

CALIFORNIA REGIONAL WATER QUALITY CONTROL WATER BOARD
SAN FRANCISCO BAY REGION

ORDER NO. R2-2006-0059

ADOPTION OF SITE CLEANUP REQUIREMENTS FOR:

CLARE AND WAYNE LEUNG

For the property located at

2771 HOPYARD ROAD
PLEASANTON
ALAMEDA COUNTY

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

1. **Site Location:** The site is located at 2771 Hopyard Road in a small shopping mall at the east corner of Hopyard Road and Valley Avenue (Figure 1). Nearby land use is commercial. Site terrain slopes gently to the west. Pleasanton Canal passes approximately 800 feet northwest of the site. Interstate 680 is approximately one mile west/southwest of the site.
2. **Site History:** A dry cleaning facility has operated at the site since 1987. Up until 2001, the facility used chlorinated solvents such as tetrachloroethene (PCE) in the dry cleaning process. In 2001, the facility switched to a non-toxic cleaning solution for dry cleaning. The property was owned by Lamorinda Development Company prior to Clare and Wayne Leung. Clare and Wayne Leung purchased the property in 1998.
3. **Named Discharger:** Clare and Wayne Leung are named as dischargers because they owned the property after the time of the activity that resulted in the discharge, had knowledge of the discharge or the activities that caused the discharge, and had the legal ability to prevent 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 Water Board will consider adding those parties' names to this order.

4. **Regulatory Status:** This site is currently not subject to Water Board order.

5. **Site Hydrogeology:** Low permeability silt/clay soils predominate to a depth of approximately 40 feet with several one- to two-foot thick interbedded sand/silty sand layers at approximately 10, 20, and 25 feet below ground surface (bgs). The 20- and 25-foot deep sandy layers comprise the shallow water bearing zone. Below the silt/clay layer at approximately 40 feet bgs, a deeper water bearing zone consisting of coarser sand/silty sand layer predominates to approximately 58 feet bgs where another silt/clay layer bounds the lower contact of the deeper zone.
6. **Remedial Investigation:** The Leungs have performed multiple investigations at the site and off-site areas since 2002. On-site soil analytical results indicate the presence of PCE in the vadose zone up to 790 parts per billion (ppb). In on-site groundwater beneath the dry cleaning facility, PCE ranges up to 1,500 ppb in borehole B-2. In the off-site area northwest of the facility, PCE ranges up to 3,500 ppb in borehole MIP-5. Based on these results, the dry cleaner released PCE and chlorinated byproducts, and these constituents have migrated northwest under the adjacent parking lot toward Hopyard Road. The vertical and northwestern areal extremity of the PCE plume has not yet been delineated and further investigation is necessary.
7. **Interim Remedial Measures:** Interim remedial measures need to be implemented at this site to reduce the threat to water quality, public health, and the environment posed by the discharge of waste and to provide a technical basis for selecting and designing final remedial measures.
8. **Adjacent Sites:** A Valero gas station is approximately 350 feet northwest of the site. This fuel underground storage tank site is regulated by the Alameda County Department of Environmental Health.
9. **Basin Plan:** The Water 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 Water Board's master water quality control planning document. The revised Basin Plan was approved by the State Water Resources Control Water 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 groundwaters.

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

- e. Freshwater replenishment to surface waters (Pleasanton Canal) during wet years

At present, there is no known use of groundwater underlying the site for the above purposes.

The existing and potential beneficial uses of Pleasanton Canal include:

- a. Groundwater recharge
- b. Wildlife habitat

- 10. **Other Water Board Policies:** Water Board Resolution No. 88-160 allows discharges of extracted, treated groundwater from site cleanups to surface waters only if it has been demonstrated that neither reclamation nor discharge to the sanitary sewer is technically and economically feasible.

Water Board Resolution No. 89-39, "Sources of Drinking Water," defines potential sources of drinking water to include all groundwater in the region, with limited exceptions for areas of high TDS, low yield, or naturally-high contaminant levels.

- 11. **State Water Water Board Policies:** State Water 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. Given the Water Board's past experience with groundwater pollution cases of this type, it is unlikely that background levels of water quality can be restored. This initial conclusion will be verified when a remedial action plan is prepared. This order and its requirements are consistent with Resolution No. 68-16.

