

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

**ORDER R2-2022-0032**

**ADOPTION OF SITE CLEANUP REQUIREMENTS ORDER NO. R2-2022-0032 for:**

**UNION PACIFIC RAILROAD AND  
CITY OF OAKLAND**

For the property located at:

**ARROYO VIEJO CREEK CHANNEL  
OAKLAND  
ALAMEDA COUNTY**

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

**1. Site Location:**

The “Site” addressed by this Order, located near the Oakland Coliseum in an industrial area of Oakland, currently includes an approximately 2,000-foot-length portion of the Arroyo Viejo Creek (Creek) and approximately 1 acre of upland areas adjacent to the Creek (see Figure 1). This portion of the Creek is currently bounded upstream by San Leandro Street and downstream at the intersection of Lion Creek. The associated addresses of the upland properties are 700, 710, and 728–73<sup>rd</sup> Avenue (Upland Properties). The upland areas, stream banks, and sediments within the Creek have been contaminated by polychlorinated biphenyls (PCBs). The Creek discharges further downstream to San Leandro Bay (which is within San Francisco Bay).

**2. Site Description:**

Arroyo Viejo Creek: The Creek portion of the Site includes the sloped stream banks, the stream base, and all sediments contained therein. The upstream reach of the Creek, adjacent to the Upland Properties, includes a straight, approximate 500-foot concrete-lined channel bed with soft soil/sediment banks and a 90-degree elbow-shaped channel that is fully concrete-lined (channel and banks) (See Figure 1). The Creek is unlined downstream of the 90-degree elbow for approximately 1,500 feet to the intersection of Lion Creek. Based on available data, PCB concentrations in Creek sediments upstream of the Upland Properties are not significant. Downstream of the intersection of Lion Creek, the Creek was dredged in 2016, and the current concentrations of PCBs in this portion of the Creek are unknown. Lion Creek was dredged in 2007, and current impacts to

Lion Creek are unknown. A data gap investigation has been proposed and conditionally approved to address these unknowns.

#### Upland Properties

- a. 700–73<sup>rd</sup> Avenue (UPRR Property): Union Pacific Railroad (UPRR) is the current owner of the 700–73<sup>rd</sup> Avenue property located adjacent to the 710–73<sup>rd</sup> Avenue property and the Creek. PCBs have been detected in surface and subsurface soil with a maximum concentration of 3,300,000 micrograms per kilogram ( $\mu\text{g}/\text{kg}$ ) near the boundary with the Creek. The Creek bank adjacent to 700–73<sup>rd</sup> Avenue also is impacted with PCBs with concentrations up to 66,000  $\mu\text{g}/\text{kg}$ . UPRR is working under Department of Toxic Substances Control (DTSC) and U.S. Environmental Protection Agency (USEPA) oversight to remediate volatile organic compound (VOC) and PCBs impacts on its property. A remedy including an asphalt cap is currently proposed to address these upland PCBs impacts.
- b. 710 and 728–73<sup>rd</sup> Avenue (City Properties): The City of Oakland (City) is the current owner of the 710–73<sup>rd</sup> Avenue property located adjacent to the UPRR Property and Creek. PCBs have been detected in surface and subsurface soil at concentrations up to 790,000  $\mu\text{g}/\text{kg}$  on a portion of the 710–73<sup>rd</sup> Avenue property near the Creek. The City is the current owner of 728–73<sup>rd</sup> Avenue property, which contains concentrations of PCBs up to 160,000  $\mu\text{g}/\text{kg}$ . The City-owned Creek bank adjacent to 710–73<sup>rd</sup> Avenue also is impacted with PCBs, with concentrations up to 62,000  $\mu\text{g}/\text{kg}$ . The City is working under USEPA oversight to remediate PCBs impacts on the 710–73<sup>rd</sup> Avenue parcel.

The Regional Water Board, based on additional information or other appropriate reasons, may modify the Site boundaries as defined above, add additional dischargers to this Order, or require supplemental investigations/remediation. This Order recognizes and is not intended to duplicate the efforts of USEPA and DTSC in addressing impacts on the Upland Properties within the area of the Site.

