

STATE OF CALIFORNIA
REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

STAFF SUMMARY REPORT (Kent Aue)
MEETING DATE: February 12, 2014

ITEM: 7

SUBJECT: **Marinwood Plaza, LLC, for the property located at 187 Marinwood Avenue, Marinwood, Marin County – Adoption of Site Cleanup Requirements**

CHRONOLOGY: The Board has not previously considered this matter.

DISCUSSION: The Revised Tentative Order (Appendix A) would require the current landowner, Marinwood Plaza, LLC, to characterize the extent of contaminants in soil and groundwater; carry out interim cleanup for urgent problems; and prepare and implement a final cleanup plan for the Marinwood Plaza neighborhood shopping center (Site) located north of San Rafael (Appendix D). The former Prosperity Cleaners conducted dry cleaning operations at the Site using tetrachloroethylene (PCE) for approximately 15 years, from 1990 to 2005.

A discharge of PCE to soil and groundwater from dry cleaning operations was reported to Board staff in January 2008. Subsequent investigations at the Site have identified two contaminant source areas: one beneath the former dry cleaner and another about 40 feet east of the building that housed the dry cleaner, adjacent to the Site boundary.

Expeditious cleanup of the Site is needed to address multiple pollutant pathways. Laboratory analytical reports for soil, soil gas, indoor air, and groundwater samples show the presence of high concentrations of PCE, trichloroethylene, dichloroethylene, and vinyl chloride. PCE concentrations about twice the maximum contaminant level were detected in groundwater samples collected approximately 450 feet downgradient of the Site. An active domestic well is located approximately 550 feet farther downgradient. Additionally, contaminant concentrations in indoor air in a liquor store at Marinwood Plaza were so high that interim remedial measures were implemented so that the store can continue to operate.

We circulated a tentative order for public comment in December 2013 and received comments from representatives of Marinwood Plaza, LLC; Bridge Housing (who has applied to Marin County to purchase and redevelop the Site for high-density housing); and an offsite landowner, Lorraine Silveira (Appendix B). Our response to comments is contained in Appendix C.

There are two key issues raised in the comments:

- *Need for Board cleanup order:* Marinwood Plaza, LLC, argues that a Board cleanup order is not needed and the Board should continue to use less formal regulatory tools to drive cleanup of the Site. Given the high contaminant

concentrations in soil gas, vapor intrusion into an occupied business, and the potential threat to downgradient domestic wells, we conclude that an order is needed now to compel and guide cleanup in an orderly and reasonably expeditious manner.

- *Timeframe for additional cleanup:* Both Bridge Housing and Marinwood Plaza, LLC, argue for more flexibility in the deadline for implementing final cleanup, noting that it will be more efficient to perform cleanup in tandem with redevelopment of the Site. Ms. Silveira argues for a more aggressive deadline for final cleanup, noting the potential threat to the domestic wells on her property. We have made changes to the tentative order that we believe address both concerns. The Revised Tentative Order (i) expands the scope of interim cleanup tasks to assure that the domestic wells are protected and (ii) provides additional flexibility in final cleanup implementation while retaining a hard deadline for cleanup plan submittal.

We have shared the Revised Tentative Order with the commenting parties and anticipate further discussions with them prior to the Board meeting. This item is still likely to be contested, but we believe the scope of the unresolved issues has been narrowed.

RECOMMENDATION: Adopt the Revised Tentative Order

File No. 21S0053 (KA)

APPENDICES: A – Revised Tentative Order
B – Public Comments
C – Responses to Comments
D – Site Location Map

APPENDIX A
TENTATIVE ORDER

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION**

REVISED TENTATIVE ORDER

**ADOPTION OF SITE CLEANUP REQUIREMENTS for:
MARINWOOD PLAZA, LLC**

for the property located at
187 MARINWOOD AVENUE
MARINWOOD, MARIN COUNTY

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

- 1. Site Location:** The dry cleaning business Prosperity Cleaners was formerly located at 187 Marinwood Avenue in Marinwood Plaza, north of the City of San Rafael (Site, see Figure 1). Marinwood Plaza occupies a commercially-zoned property at the southeast corner of the intersection of Marinwood Avenue and Miller Creek Road and between Marinwood Avenue on the west and Highway 101 on the east. The property is comprised of four parcels totaling about five acres: 164-47-64, 164-47-65, 164-47-69, and 164-47-70. The areas to the north and west of the Site are single-family residential housing, and another commercial parcel borders the Site to the south.

Marinwood Plaza was developed in 1962 and is configured as a linear strip mall occupied by a neighborhood grocery store and several other smaller tenant spaces. There are currently two occupied tenant spaces in Marinwood Plaza: Savemore Liquors and the grocery store. The rear section of Savemore Liquors is directly adjacent to the former Prosperity Cleaners' location. A gasoline station previously occupied the vacant lot at the northern end of the property.

- 2. Site History:** Marinwood Plaza has been owned by Marinwood Plaza, LLC, since 2003. It was previously wholly owned by Hoytt Enterprises, which now is a part owner of Marinwood Plaza, LLC. The former Prosperity Cleaners used the dry cleaning chemical tetrachloroethene (PCE) in its daily operations and conducted dry cleaning at the Site for approximately 15 years, from 1990 to 2005. In August 2007, a discharge of PCE to soil and groundwater from dry cleaning operations was documented during a Phase II environmental assessment at the Site. This discharge was reported to the Regional Water Board in January 2008, which required the property owner to conduct environmental investigations at the Site. Marinwood Plaza, LLC, has continued to work with the Regional Water Board to characterize the extent of the contaminant discharge and implement interim remedial measures.
- 3. Named Discharger:** Marinwood Plaza, LLC, is named as a discharger because it is the current owner of the Site and owned the property during the time of the PCE discharge by Prosperity Cleaners, had knowledge of the discharge or the activities that caused the discharge, and had the legal ability to prevent the discharge. Marinwood Plaza, LLC, is the owner of a property where there is an ongoing discharge of pollutants, it has knowledge of the discharge or the

activities that caused the discharge, and it has the legal ability to control the discharge. Marinwood Plaza, LLC, has accepted responsibility for the discharge of contaminants.

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 Regional Water Board will consider adding those parties' names to this Order.

4. **Regulatory Status:** The Site is currently not subject to a Regional Water Board order. However, the Site has been the subject of multiple Water Code section 13267 directive letters since 2008.
5. **Site Hydrogeology:** The Site is within the Miller Creek watershed, and the modern channel of Miller Creek is approximately 150 feet from the southern boundary of the Site. The Site is located near the center of an eastward-sloping stream valley that drains to San Pablo Bay via Miller Creek and surface runoff. The Site is underlain by about 50 to 60 feet of silt, sand, and gravel deposited by a meandering ancestral Miller Creek over fractured bedrock of the Franciscan Complex. Borings advanced at and near the Site indicate that these stream deposits are variable in texture both laterally and vertically and generally become coarser with depth.

Unconfined groundwater is first encountered at approximately 6 to 9 feet below ground surface (bgs) in late winter and several feet lower in late fall. Groundwater present in deeper permeable strata appears to be semi-confined or confined by overlying finer-grained strata. Groundwater recharge in this area occurs by surface infiltration in unpaved areas and through the channel of Miller Creek, and it flows eastward beneath the Site toward San Pablo Bay. There are several domestic wells in the vicinity of the Site, but most are upgradient to the west. The closest downgradient active domestic well is approximately 1,000 feet east of the Site.

6. **Remedial Investigation:** Several onsite and offsite investigations have occurred since PCE was detected in August 2007. These investigations documented two contaminant source areas onsite: 1) beneath the former Prosperity Cleaners building where the dry cleaning machinery was previously located; and 2) along the eastern boundary of the Site adjacent to the southbound onramp to Highway 101, termed the "eastern hot spot" by Marinwood Plaza, LLC. PCE, and its breakdown products trichloroethylene (TCE), cis-1,2-dichloroethylene (cis-1,2-DCE), trans-1,2-dichloroethylene (trans-1,2-DCE), and vinyl chloride have been reported above the Regional Water Board's Environmental Screening Levels (ESLs) in soil, soil gas, indoor air samples, and groundwater at and downgradient of the Site.

In 2007, Marinwood Plaza, LLC, installed five shallow groundwater monitoring wells at the Site, and these wells have been monitored nine times since October of that year. Analytical results reported for groundwater samples collected from these wells in August 2013 are listed below:

Analyte	Maximum Detected Concentration (µg/L)	MCL (µg/L)
PCE	47	5
TCE	15	5

cis-1,2-DCE	21	6
trans-1,2-DCE	0.8	10
vinyl chloride	6.7	0.5

Currently, the vertical and lateral extent of contamination in groundwater has not been delineated. An offsite groundwater investigation was conducted by Marinwood Plaza, LLC, in October 2013 to determine if contaminants had migrated downgradient from the Site in groundwater. Analytical results for grab groundwater samples collected at eight locations along the eastern margin of Highway 101 indicate that PCE is present in groundwater above Maximum Contaminant Levels (MCLs) for drinking water at two of these locations. Marinwood Plaza, LLC, has sampled the water in Miller Creek, and the analytical results indicate that this stream has not been impacted by contamination at the Site.

