



September 30, 2020

Peter Detlefs

Economic Development Coordinator

County of Santa Cruz 701 Ocean Street, Room 520
Santa Cruz, California 95060

Update: ***Chronology of Environmental Conditions Resulting in Required Environmental Mitigation that Decreases Property Value***

Site: **County of Santa Cruz Redevelopment Parcels
1412, 1438, 1500 and 1514 Capitola Road, Santa Cruz (see Location Map, Figure 1)**

Standard of care environmental assessment tasks were completed in furtherance of a proposed redevelopment project at the subject site (RRM 2020a, 2020b), dry cleaning solvents were discovered at the site, and a *Vapor Intrusion Mitigation System* plan was designed to be protective of human health and the environment (GeoKinetics, 2020). The design followed standard of care, regulatory agency guidelines established for all property developments (RWQCB-SFB, 2019). A copy of this guidance is included as Attachment A.

1.0 BACKGROUND

Standard of care environmental assessment tasks were completed in furtherance of a proposed redevelopment project at the 3.7-acre subject site⁽¹⁾. Specifically, historical and regulatory research collected as part of a *Phase I Environmental Site Assessment* identified a potential environmental liability attributed to an agency-closed fuel leak located approximately 200 feet east of the subject property (RRM, 2020a). The report concluded:

“It is possible that detectable residual hydrocarbon contamination from the former Live Oak Texaco at 1671 Capitola Road has spread in groundwater and possibly soil vapor, beneath the 1514 Capitola Road parcel.”

To address this potential environmental risk, two (2) soil vapor samples were collected on the subject site, along the northeastern property line (RRM, 2020b). The State-certified laboratory results did not contain any significant fuel-related contaminants but instead contained very elevated concentrations of the dry cleaning solvent PCE (tetrachloroethylene).

A follow-up review of historic land use at and in the vicinity of the site identified the likely source of the property line contamination to originate from a former dry cleaning business that previously operated on

¹: The proposed redevelopment project would result in redevelopment of the underutilized site into a mixed-use development consisting of a medical clinic (Santa Cruz Community Health Center) and dental office (Dientes), and 57 affordable residential rental apartments (MidPen Housing Corporation).

the adjoining property to the east (i.e., Former Fairway Dry Cleaners, 1600 Capitola Road).

The California Regional Water Quality Control Board Central Coast Region (RWQCB-CCR), as the overseeing agency with jurisdiction for chemical release sites, was notified of the release (GeoTracker, 2020) and provided with a *Workplan to complete an Expedited Site Characterization for an Imminent Multi-use Redevelopment* (WHA, 2020a). In addition, a *Voluntary Cost Recovery* agreement was entered between the County of Santa Cruz (on behalf of the Santa Cruz County Redevelopment Successor Agency) and the RWQCB-CCR.

Confirmation Sampling of Chemical Release (Soil, Soil Vapor and Groundwater Testing)

On February 25, 2020, following notification to the CRWQCB-CCR, forty-four (44) passive soil gas samplers were installed in a grid pattern that extended outward from the northeastern property boundary which is the location of the former Fairway Dry Cleaners. This preliminary site screening confirmed this former Dry Cleaners was the source of a release of the dry cleaning solvent PCE to the subsurface. The highest concentrations of PCE (**1,830 ug/m³**) were detected along the property boundary at levels significantly exceeding risk-based agency threshold limits for commercial and residential land uses (i.e, **67 and 15 ug/m³**, respectively). The grid of shallow passive soil sampling data also showed that concentrations dropped off (attenuated) as you move westward away from the source (figure of plume footprint included as Attachment 2). Follow-up sampling of soil, soil gas, and groundwater samples:

- a) Confirmed encroachment of dry cleaning solvent contamination from the adjoining property to the east. And,
- b) Provided data needed for the design of a vapor barrier system for the proposed multi-use development project.

