STATE OF CALIFORNIA
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:	)	Docket No. I/SE 00/01-003
	)	
Reichelt Site	)	SECOND AMENDED
a.k.a. D. Whittington Site	)	IMMINENT OR SUBSTANTIAL
521 & 551 West Gertrude Avenue	)	ENDANGERMENT
Richmond, California 94801	)	DETERMINATION AND ORDER
	)	AND REMEDIAL ACTION ORDER
Respondents:	)	
	)	
Star Investments, Inc.	)	Health and Safety Code
c/o Frank Pio	)	Sections 25355.5(a)(1)(B),
5428 Martis Court	)	25358.3(a), 58009 and 58010
El Sobrante, California 94803	)	
	)	
Beverly Farrell	)	
706 Richmond Street	)	
El Cerrito, California 94530	)	
	)	
Estate of Arthur B. Reichelt	)	
c/o Beverly Farrell	)	
_____	)	

I. INTRODUCTION

1.1 Parties. The California Environmental Protection Agency, Department of Toxic Substances Control (DTSC) issues this Second Amended Imminent or Substantial Endangerment Determination and Order and Remedial Action Order (Order) to Star Investments, Inc., Beverly Farrell, and the Estate of Arthur B. Reichelt (Respondents).

1.2 Property/Site. This Order applies to the property located at 521 and 551 West Gertrude Avenue, Richmond, Contra Costa County, California 94801. The property consists of approximately 3.33 acres and is identified by Assessor's Parcel Numbers 408-160-007, 408-160-028, and 408-160-029. A map showing the Property is attached as Exhibit A. This Order applies to the property and the areal extent of contamination that resulted from activities on the property (hereinafter, the ASite@).

1.3 Jurisdiction. This Order is issued by DTSC to Respondents pursuant to its authority under Health and Safety Code sections 25358.3(a), 25355.5(a)(1)(B), 58009 and 58010.

Health and Safety Code section 25358.3(a) authorizes DTSC to take various

actions, including issuance of an Imminent or Substantial Endangerment Determination and Order, when DTSC determines that there may be an imminent or substantial endangerment to the public health or welfare or to the environment, because of a release or a threatened release of a hazardous substance.

Health and Safety Code section 25355.5(a)(1)(B) authorizes DTSC to issue an order establishing a schedule for removing or remedying a release of a hazardous substance at a site, or for correcting the conditions that threaten the release of a hazardous substance. The order may include, but is not limited to requiring specific dates by which the nature and extent of a release shall be determined and the site adequately characterized, a remedial action plan prepared and submitted to DTSC for approval, and a removal or remedial action completed.

Health and Safety Code section 58009 authorizes DTSC to commence and maintain all proper and necessary actions and proceedings to enforce its rules and regulations; to enjoin and abate nuisances related to matters within its jurisdiction which are dangerous to health; to compel the performance of any act specifically enjoined upon any person, officer, or board, by any law of this state relating to matters within its jurisdiction; and/or on matters within its jurisdiction, to protect and preserve the public health.

Health and Safety Code section 58010 authorizes DTSC to abate public nuisances related to matters within its jurisdiction.

II. FINDINGS OF FACT

DTSC hereby finds:

2.1 Liability of Respondents. Respondents are responsible parties or liable persons as defined in Health and Safety Code section 25323.5. The Estate of Arthur B. Reichelt was the title holder of record of the Property from April 30, 1974 until Star Investments, Inc. became the title holder of record of the Property on May 29, 2002. DTSC is informed and believes that Star Investments, Inc. is the current owner of the Property.

2.2 Physical Description of Site. The Site is located on approximately 3.33 acres of land in Richmond, California. It is a rectangular-shaped property located close to the intersection of Richmond Parkway and West Gertrude Avenue in an unincorporated industrial area of north Richmond, Contra Costa, California. It is bounded on the east, west and north by the Hegarty site, an auto junkyard, and on the south by Gertrude Avenue. There are no permanent structures on the site. The site is partially fenced along the western, northern and eastern sides, and cement barricades border the property along Gertrude Avenue. Runoff from the Site drains naturally into the northern Awetland@ portions of the Site, which adjoins Wildcat Creek. Wildcat Creek drains into Castro Creek, which in turn drains into San Pablo Bay. Salt marshland

areas are within a quarter mile of the Site and is habitat for a number of endangered and/or threatened species, including the San Pablo vole, short-eared owl, California clapper rail, and saltmarsh wandering shew.

2.3 Site History. The Site is an undeveloped property with no record of prior industrial or manufacturing activities. Available historical information indicates the property has always been known as an Aauto junkyard@, utilized exclusively for dismantling and storage of auto bodies and parts, and related business. In May 1997, DTSC conducted a site screening of the Site and observed poor housekeeping practices as evidenced by scattered junk piles and auto scraps; drums; pressurized and other containers; piles of used tires and automobile batteries strewn over the entire site; severe soil staining; and signs of fire over 50 percent of the area. A cloud of thick smoke emanating from a fire burning at the site was also observed by DTSC staff in May 1997.

