



California Regional Water Quality Control Board

San Francisco Bay Region



Alan C. Lloyd, Ph.D.
Agency Secretary

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

Arnold Schwarzenegger
Governor

Date: **SEP 27 2005**
File No: 43-3121 (BGS)

Certified Mail No. 70051160000194348751 Pete's Stop Inc. Attn: Mr. Cuong Chon Huynh and Ms. Lisa Huynh 290 Keyes Street San Jose, CA 95112	Certified Mail No. 70051160000194348768 Mr. Dugh Ha Ms. Kieu Huynh 2130 Hillstone Drive San Jose, CA 95138	Certified Mail No. 70051160000194348775 Mr. Peter Sialaris c/o Mr. Frank Hamedi-Fard Enviro Soil Tech Consultants 131 Tully Road San Jose, CA 95112
--	---	---

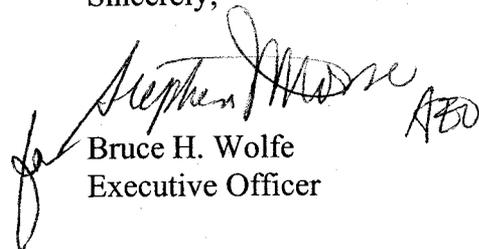
SUBJECT: Transmittal of Cleanup and Abatement Order for Pete's Stop, 290 Keyes Street, San Jose, California.

Dear Sir/Madam:

Enclosed is a copy of Cleanup and Abatement Order No. R2-2005-0023 for the subject site, issued administratively by the Executive Officer under authority granted by the Board.

If you have any questions concerning this letter, please contact Barbara Sieminski of my staff at (510) 622-2423, bsieminski@waterboards.ca.gov.

Sincerely,



Bruce H. Wolfe
Executive Officer

Enclosure: Order No. R2-2005-0023

cc:

Mr. George Cook
Santa Clara Valley Water District
5750 Almaden Exprwy
San Jose, CA 95118

Ms. Nicole Pullman
Santa Clara County
Department of Environmental Health
1555 Berger Dr, Ste 300
San Jose, CA 95112-2716

Mr. Frank Hamedi-Fard
Enviro Soil Tech Consultants
131 Tully Rd
San Jose, CA 95111

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

CLEANUP AND ABATEMENT ORDER NO. R2-2005-0023

PETE'S STOP INC., DUNG HA & KIEU HUYNH, AND PETER SIALARIS

for the property located at

290 KEYES STREET
SAN JOSE, SANTA CLARA COUNTY

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

1. **Site Location:** The Site is located at 290 Keyes Street, San Jose, Santa Clara County (APN# 477-02-046). The site comprises approximately 0.22 acres, and is zoned commercial. Site aboveground facilities consist of an approximately 2,000 square foot building used as a mini-mart. The Site is bounded on the northwest by Keyes Street, and on the northeast by South Seventh Street. A private residence is located on the adjacent parcel to the southeast. A commercial building is located on the adjacent property to the southwest.
2. **Site History:** Currently, the site is an active gasoline station and mini-mart. One 12,000-gallon and two 10,000-gallon gasoline Underground Storage Tanks (USTs) and two 10,000-gallon and one 2,000-gallon diesel UST, and associated piping and dispensers were replaced at the site in September/October 1997. Soil samples collected during UST system replacement indicated that a hydrocarbon release occurred at the subject site. Subsequent environmental investigations confirmed that soil and groundwater beneath the site have been impacted by fuel hydrocarbons. Groundwater monitoring wells have been installed, and quarterly groundwater monitoring has been performed at the site since February 1999. A groundwater extraction system has been installed at the site and began operation in October 2002. However, to date remedial efforts have not resulted in reducing the residual contamination to the levels acceptable.
3. **Named Dischargers:** Pete's Stop Inc. is named as a discharger as the current tank operator. Mr. Dung Ha & Ms. Kieu Huynh are named as dischargers as they are the current property owners. Mr. Peter Sialaris is named as a discharger because he owned the property during the time of the activity that resulted in the discharge.