2.0 CONCLUSION AND RECOMMENDATION

Standard of care characterization sampling of a recently discovered chemical release has confirmed the source of the solvent contamination is from the adjoining property to the east where a dry cleaning business formerly operated (1600 Capitola Road, see Attachment 2). The overseeing regulatory agency concurs the source is on the adjoining property and has recently issued a directive to the adjoining property to start the source characterization and cleanup process (GeoTracker Former Fairway Dry Cleaners, 2020). See Attachment 3.

However, the responsible party (i.e. the property owners) are retired, without funds, and will need to obtain State grant monies, which may take a number of years to qualify. In the meantime, overseeing State and Local agencies (the RWQCB-CCR, and the County of Santa Cruz Health Services Agency) require installation of the *Vapor Intrusion Mitigation System* prior to occupancy of any residential or commercial development at the site.

Limitations: Our service consists of professional opinions and recommendations made in accordance with generally accepted geologic and engineering principles and practices. The analysis and conclusions in this report are based on sampling and testing which are necessarily limited. Additional data from future work may lead to modification of the opinions expressed herein. If you have any questions regarding this report, or any aspect of this project, please contact us at (831) 722-3580.

Sincerely,

WEBER, HAYES AND ASSOCIATES



A handwritten signature in black ink that reads "Pat Hoban".

By

Pat Hoban, PG
Principal Environmental Geologist

cc: County of Santa Cruz, Department of Public Works
- Kimberly Finley, Peter Detlefs

- Attachment 1: Agency guidance Development on Properties with a Vapor Intrusion Threat
- Attachment 2: Vicinity Map (aerial) and Active Soil Vapor Results
- Attachment 3: RWQCB-CCR directive: to Initiate Investigation at the Adjoining Property, Former Fairway Dry Cleaners, 1600 Capitola Road, Santa Cruz, August 4, 2020

REFERENCES

California Regional Water Quality Control Board, San Francisco Bay Region (RWQCB-SFB):

- (RWQCB-SFB, 2019) guideline document: "Fact Sheet: Development on Properties with a Vapor Intrusion Threat", July.
 - o https://geotracker.waterboards.ca.gov/view_documents?global_id=T10000014098&enforcement_id=6436799

California Regional Water Quality Control Board, Central Coast Region (RWQCB-CCR):

- (GeoTracker, **SC-Development Properties**): RWQCB-CCR *Public-Right-to-Know* archive of site-specific reports for the 1412, 1438, 1500 and 1514 Capitola Road properties:
 - o https://geotracker.waterboards.ca.gov/profile_report.asp?global_id=T10000014098
- (GeoTracker, **former Fairway Dry Cleaners**) RWQCB-CCR *Public-Right-to-Know* Information regarding the former Fairway Dry Cleaners solvent release site at 1600 Capitola Road:
 - o https://geotracker.waterboards.ca.gov/view_documents?global_id=T10000014098&document_id=6023573

(References continued)

- (GeoTracker, **Texaco Fuel Leak**): Geotracker Archive of site-specific reports for the Live Oak Texaco fuel leak case at 1671 Capitola Road fuel leak site (reports dated between 1990-2012):
 - o https://geotracker.waterboards.ca.gov/profile_report.asp?global_id=T0608700286

GeoKinetics Consulting

- (GeoKinetics, 2020) *Vapor Intrusion Mitigation System (VIMS) and the Operating, Monitoring, and Maintenance (OM&M) Plan for the Santa Cruz Community Health Centers and Live Oaks Apartments located at 1412 to 1514 Capitola Road in Santa Cruz*, September 28.
 - o https://geotracker.waterboards.ca.gov/view_documents?global_id=T10000014098&document_id=6029539

Remediation Risk Management, Inc. (RRM) reports regarding 1412, 1438, 1500, and 1514 Capitola Road:

- (RRM, 1994): *Remedial Action Summary Report for 1438 Capitola Road*, October 3.
- (RRM, 2020a): *Phase I Environmental Site Assessment (ESA)*, January 6.
 - o https://geotracker.waterboards.ca.gov/view_documents?global_id=T10000014098&document_id=6017423
- (RRM, 2020b): *Limited Soil Vapor Investigation (Phase II)*, January 20.
 - o https://geotracker.waterboards.ca.gov/view_documents?global_id=T10000014098&document_id=6017424