3. **Site History/Discharges:** PCBs are present on the Upland Properties, the adjacent Creek banks, and in the Creek sediments. Historical use for the UPRR Property includes a train depot and auto salvage companies. Historical use for the City property at 710-73<sup>rd</sup> Avenue includes an electroplating facility with documented chemical mishandling. The available information indicates that the Upland Properties are a source of PCBs impacts to the banks and sediments of the Creek. Sampling data for sediments upstream of the Site do not indicate a significant upstream source of PCBs.
4. **Named Dischargers:**  
Union Pacific Railroad. UPRR is a discharger based on its ownership of the 700–73<sup>rd</sup> Avenue property where PCBs are present. The PCBs remain in the upland surface and subsurface soil on UPRR property and are also present on the

adjacent Creek banks and Creek sediments. PCBs from UPRR's property have discharged and threaten to discharge into the Creek. UPRR has knowledge of the PCBs contamination and the discharges into the Creek. UPRR has the legal ability to control the continuing and threatened discharges originating from its property into the Creek sediment/waters and downstream. It is also a responsible party for the cleanup of PCBs and VOCs in the upland areas of its property under DTSC's and USEPA's oversight.

City of Oakland. The City is a discharger due to its current ownership of the 710 and 728-73<sup>rd</sup> Avenue property and the adjacent Creek banks where PCBs are present. The PCBs remain in the upland surface and subsurface soil on City property and on the adjacent City-owned Creek banks and in the Creek sediments. PCBs-impacted soil/sediment from the upper portions and banks have and are available to discharge down the bank into the water where they can migrate downstream. It is a responsible party for the cleanup of PCBs in the upland areas of its 710-73<sup>rd</sup> Avenue property under USEPA's oversight. The City has knowledge of the PCBs contamination and the discharges into the Creek and has the legal ability to control the continuing and threatened discharges of PCBs into the Creek sediment/waters and downstream.

UPRR and the City of Oakland are jointly referred to as the Discharger or Dischargers in this Order.

Additional Dischargers. If additional information is submitted indicating that other parties caused or permitted any waste to be discharged to the Site where it entered or could have entered waters of the state, the Regional Water Board will consider adding those parties to this Order.

5. **Regulatory Status:** This Site is currently not subject to Regional Water Board order.
6. **Site Hydrology:** The Creek is a partially-lined creek and stormwater conveyance channel that originates in the Oakland Hills and flows to San Leandro Bay, a portion of the larger San Francisco Bay. The entire length of the Creek is tidally influenced, with flows in each direction based on tide.
7. **Remedial Investigation:** UPRR conducted a soil and sediment investigation of the Creek, the results of which are contained in the March 17, 2017, report entitled *Investigation of PCBs in Arroyo Viejo Sediments*. During the investigation, UPRR sampled soil and sediment along transects of the Creek, including the banks and submerged sediment. The highest concentrations of PCBs identified in the Creek banks and submerged sediment are adjacent to the Upland Properties. The data indicate PCBs have been transported from the Upland Properties into the Creek and further downstream:
  - The highest PCB concentration from the Upland Properties is located on the UPRR Property within several feet of the fence line between the Creek and

the UPRR property. PCBs were detected in shallow soil at concentrations of 3,000,000 and 3,300,000 µg/kg in sample CDM-36 at a 1-foot depth and 3-foot depth, respectively.

- The highest PCB concentration in a Creek bank sample is 66,000 µg/kg, in sample SS-08 at 0-0.5 foot depth. This sample was taken approximately 20 feet from sample CDM-36, which had the highest PCBs concentration, as referenced above.
- The highest PCB concentration in a sediment sample from the Creek is 4,300 µg/kg in sample SM-10. This sample was taken from a location adjacent to the City's property located at 710-73<sup>rd</sup> Avenue.
- The highest PCB concentration in sediment samples collected downstream of the 90-degree bend is 440 µg/kg in sample SM-18 at 1.5-foot depth.