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

4. **Regulatory Status:** This site is currently not subject to Board order. This site had been under regulatory lead oversight of the Santa Clara Valley Water District's Local Oversight Program (SCVWD). The site is currently out-of-compliance with directives from the Santa Clara Valley Water District. On March 11, 2005, the SCVWD transferred oversight of the subject site to the Board.
5. **Site Hydrogeology:** The Site is located about thirteen miles southeast of the southern terminus of San Francisco Bay at an approximate elevation of 103 feet above mean sea level. As determined by United States Environmental Protection Agency Drastic Methodology, the site is located in a medium to high sensitivity zone. Two groundwater bearing zones were encountered beneath the subject site to the total depth explored of 40 feet below ground surface (bgs). Groundwater in the first water bearing zone (A-Zone) is encountered at a depth of approximately 12 to 16 feet bgs. A-Zone groundwater has been documented to flow to the north-northeast. Groundwater in A-Zone is present in a low to moderately permeable layer consisting mostly of silty to sandy clay and clayey to sandy silt with minor interbeds of silty sand that extends from 12 to 28 feet bgs. The second water bearing zone (B-Zone) consists of sands to clayey sands that are present at approximately 28 to 35 feet bgs. Groundwater in B-Zone has been documented to flow to the west. There is a limited hydraulic communication between the shallow and deeper water bearing zones.
6. **Remedial Investigation:** Two monitoring wells (B-1 and B-2) were installed adjacent to the USTs in March 1986. No soil or groundwater samples were collected.

UST were removed from the site in September 1997. Soil samples collected during the UST removal contained Total Petroleum Hydrocarbons as Diesel (TPHD), Gasoline (TPHG), and Benzene at concentrations up to 5,900, 4,600, and 1.4 parts per million (ppm), respectively. MtBE was not detected.

A soil and groundwater investigation was performed in 1998 in response to a suspected release. Seven soil borings, B-1 to B-7, and five monitoring wells, STMW-1, STMW-2, STMW-4, STMW-6, and STMW-7, were installed between August and October 1998. Soil samples collected during this investigation contained TPHG (up to 90 ppm) and Benzene (up to 0.087 ppm). Groundwater was encountered at approximately 13 to 14 feet below grade. Groundwater samples collected during this investigation contained TPHG (up to 250,000 parts per billion [ppb]) and Benzene (up to 120 ppb).

Twenty two (22) soil borings were drilled at the site in October and November 2001. TPHG (up to 800 ppm), TPHD (up to 53 ppm), Benzene (up to 13 ppm), and MTBE (up to 70 ppm) were detected in soil samples. Groundwater samples reported the presence of TPHG, TPHD, Benzene, MTBE, Tertiary Butyl Alcohol (TBA), and Tertiary Amyl Methyl Ether (TAME) at concentrations up to 120,000 ppb, 560,000 ppb, 26,000 ppb, 440,000 ppb, 27 ppb, and 5.9 ppb, respectively. Wells STMW-10 through STMW-19 were installed in the spring of 2002.

Quarterly groundwater monitoring has been performed since February 1999. The most recent groundwater monitoring data reported to the Board for the second quarter 2005 indicated the presence of product sheen and concentrations of TPHG (up to 24,000 ppb), Benzene (up to 1,600 ppb), and MTBE (up to 14,000 ppb).