Weber, Hayes and Associates (WHA) reports for 1412, 1438, 1500 and 1514 Capitola Road, Santa Cruz:

- (WHA, 2020a): *Workplan – Expedited Site Characterization for an Imminent Multi-use Redevelopment*, Feb 17.
 - o <https://drive.google.com/open?id=182qjxIPfFHPRDrzmWrDbf3YC3IVRQFEo>
- (WHA, 2020b): *Update: Passive Soil Gas Sample Results & Planned Follow-up Sampling*, Mar-20.
 - o https://documents.geotracker.waterboards.ca.gov/regulators/deliverable_documents/9783261954/2020-03-20%20Update%20to%20Workplan.pdf

Attachment 1

**CRWQCB-SFB guideline document:
Fact Sheet: Development on Properties with a Vapor Intrusion Threat
July 2019**

San Francisco Bay Regional Water Quality Control Board

Fact Sheet: Development on Properties with a Vapor Intrusion Threat – July 2019

The San Francisco Bay Regional Water Board (Regional Water Board) oversees an increasing number of cleanups at properties where volatile organic compounds (VOCs) are present in soil vapor and development is occurring. These VOCs can pose a health threat to building occupants if they migrate into buildings through vapor intrusion (VI). We will continue to require site cleanup where threats to human health or the environment exist. However, we recognize that achieving cleanup standards may take years given currently available remedial technologies, and therefore interim protective measures may be needed. Typically, VI mitigation systems (VIMS) are installed in the interim to mitigate VI threats. VIMS are not a substitute for cleanup. Operation, maintenance, and monitoring (OM&M) and agency oversight are typically warranted to ensure effectiveness. The Regional Water Board's approach to regulating VIMS has evolved since the 2014 release of our *Framework for Assessment of Vapor Intrusion at TCE-Contaminated Sites in the San Francisco Bay Region* (VI Framework). This fact sheet is intended to provide developers, cities, homeowners associations, and the public a summary of expectations for development at sites where VI may pose a threat.

Types of VIMS

Traditional VIMS for the soil vapor intrusion pathway can be divided into two main categories: Subslab Depressurization Systems (SSDS) and Vented VIMS. SSDS rely on active electromechanical means to divert subslab vapors and generate a constant negative pressure beneath a building's slab foundation to prevent contaminated vapors from migrating up into the building. Vented VIMS rely on passive or active mechanisms (e.g., thermal gradients, wind driven ventilation, or powered fans) to dilute vapors beneath the building and vent them into the outdoor air.

Updated Approach to VIMS

In the 2014 VI Framework, the Regional Water Board expressed a preference for passive venting systems, which have fewer moving parts and potentially require less maintenance, and we typically did not require monitoring after occupancy. Since 2014, our concerns about long-term effectiveness of VIMS have increased due to awareness of failures and limited monitoring at buildings with VIMS. We now prefer SSDS for slab on grade design because they provide greater protection and allow for simpler monitoring.

In 2019, the Regional Water Board also updated our approach to VI assessment by providing more stringent soil gas and groundwater VI Environmental Screening Levels (ESLs) based on empirical attenuation factors rather than those determined using the Johnson and Ettinger VI model. We also updated the ESL guidance to recommend verification of VI model predictions and evaluation of the sewer/utility conduit air pathway. See the [ESL Webpage](#) for more information.

Evaluating Effectiveness

For vented VIMS, ongoing monitoring of contaminant concentrations (subslab and/or indoor air) is needed to demonstrate effectiveness. Long-term monitoring of indoor air can be problematic because it requires access permission, is intrusive to occupants, and data interpretation can be challenging due to confounding factors from indoor and outdoor sources of VOCs. For SSDS, the measurement of cross-slab vapor pressure differential can be used to monitor if subsurface vapors are migrating into the building. Pressure differential monitoring can provide real-time, continuous readings more cost effectively than indoor air monitoring. This reduces the need for long-term indoor air monitoring except as a contingency measure.