PCE and its breakdown products have been reported in soil samples from borings beneath the floor of the former Prosperity Cleaners and in the “eastern hot spot” area. In June 2010, a soil sample collected at 1 foot bgs beneath the floor of the building was reported to contain 12 milligrams per kilogram (mg/k) of PCE. The soil sample collected from 15 feet bgs from the same boring contained 5.2 mg/k of PCE. Cis-1,2-DCE concentrations in soil beneath the building were also elevated. Soil samples from borings in the “eastern hot spot” area contained concentrations of PCE up to 4.0 mg/k, and elevated concentrations of cis-1,2-DCE and vinyl chloride. These results exceed both commercial and residential ESLs.

Marinwood Plaza, LLC, conducted a soil vapor survey at the Site in 2008 that detected PCE, TCE, and related compounds in the subsurface. In 2011, it installed six soil gas wells and has sampled these wells quarterly since September of that year. Analytical results for soil gas samples collected from these wells in January 2013 were reported to contain PCE at concentrations up to 680,000 micrograms per cubic meter ($\mu\text{g}/\text{m}^3$), TCE up to 21,000 $\mu\text{g}/\text{m}^3$, cis-1,2-DCE up to 260,000 $\mu\text{g}/\text{m}^3$, trans-1,2-DCE up to 12,000 $\mu\text{g}/\text{m}^3$, and vinyl chloride up to 350 $\mu\text{g}/\text{m}^3$. These results exceed the both commercial and residential ESLs and serve to confirm the general location of the two contaminant source areas.

PCE has consistently been reported in indoor air samples from inside the liquor store at the Site at concentrations exceeding the residential and commercial ESLs. Interim remedial measures implemented by Marinwood Plaza, LLC, have reduced the indoor air concentration of PCE from 85 $\mu\text{g}/\text{m}^3$ in 2009, to 2.4 $\mu\text{g}/\text{m}^3$ in 2012. However, the most recent reported concentration still exceeds both commercial and residential ESLs for this compound.

- Interim Remedial Measures:** Oxidizing liquid was injected into shallow soil beneath the dry cleaner building and at the “eastern hot spot” area near the Highway 101 onramp in April and May 2011. In August 2011, a bioremediation injection program was initiated at the “eastern hot spot” area to promote the breakdown of contaminants in soil to non-hazardous compounds. Subsequent groundwater samples collected from two of the monitoring wells onsite suggest these procedures may have degraded some percentage of the PCE present to the breakdown products TCE, cis-1,2-DCE, trans-1,2-DCE, and vinyl chloride.

To reduce the concentration of contaminants migrating as vapor into the adjoining liquor store, the rear storeroom floor of the store was sealed and fans were installed in the store to increase air circulation. These measures have significantly reduced the concentrations of contaminants measured in indoor air, as noted in Finding 6.

Additional interim remedial measures may need to be implemented 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:** There are two nearby Underground Storage Tank cleanup sites, which are both closed cases. The Chevron gas station at 100 Marinwood Avenue is an operating facility. The former Unocal gas station at 101 Marinwood Avenue no longer exists, and that site has been remediated. There is no indication that the chemicals of concern at the Site came from either of these two gas station facilities.

9. **Screening Level Risk Assessment:** A screening-level evaluation was carried out to evaluate potential human health and environmental concerns related to identified soil and groundwater impacts. Chemicals evaluated in the risk evaluation include PCE, TCE, DCE, and vinyl chloride, the primary chemicals of concern identified at the site.
 - a. **Screening Levels:** As part of the assessment, site data were compared to ESLs compiled by Regional Water Board staff. The presence of chemicals at concentrations above the ESLs indicates that additional evaluation of potential threats to human health and the environment is warranted. Screening levels for groundwater address the following environmental concerns: 1) drinking water impacts (toxicity and taste and odor), 2) impacts to indoor air, and 3) migration and impacts to aquatic habitats. Screening levels for soil address: 1) direct exposure, 2) leaching to groundwater, and 3) nuisance issues. Screening levels for soil gas address impacts to indoor air. Chemical-specific screening levels for other human health concerns (i.e., indoor-air and direct-exposure) are based on a target excess cancer risk of 1×10^{-6} for carcinogens and a target Hazard Quotient of 1.0 for non-carcinogens. Groundwater screening levels for the protection of aquatic habitats are based on promulgated surface water standards (or equivalent). Soil screening levels for potential leaching concerns are intended to prevent impacts to groundwater above target groundwater goals (e.g., drinking water standards). Soil screening levels for nuisance concerns are intended to address potential odor and other aesthetic issues.

b. **Assessment Results:**

Media / Constituent	Result of Screening Assessment*					
	Human health – direct contact	Leaching to ground-water	Indoor air	Aquatic life	Drinking water	Nuisance
Soil:						
PCE	X	X	X			X
TCE	X	X	X			X

cis-1,2-DCE	X	X	X			X
trans-1,2-DCE	X	X	X			X
Indoor Air:						
PCE	X		X			X
TCE						
cis-1,2-DCE						
trans-1,2-DCE						
vinyl chloride						
Soil Gas:						
PCE			X			X
TCE			X			X
cis-1,2,-DCE						X
trans-1,2-DCE						X
vinyl chloride			X			X
Groundwater:						
PCE	X		X	X	X	X
TCE	X		X	X	X	X
cis-1,2-DCE	X				X	X
trans-1,2-DCE	X				X	X
vinyl chloride	X		X		X	X

* Note: an "X" indicates that ESL for that particular concern was exceeded

- c. **Conclusions:** The contaminants exceeding these screening level values should be addressed using site-specific risk assessment, remediation, risk management, or some combination of these elements.

10. **Remedial Action Plan:** A remedial action plan is needed to propose work that is necessary to eliminate unacceptable threats to human health and the environment.

11. **Basis for Cleanup Levels**

- a. **General:** State Water Resources Control Board (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 the highest water quality consistent with the maximum benefit of the people.

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. It requires cleanup and abatement of the effects of discharges in a manner that promotes attainment of either background water quality levels or the best water quality which is reasonable if background levels of water quality cannot be restored. Cleanup levels less stringent 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 the provisions of Resolution No. 92-49, as amended.

- b. **Beneficial Uses:** The Water Quality Control Plan for the San Francisco Bay Basin (Basin Plan) is the Regional Water Board's master water quality control planning document. It designates beneficial uses and water quality objectives for waters of the State, including surface waters and groundwater. It also includes programs of implementation to achieve water quality objectives. The Basin Plan was duly adopted by the Regional Water Board and approved by the State Water Board, Office of Administrative Law, and U.S. EPA, where required.

Regional 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. Groundwater underlying and adjacent to the Site qualifies as a potential source of drinking water.

The Basin Plan designates the following potential beneficial uses of groundwater underlying and adjacent to the Site:

- Municipal and domestic water supply
- Industrial process water supply
- Industrial service water supply
- Agricultural water supply
- Freshwater replenishment to surface waters

Currently groundwater is not used at the Site. Groundwater pumped from a well on a nearby property downgradient of the Site is used for domestic and agricultural purposes.

The existing and potential beneficial uses of water in Miller Creek include the following:

- Groundwater recharge for domestic and agricultural supply
- Wildlife habitat
- Cold freshwater and warm freshwater habitat
- Fish migration and spawning
- Estuarine habitat

- c. **Basis for Groundwater Cleanup Levels:** The groundwater cleanup levels for the Site are based on applicable water quality objectives and are the more stringent of U.S. EPA and California primary maximum contaminant levels (MCLs). Cleanup to these levels will protect beneficial uses of groundwater and will result in acceptable residual risk to humans.
- d. **Basis for Soil Cleanup Levels:** The soil cleanup levels for the Site are intended to prevent leaching of contaminants to groundwater and will result in acceptable residual risk to humans and ecological receptors.
- e. **Basis for Soil Gas Cleanup Levels:** The soil gas cleanup levels for the Site are intended to prevent vapor intrusion into occupied buildings and will result in acceptable residual risk to humans.

- f. **Basis for Indoor Air Cleanup Levels:** The indoor air cleanup levels for the Site are intended to prevent unhealthy levels of VOCs in indoor air as a result of vapor intrusion.
- g. **Other:** The remedial action plan may propose revised cleanup levels for Regional Water Board consideration.

12. **Future Changes to Cleanup Levels:** The goal of the remedial action is to restore the beneficial uses of groundwater underlying and adjacent to the Site. Results from other sites suggest that full restoration of beneficial uses to groundwater as a result of active remediation at this Site may not be possible. If full restoration of beneficial uses is not technologically or economically achievable within a reasonable period of time, then the discharger may request modification to the cleanup levels or establishment of a containment zone, a limited groundwater pollution zone where water quality objectives are exceeded. Conversely, if new technical information indicates that cleanup levels can be achieved, the Regional Water Board may require further cleanup actions.
13. **Risk Management:** The Regional Water Board considers the following human health risks to be acceptable at remediation sites: a cumulative hazard index of 1.0 or less for non-carcinogens and a cumulative excess cancer risk of 10^{-6} to 10^{-4} or less for carcinogens. The screening level evaluation for this Site found contamination-related risks in excess of these acceptable levels. Active remediation is anticipated to reduce these risks over time. However, risk management measures are needed at the Site during and following active remediation to assure protection of human health. Risk management measures include engineering controls (such as engineered caps, vapor barriers, or wellhead treatment) and institutional controls (such as deed restrictions that prohibit or restrict certain land uses).