Summary of Late Remedial Investigation Related Reports

Report Name	Date Requested	Due Date	Date Submitted	Days Late	Comment
Soil and Groundwater Investigation	13-Apr-98	30-Jul-98	29-Jan-99	183	
Quarterly Monitoring Report	13-Apr-98	30-Jul-98	25-Feb-99	210	
Groundwater Monitoring Report - Requested Oxygenate Analysis	18-Dec-98	25-Feb-99	17-May-00	447	
Preliminary Off-Site Soil and Water Investigation	4-Apr-01	22-Jun-01	1-Feb-02	224	Late Letter sent Aug-30-01 Submittal dated 12-Dec-01 was not accepted by SCVWD
Status Report	4-Dec-01	21-Jan-02	30-Jan-02	9	
Status Report	4-Dec-01	21-Feb-02	7-Jun-05	1201	Data included in QM Rep.
Quarterly Monitoring Report	1-May-02	30-Jan-03	23-Apr-03	83	Late Letter sent 7-Apr-03
Quarterly Monitoring Report	1-May-02	30-Oct-02	23-Apr-03	175	Late Letter sent 7-Apr-03
Quarterly Monitoring Report	1-May-02	30-Jul-02	23-Apr-03	267	Late Letter sent 16-Oct-02 Late Letter sent 7-Apr-03
Quarterly Monitoring Report	1-May-02	30-Apr-04	4-Jun-04	24	Late Letter sent 18-May-04
Quarterly Monitoring Report	1-May-02	30-Jan-05	7-Jun-05	127	
Quarterly Monitoring Report	1-May-02	30-Apr-05	18-Aug-05	110	
Quarterly Monitoring Report	1-May-02	30-Jul-05	18-Aug-05	19	
Soil and Groundwater Investigation - Lateral & Vertical Extent	17-Jan-02	8-Feb-02	2-Nov-04	996	Late Letter sent 21-May-04
Additional Soil and Water Investigation Work Plan	22-Dec-04	11-Feb-05		+200	

The Responsible Parties have been required to submit electronically all data required under Title 23, Division 3, Chapter 16, Article 12, Section 2729.1 of the California Code of Regulations to the State web-based GeoTracker system. The required information included laboratory analytical results (required since September 2001), monitoring well locations using Global Positioning System (GPS) technology, monitoring well elevations, water depths, and site maps (all required since January 1, 2002), and full reports (required since January 1, 2005). On February 28, 2002, the District notified the Responsible Parties regarding requirements for submission of electronic data to GeoTracker. On October 16, 2002, the District issued a letter requiring electronic submittal of data to GeoTracker. Only well location, elevation, and one time (August/November 2002) depth-t o-water data were submitted to GeoTracker until August 2005. On August 15, 2005, laboratory analytical results for the period of 2001 through 2004, and quarterly groundwater monitoring reports for the first and second quarters 2005 have been submitted. Water depth data, site maps, and other reports have not been submitted yet.

- Interim Remedial Measures:** A groundwater extraction system was reportedly started up in October 2002. However, systematic information on the operation of this system has not been submitted.

Summary of Late Remediation Related Reports

Report Name	Date Requested	Due Date	Date Submitted	Days Late	Comment
Interim Migration Control Work Plan	30-Aug-01	5-Oct-01	28-Nov-01	54	Late Letter sent Oct-16-01 Draft submitted 28-Nov-01
Interim Migration Control Work Plan	3-Dec-01	10-Dec-01	30-Jan-02	51	Submittal dated 7-Dec-01 not accepted by SCVWD Late Letter faxed 12-Dec-01 Late Letter sent 31-Dec-01
Corrective Action Plan	4-Dec-01	10-May-02	20-Jul-05	1,166	Late Letter sent 30-Jul-03 Submittal dated 15-Oct-04 not accepted by SCVWD
Interim Remediation System Start-Up Report	1-Feb-02	1-Nov-02		+1,034	Late Letter sent 16-Dec-02 Late Letter sent 30-Jul-03 Late Letter sent 18-May-04
Vapor Extraction System Work Plan	22-Dec-04	11-Feb-05		+200	