State Water 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 remedial action plan. Pending the establishment of site-specific cleanup standards, the following preliminary cleanup goals should be used for these purposes:

- a. **Groundwater:** Applicable water quality objectives (e.g., lower of primary (toxicity) and secondary (taste and odor) maximum contaminant levels, or MCLs) or, in the absence of a chemical-specific objective, equivalent drinking water levels based on toxicity and taste and odor concerns.
 - b. **Soil:** Applicable screening levels as compiled in the Water Board's February 2005 Environmental Screening Levels (ESLs) document or its equivalent. Soil screening levels are intended to address a full range of exposure pathways, including direct exposure, indoor air impacts, nuisance, and leaching to groundwater. For purposes of this subsection, the dischargers should assume that groundwater is a potential source of drinking water.
13. **Basis for 13304 Order:** California Water Code Section 13304 authorizes the Water Board to issue orders requiring a discharger to cleanup 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.
 14. **Cost Recovery:** Pursuant to California Water Code Section 13304, the dischargers are hereby notified that the Water Board is entitled to, and may seek reimbursement for, all reasonable costs actually incurred by the 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.
 15. **CEQA:** This action is an order to enforce the laws and regulations administered by the 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.
 16. **Notification:** The 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 their written comments.
 17. **Public Hearing:** The Water Board, at a public meeting, heard and considered all comments pertaining to this discharge.

IT IS HEREBY ORDERED, pursuant to Section 13304 of the California Water Code, that the dischargers (or its 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 which 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 which will cause significant adverse migration of wastes or hazardous substances are prohibited.

B. TASKS

1. COMPLETION OF MONITORING WELL INSTALLATION

COMPLIANCE DATE: October 31, 2006

Submit a technical report acceptable to the Executive Officer documenting completion of the installation of at least three groundwater monitoring wells in the shallow water bearing zone. The installation should be performed as described in the GeoSyntec November 15, 2005, workplan.

2. REMEDIAL INVESTIGATION WORKPLAN – PART 1

COMPLIANCE DATE: October 31, 2006

Submit a workplan acceptable to the Executive Officer to:

- Define vapor intrusion concerns in on- and off-site areas
- Define the lateral extent of groundwater pollution using grab groundwater samples

The workplan should specify investigation methods and a proposed time schedule.

3. COMPLETION OF REMEDIAL INVESTIGATION – PART 1

COMPLIANCE DATE: 150 days after Executive Officer approval of Task 2 Workplan

Submit a technical report acceptable to the Executive Officer documenting completion of necessary tasks identified in the Task 2 workplan. The technical report should define the lateral extent of pollution down to concentrations at or below typical cleanup standards for groundwater.

4. **REMEDIAL INVESTIGATION WORKPLAN – PART 2**

COMPLIANCE DATE: May 31, 2007

Submit a workplan acceptable to the Executive Officer to define the vertical and lateral extent of groundwater pollution using monitoring wells. The workplan should specify investigation methods and a proposed time schedule.

5. **COMPLETION OF REMEDIAL INVESTIGATION – PART 2**

COMPLIANCE DATE: 150 days after Executive Officer approval of Task 4 Workplan

Submit a technical report acceptable to the Executive Officer documenting completion of necessary tasks identified in the Task 4 workplan. The technical report should define the vertical and lateral extent of pollution down to concentrations at or below typical cleanup standards for groundwater.

6. **INTERIM REMEDIAL ACTION WORKPLAN**

COMPLIANCE DATE: 60 days after requested by Executive Officer

Submit a workplan acceptable to the Executive Officer to evaluate interim remedial action alternatives and to recommend one or more alternatives for implementation. The workplan should specify a proposed time schedule. Work may be phased to allow the investigation to proceed efficiently. If groundwater extraction is selected as an interim remedial action, then one task will be the completion of an NPDES permit application for discharge of extracted, treated groundwater to waters of the State. The application must demonstrate that neither reclamation nor discharge to the sanitary sewer is technically or economically feasible. This task will only be invoked if an immediate threat to human health or the environment is demonstrated, or if an opportunity arises to conduct source control work that would otherwise not be available such as a tenant moving out of the building.

7. **COMPLETION OF INTERIM REMEDIAL ACTIONS**

COMPLIANCE DATE: 180 days after Executive Officer approval of Task 6 workplan

Submit a technical report acceptable to the Executive Officer documenting completion of necessary tasks identified in the Task 6 workplan. For ongoing actions, such as soil vapor extraction or groundwater extraction, the report should document start-up as opposed to completion.

8. **DRAFT REMEDIAL ACTION PLAN INCLUDING DRAFT CLEANUP STANDARDS**

COMPLIANCE DATE: November 30, 2007

Submit a technical report acceptable to the Executive Officer containing:

- a. Results of the remedial investigation
- b. Evaluation of the installed interim remedial actions
- c. Feasibility study evaluating alternative final remedial actions
- d. Risk assessment for current and post-cleanup exposures
- e. Recommended final remedial actions and cleanup standards
- f. Implementation tasks and time schedule

Item c should include projections of cost, effectiveness, benefits, and impact on public health, welfare, and the environment of each alternative action.