The following risk management measures are needed at this site:

- a. During remediation: Continued operation and possible enhancement of vapor intrusion mitigation measures at the liquor store.
 - b. Post remediation: A deed restriction that, at a minimum, notifies future owners of any residual sub-surface contamination and prohibits the use of groundwater beneath the Site as a source of drinking water until cleanup levels are met.
 - c. Other: The remedial action plan may propose revised risk management measures for Regional Water Board consideration.
14. **Basis for 13304 Order:** Water Code section 13304 authorizes the Regional 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.
15. **Cost Recovery:** Pursuant to Water Code section 13304, the discharger is hereby notified that the Regional Water Board is entitled to, and may seek reimbursement for, all reasonable costs actually incurred by the Regional 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.

16. **California Safe Drinking Water Policy:** It is the policy of the State of California that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes. This order promotes that policy by requiring discharges to meet maximum contaminant levels designed to protect human health and ensure that water is safe for domestic use.
17. **CEQA:** This action is an order to enforce the laws and regulations administered by the Regional 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.
18. **Notification:** The Regional Water Board has notified the discharger and all interested agencies and persons of its intent under Water Code section 13304 to issue a Cleanup and Abatement Order for the discharge and has provided them with an opportunity to submit their written comments.
19. **Public Hearing:** The Regional Water Board, at a public meeting, heard and considered all comments pertaining to this discharge.

IT IS HEREBY ORDERED, pursuant to sections 13267 and 13304 of the Water Code, that the discharger (or its agents, successors, or assigns) shall clean up 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. CLEANUP LEVELS

These cleanup levels may be amended by the Regional Water Board in the future based on the draft remedial action plan (RAP).

1. **Groundwater Cleanup Levels:** The following groundwater cleanup levels shall be met in all wells identified in the attached Self-Monitoring Program, in any impacted supply wells, and in any additional monitoring wells that may be installed as part of this Order:

Constituent	Level (µg/L)	Basis
Tetrachloroethene (PCE)	5	Drinking water MCL
Trichloroethene (TCE)	5	Drinking water MCL
cis-1,2-Dichloroethene (DCE)	6	Drinking water MCL
trans-1,2-DCE	10	Drinking water MCL
Vinyl chloride	0.5	Drinking water MCL

µg/L = microgram per liter

2. **Soil Cleanup Levels:** The following soil cleanup levels shall be met in all onsite soil:

Constituent	Level (mg/kg)	Basis
PCE	0.70	Leaching to groundwater
TCE	0.46	Leaching to groundwater
cis-1,2-DCE	0.19	Leaching to groundwater
trans-1,2-DCE	0.67	Leaching to groundwater

mg/kg = milligram per kilogram

3. **Soil Gas Cleanup Levels:** The following soil gas cleanup levels shall be met in all onsite vadose-zone soil:

Constituent	Commercial or Industrial Level (µg/m ³)	Residential Level (µg/m ³)	Basis
PCE	2,100	210	Vapor intrusion
TCE	3,000	300	Vapor intrusion
trans-1,2-DCE	26,000	3,100	Vapor intrusion
Vinyl chloride	160	16	Vapor intrusion

µg/m³ = microgram per cubic meter

4. **Indoor Air Cleanup Levels:** The following indoor air cleanup levels shall be met in occupied on-site buildings:

Constituent	Commercial or Industrial Level (µg/m ³)	Residential Level (µg/m ³)	Basis
PCE	2.1	0.41	Inhalation
TCE	3.0	0.59	Inhalation
trans-1,2-DCE	260	63	Inhalation
Vinyl chloride	0.16	0.031	Inhalation

µg/m³ = microgram per cubic meter

C. TASKS

1. EASTERN HOT SPOT REMEDIAL INVESTIGATION REPORT

COMPLIANCE DATE: March 31, 2014

Submit a report acceptable to the Executive Officer assessing the effectiveness of interim remedial measures in the eastern hot spot area.

2. OFFSITE REMEDIAL INVESTIGATION WORKPLAN

COMPLIANCE DATE: April 25, 2014

Submit a workplan acceptable to the Executive Officer to define the vertical and lateral extent of groundwater pollution offsite and assess the potential for contaminants to impact offsite domestic or agricultural wells. The workplan shall specify investigation methods and a proposed time schedule. Work may be phased to allow the investigation to proceed efficiently, provided that this does not delay compliance.

3. OFFSITE REMEDIAL INVESTIGATION REPORT

COMPLIANCE DATE: 120 days following Executive Officer approval of the Task 2 Workplan, or 90 days following completion of required access agreement(s), whichever is later

Submit an offsite remedial investigation report acceptable to the Executive Officer documenting completion of the offsite investigation. The technical report shall delineate the vertical and lateral extent of the contaminants of concern in groundwater and include an assessment of the potential for contaminants to impact offsite domestic or agricultural wells.

4. INTERIM REMEDIAL ACTION WORKPLAN

COMPLIANCE DATE: 45 days following Executive Officer requirement letter

Submit a workplan acceptable to the Executive Officer to evaluate interim remedial action alternatives for soil, soil vapor, and groundwater contamination and recommend alternatives for implementation onsite and/or offsite. The workplan shall specify a proposed time schedule for implementation of interim remedial actions. The Executive Officer will require this workplan if site contamination poses a potential threat to human health (e.g., indoor air concentrations are above ESLs for the contaminants of concern) or if contaminants in offsite groundwater pose a potential threat to or impact an offsite domestic or agricultural well.

5. COMPLETION OF INTERIM REMEDIAL ACTIONS

COMPLIANCE DATE: 120 days following Executive Officer approval of Task 4 workplan

Submit a technical report acceptable to the Executive Officer documenting completion of the tasks identified in the Task 3 workplan. For ongoing actions, such as soil vapor extraction,

groundwater extraction, or mitigation of impacts to an offsite domestic or agricultural well, the report shall document start-up, monitoring, and ongoing operations as opposed to completion.

6. REMEDIAL ACTION PLAN

COMPLIANCE DATE: 180 days after final approval by Marin County of entitlement to develop the Site (e.g., development agreement) or January 1, 2016, whichever is earlier

Submit a technical report acceptable to the Executive Officer containing:

- a. Summary of the remedial investigations
- b. Risk evaluation for onsite and offsite receptors
- c. Evaluation of the interim remedial actions implemented
- d. Feasibility study evaluating alternative final remedial actions
- e. Recommended final remedial actions and cleanup levels
- f. Proposed risk management plan
- g. Implementation tasks and time schedule

The remedial action plan must propose remedial work that has a high probability of eliminating unacceptable threats to human health and restoring beneficial uses of water in a reasonable time, with “reasonable time” based on the severity of impact to the beneficial use. The Executive Officer will consider the success of the interim remedial actions in reducing the potential threat to human health and groundwater resources when evaluating the proposed remedial action schedule.

Item 6.d shall include projections of cost, effectiveness, benefits, and impact on public health, welfare, and the environment of each alternative action.

Items 6.a through d should be consistent with the guidance provided by Subpart F of the National Oil and Hazardous Substances Pollution Contingency Plan (40 C.F.R. § 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").

7. REMEDIAL ACTION PLAN COMPLETION REPORT

COMPLIANCE DATE: Consistent with the schedule in the Task 6 Remedial Action Plan as approved by the Executive Officer.

Submit a technical report acceptable to the Executive Officer documenting completion of necessary tasks identified in the Task 6 remedial action plan. For ongoing actions, such as soil vapor extraction or groundwater extraction, the report shall document system start-up and monitoring (as opposed to completion) and shall present initial results on system effectiveness (e.g., capture zone or area of influence). Proposals for further system expansion or modification may be included in annual reports (see attached Self-Monitoring Program).

8. PROPOSED DEED RESTRICTION

COMPLIANCE DATE: 60 days following Executive Officer approval of Task 7 remedial action completion report

Submit a proposed deed restriction acceptable to the Executive Officer that limits onsite occupants' exposure to site contaminants to acceptable levels. The proposed deed restriction shall prohibit the use of groundwater beneath the Site as a source of drinking water until cleanup levels are met. The proposed deed restriction shall incorporate by reference a risk management plan (Task 6f). The proposed deed restriction shall name the Regional Water Board as a beneficiary and shall anticipate that the Regional Water Board will be a signatory. The Executive Officer will only require submittal of a proposed deed restriction if it is part of the remedy in the approved Remedial Action Plan.

9. RECORDATION OF DEED RESTRICTION

COMPLIANCE DATE: 60 days after Executive Officer approval of the proposed deed restriction

Submit a technical report acceptable to the Executive Officer documenting that the deed restriction has been duly signed by all parties and has been recorded with the Marin County Recorder. The report shall include a copy of the recorded deed restriction.

10. RISK MANAGEMENT PLAN IMPLEMENTATION REPORT

COMPLIANCE DATE: 60 days after required by Executive Officer and every 12 months thereafter

Submit a technical report acceptable to the Executive Officer documenting implementation of the Risk Management Plan over the previous 12-month period ending on June 30 of each year. The report shall include a detailed comparison of Risk Management Plan elements and implementation actions taken. The report shall provide a detailed discussion of any instances of implementation actions falling short of Risk Management Plan requirements, including an assessment of any potential human health or environmental effects resulting from these shortfalls. The report may be combined with a self-monitoring report, provided that the report title clearly indicates the scope of the report. The report may propose changes to the Risk Management Plan, although those changes shall not take effect until approved by the Regional Water Board or the Executive Officer. The Executive Officer will only require submittal of a risk management implementation report if it is part of the remedy in the approved Remedial Action Plan.