2.4 Hazardous Substances Found at the Site. In June 1998, DTSC conducted limited surface soil sampling at the Site. Sampling was restricted to a small area of the Site due to severe limitations of accessibility. Based on the analytical results of the sampling effort, significant concentrations of heavy metals including lead, copper and zinc, and bis(2-ethylhexyl)phthalate were reported.

2.4.1 Lead was detected up to a maximum concentration of 5,690 milligrams per kilogram (mg/kg) in Site soil. Title 22, California Code of Regulations (CCR), Section 66261.24 states that lead concentrations exceeding the Total Threshold Limit Concentration (TTLC) value of 1,000 mg/kg is a hazardous waste. Lead concentrations also exceed the United States Environmental Protection Agency Region 9 (US EPA) residential and industrial lead Preliminary Remediation Goals (PRGs) of 400 mg/kg and 1,000 mg/kg, respectively.

2.4.2 Copper was detected up to a maximum concentration of 5,420 mg/kg in Site soil. Title 22, CCR, Section 66261.24 states that copper concentrations exceeding the TTLC value of 2,500 mg/kg is a hazardous waste. Copper concentrations also exceed the US EPA=s residential PRG of 2,900 mg/kg.

2.4.3 Zinc was detected up to a maximum concentration of 17,300 mg/kg in Site soil. Title 22, CCR, Section 66261.24 states that zinc concentrations exceeding the TTLC value of 5,000 mg/kg is a hazardous waste.

2.4.4 Bis(2-ethylhexyl)phthalate was detected up to a maximum concentration of 1,500 mg/kg in Site soil. This concentration exceeds the US EPA=s residential and industrial bis(2-ethylhexyl)phthalate PRGs of 35 mg/kg and 180 mg/kg, respectively.

2.5 Health Effects.

2.5.1 Lead. Exposure to lead may produce fatigue, headache, aching bones and muscles, abdominal pains, and constipation. Short-term exposure to lead can cause reversible kidney damage, but prolonged exposure at high concentrations may result in progressive kidney damage and possible kidney failure. Anemia, due to the inhibition of hemoglobin synthesis and a reduction in the life span of circulating red blood cells, is an early manifestation of lead poisoning (Sax, *Dangerous Properties of Industrial Materials*, Sixth Edition, 1984). The most serious effects associated with markedly elevated blood levels of lead are severe neurotoxic effects that include irreversible brain damage, as indexed by the occurrence of acute or chronic encephalophatic symptoms. Lead is listed as a reproductive toxicant under Proposition 65.

2.5.2 Copper. Copper is used in a wide variety of industrial processes and salts of copper are also used as algaecides and fungicides. Copper is well-absorbed by the oral route. Acute inhalation of copper fumes or dust can result in a reversible, influenza-like syndrome. Chronic ingestion of high levels of copper has been reported to cause hemolysis, fibrosis and cirrhosis of the liver, nervous system damage and kidney dysfunction. Copper salts act as irritants and may cause itching, erythema, and dermatitis. In the eyes, copper salts may cause conjunctivitis or ulceration and turbidity of the cornea (U.S. Department of Health, Education and Welfare, *Occupational Diseases, A Guide to Their Recognition*, Revised Edition, June 1977).

2.5.3 Zinc. Zinc is a human skin irritant. Inhalation of fumes may cause coughing, weakness, generalized aching, nausea, fever, and vomiting. Inhalation of large amounts may cause a specific short-term disease or syndrome called metal fume fever. Small doses of salts of zinc can cause nausea and vomiting while larger doses cause violent vomiting and purging (Sax, 1984).

2.5.4 Bis(2-ethylhexyl)phthalate. Bis(2-ethylhexyl)phthalate is a poison by the intravenous route. It is a suspected human carcinogen and an experimental teratogen. It affects the human gastrointestinal tract and is a mild skin and eye irritant (Dangerous Properties of Industrial Materials, Seventh Edition, Sax and Lewis, 1989). The compound is known to cause cancer in rats and mice. Furthermore it produces liver damage and male reproductive system damage, affects reproduction and produces birth defects in laboratory animals (Agency for Toxic Substances & Diseases Registry, Public Health Statement, April 1989).

2.6 Routes of Exposure.

2.6.1 The main exposure pathways are inhalation, dermal absorption, and ingestion of contaminants in soil, and dermal absorption from surface water.

2.6.2 All soil contaminants are potential sources of groundwater and surface

water contamination. Rainfall may cause migration of hazardous substances through the soil to the groundwater and surface water. The site is a filled marshland adjacent to wetlands of Wildcat Creek to the north of the site. The natural drainage of the site drains it into the Wildcat Creek, which joins the Scott Creek, which in turn drains into San Pablo Bay.