8. **Adjacent Sites:** The closest known fuel leak site located in the vicinity of the site is the Pete's Auto Service at 299 Keys Avenue. The Pete's Auto Service site is a closed site located approximately 175 feet to the north-northwest.
9. **Clean-Up Abatement Order Rationale:** This case is a category A (highest priority for investigation and cleanup) MtBE site because of the high MtBE concentrations (up to 760,000 ppb) in groundwater and the potential to impact drinking water aquifers. Over 7 years have elapsed since the discovery of a release at the facility. Due to the high concentrations of MTBE in groundwater and the high probability of off-site migration, the District issued letters (beginning January 29, 1999) requesting, among other things, a source area and off-site investigation, a complete three-dimensional characterization of the extent of contamination, immediate initiation of interim cleanup and migration control activities, and submission of a Corrective Action Plan (CAP). The dischargers have continually failed to meet regulatory due dates for submittals (See Sections 6 and 7). The District met with dischargers on November 28, 2001, to communicate the seriousness of the contamination and concerns with respect to compliance. Following this meeting, the District sent letters dated December 5, 12, 27, and 31, 2001, January 17, February 1, 4, 25, and 28, October 16, and December 26, 2002, April 7 and July 30, 2003, and May 18 and 21, June 16 and 18, 2004 notifying the dischargers that work that had been requested was late and the site was out-of-compliance and subject to potential enforcement actions. Upon assuming the site oversight responsibility from the District, the Board met with dischargers on June 14, and August 18, 2005, to communicate the concerns with respect to compliance. However, the dischargers continue to be recalcitrant. To date, the dischargers have not responded to the District most recent request for work plans for an additional soil and water investigation to complete the vertical delineation of the plume to the west, and for installation of a vapor extraction system to remediate soils at the subject site. These work plans were due on February 11, 2005, and currently are 200+ days late.

In addition, the dischargers, although they have reportedly initiated interim migration control measures in October 2002, have not responded to the District requests for submission of a groundwater extraction system start-up report, and have not reported the interim migration control results until September 2004. The Corrective Action Plan (CAP), due May 10, 2002, was submitted on October 15, 2004. This CAP was rejected by the District as not meeting requirements of California Code of Regulations Title 23, Division 3, Chapter 16, Article 2725 (d,2), (d,3) and (f). The revised CAP submitted to the Board on July 20, 2005 (1,166 days late) still contained several errors and deficiencies that required corrections.

The significant concentrations of contaminants in groundwater beneath the site, and likely off-site migration, combined with the site's location in a sensitive zone, constitutes a significant threat to water resources, public health and the environment. Continued recalcitrance to adequately address the problem by the dischargers seriously prevents the Board from protecting water resources, public health and safety and the environment.

10. **Basin Plan:** The Board adopted a revised Water Quality Control Plan for the San Francisco Bay Basin (Basin Plan) on June 21, 1995. This updated and consolidated plan represents the Board's master water quality control planning document. The revised Basin Plan was approved by the State Water Resources Control Board and the Office of Administrative Law on July 20, 1995, and November 13, 1995, respectively. A summary of regulatory provisions is contained in 23 CCR 3912. The Basin Plan defines beneficial uses and water quality objectives for waters of the State, including surface waters and groundwater.

The potential beneficial uses of groundwater underlying and adjacent to the site include:

- a. Municipal and domestic water supply
- b. Industrial process water supply
- c. Industrial service water supply
- d. Agricultural water supply

Groundwater underlying the site is used for the above purposes. The nearest water supply wells are located approximately ½-mile to the northeast (downgradient from the site).