Items a through c should be consistent with the guidance provided by Subpart F of the National Oil and Hazardous Substances Pollution Contingency Plan (40 CFR Part 300), CERCLA guidance documents with respect to remedial investigations and feasibility studies, Health and Safety Code Section 25356.1(c), and State Water Board Resolution No. 92-49 as amended ("Policies and Procedures for Investigation and Cleanup and Abatement of Discharges Under Water Code Section 13304").

Item e should consider the preliminary cleanup goals for soil and groundwater identified in finding 12 and should address the attainability of background levels of water quality (see finding 11).

9. **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 discharger shall promptly notify the Executive Officer, and the Water 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. **Cost Recovery:** The dischargers shall be liable, pursuant to California Water Code Section 13304, to the Water Board for all reasonable costs actually incurred by the 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 dischargers 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 California Water Code Section 13267(c), the dischargers shall permit the 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 soil which is accessible, or may become accessible, as part of any investigation or remedial action program undertaken by the dischargers.
5. **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.
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 Water 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 Water Board review. This provision does not apply to analyses that can only reasonably be performed on-site (e.g., temperature).
8. **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. City of Pleasanton Fire Department
 - b. County of Alameda Environmental Health Services – Environmental Protection
 - c. Zone 7 Water Resource Management

The Executive Officer may modify this distribution list as needed.

9. **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.
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 Water Board by calling (510) 622-2300 during regular office hours (Monday through Friday, 8:00 to 5:00).

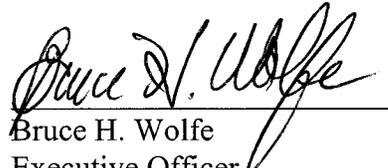
A written report shall be filed with the Water Board within five working days. The report shall describe: the nature of the hazardous substance, estimated

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 Office of Emergency Services required pursuant to the Health and Safety Code.

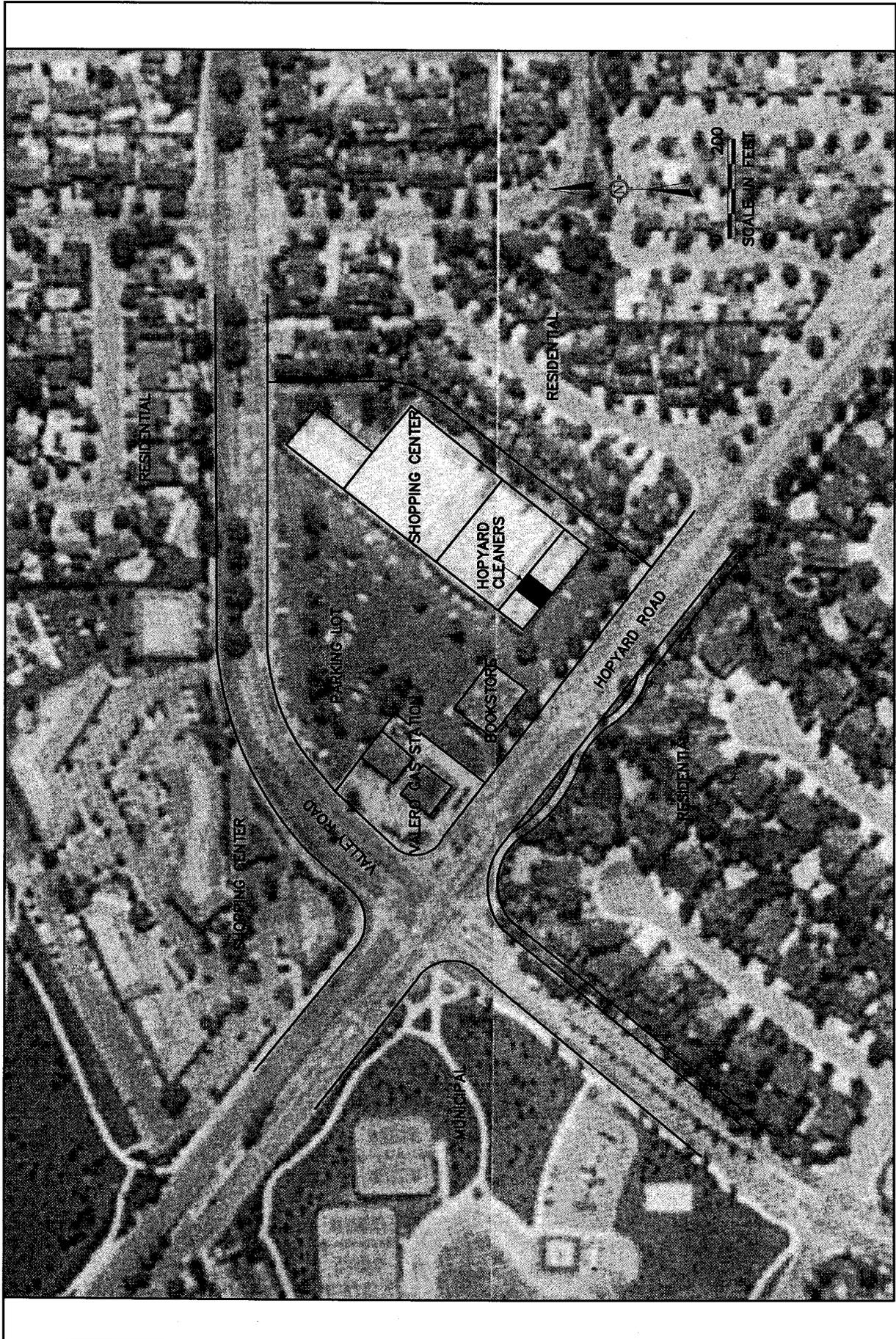
11. **Periodic SCR Review:** The Water Board will review this Order periodically and may revise it when necessary. The dischargers may request revisions and upon review the Executive Officer may recommend that the Water Board revise these requirements.