2.7 Public Health and/or Environmental Risk. Current land use conditions observed include: heavy staining of the ground surface indicating extensive drainage of automobile liquids; containers in poor condition strewn across the site; evidence of fires and burning activity; presence of auto scrap and junk piles; and presence of used automobile batteries. Potential threats to public health and/or the environment include direct contact of Site soils by trespassers onto the property. Surficial contaminants may wash into Wildcat Creek with the surface runoff, thereby adversely affecting the wetlands and the habitats of the endangered/threatened species located to the north of the Site.

III. CONCLUSIONS OF LAW

3.1 Respondents are responsible parties as defined by Health and Safety Code section 25323.5.

3.2 The substances listed in Section 2.4 are "hazardous substances" as defined in Health and Safety Code section 25316.

3.3 There has been a Arelease@ and/or there is a Athreatened release@ of a hazardous substances listed in Section 2.4 at the Site, as defined in Health and Safety Code section 25320.

3.4 The actual and threatened release of hazardous substances at the Site may present an imminent or substantial endangerment to the public health or welfare or to the environment.

3.5 Response action is necessary to abate a public nuisance and/or to protect and preserve the public health.

IV. DETERMINATION

4.1 Based on the foregoing findings of fact and conclusions of law, DTSC hereby determines that response action is necessary at the Site because there has been a release and/or there is a threatened release of a hazardous substance.

4.2 Based on the foregoing findings of fact and conclusions of law, DTSC hereby determines that there may be an imminent or substantial endangerment to the public health or welfare or to the environment because of the release or the threatened release of the hazardous substances at the Site.

V. ORDER

Based on the foregoing FINDINGS, CONCLUSIONS, AND DETERMINATION, IT IS HEREBY ORDERED THAT Respondents conduct the following response actions in the manner specified herein, and in accordance with a schedule specified by DTSC as follows:

5.1 All response actions taken pursuant to this order shall be consistent with the requirements of Chapter 6.8 (commencing with section 25300), Division 20 of the Health and Safety Code and any other applicable state or federal statutes and regulations.

5.1.1 Site Remediation Strategy. The purpose of this Order is to require for the Site: implementation of any appropriate removal actions, completion of a Remedial Investigation/Feasibility Study (RI/FS), preparation of a Remedial Action Plan (RAP), preparation of California Environmental Quality Act (CEQA) documents, and Design and Implementation of the remedial actions approved in the RAP. An overall Site investigation and remediation strategy shall be developed by Respondents in conjunction with DTSC, which reflects program goals, objectives, and requirements. Current knowledge of the Site contamination sources, exposure pathways, and receptors shall be used in developing this strategy.

An objective of the Site investigations shall be to identify immediate or potential risks to public health and the environment, and prioritize and implement response actions using removal actions and operable units, if appropriate, based on the relative risks at the Site. Respondents and DTSC shall develop and possibly modify Site priorities throughout the course of the investigations. If necessary for the protection of public health and the environment, DTSC will require additional response actions not specified in the Order to be performed as removal actions or separate operable units. Removal actions shall be implemented in accordance with a work plan and implementation schedule submitted by Respondents and approved by DTSC.

For operable unit remedial actions, DTSC will specify the separate and focused remedial phase activities to be conducted as RI/FS, RAP, Design, and Implementation. The focused activities shall be conducted in accordance with the corresponding remedial phase requirements specified in the Order, but shall only address the area or problem of the operable unit.

5.1.2 Remedial Action Objectives. Based on available information, DTSC has preliminarily determined that the remedial action objectives for the Site shall include:

The reasonably foreseeable future land use of the Site is commercial; however, the Site potentially poses an ecological risk to the wetlands located to the north. Therefore,

remedial action objectives for contaminated media shall be developed which are protective of the adjoining wetland area.

5.1.3 Removal Actions. Respondents shall undertake removal actions if, during the course of the RI or FS, DTSC determines that they are necessary to mitigate the release of hazardous substances at or emanating from the Site. DTSC may require Respondents to submit a removal action work plan that includes a schedule for implementing the work plan for DTSC=s approval. Either DTSC or Respondents may identify the need for removal actions. Respondents shall implement the following removal actions. Workplans for implementing the following removal actions shall be submitted by the specified dates:

(a) Fence and Post.

1) Within thirty (30) days of the effective date of this Order, Respondent(s) shall install a fence in accordance with the specifications attached as Exhibit B. The fence shall secure, at a minimum, the areas specified on the Site map (Exhibit A).

2) Within thirty (30) days of the effective date of this Order, Respondents shall install signs, which are visible from the area surrounding the contaminated Site, and posted at each route of entry into the Site, including those routes likely to be used by unauthorized persons. Such routes of entry include: access roads leading to the Site, and facing rivers, creeks, lakes or other waterways which may provide a route of access to the Site. The signs shall be in accordance with the specifications attached as Exhibit B.

