

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

ORDER R2-2003-0060

AMENDMENT OF FINAL SITE CLEANUP REQUIREMENTS, ORDER NO. 93-111
FOR:

HEXCEL CORPORATION
11711 DUBLIN BLVD.
DUBLIN, CALIFORNIA

for the property located at:

CONTRACTOR'S STREET
LIVERMORE, CALIFORNIA
ALAMEDA COUNTY

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

- 1. Regional Board Orders:** The Board adopted final Site Cleanup Requirements for this site on September 15, 1993 (Order No. 93-111). The "site", as described in Order No. 93-111, is defined to include both the "Abandoned Disposal Site Operable Unit (ADS OU)" and "Hexcel Composite Materials Manufacturing Plant Operable Unit (HMP OU)" as shown on the attached Figure 1. This amended Order addresses only the ADS OU portion of the "site".
- 2. Site History:** The area of the ADS OU has been in use since 1906, when it was used as a borrow site by the Western Pacific and Union Pacific Railroads for construction of the adjacent railroad embankments. Disposal of various solid and liquid wastes took place within the ADS over the following decades. A domestic sewage drain field was constructed in 1955 in the southern quarter of the ADS. Industrial and domestic sewage was treated (via Hoffman Tank) and then drained into a series of three eastward cascading evaporation ponds. The Regional Board and Alameda County Flood Control District, Zone 7 began monitoring the leach field area as early as 1959. Sewage disposal continued until 1977 when Hexcel connected the sewage outfall to the municipal sewer system. In addition to the wastewater disposal, other wastes were disposed of in the ADS

by Hexcel and others. The wastes that may have been disposed of at the ADS fall into five general categories:

- General plant refuse
- Employee refuse
- Industrial and chemical wastes
- Sewage wastes
- General household trash and construction debris.

3. **Adopted Remedy for ADS OU:** The remedy adopted by the Board, and as described in Order No. 93-111, consisted of groundwater monitoring for hazardous constituents. It also provided for subsurface methane monitoring and monitoring in any structures built in the future on the ADS OU. It included a contingency for additional methane control measures, such as passive barriers or active recovery, as needed. The remedy also provided for a deed notification/restriction, requiring any owner of the ADS OU to contact the Regional Board, the Integrated Waste Management Board, and the City of Livermore, prior to undertaking any activities that may encounter buried waste. Lastly, it included a provision for regrading the surface to prevent ponding and excess infiltration in the area of waste disposal.

Since adoption of the remedy, the ADS OU has been regraded and groundwater monitored. A deed restriction was also prepared and submitted to the Board, but has not yet been recorded with the County. A portion of Contractor's Street was also constructed over a portion of the ADS OU where waste is buried.

4. **Reason for Amendment:** The remedy, which was adopted by the Board, and as described above was implemented. Since that time, several developments have taken place with respect to the ADS OU. Based on these developments, amendment to the existing Order is appropriate at this time.
- a. **Groundwater Monitoring Results** - Since adoption of Order No. 93-111, no significant groundwater impacts have been detected within the ADS OU. This being the case, the ADS OU no longer poses a significant threat to water quality and further groundwater monitoring is not necessary.
 - b. **Removal of Waste and Redefinition of ADS OU** -Top Grade Construction (Top Grade), in early 2003, purchased the portion of the ADS OU where waste materials were buried. As part of the acquisition from Hexcel, Top Grade agreed to remove all waste materials and polluted soil, which exceeded approved commercial cleanup standards. It was the intent of Hexcel and Top Grade to complete this action in order to "clean close" (removal of all waste) the landfill and achieve no further action (NFA) status from the Board. By doing so, many of

the requirements as set forth in Order No. 93-111 would be eliminated or minimized.

This action has been successful in removing all waste and impacted soil from Subsites 2A and 2B of the ADS OU, with the exception of the small inaccessible area which passes beneath Contractor's Way as shown on Figure 2. This being the case, the boundaries of the ADS OU should be redefined to reflect the removal action. The area of buried waste is now restricted to the area beneath Contractor's Street as shown on Figure 2. With respect to the remaining portions of ADS OU (Subsites 2A and 2B), no further action other than a deed restriction prohibiting sensitive uses on the property is warranted. With respect to the area of waste beneath Contractor's Street, a risk management plan and appropriate deed restriction need to be developed and applied to assure appropriate long-term management of the waste.

- c. **Named Dischargers and Change in Ownership** - Order No. 93-111 named Hexcel, Donald and Suzanne Smith (Smiths) and F&P Properties (F&P) as dischargers. Hexcel was named because of their operations of the property as a disposal site. Hexcel sold the property in 1979 to the Smiths, who then sold it to F&P. During the Smiths and F&P's ownership of the property, discharges occurred on the property.