The concentrations of PCBs threaten ecological health (including, but not limited to, fish, benthics/invertebrates, birds) in the Creek. Furthermore, these concentrations of PCBs could potentially discharge downstream and threaten ecological health in San Leandro Bay and human health due to consumption of aquatic organisms from the Bay. Therefore, the remediation of the PCB impacts to the Creek is necessary to protect these receptors and prevent further discharges of PCBs downstream.

8. **Basin Plan:** 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 Water Board and approved by the State Water Resources Control Board, Office of Administrative Law and the USEPA, where required.

The beneficial uses of surface water in Arroyo Viejo Creek are:

- a. Cold freshwater and cold freshwater habitat (COLD)
- b. Warm freshwater and warm freshwater habitat (WARM)
- c. Wildlife habitat (WILD)
- d. Water contact recreation (REC-1)
- e. Non-contact water recreation (REC-2)

The beneficial uses of Oakland Inner Harbor include:

- a. Water contact recreation (REC-1)
- b. Non-contact water recreation (REC-2)
- c. Wildlife habitat (WILD)
- d. Navigation (NAV)
- e. Estuarine habitat (EST)

The beneficial uses of San Leandro Bay are:

- a. Commercial fishing (COMM)

- b. Estuarine habitat (EST)
- c. Fish migration (MIGR)
- d. Rare and endangered species habitat (RARE)
- e. Wildlife habitat (WILD)
- f. Water contact recreation (REC-1)
- g. Non-contact water recreation (REC-2)
- h. Navigation (NAV)

9. **Antidegradation Policy and Resolution 92-49:** State Water Board Resolution No. 68-16, "Statement of Policy with Respect to Maintaining High Quality of Waters in California," applies to this discharge. It requires maintenance of high water quality 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 water quality less than prescribed in policies. This Order is consistent with Resolution No. 68-16 because it requires cleanup of the Site and it prevents degradation of waters of the state.

State Water Board Resolution No. 92-49, "Policies and Procedures for Investigation and Cleanup and Abatement of Discharges Under Water Code Section 13304," as amended, 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. Cleanup levels other than background 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. This Order requires compliance with Resolution No. 92-49. It includes a preliminary cleanup goal for PCBs in sediment and soil that is above the background of zero because attaining this background is not feasible. The preliminary cleanup goal is the best quality that is reasonable where background cannot be achieved, is consistent with the maximum benefit of the people of the state, will not unreasonably affect beneficial uses of waters, and will not result in water quality less than that prescribed in the Basin Plan.

10. **PCBs Total Maximum Daily Load (TMDL):** In 2006, the Regional Water Board amended the Basin Plan to include a TMDL and implementation plan to control PCB loadings to San Francisco Bay, where PCBs in fish tissue persist at concentrations that are harmful to fish consumers. The TMDL documented the elevated levels of PCBs in fish caught in Oakland Inner Harbor and San Leandro Bay, among other Bay segments, and set a numeric target for fish tissue concentrations of PCBs that would be protective of human health. The TMDL highlighted the importance of cleanups in achieving the target. "Measures to attain the PCBs fish tissue numeric target will focus on reductions of pollutant mass loads and contaminated site cleanups. A decreased input of PCBs into the Bay will result in the reduction of PCBs concentrations in sediments and a

decrease in PCBs available for uptake by biota.”<sup>1</sup> Urban stormwater runoff from unremediated industrial sites is a major input of PCBs to the Bay, and the TMDL set a load allocation for municipal stormwater dischargers, to be achieved, in part, by identifying PCBs-contaminated sites, and targeting them for cleanup. This Order helps to implement the TMDL by reducing PCB concentrations in the sediments of a creek that flows directly to the Bay and by preventing further runoff of PCBs in soil from upland source properties.

11. **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. Water Code section 13267 authorizes the Regional Water Board to require technical and monitoring reports from dischargers. Thus, pursuant to Water Code sections 13304 and 13267, this Order requires the Dischargers to submit technical reports and undertake corrective actions to clean up the waste discharged and abate its effects.