11. FIVE-YEAR STATUS REPORT

COMPLIANCE DATE: June 30, 2018, and every five years thereafter

Submit a technical report acceptable to the Executive Officer evaluating the effectiveness of the approved remedial action plan. The report shall include:

- a. Summary of effectiveness in controlling contaminant migration and protecting human health and the environment;
- b. Comparison of contaminant concentration trends with cleanup levels;
- c. Comparison of anticipated versus actual costs of cleanup activities;
- d. Performance data (e.g., groundwater volume extracted, chemical mass removed, mass removed per million gallons extracted);
- e. Cost effectiveness data (e.g., cost per pound of contaminant removed);
- f. Summary of additional investigations (including results) and significant modifications to remediation systems; and
- g. Additional remedial actions proposed to meet cleanup levels (if applicable) including time schedule.

If cleanup levels have not been met and are not projected to be met within a reasonable time, the report shall assess the technical practicability of meeting cleanup levels and may propose an alternative cleanup strategy.

12. PROPOSED CURTAILMENT

COMPLIANCE DATE: 60 days prior to proposed curtailment

Submit a technical report acceptable to the Executive Officer containing a proposal to curtail remediation. Curtailment includes system closure (e.g., well abandonment), system suspension (e.g., cease extraction but wells retained), and significant system modification (e.g., major reduction in extraction rates, closure of individual extraction wells within extraction network). The report shall include the rationale for curtailment. Proposals for final closure shall demonstrate that cleanup levels have been met, contaminant concentrations are known and stable, and contaminant migration potential is minimal.

13. IMPLEMENTATION OF CURTAILMENT

COMPLIANCE DATE: 60 days after Executive Officer approval of proposed curtailment

Submit a technical report acceptable to the Executive Officer documenting completion of the tasks identified in Task 12.

14. DELAYED COMPLIANCE: If the discharger is delayed, interrupted, or prevented from meeting the deadlines specified above, it shall promptly notify the Executive Officer, and the Regional Water Board or Executive Officer may consider revising the deadlines in this Order.

D. PROVISIONS

1. **No Nuisance:** The storage, handling, treatment, or disposal of polluted soil or groundwater shall not create a nuisance as defined in Water Code section 13050(m).
2. **Good O&M:** The discharger 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 discharger shall be liable, pursuant to Water Code section 13304, to the Regional Water Board for all reasonable costs actually incurred by the Regional 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 discharger 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 Water Code section 13267(c), the discharger shall permit the Regional 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 discharger.
5. **Self-Monitoring Program:** The discharger shall comply with the Self-Monitoring Program as attached to this Order and as may be amended by the Executive Officer.
6. **Consultant Qualifications:** All technical documents shall be signed by and stamped with the seal of a California registered geologist or a California registered civil engineer.
7. **Lab Qualifications:** All samples shall be analyzed by California state-certified laboratories or laboratories accepted by the Regional Water Board using approved U.S. EPA methods for the type of analysis to be performed. Quality assurance/quality control (QA/QC) records shall be maintained for Regional Water Board review. This provision does not apply to analyses that can only reasonably be performed on-site (e.g., temperature).
8. **Document Distribution:** An electronic and paper version of all correspondence, technical reports, and other documents pertaining to compliance with this Order shall be provided to the Regional Water Board, and electronic copies shall be provided to the following agencies. The Executive Officer may modify this distribution list as needed:

Marin County Public Health Department

Electronic copies of all correspondence, technical reports, and other documents pertaining to compliance with this Order shall be uploaded to the State Water Board's GeoTracker database within five business days after submittal to the Regional Water Board. Guidance for electronic information submittal is available at:

http://www.waterboards.ca.gov/water_issues/programs/ust/electronic_submittal

- 9. **Reporting of Changed Owner or Operator:** The discharger shall file a technical report on any changes in contact information, site occupancy, management, 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 Regional Water Board by calling (510) 622-2369.

A written report shall be filed with the Regional Water Board within five working days. The report shall describe: the specific location of the release, nature of the hazardous substance, estimated quantity released, 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 and the time and date they were notified.

This reporting is in addition to reporting to the California Emergency Management Agency required pursuant to the Health and Safety Code.

- 11. **Periodic SCR Review:** The Regional Water Board will review this Order periodically and may revise it when necessary.

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 Board, San Francisco Bay Region, on _____.

 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 (Figure 1)
 Self-Monitoring Program

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION**

SELF-MONITORING PROGRAM for:

MARINWOOD PLAZA, LLC

for the property located at

187 MARINWOOD AVENUE
MARINWOOD, MARIN COUNTY

1. **Authority and Purpose:** The Regional Water Board requires the technical reports identified in this Self-Monitoring Program (SMP) pursuant to Water Code sections 13267 and 13304. This Self-Monitoring Program is intended to document compliance with Regional Water Board Order **No. XX-XXX**.
2. **Groundwater Monitoring:** The discharger shall measure groundwater elevations quarterly in all monitoring wells and piezometers, and shall collect and analyze representative samples of groundwater according to the following table:

Well #	Sampling Frequency	Analyses
MW-1	Q	NS
MW-2	Q	8260B
MW-3	Q	8260B
MW-4	Q	8260B
MW-5	Q	8260B

Key: Q = Quarterly

SA = Semi-Annually

8260B = U.S. EPA Method 8260B or equivalent

NS = monitoring only; no sample analysis required

The discharger shall measure groundwater level and sample any new monitoring or extraction wells quarterly and analyze groundwater samples for the same constituents as shown in the above table. The discharger may propose changes in the above sampling program; any proposed changes are subject to Executive Officer approval.

3. **Soil Gas and Indoor Air Monitoring:** The discharger shall collect and analyze representative samples quarterly from all soil gas and indoor air monitoring locations according to the following table:

Sampling Location	Sampling Frequency	Analyses
SVM-1	Q	TO-15
SVM-2	Q	TO-15
SVM-3	Q	TO-15
SVM-4	Q	TO-15
SVM-5	Q	TO-15

SVM-6	Q	TO-15
Liquor store - front	Q	TO-15
Liquor store - back	Q	TO-15

Key: Q = Quarterly TO-15 = U.S. EPA Method TO-15 or equivalent
SA = Semi-Annually NS = field monitoring only; no sample analysis required

4. **Quarterly Monitoring Reports:** The discharger shall submit quarterly monitoring reports to the Regional Water Board no later than 30 days following the end of the quarter (e.g., report for first quarter of each calendar year is due April 30). The first quarterly monitoring report shall be due on July 30, 2014. The reports shall include:
- a. **Transmittal Letter:** The transmittal letter shall discuss any problems or violations during the reporting period and actions taken or planned to correct the problem. The letter shall be signed by the discharger's 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 contour map should be prepared for each monitored water-bearing zone. A line graph showing historical groundwater elevations for each well shall be included in the fourth quarterly report each year.
 - c. **Groundwater, Soil Gas, and Indoor Air Analyses:** Groundwater, soil gas, and indoor air sampling data shall be presented in tabular form, and an isoconcentration map should be prepared for the key contaminants of concern for the vadose zone and each monitored water-bearing zone, as appropriate. The report shall indicate the analytical methods used, detection limits obtained for each reported constituent, and a summary of QA/QC data. A line graph showing historical groundwater, soil gas, and indoor air sampling results for each sampling location shall be included in the fourth quarterly 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. Laboratory data sheets need not be included in the hard copy of the report submitted to the Regional Water Board. Laboratory data sheets should be included in electronic copies of the report submitted to the Regional Water Board and uploaded to the Geotracker database.
 - 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 quarterly report shall describe relevant work completed during the reporting period (e.g., site investigation, interim remedial measures) and work planned for the following quarter.

5. **Violation Reports:** If the discharger violates requirements in this Order, then the discharger shall notify the Regional Water Board office by telephone and email as soon as practicable once the discharger has knowledge of the violation. Regional Water Board staff may, depending on violation severity, require the discharger to submit a separate technical report on the violation within five working days of notification.
6. **Other Reports:** The discharger shall notify the Regional Water Board in writing prior to any site activities, such as construction, excavation, pumping, injection, or underground tank removal, which have the potential to cause further migration of contaminants or which would provide new opportunities for site investigation.
7. **Record Keeping:** The discharger or its agent shall retain all data generated for the above reports, including chain-of-custody records, laboratory results, and QA/QC data, for a minimum of six years after origination and shall make them available to the Regional Water Board upon request.
8. **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 discharger. 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.

APPENDIX B
PUBLIC COMMENTS

From: [Lisa Grady](#)
To: Aue.Kent@Waterboards
Cc: [Tom Graf \(tom@grafcon.us\)](mailto:Tom.Graf@grafcon.us)
Subject: Water Board Order Regarding the Marinwood Plaza site
Date: Wednesday, January 08, 2014 4:47:12 PM

Kent:

As you know, BRIDGE intends to develop the site post-remediation and we have assumed that vapor mitigation in the form of sub-slab ventilation or ventilated flooring will be necessary for some period of time in the areas currently showing vapors exceeding allowable concentrations. We want to make sure this is taken into account with regard to the order.

