedial technologies applicable for addressing the contamination, and identify remedial alternatives to meet the RAOs.

- Evaluate the potential for climate-related impacts to adversely affect the selected remedy and the contamination that remains at the Site during remedy implementation and after remedy completion.
- Recommend remedial alternative(s) and actions to achieve the remedial action objectives and cleanup levels in all media at the Site.

The FS must propose remedial work that has a high probability of achieving the cleanup goals specified in Section B in a reasonable time frame considering exposure, harm, and the time to restore current and future beneficial uses.

The Dischargers may submit one FS for the Site or multiple FS for the respective addresses.

6. **REMEDIAL ACTION PLAN**

COMPLIANCE DATE: *(180 days after adoption of Order)*

The 5050 and 5051 Dischargers must submit a Remedial Action Plan (RAP), acceptable to the Executive Officer, consistent with 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"). The RAP must outline how the recommended remedial action developed in Task 5 will be implemented.

The RAP must include the following elements:

- If the 5050 Dischargers and 5051 Dischargers determine that it is not feasible to immediately abate the effects of the discharge to Peralta Creek under Task 1, proposed actions and a schedule for the 5050 Dischargers and 5051 Dischargers to abate the effects of the discharge to Peralta Creek.
- Implementation tasks, including all design documents needed to permit and implement the approved remedial action.
- A comprehensive time schedule for permitting, implementation, remedy performance and effectiveness monitoring.
- A plan and reporting schedule for remedy performance monitoring and adaptive management, as appropriate.

The Dischargers may submit one RAP for the Site or multiple RAPs for the respective addresses.

7. **IMPLEMENT REMEDIAL ACTION PLAN AND SUMBIT IMPLEMENTATION REPORTS**

COMPLIANCE DATE: In accordance with the schedule approved in Task 6

a. **Implement Remedial Action Plan**. The Dischargers must implement the approved Remedial Action Plan in accordance with the schedule approved by the Executive Officer under Task 6.

b. **Remedial Action Plan Implementation Report**. Submit a technical report acceptable to the Executive Officer documenting the completion of RAP implementation in accordance with the schedule approved by the Executive Officer under Task 6. For ongoing actions, submit technical reports acceptable to the Executive Officer that document the completion of start-up activities, implementation progress, and completion of final RAP implementation in accordance with the schedule approved by the Executive Officer under Task 6.

8. **ADDITIONAL PHASE INVESTIGATION WORKPLAN (IF NEEDED)**

COMPLIANCE DATE: 60 days after required by Executive Officer

The Executive Officer will require an additional investigation workplan if monitoring results show that the extent of contamination exceeding the cleanup levels is not defined vertically and laterally in all media. Submit a workplan acceptable to the Executive Officer to investigate the extent of contamination in all media. The workplan shall consider all relevant contaminants, exposure pathways, and receptors. The workplan shall specify a proposed schedule for implementation.

9. **COMPLETION OF ADDITIONAL PHASE INVESTIGATION (IF NEEDED)**

COMPLIANCE DATE: In accordance with schedule approved in Task 8.

Complete additional investigation to fully delineate impacts to soil, and/ or groundwater. Submit a technical report acceptable to the Executive Officer documenting its completion. The report shall include results of an additional investigation.

10. **WORKPLAN FOR ADDITIONAL REMEDIAL ACTION (IF NEEDED)**

COMPLIANCE DATE: 60 days after required by Executive Officer

The Executive Officer will require this workplan if investigation or monitoring results demonstrate that additional remediation is necessary or remediation has been inadequate at achieving cleanup levels in a reasonable timeframe. Submit a workplan acceptable to the Executive Officer that will propose additional remedial actions that will eliminate unacceptable threats to human health and restore beneficial uses of groundwater in a reasonable timeframe. The workplan must describe all significant implementation steps and must include an implementation schedule.

11. **IMPLEMENTATION OF ADDITIONAL REMEDIAL ACTION (IF NEEDED)**

COMPLIANCE DATE: In accordance with the schedule approved in Task 10.

Complete start-up of the tasks in the approved workplan for additional remedial action (Task 10) and submit a technical report acceptable to the Executive Officer documenting the completion of remedial actions. For ongoing remedial actions, the report shall document system start-up as opposed to completion.

