



California Regional Water Quality Control Board

San Francisco Bay Region



Terry Tamminen
Secretary for
Environmental
Protection

1515 Clay Street, Suite 1400, Oakland, California 94612
(510) 622-2300 • Fax (510) 622-2460
<http://www.swrcb.ca.gov/rwqcb2>

Arnold Schwarzenegger
Governor

Certified Mail Nos.

Date: **JUN 24 2004**
File No. 01S0247 (RDB)

70033110000265558875

Orton Development, Inc.

ATTN: Stephen Swartz

Environmental Affairs

3049 Research Drive

Richmond, CA 94806

70033110000265558868

Wachovia Real Estate Fund/

Wachovia Bank of North Carolina

ATT: Susanne Henderson

755 Page Mill Road

Palo Alto, CA 94304-1018

orig

Subject: Transmittal of Rescission of Final Site Cleanup Requirements for the Property
Located at 26545-63 Corporate Avenue in Hayward, Alameda County

Dear Mr. Swartz and Ms. Henderson:

Enclosed is a copy of Order No. R2-2004-0047, Rescission of Site Cleanup Requirements for the
subject site, adopted by the Water Board at its June 16, 2004, meeting.

If you have any questions concerning this letter, please contact Roger Brewer of my staff at (510)
622-2374 (e-mail: rdb@rb2.swrcb.ca.gov).

Sincerely,


Bruce H. Wolfe
Executive Officer

Enclosure: Rescission of Site Cleanup Requirements
cc w/ enc: Mailing List

Preserving, enhancing, and restoring the San Francisco Bay Area's waters for over 50 years

Mailing List

Jetstream Water Cutting Inc.
ATTN: Mr. Paul Taylor
26545-26563 Corporate Avenue
Hayward, CA 94545

City of Hayward Fire Department
ATTN: Mr. Hugh Murphy
777 B Street
Hayward, CA 94541

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

ORDER NO. R2-2004-0047

RESCISSION OF SITE CLEANUP REQUIREMENTS (Order No. 99-091) FOR:

WACHOVIA REAL ESTATE FUND, AND
WACHOVIA BANK OF NORTH CAROLINA, N.A., AND
BANK OF NEW YORK TRUST COMPANY OF CALIFORNIA, AND
ORTON DEVELOPMENT, INC.

for the property located at

26545-63 CORPORATE AVENUE
HAYWARD, ALAMEDA COUNTY

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

1. **Water Board Order:** The Water Board adopted site cleanup requirements, Order No. 99-091, for this site on October 29, 1999.
2. **Summary of Investigation and Remediation Activities:** Former occupants of the site include Xerox, South Bay CRT, Budget Furniture Rentals, and Bakery Specialty Products. Xerox used the building for storage from approximately 1977 to 1984. South Bay CRT, which re-manufactured cathode ray tubes, occupied the building from 1984 to 1987. Budget Furniture Rentals used a part of the building for furniture storage and refurbishment from 1987 to 1991. Bakery Specialty Products occupied the remaining portion of the building from 1988 to January 1994. The property is currently owned and used by Jetstream Water Cutting Inc.

Environmental investigations carried out at the site in the early 1990s identified releases of trichloroethylene (TCE) and related compounds to soil and groundwater. Concentrations of TCE in soil exceeded 1.0 mg/kg. Groundwater was shown to be impacted with TCE at concentrations up to 140,000 ug/L. Subsurface investigations indicate that the extent of impacted groundwater was limited to the shallow and intermediate water-bearing zones (7 to 30 feet below ground surface) and extended approximately 700 feet downgradient of the release area.

Site Cleanup Requirements presented in Order No. 99-091 required Orton Development and other named dischargers to remediate impacted soil and groundwater identified at the

site and implement institutional constraints to prevent or minimize human exposure to these impacts. Vadose-zone soils impacted above a total concentration of volatile organic compounds of 1.0 mg/kg were excavated and disposed of offsite. A groundwater pump and treat system was initiated at the site in March 1997. Two extraction wells were operated, one in the immediate source area and one near the downgradient end of the plume. By October 1999, the removal of contaminants from groundwater reached levels of de-minimis return at both wells and the extraction system was shut down.

The groundwater remediation was in general successful, with concentrations of TCE across the majority of the plume reduced to below 200 ug/L. Concentrations of TCE in a small area the plume between the two extraction wells were reduced from a high of 8,600 ug/L in 1991 to approximately 1,500 ug/L. This portion of the plume appears to have been outside of the main area of influence of the upgradient and downgradient extraction wells. The extent of elevated TCE is limited, however, and the plume does not appear to be migrating downgradient at levels of significant concern. The presence of low levels of cis 1,2-dichloroethylene and vinyl chloride in groundwater further indicate that residual contamination is degrading over time by natural processes.

3. **Basis for Rescission:** The following are the basis for rescission of Order No. 99-091:

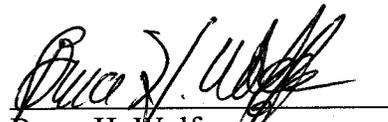
- The site has been fully characterized.
- Remedial actions at the site have reduced concentrations of contaminants in soil to acceptable levels and reduced concentrations of chemicals in groundwater to the extent practicable. Concentrations of TCE in groundwater have been reduced from a former maximum of 140,000 ug/L to an average of less than 200 ug/L across the majority of the plume.
- The remaining plume of impacted groundwater is limited in extent and does not appear to be migrating further downgradient above levels of potential concern. The presence of cis1,2 dichloroethylene and vinyl chloride in groundwater indicate that residual contamination is degrading over time by natural processes.
- Continued long-term monitoring of groundwater impacts is required in a letter dated April 23, 2004.
- No water supply wells are located in the immediate vicinity of the site. Shallow groundwater is not used as a current source of drinking water. The silty and clayey nature of shallow soils and close proximity of the site to the Bay precludes significant future use of the groundwater as a source of drinking water.
- A deed restriction (environmental restriction on property) for the site has been signed by the Executive Officer and has been recorded. The deed restriction limits use of the property to commercial/industrial purposes, requires implementation of appropriate

health and safety plans in the event that subsurface activities are performed, and restricts the use of shallow groundwater. The deed restriction is sufficient to protect human health and the environment in the future.

4. **CEQA:** This action rescinds an order to enforce the laws and regulations administered by the Board. As such, this action is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15321 of the Resources Agency Guidelines.
5. **Notification:** The Water Board has notified the dischargers and all interested agencies and persons of its intent under California Water Code Section 13304 to rescind site cleanup requirements for the discharge, and has provided them with an opportunity to submit their written comments.
6. **Public Hearing:** The Water Board, at a public meeting, heard and considered all comments pertaining to this discharge.

IT IS HEREBY ORDERED, pursuant to Section 13304 of the California Water Code, that Order No. 99-091 is rescinded.

I, Bruce H. Wolfe, 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 16, 2004.



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