Hexcel, in September 1995, regained title of the portion of the ADS OU where waste was placed. Hexcel, in 2003 sold the property to Top Grade. Wastes that were discharged on the property during the Smiths' and F&P's ownership have been removed from the site and are no longer of concern. This being the case, the Smiths and F&P should be removed as dischargers from the existing Order.

Top Grade, the current property owner, is not named as a discharger in this order for the following reasons: Hexcel has adequate financial resources to comply with this order, Hexcel has complied with the prior order, and Hexcel has requested that Top Grade not be named in this order. However, Top Grade or any current owner(s) of the ADS OU may be named as a discharger in future if these circumstances change. Additionally, should any owner or operator violate the risk management plan, deed restrictions or other requirement of Order No. 93-111 or this order, the Board may consider naming such party as a discharger to this order.

5. **CEQA:** This action is an amendment of 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.

6. **Notification:** The Board has notified the discharger and all interested agencies and persons of its intent under California Water Code Section 13304 to amend site cleanup requirements for the discharge, and has provided them with an opportunity to submit their written comments.
7. **Public Hearing:** The 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 Order No. 93-111 shall be amended as follows:

A.

1. **Groundwater Monitoring:** No further groundwater monitoring of the ADS OU is required.
2. **Redefinition of ADS OU:** The ADS OU is hereby redefined to include only the area beneath Contractor's Street, where buried waste remains, as shown on Figure 2.
3. **Named Dischargers:** Donald and Suzanne Smith and F&P Properties are hereby removed as dischargers.

B. **TASKS**

1. **PROPOSED INSTITUTIONAL CONSTRAINTS**
COMPLIANCE DATE: August 1, 2003

Description: The discharger will propose appropriate Covenants and Environmental Restrictions, acceptable to the Executive Officer for: 1) The areas of the former ADS OU where waste has been removed; and, 2) for the area of the ADS OU, beneath Contractor's Street, where waste remains in-place.

2. **DOCUMENT RECORDATION OF INSTITUTIONAL CONSTRAINTS**
COMPLIANCE DATE: 60 days after Executive Officer approval

Description: The discharger shall submit copies of the recorded Covenant to the Executive Officer.

3. **PROPOSED RISK MANAGEMENT PLAN**

COMPLIANCE DATE: August 1, 2003

Description: The discharger shall submit a proposed risk management plan (RMP), acceptable to the Executive Officer, to appropriately manage residual waste beneath Contractor's Street.

4. **IMPLEMENT INSTITUTIONAL CONSTRAINTS AND RISK MANAGEMENT PLAN**

COMPLIANCE DATE: Upon recordation of institutional constraint (Task B. 1.) and approval of RMP (Task B. 2.).

Description: The discharger shall implement the recorded institutional constraint (Task B. 1.) and approved RMP (Task B. 2.).

Delayed Compliance: If the discharger is 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 Board may consider revision to this Order.

I, Loretta K. Barsamian, 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 June 18, 2003.