The burden of preparing any investigation and monitoring 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 Property. The technical reports are essential components of restoration of beneficial uses at the Site. These documents will help the Regional Water Board to reduce PCB discharges to, and concentrations in, the Creek. The reports will also assist the Dischargers in scheduling and performing work at the Property. The burden of preparing these reports, including the costs of hiring a consultant and completing investigative work, is estimated to be as high as \$300,000. The Regional Water Board considers this burden reasonable in light of these important benefits.

12. **Scope of this Order:** This Order sets forth tasks and a time schedule to develop, design, and implement remedial actions primarily within the Creek and immediately adjacent areas that continue to pose a threat to water quality from discharges of PCBs. It recognizes and is not intended to duplicate the efforts of USEPA and DTSC in addressing impacts on the Upland Properties within the area of the Site.
13. **Cost Recovery:** Pursuant to California Water Code Section 13304, the Discharger is hereby notified that the Regional Water Board is entitled to, and may seek reimbursement for, all reasonable costs actually incurred by the Regional Water Board to investigate unauthorized discharges of waste and to

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<sup>1</sup> Final Staff Report for Basin Plan Amendment, Total Maximum Daily Load for PCBs in San Francisco Bay (2006), p. 54.

oversee cleanup of such waste, abatement of the effects thereof, or other remedial action, required by this Order.

14. **CEQA:** This action is an order to enforce the laws and regulations administered by the Regional Water 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.
15. **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 written comments.

**IT IS HEREBY ORDERED**, pursuant to sections 13304 and 13267 (for Tasks, 5, 6, 7, and 10) of the California Water Code, that the Dischargers (or their agents, successors, or assigns) shall cleanup and abate the effects 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 surface or subsurface transport to waters of the state is prohibited.
3. Activities associated with the investigation and cleanup that will cause significant adverse migration of wastes or hazardous substances are prohibited.

#### **B. PRELIMINARY CLEANUP LEVEL**

The following preliminary cleanup level (PCL) shall be used to guide remedial investigation and interim remedial actions, pending establishment of Site-specific cleanup levels.

The applicable PCL for PCBs in sediment/soil within the Creek shall be 18.3 µg/kg total PCBs by dry weight. This concentration is based on the San Francisco Estuary Institute's Updated Ambient Concentrations of Toxic Chemicals in San Francisco Bay Sediments (SFEI, 2015). This PCL is considered the ambient PCBs concentration in San Francisco Bay. It is derived from the 90 percent upper tolerance limit (UTL) of the 90<sup>th</sup> percentile of sediment data collected in San Francisco Bay for the Regional Monitoring Program (RMP) with outliers removed. PCBs sediment concentrations below this value have not been observed in bioaccumulation tests to cause the bioaccumulation (i.e., uptake) of PCBs in benthic organisms. Accordingly, dredged materials may be placed in San Francisco Bay and its tributaries at concentrations below 18.3 µg/kg total PCBs by dry weight without

undergoing bioaccumulation testing, as approved by the Dredged Materials Management Office (DMMO)<sup>2</sup>. Based on this information, usage of the 18.3 µg/kg as a PCL is protective of beneficial uses of receiving waters. The PCL applies to soil and sediment of the Creek to a depth that is subject to potential erosion and downstream discharge, or that is likely to be bioavailable to benthic and aquatic organisms.

## **C. TASKS**

### **1. EVALUATION OF REMEDIAL ALTERNATIVES INCLUDING DRAFT CLEANUP LEVELS**

COMPLIANCE DATE: 60 days after the adoption of this Order

Submit an Evaluation of Remedial Alternatives (ERA) acceptable to the Executive Officer to evaluate alternatives to remediate PCB-impacted soil and sediment from the Creek and portions of the Upland Properties with concentrations of PCBs that pose a threat to water quality due to their proximity to the Creek. The ERA shall:

- Include a remedial action objective (RAO) to eliminate to the extent practicable resuspension and further migration downstream of PCB-impacted sediment, as well as further discharges to surface water.
- Propose a Site-specific cleanup level that meets the RAO; is protective of water quality, human health and ecological receptors; and the basis for the level. The cleanup level must minimize further PCB loads (PCBs available for transport) downstream and to the Bay and be in line with the RAO listed above. The PCL, which takes these into consideration, may be used as the Site-specific cleanup level.
- Identify and evaluate remedial technologies applicable for addressing PCBs.
- Include remedial alternatives capable of meeting the RAO.
- Evaluate and compare remedial alternatives in accordance with the criteria outlined below.
- Each alternative shall estimate the mass of PCB load reduction available for transport downstream to the Bay that will be achieved as a result of the remedial action and anticipated future PCB loads available after the RAP has been implemented.
- Analyze and discuss the effects of climate change on performance of the remedial alternatives such that any residual impacted materials (such as

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<sup>2</sup> Dredged Materials Maintenance Office consists of staff from the United States (US) Army Corps of Engineers, Regional Water Board, California State Lands Commission, US Environmental Protection Agency, and San Francisco Bay Conservation and Development Commission, with active participation by the California Department of Fish and Wildlife and the National Marine Fisheries Service.

beneath the restored banks) will not pose a threat to water quality during high flow events, flooding vulnerability, or changes in sea level and groundwater elevation rise.

- Recommend remedial alternative to be implemented at the Site.

The ERA shall include projections of cost, effectiveness, benefits, and impact on public health, welfare, and the environment of each alternative action and be consistent with the guidance provided by Subpart F of the National Oil and Hazardous Substances Pollution Contingency Plan (40 C.F.R. § 300), CERCLA guidance documents with respect to remedial investigations and feasibility studies, and State Water Board Resolution No. 92-49, as amended.

## **2. REMEDIAL ACTION PLAN/ REMEDIAL DESIGN AND IMPLEMENTATION PLAN**

COMPLIANCE DATE: 150 days after the adoption of this Order

Submit a remedial action plan/remedial design and implementation plan (RAP/RDIP) acceptable to the Executive Officer to implement the recommended remedial alternative developed in Task 1 as approved or amended by the Executive Officer. The document must contain a comprehensive design to implement the remedy described. The document shall specifically address the following:

- The remedial area shall include all soil and sediment located on and within the channel and banks of the Site that exceeds the proposed cleanup goal discussed above.
- The remedial area shall also include portions of the Upland Properties with concentrations of PCBs that pose a threat to water quality due to their proximity to the Creek.
- The RAP/RDIP shall contain all design documents needed to both permit and implement the approved remedial alternative.
- The RAP/RDIP shall include a comprehensive time schedule for permitting, implementation, and remedy performance and effectiveness monitoring.
- The RDIP shall also include a plan and reporting schedule for remedy performance monitoring and adaptive management, as appropriate.

## **3. IMPLEMENT REMEDIAL ACTION PLAN**

COMPLIANCE DATE: December 31, 2023

Implement the remedy in accordance with the RAP/RDIP submitted in accordance with Task 2, as approved or amended by the Executive Officer.

#### **4. COMPLETION REPORT REMEDIAL ACTIONS**

COMPLIANCE DATE: May 1, 2024

Complete all tasks as described in the RAP and the RDIP (Task 2) and submit a technical report acceptable to the Executive Officer documenting their completion.

#### **5. REMEDY PERFORMANCE MONITORING REPORTS**

COMPLIANCE DATE: As required by the Executive Officer

Submit technical reports acceptable to the Executive Officer evaluating the performance of the approved remedial actions to achieve remedial goals and objectives, as appropriate.

#### **6. SUPPLEMENTAL INVESTIGATION WORKPLAN (ADDITIONAL PHASE)**

COMPLIANCE DATE: 45 days after required by Executive Officer

The Executive Officer will require this workplan if the previous remedial investigation activities did not adequately define the full extent of pollution or identify all potential sources of pollution.