11. **State Water Board Policies:** State Water Board Resolution No. 68-16, "Statement of Policy with Respect to Maintaining High Quality of Waters in California," applies to this discharge and requires attainment of background levels of water quality, or the highest level of water quality which is reasonable if background levels of water quality 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 and its requirements are consistent with Resolution No. 68-16. State Water Board Resolution No. 92-49, "Policies and Procedures for Investigation and Cleanup and Abatement of Discharges Under Water Code Section 13304," applies to this discharge. This order and its requirements are consistent with the provisions of Resolution No. 92-49, as amended.
12. **Preliminary Cleanup Goals:** The dischargers will need to make assumptions about future cleanup standards for soil and groundwater, in order to determine the necessary extent of remedial investigation, interim remedial actions, and the draft cleanup plan. Pending the establishment of site-specific cleanup standards, the following preliminary cleanup goals should be used for these purposes:
- a. Groundwater: The secondary maximum contaminant level of 5 ug/l for MTBE is the cleanup goal. The clean up level for Benzene shall be the State of California Maximum Contaminant Level (MCL) of 1 ppb. The clean up level for TBA shall be the State of California Action Level of 12 ppb.
 - b. Soil: Soil concentrations of MTBE shall be reduced to a level that will not cause leaching of MTBE to groundwater above a concentration of 5 ug/l.

- c. Soil gas: Shallow soil gas concentrations of TPHg and Benzene shall be reduced to below 16,000 ug/m³ and 85 ug/m³, respectively, to prevent excessive health risk from potential indoor-air impacts.

13. **Basis for 13304 Order:** The dischargers have 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.
14. **CEQA:** This action is 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.
15. **Notification:** The Board has notified the discharger and all interested agencies and persons of its intent under California Water Code Section 13304 to order cleanup and abatement of the discharge, and has provided them with an opportunity to submit their written comments.

IT IS HEREBY ORDERED, pursuant to Section 13304 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 subsurface transport to waters of the State is prohibited.
3. Activities associated with the subsurface investigation and cleanup that will cause significant adverse migration of wastes or hazardous substances are prohibited.

B. TASKS

1. **PUBLIC NOTIFICATION/PARTICIPATION**

COMPLIANCE DATE: September 30, 2005 (initial notification), then prior to any significant remedial action.

Provide list of names and addresses of the owners and residents of the properties located within 500 feet of the subject site for notification regarding environmental condition at the site, and proposed remedial work. Prior to any significant environmental action at the subject site, prepare a notification for distribution to the parties located within 500-foot radius of the site. The notification may be in a format of a fact sheet that contains the following information:

- a. Available information about the release
- b. Contact list, which includes responsible parties and Water Board staff
- c. Water Board file number and location of documents available for review (including website and GeoTracker references)

Notification information shall also be in languages other than English if appropriate. The initial notification shall be prepared for the work proposed in the CAP dated August 25, 2005. Submit the electronic copy of the CAP to the SWRCB's GeoTracker database. Place the hard copy of the CAP in local repositories to be available for public review during the 30-day public comment period extending from September 30 until October 29, 2005. Provide copies of all significant site reports for review if requested by the public.

2. **SOIL AND GROUNDWATER INVESTIGATION**

COMPLIANCE DATE: September 30, 2005

Submit a work plan acceptable to the Executive Officer for additional soil and groundwater investigation to complete evaluating the extent of contamination in the second water bearing zone (Zone B). Within 60 days of work plan approval perform the additional investigation at the site, and submit a technical report acceptable to the Executive Officer documenting completion of evaluating the extent of contamination in Zone B. The technical report should define the vertical and lateral extent of pollution down to concentrations at or below the preliminary cleanup goals listed in finding 12 and present the well construction details and updated cross-sections.

Additional work may be required following review of the requested report. Any work plan requested shall be submitted within 30 days of the request unless otherwise agreed upon in writing. Any requested reports shall be due 60 Days following approval of the work plan unless otherwise agreed upon in writing.