12. **FIVE-YEAR STATUS REPORT**

COMPLIANCE DATE: July 1, 2031, and every five years thereafter

The Dischargers must submit a technical report acceptable to the Executive Officer evaluating the effectiveness of the approved remedial action plan. The report shall include:

- Summary of effectiveness in controlling contaminant migration and protecting human health and the environment.
- Comparison of contaminant concentration trends with cleanup levels.
- Performance data (e.g., groundwater volume extracted, chemical mass removed, mass removed per million gallons extracted).
- Summary of additional investigations (including results) and significant modifications to remediation systems.
- Additional remedial actions proposed to meet cleanup levels (if applicable) including schedule.

If cleanup levels have not been met and are not projected to be met within a reasonable time, the report shall assess the technical practicability of meeting cleanup levels and may propose an alternative cleanup strategy.

13. **EVALUATION OF NEW HEALTH CRITERIA**

COMPLIANCE DATE: As required by Executive Officer

Submit a technical report acceptable to the Executive Officer evaluating the effect on the approved remedial action plan of revising one or more cleanup levels in response to revision of drinking water standards, maximum contaminant levels, or other new health-based criteria.

14. **EVALUATION OF NEW TECHNICAL INFORMATION**

COMPLIANCE DATE: As required by Executive Officer

Submit a technical report acceptable to the Executive Officer evaluating new technical information that bears on the approved remedial action plan and cleanup levels for the Site. In the case of a new cleanup technology, the report should evaluate the technology using the same criteria used in the feasibility study. Such technical reports shall not be required unless the Executive Officer determines that the new information is reasonably likely to warrant a revision in the approved remedial action plan or cleanup levels.

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 a revision to this Order.

D. 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 that 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 USEPA 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 onsite (e.g., temperature).

8. **GeoTracker Uploads:** The Dischargers are required to submit all documents in electronic format to the State Water Board's GeoTracker database, pursuant to California Code of Regulations, title 23, sections 3890–3895. See Electronic Submittal of Information for guidance on submitting documents to GeoTracker. Please note that this requirement includes all analytical data, monitoring well information (latitudes, longitudes, elevations, and water depth), site maps, and boring logs. Chemical data must be submitted in Electronic Deliverable Format (EDF)

and be in accordance with the GeoTracker Guidance Letter on Reporting of Estimated Results in EDF.

9. **Reporting of Changed Owner or Operator:** The Dischargers shall notify the Executive Officer in writing of any changes in contact information, occupancy, or ownership associated with the Site described in this Order.

10. **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 within 24 hours 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.

11. **Termination of Existing Order:** This Order supersedes and terminates Order No. 01-032, except for enforcement purposes. This action in no way prevents the Water Board from taking enforcement action for past violations of Order No. 01-032.