Submit a workplan acceptable to the Executive Officer to complete the definition of the vertical and lateral extent of pollution, as required by the Executive Officer. The workplan shall consider all relevant contaminants, media (soil, sediment, and groundwater), exposure pathways, and receptors. It shall be designed so that its implementation shall produce site data needed to assess contamination threat to human health and the environment. The workplan shall specify investigation methods and a proposed time schedule for implementation and reporting.

#### **7. COMPLETION OF SUPPLEMENTAL INVESTIGATION (ADDITIONAL PHASE)**

COMPLIANCE DATE: According to schedule in Task 6 workplan approved by the Executive Officer

Complete tasks in the Task 6 workplan and submit a technical report acceptable to the Executive Officer documenting their completion. The technical report shall define the vertical and lateral extent of pollution down to preliminary cleanup goals or as required by the Executive Officer.

#### **8. SUPPLEMENTAL REMEDIAL ACTION WORK PLAN**

COMPLIANCE DATE: 60 days after required by Executive Officer

The Executive Officer will require this workplan if the previous remedial activities did not adequately address the full extent of pollution.

Submit a supplemental RAP acceptable to the Executive Officer to complete the remedial activities to address residual or remaining pollution. The supplemental RAP shall follow the requirements listed in Task 2, above.

## **9. COMPLETION OF SUPPLEMENTAL REMEDIAL ACTION**

COMPLIANCE DATE: As required by the Executive Officer

Complete all tasks as described in the supplemental RAP (Task 8) and submit a technical report acceptable to the Executive Officer documenting their completion.

## **10. STATUS REPORTS**

COMPLIANCE DATE: As required by the Executive Officer

Submit status reports acceptable to the Executive Officer on the compliance with the requirements of this Order. The reports should describe actions taken during the reporting period and identify any obstacles encountered with regard to compliance with the requirements of this Order. The report shall also describe actions anticipated to be taken in the next reporting period.

**11. Delayed Compliance:** If the Discharger is delayed, interrupted, or prevented from meeting one or more of the completion dates specified for the above tasks, the Discharger shall promptly notify the Executive Officer, and the Regional Water Board or Executive Officer may consider revision to this Order.

## **D. PROVISIONS**

- 1. No Nuisance:** The storage, handling, treatment, or disposal of polluted soil, sediment, surface water or groundwater shall not create a nuisance as defined in Water Code section 13050(m).
- 2. Good Operation and Maintenance (O&M):** The Discharger 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 Discharger 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 Discharger 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 Discharger 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 sediment/soil that is accessible, or may become accessible, as part of any investigation or remedial action program undertaken by the Discharger.
5. **Self-Monitoring Program:** The Discharger shall comply with the Self-Monitoring Program as may be 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 U.S. EPA 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. **Document Distribution:** An electronic version of all correspondence, technical reports, and other documents pertaining to compliance with this Order shall be provided to the Regional Water Board and the following agencies:
  - a. U.S. Environmental Protection Agency, Region 9
  - b. County of Alameda, Department of Environmental Health
  - c. Cal/EPA-Department of Toxic Substances Control

The Executive Officer may modify this distribution list as needed. Electronic copies of all correspondence, technical reports, and other documents pertaining to compliance with this Order shall be uploaded to the State Water Board's

GeoTracker database within five business days after submittal to the Regional Water Board. [Guidance for electronic information submittal](http://www.waterboards.ca.gov/water_issues/programs/ust/electronic_submittal) is available at: [http://www.waterboards.ca.gov/water\\_issues/programs/ust/electronic\\_submittal](http://www.waterboards.ca.gov/water_issues/programs/ust/electronic_submittal).

- 9. **Reporting of Changed Owner or Operator:** The Discharger shall file notify the Regional Water board on any changes in contact information or ownership of any parts of the Site.
- 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 Discharger shall report such discharge to the Regional Water Board by calling the Spill Hotline at (510) 622-2369 as soon as possible.

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

I, Eileen White, 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 October 14, 2022.