3. **IMPLEMENTATION OF CORRECTIVE ACTION**

COMPLIANCE DATE: November 30, 2005

Upon addressing public comments, and obtaining approval of CAP submit a work plan acceptable to the Executive Officer for CAP implementation. Initiate remedial system installation within 30 days of work plan approval. Within 90 days of work plan approval, submit a report acceptable to the Executive Officer documenting implementation of the Corrective Action Plan. Implementation of the Corrective Action Plan shall include the following activities:

- a. Preparation and submittal of a remedial system design package that include engineering diagram of the system and its components, equipment specifications, and a diagram showing the site layout.
- b. Preparation and submittal of all permitting documents necessary for installation and operation of the remedial system.
- c. Installation and start-up of the remedial system.
- d. Submittal of a start-up report acceptable to the executive officer.
- e. The remedial system shall be operated and maintained on a regular basis. The system shall be maintained with the goal of 90 percent operational.

4. **SITE STATUS REPORTS**

COMPLIANCE DATE: December 10, 2005, and 10th day of every month, thereafter, until the final remediation system is started up.

Submit Site Status Reports acceptable to the Executive Officer. The status reports should include brief descriptions of the work completed since the prior status report and the work planned for the following month.

5. **INTERIM REMEDIAL ACTION**

COMPLIANCE DATES: within 30 days after the end of each quarter (January 30, April 30, July 30, and October 30)

Submit reports acceptable to the Executive Officer documenting implementation of the interim remedial action. The reports shall describe performance of the groundwater extraction and treatment system, including hydrocarbon removal rates and volumes, summary of influent and effluent sample results, and system operation and maintenance data. The reports may be incorporated with the quarterly groundwater monitoring and sampling reports.

6. **GROUNDWATER AND REMEDIAL SYSTEM MONITORING AND REPORTING**

COMPLIANCE DATE: September 30, 2005 (site plan, and groundwater monitoring data from the 1st and 2nd quarters 2005 to GeoTracker), then 30 days after the end of each quarter (January 30, April 30, July 30, and October 30)

Submit Quarterly Monitoring Reports acceptable to the Executive Officer. The required elements of these reports are included in the attached Self Monitoring Program.

Submit site data via the Internet to the SWRCB's GeoTracker database. The required data include laboratory data (i.e. soil or water chemical analysis), the latitude and longitude of groundwater monitoring wells accurate to within one meter, the surveyed elevation relative to mean sea level of any groundwater monitoring well sampled, boring logs, site maps, and reports. The current site plan shall be submitted by September 30, 2005.

7. **DELAYED COMPLIANCE:** If the dischargers are delayed, interrupted, or prevented from meeting one or more of the completion dates specified for the above tasks, the dischargers shall promptly notify the Executive Officer and the Board may consider revision to this Order.

C. **PROVISIONS**

1. **No Nuisance:** The storage, handling, treatment, or disposal of polluted soil or groundwater shall not create a nuisance as defined in California Water Code Section 13050(m).
2. **Good Operation and Maintenance (O&M):** The dischargers 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. **Access to Site and Records:** In accordance with California Water Code Section 13267(c), the dischargers shall permit the 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.

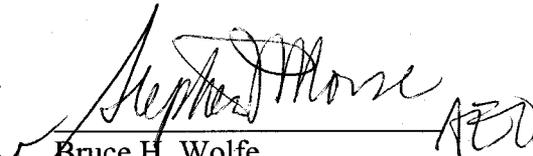
- b. Access to copy any records required to be kept under the requirements of this Order.
 - c. Inspection of any monitoring or remediation facilities installed in response to this Order.
 - d. Sampling of any groundwater or soil which is accessible, or may become accessible, as part of any investigation or remedial action program undertaken by the dischargers.
4. **Self-Monitoring Program:** The dischargers shall comply with the Self-Monitoring Program as attached to this Order and as may be amended by the Executive Officer.
5. **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, a California certified hydrogeologist, or a California registered civil engineer.
6. **Lab Qualifications:** All samples shall be analyzed by State-certified laboratories or laboratories accepted by the Board using approved EPA methods for the type of analysis to be performed. All laboratories shall maintain quality assurance/ quality control (QA/QC) records for Board review. This provision does not apply to analyses that can only reasonably be performed on-site (e.g. temperature).
7. **Document Distribution:** Copies of all correspondence, technical reports, and other documents pertaining to compliance with this Order shall be provided to the following agencies:
 - a. Santa Clara Valley Water District: Attention Dave Higgins
 - b. Santa Clara County Department of Environmental Health: Attention Nicole Pullman
 - c. Regional Water Quality Control Board: Attention Barbara Sieminski
 - d. State Water Resources Control Board, Cleanup Fund: Attention Sunil RamdassThe Executive Officer may modify this distribution list as needed.
8. **Reporting of Changed Owner or Operator:** The dischargers shall file a technical report on any changes in site occupancy or ownership associated with the property described in this Order.
9. **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 dischargers shall report such discharge to the Board by calling (510) 622-2300 during regular office hours (Monday through Friday, 8:00 to 5:00).