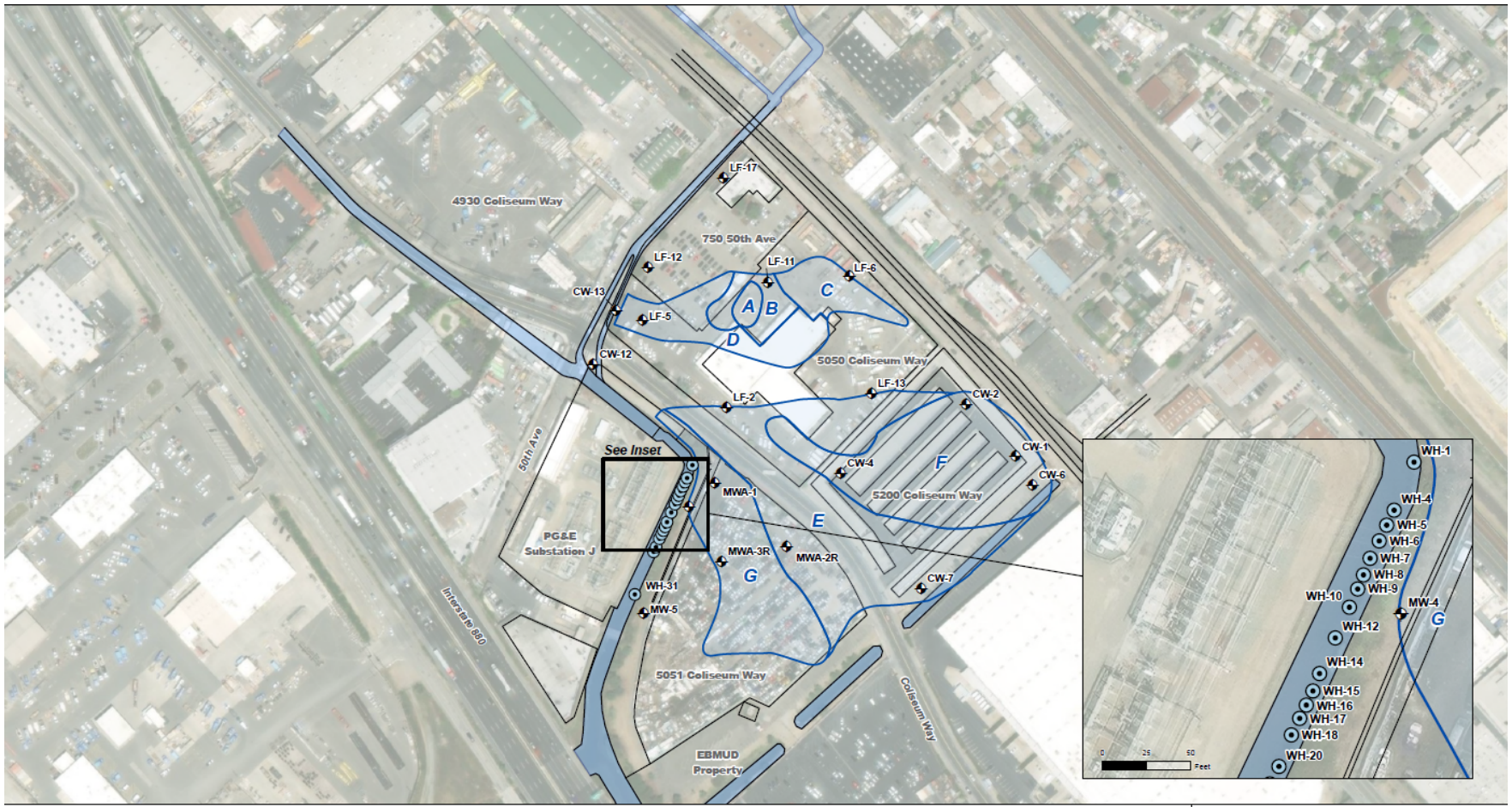
12. **Periodic SCR Review:** The Regional Water Board will review this Order periodically and may revise it when necessary. The Dischargers may request revisions and upon review the Executive Officer may recommend that the Regional Water Board revise these requirements.

13. **Compliance Notice:** 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.

It is so ordered on _____.

_____
Eileen M. White, P.E.
Executive Officer

Attachments:
Figure 1 - Site Plan Depicting Extents of Waste
Self-Monitoring Program



Legend

Location Type

- Weep Hole
- Monitoring Well
- Site Features
- Waste Areas
- Stormwater Drainage Channels

Subsurface Waste Areas and Depth of Waste Material[1]

North Area		South Area	
A	25'	E	7.5'
B	15'	F	13'
C	7.5'	G	13'
D	15'		

Notes

Site features are approximate.

[1] *Annual Groundwater Monitoring - 2011 and Three-Year Status Report 5050, 5051, and 5200 Coliseum Way and 750-50th Avenue Oakland, California (SLIC No. 0150422)*

N

0 200 Feet

Site Plan

2025 Groundwater Monitoring Report
5050, 5051, and 5200 Coliseum Way and 750 50th Ave
Oakland, California

Geosyntec consultants

Project No.: SAC348 | May 2025

Figure 2

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

SELF-MONITORING PROGRAM for:

MC PORTFOLIO PROPERTIES, LLC
DODG CORPORATION
MANN FAMILY 5051 LLC
SST II 5200 COLISEUM WAY, LLC
PACIFIC GAS AND ELECTRIC
VOLVO TRUCKS NORTH AMERICA

for the properties located at

750 50th AVENUE, AND
5050, 5051, AND 5200 COLISEUM WAY
OAKLAND
ALAMEDA COUNTY

1. **Authority and Purpose:** The Regional Water Board requires the technical reports identified 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. *R2-2025-XXXX* (Order). The burden, including costs, of the technical and monitoring reports, bears a reasonable relationship to the need for the reports and the benefits to be obtained from the reports. The cost of preparing these reports, including the costs of hiring a consultant and completing the reports, is estimated to be $25,000 to $80,000 annually. These costs bear a reasonable relationship to the need for the reports and the benefits of the reports.