Evaluating Operational Lifetime

The Regional Water Board encourages active cleanup to reduce or eliminate the ongoing need for VIMS. Therefore, the operational lifetime of the VIMS is related to the cleanup timeframe and may be years to decades until the VI threat is abated. OM&M and Regional Water Board oversight are needed for the entire duration to ensure

protectiveness. The operational lifetime of the VIMS will depend on site-specific data on the VI threat. An estimate of the operational lifetime should be included in the VIMS plans. The operational lifetime of the VIMS should be reevaluated as part of long-term monitoring reports and 5-year reviews conducted under our oversight. Soil vapor monitoring near the source of pollution where the VIMS is installed provides the best evidence to evaluate the VI threat and evaluate when VIMS are no longer needed. VIMS operation can be discontinued when we determine that the VI threat has ceased.

Regional Water Board Oversight

For cases under Regional Water Board oversight, we should be informed early in the development planning process of VI issues and the need for VIMS. When we concur that VIMS are necessary, we will typically need to review the documents summarized in Table 1, below. All documents should be prepared under the direction of an appropriately licensed professional. In addition, some documents will also require approval by local agencies including, but not limited to; the local building department, local environmental health agency, air quality agency, and local water agency. Local building departments routinely rely on regulatory oversight agency concurrence with milestone documents before granting building permits or approving occupancy.

Table 1. Documents Needed for a VIMS

Document Title	Milestone
VIMS Plan(s) – Including VIMS design, OM&M, contingency plans, and financial assurance.	Pre-construction
VIMS Construction Completion Report – Including as-built drawings	Post-construction and pre-occupancy
Long-Term Monitoring Reports	Ongoing post-construction
Five-Year Review Reports	Every five years post-construction

Financial Assurance

Financial assurance is typically required to ensure sufficient funds are available to operate, maintain, and monitor the VIMS, and pay regulatory oversight cost recovery for the anticipated operational lifetime of the VIMS. Prior to construction, a financial assurance mechanism should be created to fund costs associated with the VIMS (e.g., OM&M, reporting, potential contingency measures, Regional Water Board oversight). Financial assurance may be in the form of a trust fund, surety bond, letter of credit, insurance, corporate guarantee, qualification as a self-insurer by a financial means test, or other acceptable mechanism. A detailed cost estimate should be provided to quantify the amount of the financial assurance needed and should be based on the length of time that residual contamination may pose a vapor intrusion risk, up to 30 years.

Expectations for Regulatory Review Timeframes

For planning purposes, assume the Regional Water Board will need 60 days per submittal for review. Actual review times may vary depending on workload and project complexity (e.g., alternative designs, site complexity). Expectations for our oversight and review timeframes should be explicitly discussed with the site's case manager.

Questions or Comments

For general questions about our VIMS guidance, contact ESLs.ESLs@waterboards.ca.gov. For questions regarding a specific site, contact the Regional Water Board case manager. Contact information for the case manager can be accessed on the [GeoTracker](https://geotracker.waterboards.ca.gov/) database (<https://geotracker.waterboards.ca.gov/>). To request oversight on a project, refer to the "Requesting Oversight" information and complete the new case application on our [Site Cleanup Webpage](https://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/sitecleanupprogram.html#RequestingOversight) (https://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/sitecleanupprogram.html#RequestingOversight).

Attachment 2

Figure 1: Vicinity Map (aerial)

**Figure 2: Soil Vapor Results
- Isocontour Map of Soil Vapor Detections**



Vicinity Map
Supplemental Property Screening Assessment

FIGURE 1
 Project 21009

Site: County of Santa Cruz Redevelopment Parcels
 Address: 1412, 1438, 1500 and 1514 Capitola Road, Santa Cruz

Date: April 2020
 REVISIONS/NOTES:



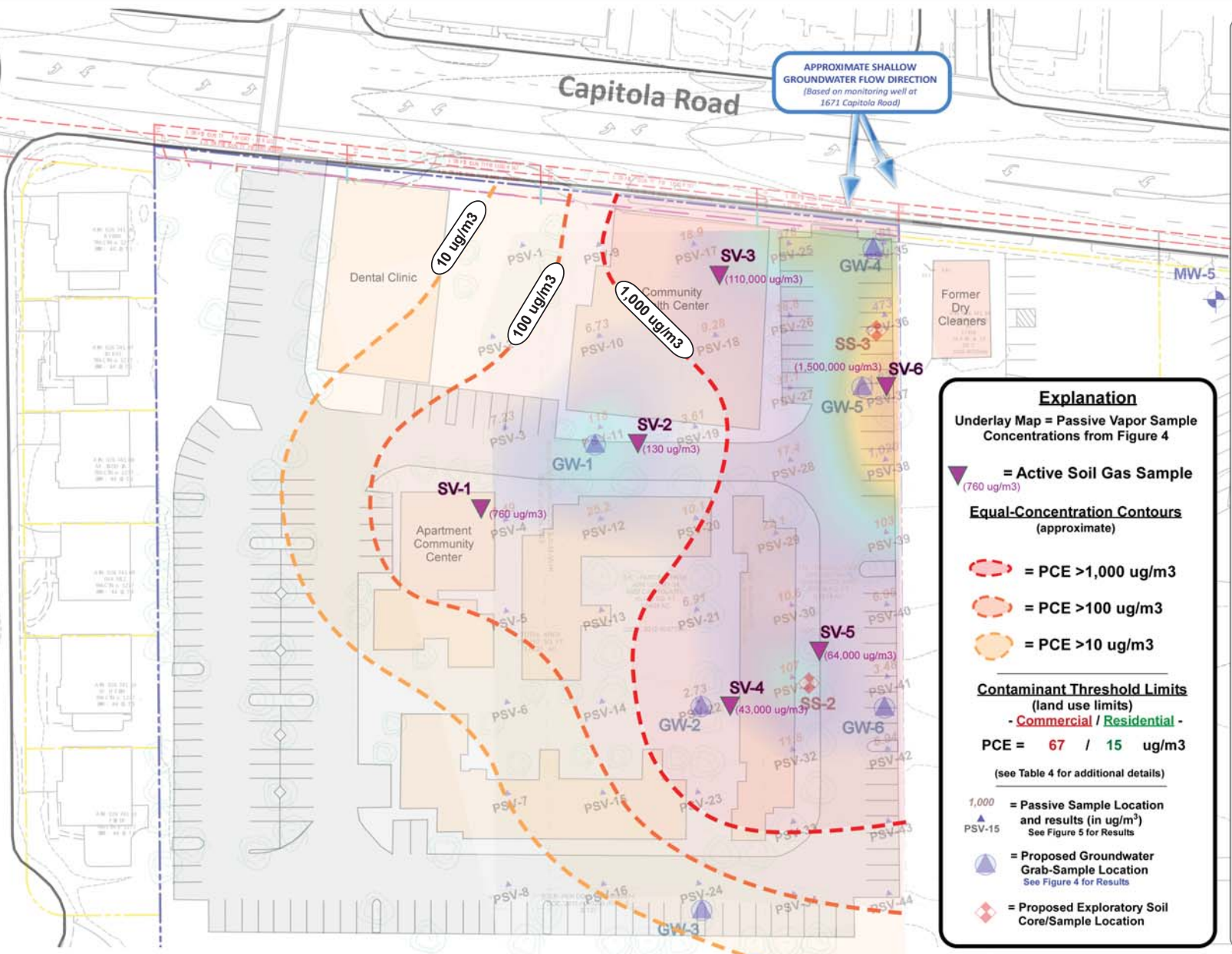
WEBER, HAYES & ASSOCIATES
 Hydrogeology and Environmental Engineering
 120 Westgate Drive, Watsonville, CA
 831.722.3580 / www.weber-hayes.com



Leila Court

Capitola Road

APPROXIMATE SHALLOW
GROUNDWATER FLOW DIRECTION
(Based on monitoring well at
1671 Capitola Road)



Explanation

Underlay Map = Passive Vapor Sample Concentrations from Figure 4

▼ = Active Soil Gas Sample
(760 ug/m³)