3) The signs shall be constructed of materials able to withstand the elements and shall be continuously maintained for as long as DTSC determines it to be necessary in order to protect public health and safety and the environment.

5.1.4 Site Remediation Strategy Meeting. Respondents, including the Project Coordinator (Section 6.1) and Project Engineer/Geologist (Section 6.2), shall meet with DTSC within twenty (20) days from the effective date (and concurrent with the development of the RI/FS work plan of this Order to discuss the Site remediation strategy. These discussions will include Site risks and priorities; project planning, phasing and scheduling; remedial action objectives; remedial technologies; data quality objectives; and the RI/FS work plan. Results of the discussions will be included in the Scoping Document, Section 5.2.2(b) of this Order.

5.2 Remedial Investigation/Feasibility Study (RI/FS). A RI/FS shall be conducted for the Site. The RI/FS may be performed as a series of focused RI/FSs, if appropriate, based on Site priorities. The RI/FS shall be prepared consistent with the

U.S. Environmental Protection Agency's "Guidance for Conducting Remedial Investigations and Feasibility Studies under CERCLA," October 1988. The purpose of the RI/FS is to assess Site conditions and to evaluate alternatives to the extent necessary to select a remedy appropriate for the Site. RI and FS activities shall be conducted concurrently and iteratively so that the investigations can be completed expeditiously. Because of the unknown nature of the Site and iterative nature of the RI/FS, additional data requirements and analyses may be identified throughout the process. Respondents shall fulfill additional data and analysis needs identified by DTSC; these additional data and analysis requests will be consistent with the general scope and objectives of the Order.

The following elements of the RI/FS process, and those defined by DTSC in Section 5.1.4 of this Order, shall be preliminarily defined in the initial Site scoping and refined and modified as additional information is gathered throughout the RI/FS process.

(a) Conceptual Site Model identifying contamination sources, exposure pathways, and receptors;

(b) Federal, State and local remedial action objectives including applicable or relevant and appropriate requirements (ARARs);

(c) Project phasing including the identification of removal actions and operable units;

(d) General response actions and associated remedial technology types; and

(e) The need for treatability studies.

5.2.1 RI/FS Objectives. The objectives of the RI/FS are to:

(a) Determine the nature and full extent of hazardous substance contamination of air, soil, surface water and groundwater at the Site;

(b) Identify all actual and potential exposure pathways and routes through environmental media;

(c) Determine the magnitude and probability of actual or potential harm to public health, safety or welfare or to the environment posed by the threatened or actual release of hazardous substances at or from the Site;

(d) Identify and evaluate appropriate response actions to prevent or minimize future releases and mitigate any releases which have already occurred; and

(e) Collect and evaluate the information necessary to prepare a RAP.

5.2.2 RI/FS Work plan. Within thirty (30) days from the effective date of the Order, Respondents shall prepare and submit to DTSC for review and approval a detailed RI/FS Work plan and implementation schedule which covers all the activities necessary to conduct a complete RI/FS of the Site.

The RI/FS Work plan shall include a detailed description of the tasks to be performed, information or data needed for each task, and the deliverables which will be submitted to DTSC. Either Respondents or DTSC may identify the need for additional work.

These RI/FS Work plan deliverables are discussed in the remainder of this Section, with a schedule for implementation, and monthly reports. The RI/FS Work plan shall include all the sections and address each component listed below.

(a) Project Management Plan. The Project Management Plan shall define relationships and responsibilities for major tasks and project management items by Respondents, their contractors, subcontractors, and consultants. The plan shall include an organization chart with the names and titles of key personnel and a description of their individual responsibilities.

(b) Scoping Document. The Scoping Document shall incorporate program goals, program management principles, and expectations contained in the National Contingency Plan (NCP) (40 Code of Federal Regulations (CFR) Part 300), as amended. It shall include:

(1) An analysis and summary of the Site background and the physical setting. At a minimum, the following information is required:

(A) A map of the Site, and if they exist, aerial photographs and blueprints showing buildings and structures;

(B) A description of past disposal practices;

(C) A list of all hazardous substances which were disposed, discharged, spilled, treated, stored, transferred, transported, handled or used at the Site, and a description of their estimated volumes, concentrations, and characteristics; and

(D) A description of the characteristics of the hazardous substances at the Site; and

(E) If applicable, a description of all current and past manufacturing processes which are or were related to each hazardous substance.