A written report shall be filed with the 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 Office of Emergency Services required pursuant to the Health and Safety Code.

9/26/05
Date


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

Attachments: Site Map
Self-Monitoring Program

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

SELF-MONITORING PROGRAM FOR:

PETE'S STOP INC., DUNG HA & KIEU HUYNH, AND PETER SIALARIS

for the property located at

290 KEYES STREET
SAN JOSE, SANTA CLARA COUNTY

1. **Authority and Purpose:** The Board requests the technical reports required in this Self-Monitoring Program pursuant to Water Code Sections 13267 and 13304. This Self-Monitoring Program is intended to document compliance with Cleanup and Abatement Order No. R2-2004-0023.

4. **Monitoring:** The dischargers shall measure groundwater elevations quarterly in all monitoring wells and shall collect and analyze representative samples of groundwater according to the schedule in the following table.

Self-Monitoring Schedule for the Site at 290 Keyes Street, San Jose, California

Well #	Sampling Frequency	Analyses	Well #	Sampling Frequency	Analyses
STMW-1	Q	8015B/8260B	STMW-12	Q	8015B/8260B
STMW-2	Q	8015B/8260B	STMW-13	Q	8015B/8260B
STMW-4	SA	8015B/8260B	STMW-14	SA	8015B/8260B
STMW-6	Q	8015B/8260B	STMW-15	SA	8015B/8260B
STMW-7	Q	8015B/8260B	STMW-16	SA	8015B/8260B
STMW-8	Q	8015B/8260B	STMW-17	SA	8015B/8260B
STMW-9	Q	8015B/8260B	STMW-18	SA	8015B/8260B
STMW-10	Q	8015B/8260B	STMW-19	SA	8015B/8260B
STMW-11	Q	8015B/8260B			

Key: Q = Quarterly SA = Semi-Annual
 8015B = Total Petroleum Hydrocarbons as Gasoline and Diesel by EPA Method 8015B or equivalent
 8260B = Benzene, Toluene, Ethylbenzene, and total Xylenes and Fuel Oxygenates by EPA Method 8260B or equivalent; must have detection limit of 0.5 ug/l for MTBE

The dischargers shall sample any new monitoring or extraction wells quarterly, and analyze groundwater samples for the same constituents as shown in the attached table. The dischargers may propose changes in the attached table; any proposed changes are subject to Executive Officer approval.