Additionally, without understanding the constraints and regulations governing the Waterboard, it would be ideal if staff were able to modify the order with regard to timing. While we hope this won't be the case, the entitlements and environmental approvals may be litigated. We were anticipating that the completion of the soil removal would occur once BRIDGE has secured the necessary financing to begin construction. We anticipate that the entitlement and environmental approvals will be secured in 12 to 18 months from today. Once that occurs, and assuming there is no litigation, we would proceed with the completion of the construction documents, financing and building permitting. Typically, that takes about a year's time. So, the earliest construction start date isn't likely to be until June of 2016.

The other item I would like to discuss at some point is the Prospective Purchaser document we need to protect us from liability once we take title. You indicated that the Water Board no longer issues these but I'd like to understand how we get to an equivalent level of protection absent that document.

Please give me a call if you have questions. Thanks and Happy New Year.

Lisa

Lisa Grady | Senior Project Manager
BRIDGE Housing Corporation | 345 Spear Street, Suite 700, San Francisco, Ca., 94105
Direct: 415.321.3534
p. 415.989.1111 ext 7514
f. 415.495.4898
lgrady@bridgehousing.com



Richard T. Bowles	Cathleen S. Huang
Michael P. Verna	Ethan K. Friedman
Robert I. Westerfield	William T. Nagle
Richard A. Ergo	Steven J. Willock
K.P. Dean Harper	Michael P. Connolly
Kenneth G. Jones	Nathaniel B. Duncan
Bradley R. Bowles	Cheryl A. Noll
Kenneth B. McKenzie	Deborah P. Furth
David W. Trotter	Michael L. Rabb
Jason J. Granskog	Jeanne Yang
Lawrence D. Goldberg	

January 8, 2014

VIA E-MAIL AND U.S. MAIL

Bruce H. Wolfe
Executive Officer
San Francisco Bay Regional Water Quality Control Board
1515 Clay Street
Suite 1400
Oakland, CA 94612
Attn: Kent Aue, P.G.

Re: Public Comments by Silveira Ranches on Tentative Order (Site Cleanup Requirements) for Marinwood Plaza, LLC, Former Prosperity Cleaners Site, 187 Marinwood Avenue, San Rafael, Marin County

Dear Mr. Wolfe:

We serve as legal counsel for Lorraine Silveira in her capacity as Trustee and as Successor Trustee of the Anthony F. Silveira and Lorraine F. Silveira 2002 Trust and doing business as Silveira Ranches (“Silveira”). On behalf of Silveira, we appreciate this opportunity to comment on the above-referenced Tentative Order for the former Prosperity Cleaners site located at 187 Marinwood Avenue (hereinafter, the “Site”).

General Comments

For the past several decades Silveira has owned and operated a dairy ranch on the east side of Highway 101. The ranch is located north of the City of San Rafael and across the highway from Marinwood Plaza and the dry cleaning chemical use at the Site that has resulted in significant tetrachloroethene (“PCE”) contamination of groundwater and soils under and downgradient from the Site. The Silveira property is located directly downgradient (due east and southeast) of the Site.

As the Tentative Order (at p. 2) makes clear, the closest downgradient active domestic wells are located approximately 1,000 feet east of the Site – i.e., on the Silveira property. There are two wells on the Silveira property that were installed many years ago. Water pumped from those wells is the source of drinking water used in the dairy operations and by dairy workers who reside in housing provided to them at the Silveira property.

The Tentative Order (at p. 3) documents the presence of “hot spots” with contaminated soils and a groundwater plume containing levels of PCE and its various carcinogenic breakdown

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Executive Officer
San Francisco Regional Water Quality Control Board
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products (TCE, cis-1,2-DCE, trans-1,2-DCE and vinyl chloride), in concentrations above the Regional Water Board's Environmental Screening Levels (ESLs). Grab groundwater samples indicate that PCE is now present in concentrations that are above Maximum Contaminant Levels (MCLs) for drinking water on the east side of Highway 101.

Thus, it appears from the available data that the PCE-contaminated groundwater plume has migrated under Highway 101 in the direction of the downgradient Silveira property and drinking water wells, and likely will continue to do so. These are matters of grave concern to Silveira Ranches.

As the acknowledged responsible party and owner of the Site, Marinwood Plaza, LLC is responsible for addressing Silveira's concerns in its site investigation and developing a remedial action plan (RAP) that fully remediates and eliminates any potential risk to the Silveira property and the drinking water sources and wells that serve the dairy.

The Tentative Order indicates (at p. 12) that final approval of the RAP may be pushed out to January 1, 2016 – almost two year from now. This scheduled is too relaxed and does not ensure that timely remedial measures are taken to fully protect the Silveira property. The outside deadline for RAP approval should be moved up by at least six months, to July 1, 2015. The timing for completion of the RAP should not be tied to the Site development schedule set by the County.

Specific Comments

The Tentative Order states (at p. 3) that as of now, “the vertical and lateral extent of contamination in groundwater has not been delineated.” To adequately protect the Silveira property and wells, it is important that this delineation get under way and hard data be obtained as soon as possible.

PCE is a dense non-aqueous phase liquid (DNAPL). Because DNAPL is heavier than water, it tends to sink to the bottom of the water table, where there is an increased risk that it will interact with groundwater sources that are further below ground. Determining how far the PCE contamination extends in the groundwater, and the groundwater connectivity or pathways between the plume and the Silveira water wells, both laterally and vertically, is critical. The Water Board should require the responsible party to undertake and complete such an analysis as part of the required remedial investigation.

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To this end, the Water Board should require the installation of several groundwater monitoring wells on the east side of Highway 101. These should be placed at appropriate locations and completed to sufficient depths to be able to fully map the lateral and vertical extent of the PCE plume. The responsible party, Marinwood Plaza LLC, should also be required to install one or more sentry wells, located between the plume and the Silveira water wells. Such sentry wells are absolutely necessary to provide early warning to the Water Board and Silveira, in the event the PCE contamination continues to move downgradient and threatens Silveira's drinking water wells.

An analysis of the role played by Miller Creek, as a potential pathway for movement of PCE-contaminated groundwater from the Site to the Silveira property, is vital and should be required as part of the site investigation. At this time it is not clear whether or to what extent Miller Creek acts as a conduit or barrier to groundwater migration from the north to the south side of the creek, where the Silveira wells are located. A full understanding of the hydrogeologic role played by Miller Creek is essential to the design of any site investigation and the development of appropriate remedial measures.

The Tentative Order describes (at p. 4) the interim remedial measures have been undertaken to promote the breakdown of contaminants to non-hazardous compounds. It includes a statement that additional interim remedial measures may need to be implemented to reduce the threat to water quality, public health and the environment. This statement should be strengthened. The Final Order issued by the Water Board should include language requiring the responsible party to continue taking interim measures at the Site to mitigate and treat the PCE contamination at its source. Such measures will have the beneficial effect of reducing the potential contamination risk to groundwater located downgradient from the Site, and on the Silveira property.

It is vital that any RAP approved by the Water Board include implementation measures that fully protect Silveira's supply of clean and healthy drinking water from its existing wells from any PCE and breakdown product contamination. Among other appropriate technologies, these should include consideration of bioremediation and abiotic treatment regimens to break down and eliminate chlorinated solvents from the groundwater plume.

Finally, the RAP needs to include concrete measures that spell out the steps the responsible party must take in the event the PCE plume reaches and contaminates the water in Silveira's wells. Such measures should include, without limitation, a requirement that the responsible party pay for wellhead treatment of the water to screen out and eliminate PCE and

Bruce H. Wolfe
Executive Officer
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breakdown product contaminants from the water supplying the dairy, or possibly re-drilling the wells to access "clean" aquifers if indicated.

We appreciate the Water Board's consideration of these comments.

Very truly yours,

A handwritten signature in black ink that reads "David W. Trotter" followed by a stylized flourish.

DAVID W. TROTTER

DWT:te

cc: Renee Silveira

Jon Welner
Direct: (415) 984-9656
Fax: 800-538-2541
jwelner@jmbm.com

Two Embarcadero Center, 5th Floor
San Francisco, California 94111-3813
(415) 398-8080 (415) 398-5584 Fax
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January 8, 2014

VIA E-MAIL

Bruce H. Wolfe
Executive Officer
San Francisco Bay Regional Water Quality Control Board
1515 Clay Street
Oakland, CA 94612
E-mail: kaue@waterboards.ca.gov

Re: Comments on Tentative Order—Site Cleanup Requirements for
Marinwood Plaza, LLC, Former Prosperity Cleaners, 187 Marinwood
Avenue, San Rafael, Marin County ("Prosperity Cleaners Site")

Dear Mr. Wolfe:

We are submitting these comments on behalf of Marinwood Plaza, LLC
("Marinwood"), the owner of the subject property.

Thank you for the opportunity to submit comments on the Tentative Order for the
Prosperity Cleaners Site. We respectfully urge the Board not to adopt the Tentative Order at this
time. As explained below, the Tentative Order is unnecessary and counterproductive.

SUMMARY OF COMMENTS

Marinwood has been extremely conscientious about investigating and remediating
the Site. Since the contamination was discovered in 2007, Marinwood worked closely with
Regional Board staff and spent well over \$500,000 to investigate and remediate the
contamination. Moreover, data provided to Regional Board staff make clear that the Site does
not currently pose an imminent health threat or environmental risk. It is therefore unclear why
staff are asking the Board to issue an Order at this time.