I, Bruce H. Wolfe, 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 Water Board, San Francisco Bay Region, on September 13, 2006.


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



Aerial Photo Source: MSN Terraserver, June 1993

GEOSYNTEC CONSULTANTS

SITE AND VICINITY AERIAL VIEW
 HOPYARD CLEANERS
 PLEASANTON, CALIFORNIA

FIGURE NO. 2

PROJECT NO. WR0574

DATE: 15 NOV 2005

CALIFORNIA REGIONAL WATER QUALITY CONTROL WATER BOARD
SAN FRANCISCO BAY REGION

SELF-MONITORING PROGRAM FOR:

CLARE AND WAYNE LEUNG

for the property located at

2771 HOPYARD ROAD
PLEASANTON
ALAMEDA COUNTY

1. **Authority and Purpose:** The Water 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 Water Board Order No. R2-2006-0059 (site cleanup requirements).
2. **Monitoring:** The dischargers shall measure groundwater elevations in all monitoring wells, and shall collect and analyze representative samples of groundwater according to the following schedule:

Well #	Sampling Frequency	Analyses
MW-1	Q	8010
MW-2	Q	8010
MW-3	Q	8010

Key: Q = Quarterly 8010 = EPA Method 8010 or equivalent

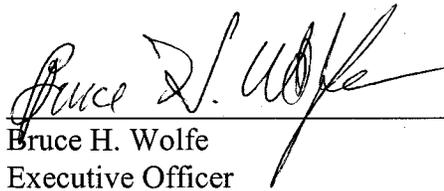
The dischargers shall sample any new monitoring or extraction wells and analyze groundwater samples for the same constituents as shown in the above table. The

dischargers may propose changes in the above table; any proposed changes are subject to Executive Officer approval.

3. **Monitoring Reports:** The dischargers shall submit monitoring reports to the Water 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 monitoring report shall be due on **January 31, 2007**. The reports shall include:
 - 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 their 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. Historical groundwater elevations shall be included in an annual report submitted following the fourth quarter of each year.
 - c. **Groundwater Analyses:** Groundwater sampling data shall be presented in tabular form, and an isoconcentration contour map with concentration data posted at each well location should be prepared for one or more key contaminants for each monitored water-bearing zone, as appropriate. The report shall indicate the analytical method used, detection limits obtained for each reported constituent, and a summary of QA/QC data. Historical groundwater sampling results shall be included in the fourth quarter report each year. 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 (however, see record keeping - below).
 - 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. Historical mass removal results shall be included in the fourth quarterly report each year.

- e. **Status Report:** The report shall describe relevant work completed during the reporting period (e.g., site investigation, interim remedial measures) and work planned for the following reporting period.
4. **Violation Reports:** If the dischargers violate requirements in the Site Cleanup Requirements, then the dischargers shall notify the Water Board office by telephone as soon as practicable once the dischargers have knowledge of the violation. Water 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.
5. **Other Reports:** The dischargers shall notify the Water 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.
6. **Record Keeping:** The dischargers or their agent 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 Water Board upon request.
7. **SMP Revisions:** Revisions to the Self-Monitoring Program may be ordered by the Executive Officer, either on his/her 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.

I, Bruce H. Wolfe, Executive Officer, hereby certify that this Self-Monitoring Program was adopted by the Water Board on September 13, 2006.


Bruce H. Wolfe
Executive Officer