(2) An analysis and summary of previous response actions including a summary

of all existing data including air, soil, surface water, and groundwater data and the Quality Assurance/Quality Control (QA/QC) procedures which were followed;

(3) Presentation of the Conceptual Site Model;

(4) The scope and objectives of RI/FS activities; and

(5) Preliminary identification of possible response actions and the data needed for the evaluation of alternatives. Removal actions shall be proposed if needed based on the initial evaluation of threats to public health and the environment. If remedial actions involving treatment can be identified, treatability studies shall be conducted during the characterization phase, unless Respondents and DTSC agree that such studies are unnecessary as set forth in Section 5.4;

(6) If applicable, initial presentation of the Site Remediation Strategy.

(c) Field Sampling Plan. The Field Sampling Plan shall include:

(1) Sampling objectives, including a brief description of data gaps and how the field sampling plan will address these gaps;

(2) Sample locations, including a map showing these locations, and proposed frequency;

(3) Sample designation or numbering system;

(4) Detailed specification of sampling equipment and procedures;

(5) Sample handling and analysis including preservation methods, shipping requirements and holding times; and

(6) Management plan for wastes generated.

(d) Quality Assurance Project Plan. The plan shall include:

(1) Project organization and responsibilities with respect to sampling and analysis;

(2) Quality assurance objectives for measurement including accuracy, precision, and method detection limits. In selecting analytical methods, Respondents shall consider obtaining detection limits at or below potential ARARs, such as Maximum Contaminant Levels (MCLs) or Maximum Contaminant Level Goals (MCLGs);

(3) Sampling procedures;

(4) Sample custody procedures and documentation;

(5) Field and laboratory calibration procedures;

(6) Analytical procedures;

(7) Laboratory to be used certified pursuant to Health and Safety Code section 25198;

(8) Specific routine procedures used to assess data (precision, accuracy and completeness) and response actions;

(9) Reporting procedure for measurement of system performance and data quality;

(10) Data management, data reduction, validation and reporting. Information shall be accessible to downloading into DTSC's system; and

(11) Internal quality control.

(e) Health and Safety Plan. A site-specific Health and Safety Plan shall be prepared in accordance with federal (29 CFR 1910.120) and state (Title 8 CCR Section 5192) regulations and shall describe the following:

(1) Field activities including work tasks, objectives, and personnel requirements and a description of hazardous substances on the Site;

(2) Respondents- key personnel and responsibilities;

(3) Potential hazards to workers including chemical hazards, physical hazards, confined spaces and climatic conditions;

(4) Potential risks arising from the work being performed including the impact to workers, the community and the environment;

(5) Exposure monitoring plan;

(6) Personal protective equipment and engineering controls;

(7) Site controls including work zones and security measures;

(8) Decontamination procedures;

(9) General safe work practices;

(10) Sanitation facilities;

(11) Standard operating procedures;

(12) Emergency response plan covering workers addressing potential hazardous material releases;

(13) Training requirements;

(14) Medical surveillance program; and

(15) Record keeping.

(f) Other Activities. A description of any other significant activities which are appropriate to complete the RI/FS shall be included.

(g) Schedule. A schedule which provides specific time frames and dates for completion of each activity and report conducted or submitted under the RI/FS Work plan including the schedules for removal actions and operable unit activities.

5.2.3 RI/FS Work plan Implementation. Respondents shall implement the approved RI/FS Work plan.

5.2.4 RI/FS Work plan Revisions. If Respondents propose to modify any methods or initiates new activities for which no Field Sampling Plan, Health and Safety Plan, Quality Assurance Project Plan or other necessary procedures/plans have been established, Respondents shall prepare an addendum to the approved plan(s) for DTSC review and approval prior to modifying the method or initiating new activities.

5.3 Interim Screening and Evaluation of Remedial Technologies. At the request of DTSC, Respondents shall submit an interim document which identifies and evaluates potentially suitable remedial technologies and recommendations for treatability studies.

5.4 Treatability Studies. Treatability testing will be performed by Respondents to develop data for the detailed remedial alternatives. Treatability testing is required to demonstrate the implementability and effectiveness of technologies, unless Respondents can show DTSC that similar data or documentation or information exists. The required deliverables are: a work plan, a sampling and analysis plan, and a treatability evaluation

report. To the extent practicable, treatability studies will be proposed and implemented during the latter part of Site characterization.

5.5 Remedial Investigation (RI) Report. The RI Report shall be prepared and submitted by Respondents to DTSC for review and approval in accordance with the approved RI/FS work plan schedule. The purpose of the RI is to collect data necessary to adequately characterize the Site for the purposes of defining risks to public health and the environment and developing and evaluating effective remedial alternatives. Site characterization may be conducted in one or more phases to focus sampling efforts and increase the efficiency of the investigation. Respondents shall identify the sources of contamination and define the nature, extent, and volume of the contamination. Using this information, the contaminant fate and transport shall be evaluated. The RI Report shall contain:

(a) Site Physical Characteristics. Data on the physical characteristics of the Site and surrounding area shall be collected to the extent necessary to define potential transport pathways and receptor populations and to provide sufficient engineering data for development and screening of remedial action alternatives.