In addition, the Order establishes deadlines that will drive up the cost of cleanup
unnecessarily, and will prevent Marinwood from mitigating its costs by conducting portions of
the cleanup in conjunction with redevelopment of the Site. As written, the Order will also
require the premature shutdown of an ongoing business on the site, for no discernible reason.

COMMENTS

I. The Site Owner Has Acted Responsibly And Energetically To Investigate And Remediate The Site.

Since the contamination was first discovered in 2007, Marinwood has done everything in its power to comply with all laws and regulations, cooperate with the Regional Board, and ensure the safety of the public and the environment.

The contamination was first discovered as part of a Phase II investigation voluntarily undertaken by Marinwood. Upon discovering the contamination, Marinwood promptly reported the condition to the Regional Board and requested the Board's oversight of the case.

Since that time, Marinwood has conducted extensive investigation and remediation, all in cooperation and coordination with the Regional Board. Using a highly regarded environmental consultant, Marinwood conducted an investigation in 2008 which included soil, groundwater, and soil vapor sampling. It conducted two additional soil investigations in 2010. In 2011, it installed six soil gas wells and has sampled them quarterly since then. It has taken and analyzed groundwater samples from onsite monitoring wells nine times from 2007 to 2013. In 2008 and 2013, it conducted additional groundwater sampling at offsite locations, at the request of Regional Board staff. It took samples and analyzed the water at a nearby creek. It contacted the owner of an adjacent property and offered to sample the water in their drinking water well, but the owner declined.¹ It has repeatedly taken and analyzed indoor air samples from inside a retail shop located on the site (a liquor store).

Marinwood has also taken a number of interim remediation measures, including bioremediation of soil contamination at a location known as the "eastern hotspot," and several measures to improve air quality in the retail store.

In all respects, Marinwood has acted responsibly and cooperatively with regard to this Site. Given this impressive track record, we do not understand staff's decision to propose an Order at this time.

II. The Site Poses No Imminent Health Or Environmental Risks.

Sampling conducted on the property and east of the property on the Highway 101 right of way indicates that the Site poses no imminent risk to human health and the environment. Impacted soil on the property is largely covered with structures or surrounded by fencing to prevent direct contact. Impacted groundwater is not being used for any purpose. Off-site

¹ The owner of the adjacent property later provided its own analysis of the drinking water well to Regional Board staff. The water was clean.

groundwater contaminant concentrations east of Highway 101 have been recently found to be on the order of, or below, the drinking water standards.

In addition, as noted above, the nearest downgradient water supply well has been sampled and found to be free of contamination. Impacted soil vapor on the property is also largely covered with structures. No evidence of off-site migration of soil vapor has been identified. Indoor air concerns have only been identified in one of the occupied tenant spaces on the property, which have been addressed by vapor intrusion mitigation measures implemented under a 13267 directive letter.

III. The Order Will Unnecessarily Drive Up Cleanup Costs And Force Shut-Down Of An Onsite Retail Business.

Since 2005, Marinwood has been working cooperatively with the nonprofit organization Bridge Housing ("Bridge") to create a plan to redevelop the site as a mixed-use, affordable housing project. In June 2013, Bridge submitted application documents to Marin County for the Marinwood Village Project ("Project"). Upon approval of the Project by the County, ownership of the Site will transfer to Bridge.

Marinwood and Bridge have worked closely with Regional Board staff in developing these plans. From the outset, it was discussed and understood by all parties that to the extent possible, the remediation would be performed in conjunction with the development in order to: (1) achieve cost savings by performing excavation for remediation and construction at the same time; and (2) minimize disruption to the community. The Project calls for the demolition of more than 18,000 square feet of commercial space; much of the contamination is located directly under that space. It makes sense to combine these efforts.

For this reason, the Tentative Order requires that the Remedial Action Plan must be submitted "180 days after final approval by Marin County of entitlement to develop the Site (e.g., development agreement)..." Unfortunately, however, the Tentative Order goes on to say "...or January 1, 2016, *whichever is earlier.*"

It is wholly unrealistic to believe that construction of the Project will begin by January 1, 2016.² Therefore, the impact of this deadline would be to require Marinwood to demolish the existing commercial space and excavate the soil beneath it *before* the Project could begin construction. Then later, once the Project is finally approved by the County, Bridge (or some other developer) would need to re-excavate the same area in order to build new commercial space and housing. This makes no sense.

² In addition to the usual hurdles of obtaining County approval, the Project has become the target of significant political opposition. See, e.g., "Marinwood, Lucas Valley residents vent housing, land use concerns to Supervisor Adams," *Marin Independent Journal*, June 26, 2013. This may result in significant delay.

In addition, the January 1, 2016 deadline would force an existing retail business on the Site—the liquor store—to shut its doors prematurely. But for this artificial deadline, the store could continue to operate until Bridge receives approval from the County to construct the Project.

In short, the proposed deadline of January 1, 2016, will result in substantial additional and unnecessary costs, substantial additional disruption to the community, and the loss of an ongoing business—all for no discernible reason.

At a minimum, the Tentative Order should be modified to require submission of the Remedial Action Plan "180 days after final approval by Marin County of entitlement to develop the Site (e.g., development agreement) or January 1, **2018**, whichever is earlier."

IV. The Proposed Order Is Inconsistent With The Treatment Of Other Sites.

Issuance of a Cleanup Order for this type of site is unusual and largely unprecedented, particularly for a site where the Potentially Responsible Party ("PRP") has been proactive in conducting work and responsive to Regional Board concerns.

We reviewed the State's GeoTracker Environmental Site Database on January 7, 2014, to compare the proceedings at other dry cleaner sites being supervised by the Regional Board in Marin and Alameda counties. We found a total of 20 sites. Of those sites, only one—Five Star Cleaner in San Pablo—appears to have a Cleanup Order in place. That's one out of 20 sites. Conversely, we found a number of dry cleaner sites under Regional Board oversight that achieved regulatory closure without an Order.

Staff's decision to propose an Order for the Prosperity Cleaners Site thus appears to be highly unusual. We do not understand why our site is being treated differently than other, similar sites.

V. We Have Submitted Prior Detailed Comments.

Marinwood has previously submitted detailed comments regarding the Tentative Order to staff, many of which were rejected without explanation. We hereby incorporate those comments by reference in their entirety.

The comments include:

- Email with attached documents from Brian Aubry to Kent Aue, sent on 11/26/13: "Marinwood draft order – redline"; and
- Email with attached documents from Brian Aubry to Kent Aue, sent on 11/14/13: "Meeting regarding Administrative Draft: Site Cleanup Requirements for former Prosperity Cleaners".

CONCLUSION

In light of the above, we respectfully ask the Board to DENY the Tentative Order.

Sincerely,

A handwritten signature in blue ink, appearing to read 'JON WELNER', with a large, sweeping flourish extending to the right.

JON WELNER of
Jeffer Mangels Butler & Mitchell LLP

APPENDIX C
RESPONSES TO COMMENTS

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION**

RESPONSE TO COMMENTS

**Marinwood Plaza, LLC
for the property located at 187 Marinwood Avenue, Marinwood, Marin County**

Adoption of Site Cleanup Requirements

This document provides Water Board cleanup staff's response to comments received on the tentative order (TO) for Site Cleanup Requirements for the subject site. On December 4, 2013, cleanup staff distributed the TO for comment. We received comments on the TO from the following parties:

Date	Commenter
01/08/14	Bridge Housing, Inc., prospective purchaser and redeveloper for the subject site
01/08/14	David W. Trotter, Esq., of Bowles & Verna LLP, attorney for Lorraine Silveira in her capacity as Trustee of the Anthony F. Silveira and Lorraine F. Silveira 2002 Trust, and doing business as Silveira Ranches ("Silveira"), a downgradient landowner
01/08/14	Jon Welner, Esq., of Jeffer Mangels Butler & Mitchell LLP, attorney for Marinwood Plaza, LLC, owner of the subject site (Discharger)

The comments are summarized below, paraphrased for brevity, followed by staff's response. For the full content and context of each comment, refer to the comment letters.

Bridge Housing, Inc., prospective purchaser and redeveloper for the subject site

1. **Comment:** The TO should take into account that we assume that post-remediation vapor mitigation will be necessary beneath structures in areas with high current soil vapor concentrations.

Response: Task 6 of the TO requires the Discharger to prepare a Remedial Action Plan (RAP), which will include a risk evaluation, recommended final remedial actions, a proposed implementation schedule, and a proposed risk management plan. We anticipate that the RAP will address post-remediation vapor mitigation measures, as necessary.

2. **Comment:** Due to uncertainties regarding the entitlements, planning approvals, financing, and potential litigation of the proposed project, the TO should be revised to extend the date for beginning remediation until June 2016.