Equal-Concentration Contours
(approximate)

- = PCE >1,000 ug/m³
- = PCE >100 ug/m³
- = PCE >10 ug/m³

Contaminant Threshold Limits
(land use limits)

- Commercial / Residential -
PCE = 67 / 15 ug/m³

(see Table 4 for additional details)

1,000
▲ PSV-15 = Passive Sample Location and results (in ug/m³)
See Figure 5 for Results

▲ = Proposed Groundwater Grab-Sample Location
See Figure 4 for Results

◆ = Proposed Exploratory Soil Core/Sample Location

**Isocontour Map - PCE at 15-ft
Supplemental Property Screening Assessment**

FIGURE

Site: County of Santa Cruz Redevelopment Parcels
Address: 1412, 1438, 1500 and 1514 Capitola Road, Santa Cruz

Project
2/2009

Date: April 2020

REVISIONS/NOTES:



WEBER, HAYES & ASSOCIATES
Hydrogeology and Environmental Engineering
120 Westgate Drive, Watsonville, CA
831.722.3580 / www.weber-hayes.com

Attachment 3

**RWQCB-CCR directive: to Initiate Investigation at the Adjoining Property
Former Fairway Dry Cleaners, 1600 Capitola Road, Santa Cruz
August 4, 2020**

https://geotracker.waterboards.ca.gov/view_documents?global_id=T10000014098&document_id=6023573

Central Coast Regional Water Quality Control Board

August 4, 2020

17th & Capitola, LP
Huei Hsien Sally Chang
Chuan Sheng Frank Chang
1818 Harper Street
Santa Cruz, CA 95062

Certified Mail 7019 0700 0001 7649 9905

Dear Mr. Chang:

**SITE CLEANUP PROGRAM: FORMER FAIRWAY DRY CLEANING AND LAUNDRY,
1600 CAPITOLA ROAD, SANTA CRUZ, SANTA CRUZ COUNTY – REQUIREMENT
TO SUBMIT AN INVESTIGATION WORK PLAN AND COMPLETED
QUESTIONNAIRES PURSUANT TO CALIFORNIA WATER CODE SECTION 13267**

On April 16, 2020, the Central Coast Regional Water Quality Control Board (Central Coast Water Board) received a data submittal package¹ prepared by Weber, Hayes & Associates for a redevelopment project at 1412, 1438, 1500, and 1514 Capitola Road², Santa Cruz. Weber, Hayes performed the site characterization at the County of Santa Cruz Department of Public Works' request because volatile organic compounds, including the dry-cleaning solvent tetrachloroethylene (PCE), were detected in shallow soil vapor samples on the 1500 and 1514 Capitola Road properties in March 2020.

The Central Coast Regional Water Quality Control Board (Central Coast Water Board) and the County of Santa Cruz Environmental Health oversee cleanup of waste discharges at properties throughout the County of Santa Cruz. Our regulatory oversight of the proposed development on Capitola Road has produced information that indicates 17th & Capitola, LP owns the parcel at 1600 Capitola Road, APN 019-028-15. Weber, Hayes provided information that Fairway Dry Cleaning and Laundry operated at APN 019-028-15 from 1964 to 1971, during which time it may have discharged dry-cleaning wastes to waters of the State. This letter is an order that requires you to take specific actions per a defined schedule as described below. The Central Coast Water Board may assess significant monetary penalties for failure to comply with this order, so please read this order carefully and contact us at the numbers indicated below if you have questions.