(b) Sources of Contamination. Contamination sources (including heavily contaminated media) shall be defined. The data shall include the source locations, type of contaminant, waste characteristics, and Site features related to contaminant migration and human exposure.

(c) Nature and Extent of Contamination. Contaminants shall be identified and the horizontal and vertical extent of contamination shall be defined in soil, groundwater, surface water, sediment, air, and biota. Spatial and temporal trends and the fate and transport of contamination shall be evaluated.

5.6 Baseline Health and Ecological Risk Assessment. Respondents shall perform health and ecological risk assessments for the Site that meet the requirements of Health and Safety Code Section 25356.1.5(b). Respondents shall submit a Baseline Health and Ecological Risk Assessment Report within thirty (30) days from the approval of the RI Report. The report shall be prepared consistent with U.S. EPA and California Environmental Protection Agency guidance and regulations, including as a minimum: Risk Assessment Guidance for Superfund, Volume 1; Human Health Evaluation Manual, December 1989; Superfund Exposure Assessment Manual, April 1988; Risk Assessment Guidance for Superfund, Volume 2, Environmental Evaluation Manual, March 1989; and all other related or relevant policies, practices and guidelines of the California Environmental Protection Agency and policies, practices and guidelines developed by U.S.EPA pursuant to 40 CFR 300.400 et seq. The Baseline Health and Ecological Risk Assessment Report shall include the following components:

(a) Contaminant Identification. Characterization data shall identify contaminants of concern for the risk assessment process.

(b) Environmental Evaluation. An ecological assessment consisting of:

(1) Identification of sensitive environments and rare, threatened, or endangered species and their habitats; and

(2) As appropriate, ecological investigations to assess the actual or potential effects on the environment and/or develop remediation criteria.

(c) Exposure Assessment. The objectives of an exposure assessment are to identify actual or potential exposure pathways, to characterize the potentially exposed populations, and to determine the extent of the exposure. Exposed populations may include industrial workers, residents, and subgroups that comprise a meaningful portion of the general population, including, but not limited to, infants, children, pregnant women, the elderly, individuals with a history of serious illness, or other subpopulations, that are identifiable as being at greater risk of adverse health effects, due to exposure to hazardous substances, than the general population.

(d) Toxicity Assessment. Respondents shall evaluate the types of adverse health or environmental effects associated with individual and multiple chemical exposures; the relationship between magnitude of exposures and adverse effects; and related uncertainties such as the weight of evidence for a chemical's potential carcinogenicity in humans.

(e) Risk Characterization. Risk characterization shall include the potential risks of adverse health or environmental effects for each of the exposure scenarios derived in the exposure assessment.

5.7 Feasibility Study (FS) Report. The FS Report shall be prepared and submitted by Respondents to DTSC for review and approval, no later than forty-five (45) days from submittal of the RI Report. The FS Report shall summarize the results of the FS including the following:

(a) Documentation of all treatability studies conducted.

(b) Development of medium specific or operable unit specific remedial action objectives, including legal requirements and other promulgated standards that are relevant.

(c) Identification and screening of general response actions, remedial technologies, and process options on a medium and/or operable unit specific basis.

(d) Evaluation of alternatives based on the criteria contained in the NCP

including:

Threshold Criteria:

(1) Overall protection of human health and the environment.

(2) Compliance with legal requirements and other promulgated standards that are relevant.

Primary Balancing Criteria:

(1) Long-term effectiveness and permanence.

(2) Reduction of toxicity, mobility, or volume through treatment.

(3) Short-term effectiveness.

(4) Implementability based on technical and administrative feasibility.

(5) Cost.

Modifying Criteria:

(1) State and local agency acceptance.

(2) Community acceptance.

(e) Proposed remedial actions**.**

5.8 Public Participation Plan (Community Relations). Respondents shall work cooperatively with DTSC in providing an opportunity for meaningful public participation in response actions. Any such public participation activities shall be conducted in accordance with H&SC Sections 25356.1 and 25358.7, DTSC's most current Public Participation Policy and Guidance Manual, and shall be subject to DTSC's review and approval.

Respondents, in coordination with DTSC, shall conduct a baseline community survey and develop a Public Participation Plan (PPP) which describes how, under the Order, the public and adjoining community will be kept informed of activities conducted at the Site and how Respondents will be responding to inquiries from concerned citizens. Major steps in developing a PPP are as follows:

(a) Develop proposed list of interviewees;
(b) Schedule and conduct community interviews; and
(c) Analyze interview notes, and develop objectives.

Respondents shall implement any of the public participation support activities identified in the PPP, at the request of DTSC. DTSC retains the right to implement any of these activities independently. These activities include, but are not limited to, development and distribution of fact sheets; public meeting preparations; and development and placement of public notices.

