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**San Francisco Bay Regional Water Quality Control Board**

June 2, 2015  
File No. 21S0053 (RAL)

Marinwood Plaza, LLC  
c/o Mr. Tom Fitzsimons  
Assistant Vice President - Real Estate Services  
Wells Fargo Bank  
P.O. Box 63939  
San Francisco, CA 94163

**Sent via email:** [Thomas.Fitzsimons@wellsfargo.com](mailto:Thomas.Fitzsimons@wellsfargo.com)

**SUBJECT: Requirement to Submit Offsite Interim Remedial Action Workplan,  
Marinwood Plaza, 187 Marinwood Avenue, San Rafael, Marin County**

Dear Mr. Fitzsimons:

This letter requires Marinwood Plaza, LLC, to submit an offsite interim remedial action workplan pursuant to Task 4B of the Site Cleanup Requirements Order No. R2-2-14-0036 (Order). This letter is sent to you as the representative of Marinwood Plaza, LLC, owner of the above-referenced Site.

**Background**

The dry cleaning business Prosperity Cleaners was formerly located at 187 Marinwood Avenue (Site) in Marinwood Plaza and was the source of a Tetrachloroethene (PCE) release. Offsite groundwater sampling done in May 2015 found PCE in groundwater at 10 µg/L from boring location C-32, located approximately 100 feet from an actively-used supply well for Silveira Ranch. The concentration at this well is twice the PCE drinking water standard. The Order Task 4B states that “(t)he Executive Officer will require (an offsite interim remedial action) workplan if contaminants in offsite groundwater pose a potential threat to, or impact, an offsite domestic or agricultural well.” We conclude that these groundwater sampling results constitute a potential threat to the offsite supply well.

On a related point, the May 2015 offsite groundwater investigation did not define the extent of volatile organic compounds (VOCs) down to drinking water standards. In a May 13, 2015, email I required Marinwood Plaza, LLC, to propose additional investigation work to define the extent of VOCs in groundwater to the drinking water standard (5 µg/L for PCE).

**Workplan Required**

According to the Order, Marinwood Plaza, LLC, must submit an acceptable workplan within 45 days of this letter (**by July 17, 2015**) to evaluate interim remedial action alternatives and recommend one or more alternatives for implementation. The workplan should consider at least

the following alternatives: wellhead treatment or a replacement well. The workplan must also include an implementation schedule.

This work will require that you work with Silveira Ranch to obtain necessary design information such as the supply well's yield, flow rate, and general chemistry. We also suggest that the supply well be sampled on a quarterly basis for VOC analysis. If Silveira wants to do its own well sampling you may suggest other qualified contractors and/or laboratories that they may use to obtain this information and offer to reimburse them for sampling and analysis costs.

In addition to a hard copy you are also required to submit all documents in electronic format to the State Water Resources Control Board's GeoTracker database. Guidance for electronic information submittal is available at:

[http://www.waterboards.ca.gov/water\\_issues/programs/ust/electronic\\_submittal/](http://www.waterboards.ca.gov/water_issues/programs/ust/electronic_submittal/). Please note that this requirement includes all analytical data, monitoring well latitudes, longitudes, elevations, water depth, site maps, and reports (PDF format).

All reports submitted must have the Regional Water Board file number 21S0053 on the first page of the report. You are responsible for obtaining any necessary approvals or permits from all agencies having jurisdiction over any aspect of the proposed work. These agencies may include the local Public Works Department and the Marin County Environmental Health Services Department.

If you have any questions, please contact Ralph Lambert of my staff at (510) 622-2382 or via e-mail at: [RALambert@waterboards.ca.gov](mailto:RALambert@waterboards.ca.gov).