Response: We agree that the timing of the Marin County entitlement is uncertain. We have made a different change to the TO to address both this issue and the need for timely cleanup of site contamination. Task 6 of the TO requires the Discharger to submit a RAP 180 days following approval of the proposed project by Marin County, or January 1, 2016, whichever is earlier. Task 6 also requires a schedule for implementation of the tasks described in the RAP. Task 7 of the TO requires the Discharger to implement the RAP within 120 days following Executive Officer approval of the RAP. It is inappropriate to further delay RAP submittal, since site contamination poses a threat to human health (via vapor intrusion into occupied onsite

buildings or impacts to offsite supply wells) and threatens to cause additional offsite groundwater contaminant migration. Any further delay in RAP submittal needs to be contingent on interim cleanup actions that substantially eliminate these threats. To that end, we have made two changes to the TO:

- Task 6 has been revised to place emphasis on the success of the interim remedial actions when evaluating the proposed RAP implementation schedule.
- The compliance date for Task 7 (RAP implementation) has been revised to be consistent with the Task 6 implementation schedule.

These changes address the commenter's concern while still assuring that necessary cleanup work proceeds promptly. The task schedule in the TO allows nearly two years for the Discharger to implement interim remedial actions, which is a reasonable schedule given the threats the site poses.

3. **Comment:** We are unclear how to protect our company from environmental liability once we take title to the property.

Response: Responsibility for managing a new landowner's environmental liability rests with the prospective purchaser (Bridge Housing) and not with the Water Board. One option applied at other cleanup sites is a "comfort" letter where Water Board staff indicate that they will not recommend that the Water Board require the new landowner to undertake cleanup work as long as the prior landowner is complying with existing Water Board directives and the new landowner is providing reasonable access for that work.

David W. Trotter, Esq., of Bowles & Verna LLP, attorney for Lorraine Silveira in her capacity as Trustee of the Anthony F. Silveira and Lorraine F. Silveira 2002 Trust, and doing business as Silveira Ranches ("Silveira"), a downgradient landowner

1. **Comment:** The TO indicates that the final approval of the RAP may be pushed out to January 1, 2016 – almost two years from now. This schedule does not ensure that timely remedial measures are taken to fully protect the Silveira property. The final date for approval of the RAP should be moved to July 1, 2015, at the latest. The timing of the RAP should not be tied to the development schedule set by Marin County.

Response: The timing of the RAP for the site is intended to accommodate the property redevelopment schedule by allowing the Discharger flexibility in implementing the final remedial measures. We agree that the timing of Marin County entitlement is uncertain. As noted in Bridge Housing Comment No. 2, we have made changes to the TO to address this issue, the need for timely cleanup of site contamination, and the implementation of offsite remedial actions, as necessary and appropriate. Tasks 6 and 7 of the TO have been revised to place emphasis on the success of interim remedial actions when evaluating the proposed RAP implementation schedule. Tasks 2 and 3 have been revised to require the Discharger to submit a workplan to delineate the lateral and vertical extent of groundwater pollution offsite and assess the potential for contaminants to impact offsite domestic or agricultural wells. The workplan is due by April 25, 2014, and is specifically intended to determine the potential for contamination originating at Marinwood Plaza to impact wells on the Silveira property. Task 4 has been revised to indicate that the Executive Officer will require implementation of interim remedial measures if there is a threat to the Silveira wells. If interim measures are required,

they would be likely be implemented during the first quarter of 2015, prior to submittal of the RAP (Task 6).

2. **Comment:** The Water Board should require the responsible party to undertake and complete an analysis of the potential contaminant migration pathways between the contaminant plume and the Silveira water wells.

Response: We anticipate that the scope of work required by the revised language in tasks 2 and 3 of the TO will provide this information.

3. **Comment:** The Water Board should require the installation of monitoring wells east of Hwy 101 to delineate the contaminant plume and serve as sentry wells to protect the Silveira drinking water wells.

Response: We agree. We anticipate that the scope of work required in tasks 2 and 3 of the TO will include installation and routine monitoring of strategically-located wells east of Hwy 101. Data derived from these wells and other aspects of the investigation will allow assessment of a potential threat to the Silveira wells from the contamination originating at the site.

4. **Comment:** An analysis of Miller Creek as a potential contaminant pathway or barrier should be conducted as part of the site investigation. A full understanding of the hydrogeologic role played by Miller Creek is essential to the design of any site investigation and the development of appropriate remedial measures.

Response: We agree. Laboratory analytical reports for water samples collected from Miller Creek by the Discharger's consultant indicate that the creek is not serving as a contaminant pathway. However, the hydrostratigraphy east of Hwy 101 is not currently well understood, and groundwater recharge through the bed of this stream (i.e., a "losing stream" scenario) may serve as an intermittent barrier to contaminant migration. We anticipate that the scope of work included in revised tasks 2 and 3 of the TO will provide a better understanding of the interaction between surface water and groundwater flow east of Hwy 101.

5. **Comment:** The statement in the TO indicating that additional interim measures may need to be implemented should be strengthened. Implementation of additional interim measures should be required in the order adopted by the Water Board.

Response: The language in the TO is conditional because the Discharger's consultant is currently evaluating the effectiveness of the earlier onsite interim remedial measures. Tasks 2, 3, and 4 of the TO have been revised to emphasize assessment of a potential threat to groundwater resources and, if necessary, implementation of additional interim remedial measures to protect offsite wells.

6. **Comment:** The RAP approved by the Water Board should include measures to protect the drinking water in the Silveira wells from contamination. Bioremediation and abiotic treatment regimens should be considered to eliminate chlorinated solvents from groundwater.

Response: The RAP is required to include proposed remedial actions and cleanup levels that eliminate threats to human health and restore beneficial uses of water. Among the objectives of these remedial actions will be protection of the Silveira wells. We anticipate that the feasibility study in the RAP will consider a number of potentially applicable remedial approaches, including bioremediation and abiotic treatment regimens.

7. **Comment:** The RAP needs to include concrete measures that spell out the steps the responsible party must take in the event the PCE plume reaches and contaminates the water in the Silveira wells.

Response: Recent sampling of the Silveira well closest to Marinwood Plaza by the well owner indicates that groundwater pumped from the well does not contain PCE or related contaminants released at the former Prosperity Cleaners site. Tasks 2, 3, 4, and 5 are intended to delineate the extent of the contamination in groundwater east of Hwy 101 and prevent contamination of water produced by the Silveira wells. Tasks 4 and 5 have been revised to require mitigation of impacts to any offsite domestic or agricultural well.

Jon Welner, Esq., of Jeffer Mangels Butler & Mitchell LLP, attorney for Marinwood Plaza, LLC, owner of the subject site

1. **Comment:** In all respects, Marinwood Plaza, LLC (Marinwood) has acted responsibly and cooperatively with regard to the subject site. Given this impressive track record, we do not understand staff's decision to propose an order at this time.

Response: Adoption of the TO would provide a clear path forward toward site cleanup and offsite groundwater investigation and mitigation. Given that the property is in the process of being sold and redeveloped for high density housing, our intent is to provide all parties involved in this process a blueprint for site cleanup and case closure. Given high contaminant concentrations in soil gas, vapor intrusion into an occupied business at the site, and the threat to downgradient domestic wells, a Water Board order is appropriate to compel and guide cleanup in an orderly and reasonably expeditious manner.

2. **Comment:** Sampling conducted on the property and east of Hwy 101 indicates that the site poses no imminent risk to human health and the environment. Impacted groundwater is not being used for any purpose. Offsite groundwater contaminant concentrations have been found to be on the order of, or below, drinking water standards, and the nearest downgradient well has been sampled and found to be free of contamination. There is no evidence of offsite soil vapor migration, and indoor air concerns have been addressed by vapor intrusion mitigation measures.

Response: We disagree. The environmental consultant for the property owner has documented that PCE-related contaminants in soil vapor within the occupied business adjacent to the former Prosperity Cleaners location exceed commercial Environmental Screening Levels (ESLs). Interim remedial measures have reduced the concentrations of these contaminants to levels approaching the commercial ESLs, but the source of the contamination has not been remediated. Additionally, PCE is present in groundwater at two separate locations approximately 450 feet downgradient of the site at concentrations about two times PCE's maximum contaminant level. An active domestic well is located approximately 1,000 feet downgradient of the site. There is no evidence suggesting that these two locations are not in hydrogeologic communication; in fact, available geologic data suggest that they may be in communication. Based on information currently available, Water Board staff concludes that there is a potential threat to this well from the contaminant release at the site. Counsel representing the owner of this active well has expressed the same concern.

3. **Comment:** Marinwood Plaza, LLC, and Bridge Housing anticipate remediating the impacted area at the site by excavating contaminated soil following demolition of some of the buildings

in conjunction with redevelopment. It makes sense to combine these efforts to minimize cost and disruption to the adjacent community.

Response: See our response to Bridge Housing Comment No. 2. We agree that if the feasibility study required in Task 6 of the TO determines that excavation is the preferred remedial alternative, excavation at the site in conjunction with redevelopment would be preferable. However, the final remedy has not been selected, and a RAP implementation schedule has not been proposed. In-situ remediation of contaminated soil beneath the existing buildings may be found to be the preferred alternative because it is typically less expensive than excavation, particularly if groundwater is encountered during excavation. Based on currently available information, significant concentrations of contaminants are present below the first encountered groundwater at the site. The applicability of excavation as a final remedial measure is also limited because it will not address groundwater contamination at the site. Nonetheless, Task 7 has been revised to provide additional flexibility in implementing the RAP, dependent upon the relative success of the interim cleanup measures.