5.9 California Environmental Quality Act (CEQA). DTSC will comply with CEQA for all activities required by this order that are projects subject to CEQA. Upon DTSC's request, Respondents shall provide DTSC with any information that DTSC deems necessary to facilitate compliance with CEQA. The costs incurred by DTSC in complying with CEQA are response costs and Respondents shall reimburse DTSC for such costs pursuant to Section 6.19.

5.10 Remedial Action Plan. No later than thirty (30) days after DTSC approval of the FS Report, Respondents shall prepare and submit to DTSC a draft RAP. The draft RAP shall be consistent with the NCP and Health and Safety Code section 25356.1. The draft RAP public review process may be combined with that of any other documents required by CEQA. The draft RAP shall be based on and summarize the approved RI/FS Reports, and shall clearly set forth:

(a) Health and safety risks posed by the conditions at the Site.

(b) The effect of contamination or pollution levels upon present, future, and probable beneficial uses of contaminated, polluted, or threatened resources.

(c) The effect of alternative remedial action measures on the reasonable availability of groundwater resources for present, future, and probable beneficial uses.

(d) Site specific characteristics, including the potential for offsite migration of hazardous substances, the surface or subsurface soil, and the hydrogeologic conditions, as well as preexisting background contamination levels.

(e) Cost-effectiveness of alternative remedial action measures. Land disposal shall not be deemed the most cost-effective measure merely on the basis of lower short-term cost.

(f) The potential environmental impacts of alternative remedial action measures, including, but not limited to, land disposal of the untreated hazardous substances as opposed to treatment of the hazardous substances to remove or reduce its volume, toxicity, or mobility prior to disposal.

(g) A statement of reasons setting forth the basis for the removal and remedial actions selected. The statement shall include an evaluation of each proposed

alternative submitted and evaluate the consistency of the removal and remedial actions proposed by the plan with the NCP.

(h) A schedule for implementation of all proposed removal and remedial actions.

In conjunction with DTSC, Respondents shall implement the public review process specified in DTSC's Public Participation Policy and Guidance Manual. Within ten (10) days of closure of the public comment period, Respondents shall submit a written Responsiveness Summary of all written and oral comments presented and received during the public comment period.

Following DTSC's review and finalization of the Responsiveness Summary, DTSC will specify any changes to be made in the RAP. Respondents shall modify the document in accordance with DTSC's specifications and submit a final RAP within fifteen (15) days of receipt of DTSC's comments.

5.11 Remedial Design (RD). Within sixty (60) days after DTSC approval of the final RAP, Respondents shall submit to DTSC for review and approval a RD describing in detail the technical and operational plans for implementation of the final RAP which includes the following elements, as applicable:

(a) Design criteria, process unit and pipe sizing calculations, process diagrams, and final plans and specifications for facilities to be constructed.

(b) Description of equipment used to excavate, handle, and transport contaminated material.

(c) A field sampling and laboratory analysis plan addressing sampling during implementation and to confirm achievement of the performance objectives of the RAP.

(d) A transportation plan identifying routes of travel and final destination of wastes generated and disposed.

(e) For groundwater extraction systems: aquifer test results, capture zone calculations, specifications for extraction and performance monitoring wells, and a plan to demonstrate that capture is achieved.

(f) An updated health and safety plan addressing the implementation activities.

(g) Identification of any necessary permits and agreements.

(h) An operation and maintenance plan including any required monitoring.

(i) A detailed schedule for implementation of the remedial action consistent with

the schedule contained in the approved RAP including procurement, mobilization, construction phasing, sampling, facility startup, and testing.

5.12 Deed Restrictions. If the approved remedy in the Final RAP includes deed restrictions, the current owners of the Site shall sign and record deed restrictions approved by DTSC within ninety (90) days of DTSC's approval of the final RAP.

5.13 Implementation of Final RAP. Upon DTSC approval of the RD, Respondents shall implement the final RAP in accordance with the approved schedule in the RD. Within thirty (30) days of completion of field activities, Respondents shall submit an Implementation Report documenting the implementation of the Final RAP and RD.

5.14 Operation and Maintenance (O&M). Respondents shall comply with all O&M requirements in accordance with the final RAP and approved RD. Within thirty (30) days of the date of DTSC=s request, Respondents shall prepare and submit to DTSC for approval an O&M plan that includes an implementation schedule. Respondents shall implement the plan in accordance with the approved schedule.