¹ The data submittal package: *Soil Vapor, Groundwater and Soil Sample Results – Expedited Site Characterization for an Imminent Multi-Use Development* can be found at this link:

<https://geotracker.waterboards.ca.gov/?surl=0sdbm>

² More information about the development project can be found at this link:

https://geotracker.waterboards.ca.gov/regulators/screens/menu?global_id=T10000014098

DR. JEAN-PIERRE WOLFF, CHAIR | MATTHEW T. KEELING, EXECUTIVE OFFICER

As detailed in Weber, Hayes' data submittal package, the highest soil vapor concentration of PCE was detected along the northeastern property boundary of 1514 Capitola Road in PSV-37 at 1,830 $\mu\text{g}/\text{m}^3$, which is above both residential and commercial environmental screening levels³ for PCE, which are 67 $\mu\text{g}/\text{m}^3$ and 15 $\mu\text{g}/\text{m}^3$. In addition, the highest groundwater concentration of PCE was detected in GW-6 at 192 $\mu\text{g}/\text{L}$, which is above the California Maximum Contaminant level⁴ for PCE (5 $\mu\text{g}/\text{L}$). The data submittal package and other reports produced for the development at Capitola Road indicate that PCE and other volatile organic compounds that may have originated from historical dry-cleaning operations at APN 019-028-15 have been discharged to the development properties.

To evaluate if APN 019-028-15 is the source of the PCE and dry-cleaning solvents found at the development properties, the Central Coast Water Board requires 17th & Capitola, LP to submit a work plan to investigate the presence and distribution of dry-cleaning solvents in soil vapor, soil, and groundwater. A work plan for this investigation is required by **September 30, 2020**. As part of the work plan, you must also include the completed questionnaires attached to this letter.

Legal Requirements

the Central Coast Water Board suspects that discharges of volatile organic compounds have occurred at APN 019-028-15 and that dry-cleaning solvents have degraded the local groundwater quality in this area.

This order identifies 17th & Capitola, LP as the fee title owner and the party responsible for the suspected discharge due to the type of operation and the nature and concentrations of the wastes at and near the property.

Section 13267(b)(1) of the California Water Code states, in part:

In conducting an investigation, the regional board may require that any person who has discharged, discharges, or is suspected of having discharged or, discharging, or who proposes to discharge waste within its region shall furnish, under penalty of perjury, technical or monitoring program reports which the regional board requires. The burden, including costs, of these reports shall bear a reasonable relationship to the need for the report and the benefits to be obtained from the reports. In requiring those reports, the regional board shall provide the person with a written explanation with regard to the need for the reports and shall identify the evidence that supports requiring that person to provide the reports.

Pursuant to section 13267(b) of the California Water Code, the Central Coast Water Board requires that 17th & Capitola, LP submit the following **by September 30, 2020**:

- 1) Completed Chemical Use and Storage Questionnaire, Attachment 1.
- 2) Completed Site Audit Questionnaire, Attachment 2.

³ Information about San Francisco Bay Environmental Screening Levels can be found at this link: https://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/esl.html

⁴ Information about California Maximum Contaminant Levels can be found at this link https://www.waterboards.ca.gov/drinking_water/certlic/drinkingwater/Chemicalcontaminants.html

- 3) Any information regarding former Fairway Dry Cleaning and Laundry operations and redevelopment of the parcel or change of use from a dry-cleaning to coin-operated laundry business.
- 4) Any maps or drawings showing the layout of current or historical business operations. For example, identify the location of existing utility lines, any former dry-cleaning equipment, underground used-oil storage tanks, heating oil tanks, sumps, clarifiers, etc. on APN 019-028-15.
- 5) An investigation workplan to evaluate whether chemicals were discharged to the environment from operations conducted historically or currently on parcel 019-028-15. The work plan must be prepared by a professional geologist or engineer licensed in California. The Central Coast Water Board suggests that you propose the installation of at least eight soil vapor, soil, and/or groundwater monitoring wells and propose to collect samples from each of these media.