4. **Comment:** The TO requires that the RAP be submitted no later than 180 days following approval of entitlement to develop the Site or by January 1, 2016, whichever is earlier. It is wholly unrealistic to believe that construction of the project will begin by January 1, 2016; therefore this deadline would require Marinwood Plaza to demolish the existing commercial space and excavate the soil beneath it before the project could begin construction. Bridge Housing or another developer would then be required to re-excavate the same area to construct new structures. This makes no sense.

Response: We disagree with these conclusions. As noted in our response to Comment No. 3, excavation has not been selected as the preferred remedial alternative and may not be the best means to remediate the site. The Discharger will select and propose a final remedial approach and cleanup schedule based on the feasibility study required by Task 6 of the TO. The Executive Officer will evaluate the proposed cleanup schedule based on the relative success of the interim remedial actions. It is also unclear to us why engineered fill placed in a deep excavation would need to be re-excavated to accommodate the slab-on-grade construction currently proposed for the site.

The January 1, 2016, submittal date for the RAP was selected following consultation with both the Discharger and Bridge Housing and is based upon their estimates of the time required to obtain approval for the site's redevelopment. The TO requires that the RAP be submitted on January 1, 2016, not that implementation of the selected remedial alternative begin on that date. Task 6 has been revised to indicate that the Executive Officer will consider the effectiveness of the interim remedial actions when evaluating the RAP implementation schedule proposed in Task 6. Task 7 has been revised to require implementation of the final remedial actions consistent with the schedule approved by the Executive Officer. See also our response to Bridge Housing Comment No. 2.

5. **Comment:** The January 1, 2016, deadline to submit the RAP would force an existing retail business on the site to close prematurely. Except for this artificial deadline, the liquor store could operate until Bridge Housing receives approval to construct the project.

Response: We disagree. This comment presumes that the final remedial action will require closure of the liquor store. As noted in our responses to comments No. 3 and 4, above, this will

be determined by the Discharger based on the final remedial actions it selects and proposes. In the event that the Discharger elects to displace the liquor store by demolishing a portion of the structure to facilitate soil excavation, there are several vacant tenant spaces at Marinwood Plaza that could be occupied by this business.

6. **Comment:** The January 1, 2016, deadline for submittal of the RAP proposed in the TO will result in substantial additional and unnecessary cost, substantial additional disruption to the community, and loss of an ongoing business – all for no discernible reason. At a minimum the TO should be modified to require submission of the RAP 180 days following approval of the project by Marin County or January 1, 2018, whichever is earlier.

Response: We disagree. As noted in our response to Comment No. 4, the submittal date for the RAP was selected based on information provided to us by the Discharger and Bridge Housing and is intended to accommodate redevelopment at the site. Neither the Discharger nor Bridge Housing have provided any documentation supporting the assertion that approval of the proposed redevelopment may require four years or more. As noted in our responses to comments No. 3, 4, and 5, Task 6 has been revised to place emphasis on the success of interim remedial actions when evaluating the RAP implementation schedule proposed by the Discharger. Task 7 has been revised to ensure that the submittal date for the RAP Completion Report is consistent with the implementation schedule approved by the Executive Officer. The assertions of substantial additional and unnecessary costs, additional disruption of the community, and loss of an ongoing business are unsupported by evidence. We have addressed these assertions in our responses to comments No. 3, 4, and 5.

7. **Comment:** Issuance of a cleanup order for this type of site is unusual and largely unprecedented, particularly where the potentially responsible party has been proactive in conducting work and responsive to Water Board concerns. Based on our Geotracker review of dry cleaner cases in Marin and Alameda counties the decision to impose an order for the Prosperity Cleaners site appears to be highly unusual. We do not understand why this site is being treated differently than other sites.

Response: The Water Board is not treating this site differently than other dry cleaner spill sites it oversees. While many dry cleaner spill sites have not received cleanup orders, Water Board staff's decision to recommend that the Water Board adopt a cleanup order is based on the specifics of each case. We generally recommend cleanup orders when the site presents a threat to human health or water quality, as is the case with this site, regardless of a discharger's compliance status. The Prosperity Cleaners site has documented vapor intrusion of contaminants into an occupied business, along with a threat to downgradient domestic wells. As evidenced by its recent adoption of numerous cleanup orders, the Water Board expects to adopt cleanup orders more frequently for dry cleaner spill sites,

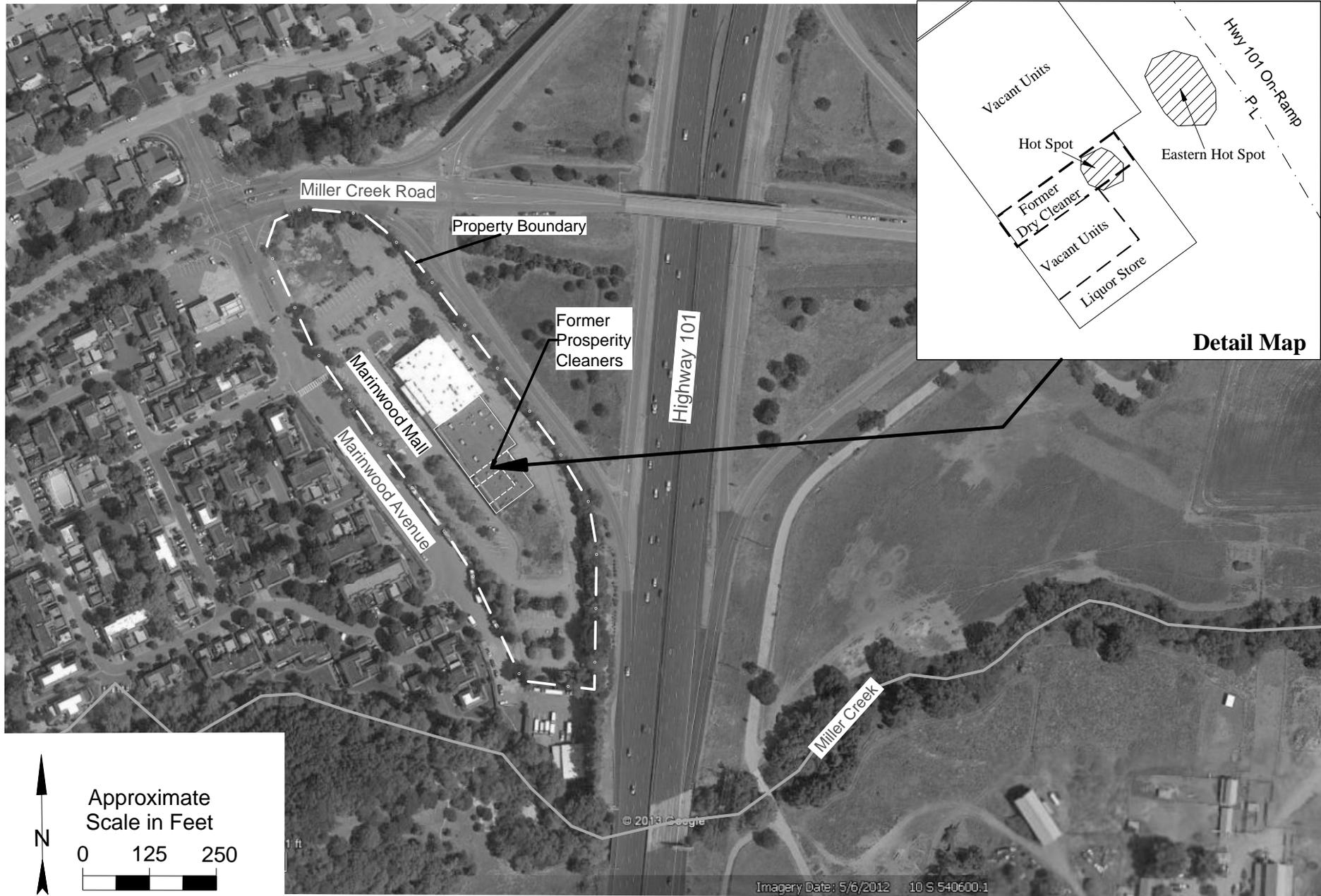
8. **Comment:** Marinwood previously submitted detailed comments on the administrative draft TO, and many of these were rejected without explanation. We hereby incorporate those comments by reference.

Response: Comment noted. The comments that the Discharger has recently submitted on the TO essentially reiterate its earlier comments on the administrative draft TO. The Discharger's previous comments have either been addressed by changes to the administrative draft TO or are reflected in its comments on the public TO. Water Board staff provided a copy of the

administrative draft TO to the Discharger via email on November 6, 2013. In our transmittal email, we requested that it review the document, identify factual errors, and submit the correct information to us by November 8, 2013. This email also stated that all parties would be afforded the opportunity to fully comment on the TO during the public review period.

Shortly following receipt of the administrative draft TO on November 6, the Discharger requested an extension until November 12 to submit comments, which we granted. The Discharger submitted extensive comments on the concept, content, and structure of the administrative draft TO on November 14 and then met with Water Board staff on November 18 to discuss its comments. We carefully considered its comments, made substantial revisions to the document (particularly to sections B and C), and transmitted it to the Discharger to verify that we had revised the document to address many of its substantive comments. The Discharger submitted additional comments on the revised administrative draft TO on November 26, and we have considered these comments during subsequent revisions of the TO.

APPENDIX D
SITE LOCATION MAP



geologica

San Francisco, California

**Former Prosperity Cleaners
Marinwood Plaza
187 Marinwood Avenue
San Rafael, California**

Figure 1

Site Location Map