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May 16, 2012

VIA E-MAIL

Bruce H. Wolfe
Executive Officer
San Francisco Bay Regional
Water Quality Control Board
1515 Clay Street, Suite 1400
Oakland, CA 94612
bwolfe@waterboards.ca.gov

Kent Aue
Engineering Geologist
San Francisco Bay Regional
Water Quality Control Board
1515 Clay Street, Suite 1400
Oakland, CA 94612
kaue@waterboards.ca.gov

Re: Comments on Tentative Order for 712 Madison Street, Fairfield CA

Dear Messrs. Wolf and Aue:

This office represents Ann Lewczyk, as personal representative of the Michael McInnis Revocable Trust and Robert Dittmer with respect to the environmental matters that have arisen with respect to Mr. McInnis and Mr. Dittmer's ownership of 625 Jackson Street, Fairfield, CA ("Site"). This office is in receipt of the Tentative Order issued as against parties associated with the 712 Madison Street property ("Site"), by the California Regional Water Quality Control Board, San Francisco Bay Region, ("RWQCB"). Set forth below are my clients' comments to the Tentative Order. For ease of reference my clients' comments will be set forth after the enumerated headings. The enumerated headings, to which the following comments are applicable, are set forth below in the same manner in which they appear in the Tentative Order.

SELF MONITORING PROGRAM

The Tentative Order states that all samples taken from new monitoring wells are to be analyzed by EPA Method 8260 and groundwater samples taken from new wells installed in the shallow groundwater zone on the southern half of Texas Street or farther south shall also be analyzed by EPA Method 8015, quantified for gasoline, diesel, Stoddard solvent, and motor oil. The Tentative Order fails to provide any basis for this distinction in sampling, however, based upon data collected to date, the dischargers should be required to conduct the full range analysis of EPA Method 8015 for all new wells.

Mr. Bruce Wolfe
Mr. Kent Aue
San Francisco Bay RWQCB
May 16, 2012
Page 2 of 3

In May 2011, analysis of soil sample OHM-3 collected at approximately seven feet revealed concentrations of Stoddard solvent at 61 mg/Kg and Mineral Oil at 60 mg/Kg. Despite these detections, E2C Remediation's ("E2C") Site Investigation Workplan dated July 29, 2011 failed to include any EPA Method 8015 analysis for any of the samples that they were to collect. Instead, E2C proposed to only perform EPA Method 8260 analysis for all collected soil and groundwater samples. Based upon the concentrations of contaminants previously detected at the Site, any analysis of samples collected from the Site should include both EPA Method 8260 and 8015 analysis, quantified for diesel, gasoline, Stoddard solvent, and motor oil. Additionally, all new wells should include both EPA Method 8260 and 8015 analysis, quantified for diesel, gasoline, Stoddard solvent, and motor oil regardless of whether these wells are located on the northern or southern half of Texas Street.

Additionally, any Order issued by the RWQCB with respect to this Site should require that chromatograms be included with all lab reports for this Site.

B. Tasks

The Tentative Order states that the discharges for this Site have completed their source delineation. The Tentative Order additionally states that the dischargers for this Site have completed the vertical and lateral delineation of all sources of pollution on the Site. We disagree with both of these conclusions.

To date no investigation has been conducted beneath the building where the dry cleaning operations took place in order to identify and characterize potential source areas. It is curious that the RWQCB previously required my clients to install numerous borings, within the building, at various locations within the vicinity of prior dry cleaning equipment, yet, here, the RWQCB concludes that these dischargers have delineated all sources of pollution at the Site, despite the fact that not one sample has been collected within the building. Samples must be collected within the building in order to identify potential hot spots at this Site. Additionally, the lateral and vertical extent of the contamination that has been detected at this Site has not been fully characterized. As acknowledged by the RWQCB, COCs from this Site have migrated down gradient of the Site and extend beyond the current monitoring well network.

Based upon the data collected to date, it is not clear to what extent the contamination emanating from this Site has impacted downgradient wells in both the shallow and the intermediate zone. However, data collected to date show that MW-3, up-gradient of the

Mr. Bruce Wolfe
Mr. Kent Aue
San Francisco Bay RWQCB
May 16, 2012
Page 3 of 3

625 Jackson Site, has been impacted with high levels of PCE (as high as 1000 ug/L). Additional data show that groundwater samples taken at approximately 20 feet at this Site contained 38,000 ug/L PCE. The data that has been collected from this Site strongly suggests the presence of DNAPL at the Site. Based upon the evidence to date, any Order adopted by the RWQCB regarding this Site must also require that these dischargers submit a work plan to laterally and vertically delineate all the sources of pollution on Site, as this has not been completed.

Please do not hesitate to contact me if you have any questions regarding these comments to this Tentative Order.

Sincerely,

ISOLA LAW GROUP, LLP



Doyle Graham

DG/mdr