3. **Quarterly Monitoring Reports:** The dischargers shall submit quarterly monitoring reports to the Board no later than 30 days following the end of the quarter (e.g. report for first quarter of the year due April 30). The first quarterly monitoring report subject to this order shall be due on October 30, 2005. These data shall also be included in the quarterly monitoring reports.
 - a. **Transmittal Letter:** The transmittal letter shall discuss any violations during the reporting period and actions taken or planned to correct the problem. The letter shall be signed by the dischargers' principal executive officer or his/her duly authorized representative, and shall include a statement by the official, under penalty of perjury, that the report is true and correct to the best of the official's knowledge.
 - b. **Groundwater Elevations:** Groundwater elevation data shall be presented in tabular form, and a groundwater elevation map should be prepared for each monitored water-bearing zone. Tabulated information shall include current depth to water, wellhead elevation, calculated groundwater elevation, well construction details, and an assessment of whether the screens are submerged. The map shall show all monitoring and remediation wells, the groundwater flow direction, gradient, and flow rose diagram. Historical groundwater elevations shall be included in the fourth quarterly report each year.
 - c. **Groundwater Analyses:** Groundwater sampling data shall be presented in tabular form, and isoconcentration maps and time-trend plots shall be prepared for TPHG, Benzene, and MTBE for each monitored water-bearing zone. The report shall indicate the analytical method used, detection limits obtained for each reported constituent, and a summary of QA/QC data. The report shall describe any significant increases in contaminant concentrations since the last report, and any measures proposed to address the increases. Supporting data, such as lab data sheets, need not be included. Historical groundwater sampling results shall be included in the fourth quarterly report each year.
 - d. **Groundwater Extraction:** If applicable, the report shall include groundwater extraction results in tabular form, for each extraction well and for the site as a whole, expressed in gallons per minute and total groundwater volume for the quarter. The report shall also include contaminant removal results from groundwater extraction wells, and from other remediation systems (e.g. soil vapor extraction), expressed in units of chemical mass per day and mass for the quarter, and tabulated influent and effluent analytical data for the treatment systems. In addition, the report shall include

information about the amount of remedial system downtime, including the causes of the shutdowns, and information about any significant modifications or additions made to the system, reasons for the changes, and modification of the As-Built Drawings. Historical mass removal results, and time-trend plots for TPHG, Benzene and MTBE concentrations in remedial system influent shall be included in the reports.

- e. **Status Report:** The status report shall describe relevant work completed during the reporting period (e.g. site investigation, interim remedial measures) and work planned for the following quarter.

4. **Electronic Reporting:** The dischargers are required to ensure electronic submission of site data via the Internet to the SWRCB's GeoTracker database, including laboratory data (i.e. soil or water chemical analysis), the latitude and longitude of groundwater monitoring wells accurate to within one meter, and the surveyed elevation relative to mean sea level of any groundwater monitoring well sampled. Beginning January 1, 2005, submittal of full reports is also required.

All reports shall be submitted in electronic format "optimized" (optimized for viewing over the web) pdf files and contaminant information provided in electronic spreadsheet format. Signature pages and perjury statements should be included and must have either original or electronic signature. (Alternatively, the paper copy of the signature page and perjury statement can be mailed separately).

5. **Violation Reports:** If the dischargers violate requirements in the Cleanup and Abatement Order, then the dischargers shall notify the Board office by telephone as soon as practicable once the dischargers have knowledge of the violation. Board staff may, depending on violation severity, require the dischargers to submit a separate technical report on the violation within five working days of telephone notification.

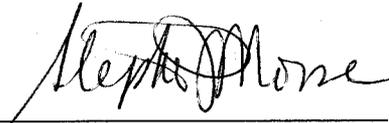
6. **Other Reports:** The dischargers shall notify the Board in writing prior to any site activities, such as construction or underground tank removal, which have the potential to cause further migration of contaminants or which would provide new opportunities for site investigation. Additionally, the dischargers shall notify the Board within 5 days of receiving monitoring well data showing MTBE at more than twice the previous sampling result for that well.

7. **Record Keeping:** The dischargers or their agents shall retain data generated for the above reports, including lab results and QA/QC data, for a minimum of six years after origination and shall make them available to the Board upon request.

8. **SMP Revisions:** Revisions to the Self-Monitoring Program may be ordered by the Executive Officer, either on their own initiative or at the request of the dischargers. Prior to making SMP revisions, the Executive Officer will consider the burden, including costs,

of associated self-monitoring reports relative to the benefits to be obtained from these reports.

9/26/05
Date


Bruce H. Wolfe
Executive Officer