Eileen White Digitally signed by Eileen White  
Date: 2022.10.14 09:32:48 -07'00'

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Eileen White  
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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Attachment: Figure 1 – Site Location

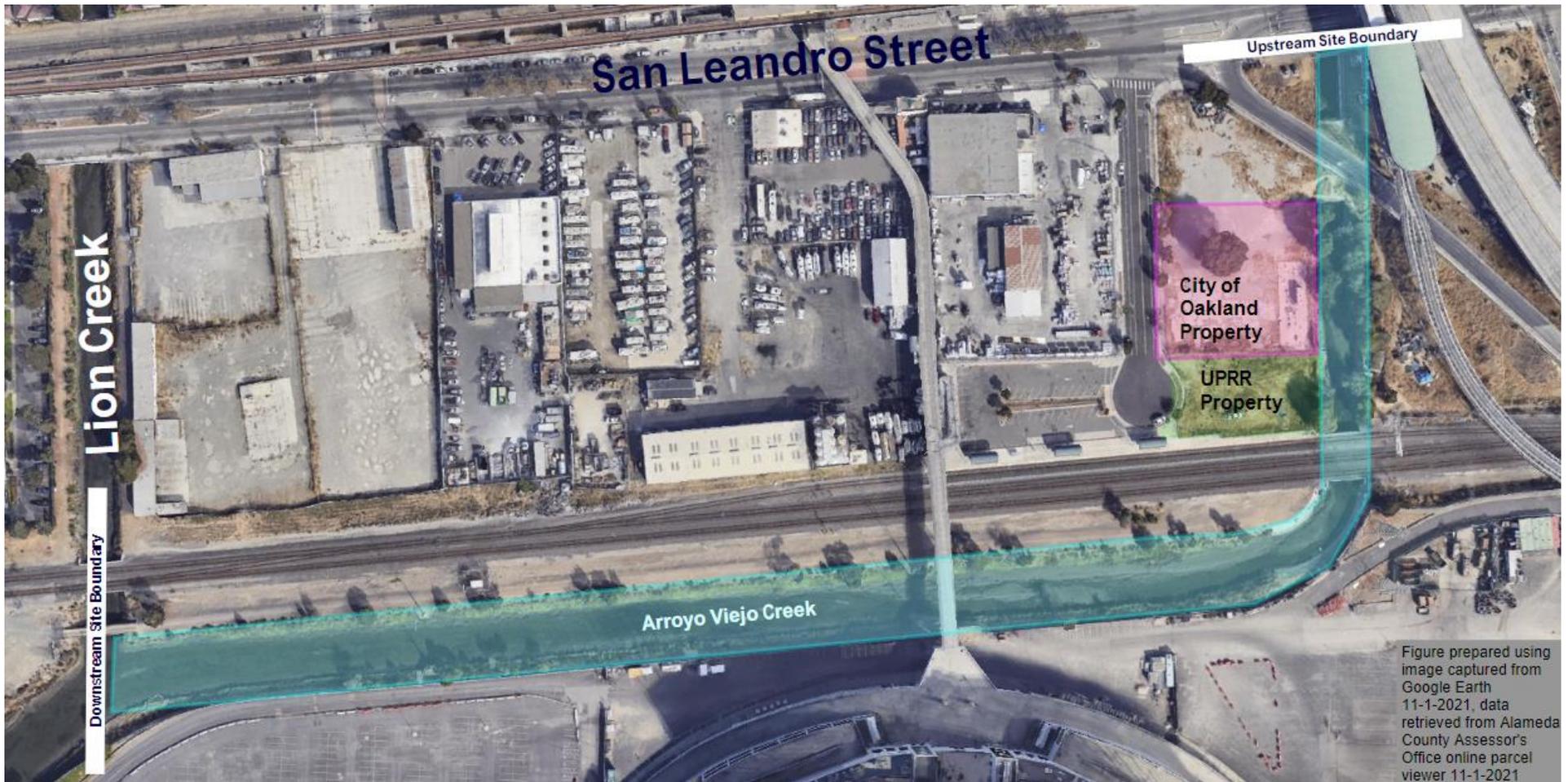


Figure 1 – Site Location