The above items shall be submitted **by September 30, 2020**, to the Central Coast Water Board at dan.niles@waterboards.ca.gov, County of Santa, Environmental Health at John.Gerbrandt@santacruzcounty.us, and uploaded to the State Water Resources Control Board's GeoTracker database at this internet link: <http://geotracker.waterboards.ca.gov/?qid=T10000015553>

Additional Legal Requirements

The Central Coast Water Board, under authority of California Water Code section 13267, subdivision (b)(1), requires you to include a perjury statement in all reports submitted under the 13267 order. The perjury statement shall be signed by a senior authorized company representative (not by a consultant). The perjury statement shall be in the following format:

I, [NAME], certify under penalty of law that this document and all attachments were prepared by me, or under my direction or supervision, in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

The State Water Board adopted regulations (Chapter 30, Division 3 of Title 23 & Division 3 of Title 27, California Code of Regulation) requiring the electronic submittal of information for all site cleanup programs, starting January 1, 2005. To comply with the above referenced regulation, you are required to upload all technical reports, documents, and well data to GeoTracker⁵ by the due dates specified in the Central Coast Water Board letters and orders issued to you or for the property. However, we

⁵ All of the information on electronic submittals and GeoTracker contacts can be found at http://www.waterboards.ca.gov/ust/electronic_submittal

may request that you submit hard copies of selected documents and data to the Central Coast Water Board in addition to electronic submittal of information to GeoTracker.

This order is made pursuant to the provisions of section 13267 of the California Water Code. Pursuant to section 13268 of the California Water Code, a violation of an order made pursuant to California Water Code section 13267 may subject you to monetary civil liability of up to \$1,000 per day.

The historical information and work plan required by the Central Coast Water Board is needed to evaluate the extent of discharges of wastes in groundwater beneath and potentially migrating from the subject parcel. 17th & Capitola, LP is required to submit these reports because soil vapor and groundwater wastes have been detected adjacent to your parcel. Current and historical business operations at the subject parcel may be the source of the wastes in soil vapor and groundwater. More detailed information is available in the Central Coast Water Board's public file on this matter and on the GeoTracker database.

The burdens, including costs, of these reports bear a reasonable relationship to the need for the reports and the benefits to be obtained from the reports. The information is necessary to determine the nature and scope of the discharges of waste at and near the property that have impacted the beneficial uses of waters of the state.

The issuance of this order is an enforcement action by a regulatory agency and is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to section 15321(a)(2), Chapter 3, Title 14 of the California Code of Regulations. This order requires a review of technical and/or monitoring reports and work plans. The proposed activities under the work plans are not yet known. It is unlikely that implementation of the work plans associated with this order could result in anything more than minor physical changes to the environment. If the implementation may result in significant impacts on the environment, the appropriate lead agency will address the CEQA requirements prior to implementing any work plan.

Any person affected by this action of the Central Coast Water Board may petition the State Water Board to review the action in accordance with section 13320 of the California Water Code and Title 23, California code of Regulations, Section 2050. The petition must be received by the State Board within 30 days of the date of this order. Copies of the law and regulations applicable to filing petitions are available at the State Water Board web site.⁶

If you have any questions, please contact Dan Niles at (805) 549-3355 or by email at dan.niles@waterboards.ca.gov or Sheila Soderberg at (805) 549-3592.

Sincerely,

for Matthew T. Keeling
Executive Officer

⁶ State Water Resources Control Board petition instructions:
https://www.waterboards.ca.gov/public_notices/petitions/water_quality/wqpetition_instr.shtml

Attachment 1: Chemical Use and Storage Questionnaire
Attachment 2: Site Audit Questionnaire

cc:

Kimberly Finley, County of Santa Cruz, Kimberly.Finley@santacruzcounty.us

Julie Conway, County of Santa Cruz, Julie.Conway@santacruzcounty.us

John Gerbrandt, County of Santa Cruz, John.Gerbrandt@santacruzcounty.us

Pat Hoban, Weber, Hayes & Associates, pat@weber-hayes.com

Dan Niles, Central Coast Water Board, dan.niles@waterboards.ca.gov

Sheila Soderberg, Central Coast Water Board, sheila.soderberg@waterboard.ca.gov

Harvey Packard, Central Coast Water Board, harvey.packard@waterboards.ca.gov

Water Board internal file: r:\rb3\shared\scp\sites\santa cruz co\santa cruz\1600 capitola road - fairway dry cleaners\08-03-2020_scp_fairwaydc_13267order.docx

GeoTracker file: <http://geotracker.waterboards.ca.gov/?gid=T10000015553>

BizFlow Task A07000 Site Cleanup Program