

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

TENTATIVE ORDER

RESCISSION OF SITE CLEANUP REQUIREMENTS (ORDER NO. 97-051) for:

**IMO INDUSTRIES INC.
FORMER TRANSAMERICA DELAVAL PLANT**

For the property located at:

550 85TH AVENUE
OAKLAND
ALAMEDA COUNTY

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

1. **Regional Water Board Order:** The Regional Water Board adopted revised site cleanup requirements for the former Transamerica Delaval Plant on April 16, 1997 (Order No. 97-051), which rescinded the prior cleanup order (Order No. 90-041). Both Orders named IMO Industries Inc. (IMO), as a discharger, based on its status as the successor in interest to the companies who owned and operated the former Transamerica Delaval Plant at 550 85th Avenue in Oakland. No other dischargers were identified.

Order No. 97-051 set cleanup standards based on California Maximum Contaminant Levels (MCLs) for groundwater and a human health and environmental risk assessment for soil. It also required the discharger to 1) implement the Water Board approved February 27, 1997, Risk Management Plan (RMP) to manage the residual contaminants exceeding cleanup standards in soil and groundwater (Task C.1), 2) record a property deed restriction to ensure compliance with the RMP (Task C.2), and 3) conduct groundwater monitoring for volatile organic compounds (VOCs), in accordance with the Self-Monitoring Program (SMP) to demonstrate progress toward achieving the cleanup standards (Task C.3).

The deed restriction and RMP mitigate risks associated with residual chemicals by:

- a. requiring that all soil containing polynuclear aromatic hydrocarbons above specified cleanup levels be covered during redevelopment,
- b. requiring that any soil containing petroleum hydrocarbons and/or chlorinated solvents above cleanup standards encountered during demolition and redevelopment be excavated and properly treated or disposed,

- c. prohibiting the use of groundwater at the former Transamerica Delaval Plant until cleanup standards are met.

2. **Remedial Actions:** Soil and groundwater investigations and remedial activities performed prior to 1990 were approved by the Water Board through adoption of cleanup Order No. 90-041. Investigative and remedial activities after 1990 were conducted in accordance with the requirements of Order 90-041. The discharger performed extensive soil and groundwater testing and characterized and remediated 15 areas of concern at the site. The discharger excavated 40,000 cubic yards of soil impacted with bunker oil and diesel and gasoline fuels, and chlorinated solvents. This soil removal action eliminated chemical sources from leaching to groundwater. A remediation summary of the 15 areas is presented in the October 19, 1989, Closure Reports Compendium, prepared by Kennedy/Jenks/Chilton.

The primary impact to groundwater was the release of 1,1,1-trichloroethane (1,1,1-TCA) and degradation product 1,1-dichloroethene (1,1-DCE) in the Machine Shop Vapor Degreaser/Storm Drain Area. Between 1989 and 1995, the discharger operated a groundwater extraction and treatment system, pursuant to the requirements of SCR No. 90-041 and National Pollutant Discharge Elimination System Permit No. CA 0029521. This treatment system was dismantled and removed from the property with the Water Board's approval.

During site redevelopment, which occurred in 1998-1999, soil containing polynuclear aromatic hydrocarbons above the cleanup standards was covered with an asphalt cap. The RMP requires that the cap be inspected annually by the property owner(s).

3. **Compliance with Board Order:** The discharger has complied with Tasks C.1, C.2, and C.3 of Order No. 97-051 by implementing the approved RMP, recording a property deed restriction, and monitoring groundwater to demonstrate that cleanup standards were met.
4. **Basis for Rescission:** The requirements of the Order have been met. Since 2015, concentrations of 1,1-dichloroethene have met the cleanup standard of 6 micrograms per liter. All other VOCs in groundwater have consistently been less than their respective cleanup standards since 1998. As long as the soil remains beneath the asphalt cap, it poses little threat to human health and water quality. Self-implementation of the RMP and deed restriction are sufficient to mitigate these low threats from the capped soil and does not require the Water Board's continued oversight.
5. **California Safe Drinking Water Policy:** It is the policy of the State of California that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes. This Order promotes that policy because maximum contaminant levels (designed to protect human health and ensure that water is safe for domestic use) are and will continue to be met in groundwater at the site. The Covenant prohibits groundwater use for any purpose without Regional Board consent. These

measures will ensure that there is no human contact with residual contamination in soil or groundwater.

6. **CEQA:** This action rescinds an order to enforce the laws and regulations administered by the Regional Water Board. Rescission of the order is not a project as defined in the California Environmental Quality Act (CEQA). There is no possibility that the activity in question may have a significant effect on the environment. (Cal. Code Regs., tit. 14 §§ 15378 and 15061, subd. (b) (3).)
7. **Notification:** The Regional Water Board has notified the discharger and all interested agencies and persons of its intent under Water Code section 13304 to rescind site cleanup requirements for the discharge and has provided them with an opportunity to submit their written comments.

IT IS HEREBY ORDERED, pursuant to sections 13304 and 13267 of the Water Code, that Order No. 97-051 is rescinded.

IT IS FURTHER ORDERED that the discharger shall properly close the monitoring well (MW-6) consistent with applicable local agency requirements and shall document such closure in a technical report to be submitted to the Regional Water Board within 30 days following the completion of closure activities.

IT IS FURTHER ORDERED that the Executive Officer shall require the current site owner(s) to prepare and retain technical reports documenting implementation of the Risk Management Plan cited in finding 1 above.

I, Michael Montgomery, 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 _____.

Michael Montgomery
Executive Officer