Sincerely,

Bruce H. Wolfe  
Executive Officer

Attachment: 13267 Fact Sheet  
cc w/attach: Mailing List

## **Mailing List**

Taper Family Enterprises  
Attn.: Mr. Craig Cooper  
Email: [Craig@taperfamilyoffice.com](mailto:Craig@taperfamilyoffice.com)

Hoytt Enterprises, Inc. Attn.: Mr. Lee Hoytt  
Email: [Lee.Hoytt@hoyttenterprises.com](mailto:Lee.Hoytt@hoyttenterprises.com)

Wells Fargo Bank  
Attn.: Mr. Eric Hu  
Email: [Eric.Hu@wellsfargo.com](mailto:Eric.Hu@wellsfargo.com)

Geologica  
Attn.: Mr. Brian Aubry  
Email: [Baubry@geologica.net](mailto:Baubry@geologica.net)

Geologica  
Attn.: Mr. Dan Matthews  
Email: [DMatthews@geologica.net](mailto:DMatthews@geologica.net)

Marin County Supervisor  
Mr. Damon Connolly Attn.: Mr. Chris Callaway  
Email: [CCallaway@marincounty.org](mailto:CCallaway@marincounty.org)

Marin County Public Works  
Attn.: Mr. Raul Rojas  
Email: [RRojas@marincounty.org](mailto:RRojas@marincounty.org)

Marin County Community Development  
Attn.: Mr. Brian Crawford  
Email: [BCrawford@marincounty.org](mailto:BCrawford@marincounty.org)

Marin County Health Department  
Attn.: Mr. Armando Alegria  
Email: [AAlegria@marincounty.org](mailto:AAlegria@marincounty.org)

Silveira Ranches  
Attn.: Ms. Renee Silveira  
Email: [rfsilv@comcast.net](mailto:rfsilv@comcast.net)

Bill McNicholas  
Email: [Billmcn@pacbell.net](mailto:Billmcn@pacbell.net)

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San Francisco Bay Regional Water Quality Control Board

## Fact Sheet – Requirements for Submitting Technical Reports Under Section 13267 of the California Water Code

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### **What does it mean when the Regional Water Board requires a technical report?**

Section 13267<sup>1</sup> of the California Water Code provides that "...the regional board may require that any person who has discharged, discharges, or who is suspected of having discharged or discharging, or who proposes to discharge waste...that could affect the quality of waters...shall furnish, under penalty of perjury, technical or monitoring program reports which the regional board requires."

### **This requirement for a technical report seems to mean that I am guilty of something, or at least responsible for cleaning something up. What if that is not so?**

The requirement for a technical report is a tool the Regional Water Board uses to investigate water quality issues or problems. The information provided can be used by the Regional Water Board to clarify whether a given party has responsibility.

### **Are there limits to what the Regional Water Board can ask for?**

Yes. The information required must relate to an actual or suspected or proposed discharge of waste (including discharges of waste where the initial discharge occurred many years ago), and the burden of compliance must bear a reasonable relationship to the need for the report and the benefits obtained. The Regional Water Board is required to explain the reasons for its requirement.

### **What if I can provide the information, but not by the date specified?**

A time extension may be given for good cause. Your request should be promptly submitted in writing, giving reasons.

### **Are there penalties if I don't comply?**

Depending on the situation, the Regional Water Board can impose a fine of up to \$5,000 per day, and a court can impose fines of up to \$25,000 per day as well as criminal penalties. A person who submits false information or fails to comply with a requirement to submit a technical report may be found guilty of a misdemeanor. For some reports, submission of false information may be a felony.

### **Do I have to use a consultant or attorney to comply?**

There is no legal requirement for this, but as a practical matter, in most cases the specialized nature of the information required makes use of a consultant and/or attorney advisable.

### **What if I disagree with the 13267 requirements and the Regional Water Board staff will not change the requirement and/or date to comply?**

You may ask that the Regional Water Board reconsider the requirement, and/or submit a petition to the State Water Resources Control Board. See California Water Code sections 13320 and 13321 for details. A request for reconsideration to the Regional Water Board does not affect the 30-day deadline within which to file a petition to the State Water Resources Control Board.

### **If I have more questions, whom do I ask?**

Requirements for technical reports include the name, telephone number, and email address of the Regional Water Board staff contact.

*Revised March 2014*

<sup>1</sup> All code sections referenced herein can be found by going to <http://leginfo.ca.gov/faces/codes.xhtml>.