   The Regional Water Board needs the reports to define the extent of pollution; to identify the threats the pollution poses to human health or water quality; and to provide field data to support the Dischargers' design of mitigation and remediation systems. The benefits of the reports include restoration of beneficial uses and the protection of public health and the environment.

2. **Monitoring:** The following tables outline the monitoring requirements for groundwater.

   The Dischargers shall measure groundwater elevations annually in all monitoring wells, and shall collect and analyze representative samples of groundwater according to the following table:

Groundwater Well Identification	Screen Interval (feet bgs)	Sampling Frequency	Analyses
CW-1	8-13	Annually	pH, Select Title 22 Metals
CW-2	9-13	Annually	pH, Select Title 22 Metals
CW-4	9-14	Annually	pH, Select Title 22 Metals
CW-6	5-15	Annually	pH, Select Title 22 Metals
CW-7	7.5-16.5	Annually	pH, Select Title 22 Metals
CW-12	5-15	Annually	pH, Select Title 22 Metals
CW-13	7-12	Annually	pH, Select Title 22 Metals
LF-2	8-15	Annually	pH, Select Title 22 Metals
LF-5	9.5-21.5	Annually	pH, Select Title 22 Metals
LF-6	9-21	Annually	pH, Select Title 22 Metals
LF-11	11-20	Annually	pH, Select Title 22 Metals
LF-12	7-15	Annually	pH, Select Title 22 Metals
LF-13	3.5-15	Annually	pH, Select Title 22 Metals
LF-17	9-20	Annually	pH, Select Title 22 Metals
MWA-1	7.5-17.5	Annually	pH, Select Title 22 Metals
MWA-2	7-17	Annually	pH, Select Title 22 Metals
MWA-3	5-15	Annually	pH, Select Title 22 Metals
MW-4	9-19	Annually	pH, Select Title 22 Metals
MW-5	9-19	Annually	pH, Select Title 22 Metals
Weep Holes (6)	N/A	Annually	pH, Select Title 22 Metals

Key:
bgs = below ground surface
Select Title 22 Metals = Metals including arsenic, barium, cadmium, cobalt, copper, lead, nickel, and zinc, analyzed by USEPA Method 6010/6020,

The Dischargers shall sample any new monitoring or extraction wells quarterly and analyze groundwater samples for the same constituents as shown in the above table. The Dischargers may propose changes in the above table; any proposed changes are subject to Executive Officer approval.

3. **Monitoring Reports:** The following section outlines the monitoring requirements for groundwater.

The Dischargers shall submit annual groundwater monitoring reports to the Regional Water Board no later than 90 days following the end of the year (e.g., the annual report for the previous year shall be due March 30). At a minimum, the monitoring 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 or their duly authorized representatives, and shall include a statement by the signatories, under penalty of perjury, that the report is true and correct to the best of the signatories' knowledge.

b. Groundwater Elevations: Groundwater elevation data shall be presented in tabular form, and a groundwater elevation map shall be prepared for each monitored water-bearing zone. Historical groundwater elevations shall be included in the annual reports.

c. Groundwater Analyses: Groundwater sampling data shall be presented in tabular form, and an isoconcentration map shall be prepared for one or more key contaminants for each monitored water-bearing zone in the reports. The reports shall indicate the analytical method used, detection limits obtained for each reported constituent, and a summary of QA/QC data. Historical groundwater sampling results shall be included in the reports. The report shall describe any significant increases in contaminant concentrations since the last report, and any measures proposed to address the increases.

d. Remediation Performance: If applicable, the report shall include performance results 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 the Site as a whole, expressed in units of chemical mass per day and mass for the quarter. Historical mass removal results shall be included in each report for a period which includes groundwater extraction.

e. Status Report: The report shall describe relevant work completed during the reporting period (e.g., site investigation, remedial actions) and work planned for the following reporting period.

4. **Violation Reports:** If the Dischargers violate requirements in the Order 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.

4. **Record Keeping:** The Dischargers or their agents 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.

6. **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 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.