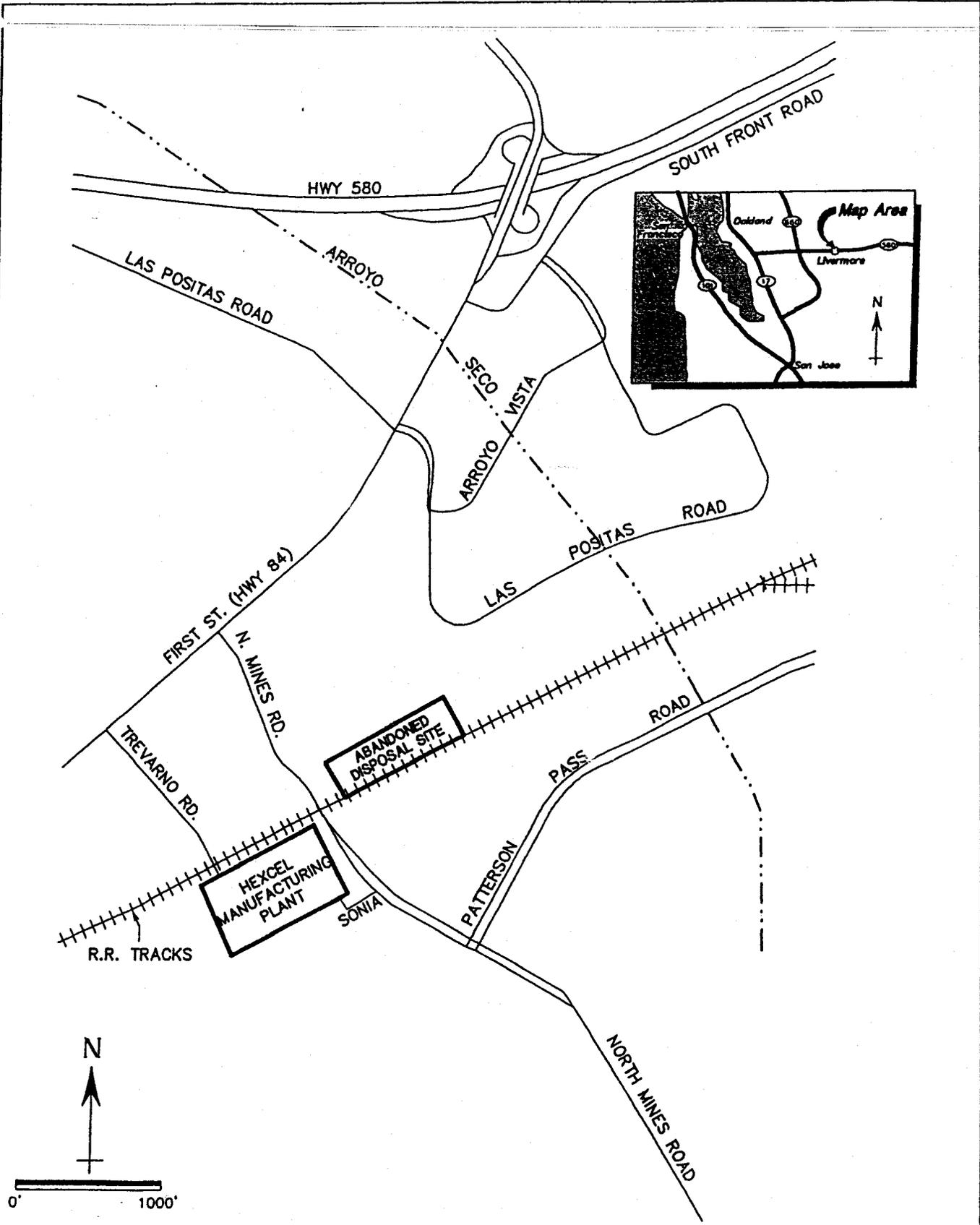


Loretta K. Barsamian
Executive Officer

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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

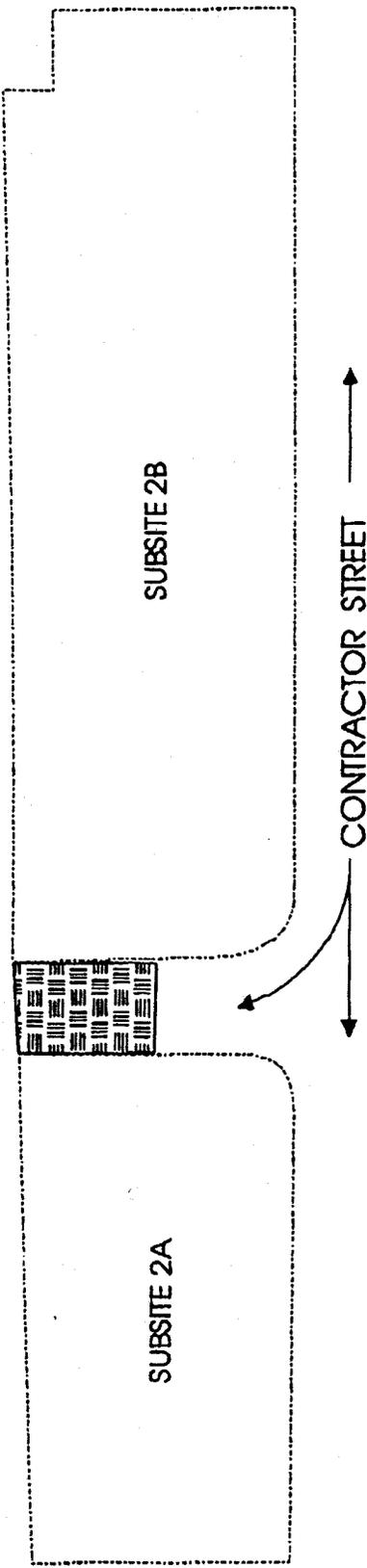
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NAME: K:\59000\5900001A.DWG DATE: FEB 29. 2000 TIME: 9:30 AM

HEXCEL SITE LOCATION

Approved AEY	Date 12/20/94	Revised SJS	Date 2/29/00	Reference: 5900001A	FIG. 1
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EXPLANATION:
 Waste Remaining in Place

Scale: 1" = ± 100'

May 2003

WASTE REMAINING IN PLACE
Parcel 2 of Parcel Map No. 6622
Livermore, California

Figure **2**

Project 2166