
San Francisco Bay Regional Water Quality Control Board

March 20, 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

**SUBJECT: Requirement to Submit Technical Reports, Soil Vapor Investigation
Marinwood Plaza, 187 Marinwood Avenue, San Rafael, Marin County**

Dear Mr. Fitzsimons:

This letter requires Marinwood Plaza, LLC, to submit two technical reports consisting of a soil vapor investigation work plan and a report documenting the results of this investigation. This letter is sent to you as the representative of Marinwood Plaza, LLC, owner of the Site referenced above.

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. This Site is subject to the Regional Water Board's Site Cleanup Requirements Order number R2-2014-0007 as amended by Order R2-2014-0036, both adopted in 2014. Planned reuse of the property where the Site is located includes mixed residential and commercial units.

Need for Additional Soil Vapor Sampling

A residential neighborhood is located upgradient (southwest) of the Site. No detectable contaminants of concern (PCE and its degradation by-products) have ever been found in any groundwater sample from well MW-1 located between the front of the former drycleaner and the residences. However, PCE is found in soil vapor samples from probe SVM-1 located in front of the former dry cleaner. The concentration ($920 \mu\text{g}/\text{m}^3$) detected in November 2014 is below the commercial Environmental Screening Level¹ (ESL) of $2,100 \mu\text{g}/\text{m}^3$ but above the residential ESL of $210 \mu\text{g}/\text{m}^3$. Additional soil vapor grab samples were also collected in 2008 near the eastern edge of Marinwood Avenue. No detectable contaminants of concern were found at locations SV-9, SV-11, and SV-13. However, PCE was found in soil vapor at location SV-12 at

¹ See Regional Water Board webpage: http://www.swrcb.ca.gov/rwqcb2/water_issues/programs/esl.shtml

370 $\mu\text{g}/\text{m}^3$ from an onsite location near Marinwood Avenue and about 100 feet from the nearest residences. Additional soil vapor sampling is needed to confirm that soil vapor concentrations decline below safe levels in the area between the dry cleaner and the residential neighborhood.

Require Reports

This letter requires a work plan and report to delineate the upgradient extent of impacted soil vapor to residential ESLs, toward the residential neighborhood to the southwest of the Site. Specifically, Marinwood Plaza, LLC is required to submit by **May 22, 2015**, a work plan proposing soil vapor sampling locations and methods. Marinwood Plaza, LLC is required to submit a report documenting the results of work plan implementation within **80 days** after approval of the work plan by the Executive Officer.

This requirement for reports is made pursuant to Water Code Section 13267, which allows the Regional Water Board to require technical or monitoring program reports from any person who has discharged, discharges, proposes to discharge, or is suspected of discharging waste that could affect water quality. The attachment provides additional information about Section 13267 requirements. Any extension in the above deadline must be confirmed in writing by Regional Water Board staff.

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/. 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.

Sincerely,

Bruce H. Wolfe
Executive Officer

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

Sent via email with attachment:

Taper Family Enterprises
Attn.: Mr. Craig Cooper
Email: Craig@taperfamilyoffice.com

Hoytt Enterprises, Inc.
Attn.: Mr. Lee Hoytt
Email: Lee.Hoytt@hoyttenterprises.com

Wells Fargo Bank
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Geologica
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Marin County Supervisor
Mr. Damon Connolly Attn.: Mr. Chris
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Marin County Public Works
Attn.: Mr. Raul Rojas
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Marin County Community Development
Attn.: Mr. Brian Crawford
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Marin County Health Department
Attn.: Mr. Armando Alegria
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Silveira Ranches
Attn.: Ms. Renee Silveira
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Mr. Bill McNicholas
Email: Billmcn@pacbell.net

San Francisco Bay Regional Water Quality Control Board

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

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

Section 13267¹ 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 request.

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 January 2014

¹ All code sections referenced herein can be found by going to www.leginfo.ca.gov.