



California Regional Water Quality Control Board  
Central Valley Region

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5 October 2009

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John Ward  
c/o Wells Fargo Bank  
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333 Market Street, 16<sup>th</sup> Floor  
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Gary R. Mulkey, P.G.  
Compliance & Closure, Inc.  
4115 Blackhawk Plaza Circle, # 100  
Danville, CA 94506

**NOTICE OF APPLICABILITY (NOA); GENERAL WASTE DISCHARGE REQUIREMENTS  
ORDER NO. R5-2008-0085; WALTER HANSEN TRUST GROUNDWATER CLEANUP,  
ANTIOCH, CONTRA COSTA COUNTY**

Our office received an application package on 14 July 2009 from Gary R. Mulkey of Compliance & Closure, Inc., for the Groundwater Cleanup Project. Based on the application package and subsequent information submitted, we have determined that the project meets the required conditions for approval under the General Order for Discharge to Surface Waters of Groundwater from Cleanup of Petroleum Fuel Pollution (Petroleum General Order). For this Petroleum General Order Permit, Walter Hansen Trust and Compliance & Closure, Inc. are jointly designated as Discharger. This project is hereby assigned Petroleum General Order No. **R5-2008-0085-011** and National Pollutant Discharge Elimination System (NPDES) Permit No. CAG915001.

The Petroleum General Order (enclosed) may also be viewed at the following web address:

[http://www.waterboards.ca.gov/centralvalley/board\\_decisions/adopted\\_orders/general\\_orders/r5-2008-0085.pdf](http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2008-0085.pdf). You are urged to familiarize yourself with the contents of the entire document. The Petroleum General Order prescribes mandatory discharge monitoring requirements. The project activities shall be operated in accordance with the requirements contained in this NOA, the Petroleum General Order, and with the information submitted by the Discharger.

**CALIFORNIA TOXIC RULE / STATE IMPLEMENTATION POLICY MONITORING**

The Petroleum General Order incorporates the requirements of the California Toxic Rule (CTR) and the State Water Resources Control Board's (State Water Board), *Policy for Implementation of Toxic Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California*, 2005, also known as the State Implementation Policy (SIP). Screening levels for CTR constituents are found in Attachment B of the Petroleum General Order.

*California Environmental Protection Agency*

According to the Clean Water Act Section 303(d), San Joaquin River is impaired for DDT, Group A Pesticides, Mercury, Toxaphene, and Unknown Toxicity. One time monitoring of the discharge for these constituents is required upon initial discharge. Method detection limits shall be below the corresponding screening level in Attachment B of the Petroleum General Order. If the lowest minimum level (ML) published in Appendix 4 of the SIP is not below the screening level, the detection limit shall be the lowest ML.

#### PROJECT DESCRIPTION

The proposed project site was occupied by a gasoline service station from approximately 1946 until 1966. The site has remained vacant until 1984, when a Wendy's Restaurant was built. Several investigations conducted at the site since the 1990's indicated the site groundwater table was contaminated. Main contaminants of concern in the groundwater include volatile organic compounds (VOCs). In August 2003, the Discharger proposed to treat the contaminated groundwater in-situ, by means of micro-sparge system (System) using ozone injection technology. The ozone technology uses several sparge wells, which are constructed of porous plastic, and are connected to an ozone generator. The ozone is introduced into the aquifer in the form of micro-fine air bubbles under low pressure to degrade the VOCs through the process of chemical oxidation. The System was installed on 28 November 2005, and has been operated from 12 December 2005 through 5 March 2009. The results of the remediation efforts over the last four years have shown declining VOCs in the groundwater. However, the VOC levels in and around certain monitoring wells remain elevated. As a result, the Discharger proposes to upgrade the current treatment System by installing an extraction well to extract groundwater contaminated with VOCs, remove the contaminants by carbon filtration, and pump treated water to the 19<sup>th</sup> Street storm drain for final disposal. The 19<sup>th</sup> Street storm drain discharges to the San Joaquin River.

This NOA authorizes discharge of treated groundwater flows to the 19<sup>th</sup> Street storm drain. The discharge will continue until the site is remediated to VOCs levels established in the General Order No. R5-2008-0085 and are acceptable to the Contra Costa County Environmental Health Department, with concurrence from our Regional Water Board office.

#### MONITORING AND REPORTING

The Discharger is required to comply with all the monitoring and reporting requirements contained in Attachment E of the Petroleum General Order. This includes notifying California Regional Water Quality Control Board, Central Valley Region (Regional Water Board) staff 24 hours before the start of each new discharge, notification of noncompliance or anticipated noncompliance, and quarterly reporting of monitoring results.

Effluent and receiving water monitoring shall be conducted and submitted to the Regional Water Board on a quarterly basis. You must submit quarterly reports, even if there is no discharge or receiving water flow during the reporting quarter, until Regional Water Board staff formally terminates your coverage under the Petroleum General Order. Please reference your unique Order number, **R5-2008-0085-011**, in your correspondence and submitted documents.


### GENERAL INFORMATION AND REQUIREMENTS

The Discharger will be required to implement its Pollution Prevention and Monitoring and Reporting Plan, if applicable. Discharge of material other than what is described in the application is prohibited.

The required annual fee.(as specified in the annual billing you will receive from the State Water Board) shall be submitted until this NOA is officially terminated. You must notify this office in writing if the discharge regulated by this Petroleum General Order is no longer necessary, so we may terminate applicability of this Petroleum General Order and avoid additional unnecessary billing.

Failure to comply with the Petroleum General Order may result in enforcement actions, which could include civil liability. Some late reporting and effluent limitation violations are subject to a Mandatory Minimum Penalty (MMP) of \$3,000 per violation [California Water Code Section 13385(h) and (i)]. If you have no discharge during a quarterly monitoring period, you must still submit a report indicating that no discharge occurred, or you may be subject to MMPs.

All monitoring reports submittals, discharge notifications, and questions regarding compliance and enforcement shall be directed to Patricia Vellines at (916) 464-4696 or [pvellines@waterboards.ca.gov](mailto:pvellines@waterboards.ca.gov). Questions regarding the permitting aspects of your Petroleum Threat General Order coverage may be directed to Anand Mamidi at (916) 464-4853 or [amamidi@waterboards.ca.gov](mailto:amamidi@waterboards.ca.gov).

  
Pamela C. Creedon  
Executive Officer

Enclosure: General Order No. R5-2008-0085 (Discharger only)

cc: U.S. Environmental Protection Agency, Region IX, San Francisco  
Mr. Phil Isorena, Division of Water Quality, State Water Board, Sacramento