5.15 Five-Year Review. Respondents shall review and reevaluate the remedial action after a period of five (5) years from the completion of construction and startup, and every five (5) years thereafter. The review and reevaluation shall be conducted to determine if human health and the environment are being protected by the remedial action. Within thirty (30) calendar days before the end of the time period approved by DTSC to review and reevaluate the remedial action, Respondents shall submit a remedial action review work plan to DTSC for review and approval. Within sixty (60) days of DTSC's approval of the work plan, Respondents shall implement the work plan and shall submit a comprehensive report of the results of the remedial action review. The report shall describe the results of all sample analyses, tests and other data generated or received by Respondents and evaluate the adequacy of the implemented remedy in protecting public health, safety and the environment. As a result of any review performed under this section, Respondents may be required to perform additional Work or to modify Work previously performed.

5.16 Changes During Implementation of the Final RAP. During the implementation of the final RAP and RD, DTSC may specify such additions, modifications, and revisions to the RD as deemed necessary to protect public health and safety or the environment or to implement the RAP.

5.17 Stop Work Order. In the event that DTSC determines that any activity (whether or not pursued in compliance with this Order) may pose an imminent or substantial endangerment to the health or safety of people on the Site or in the surrounding area or to the environment, DTSC may order Respondents to stop further implementation of this Order for such period of time needed to abate the endangerment. In the event that DTSC determines that any site activities (whether or not pursued in

compliance with this Order) are proceeding without DTSC authorization, DTSC may order Respondents to stop further implementation of this Order or activity for such period of time needed to obtain DTSC authorization, if such authorization is appropriate. Any deadline in this Order directly affected by a Stop Work Order, under this section, shall be extended for the term of the Stop Work Order.

5.18 Emergency Response Action/Notification. In the event of any action or occurrence (such as a fire, earthquake, explosion, or human exposure to hazardous substances caused by the release or threatened release of a hazardous substance) during the course of this Order, Respondents shall immediately take all appropriate action to prevent, abate, or minimize such emergency, release, or immediate threat of release and shall immediately notify the Project Manager. Respondents shall take such action in consultation with the Project Manager and in accordance with all applicable provisions of this Order. Within seven (7) days of the onset of such an event, Respondents shall furnish a report to DTSC, signed by Respondents' Project Coordinator, setting forth the events which occurred and the measures taken in the response thereto. In the event that Respondents fail to take appropriate response and DTSC takes the action instead, Respondents shall be liable to DTSC for all costs of the response action. Nothing in this section shall be deemed to limit any other notification requirement to which Respondents may be subject.

5.19 Discontinuation of Remedial Technology. Any remedial technology employed in implementation of the final RAP shall be left in place and operated by Respondents until and except to the extent that DTSC authorizes Respondents in writing to discontinue, move or modify some or all of the remedial technology because Respondents have met the criteria specified in the final RAP for its discontinuance, or because the modifications would better achieve the goals of the final RAP.

5.20 Financial Assurance. Respondents shall demonstrate to DTSC and maintain financial assurance for operation and maintenance and monitoring. Respondents shall demonstrate financial assurance prior to the time that operation and maintenance activities are initiated and shall maintain it throughout the period of time necessary to complete all required operation and maintenance activities. The financial assurance mechanisms shall meet the requirements of H&SC Section 25355.2. All financial assurance mechanisms are subject to the review and approval of DTSC.

VI. GENERAL PROVISIONS

6.1 Project Coordinator. Within ten (10) days from the date the Order is signed by DTSC, Respondents shall submit to DTSC in writing the name, address, and telephone number of a Project Coordinator whose responsibilities will be to receive all notices, comments, approvals, and other communications from DTSC. Respondents shall promptly notify DTSC of any change in the identity of the Project Coordinator. Respondents shall obtain approval from DTSC before the new project coordinator performs any work under this Order.

6.2 Project Engineer/Geologist. The work performed pursuant to this Order shall be under the direction and supervision of a qualified professional engineer or a registered geologist in the State of California, with expertise in hazardous substance site cleanups. Within fifteen (15) days from the date the Order is signed by DTSC, Respondents must submit: a) The name and address of the project engineer or geologist chosen by Respondents; and b) in order to demonstrate expertise in hazardous substance cleanup, the résumé of the engineer or geologist, and the statement of qualifications of the consulting firm responsible for the work. Respondents shall promptly notify DTSC of any change in the identity of the Project Engineer/Geologist. Respondents shall obtain approval from DTSC before the new Project Engineer/Geologist performs any work under this Order.

6.3 Monthly Summary Reports. Within thirty (30) days from the date the Order is signed by DTSC, and on a monthly basis thereafter, Respondents shall submit a Monthly Summary Report of their activities under the provisions of this Order. The report shall be received by DTSC by the 15th day of each month and shall describe:

(a) Specific actions taken by or on behalf of Respondents during the previous calendar month;

(b) Actions expected to be undertaken during the current calendar month;

(c) All planned activities for the next month;

(d) Any requirements under this Order that were not completed;

(e) Any problems or anticipated problems in complying with this Order; and

(f) All results of sample analyses, tests, and other data generated under the Order during the previous calendar month, and any significant findings from these data.

6.4 Quality Control/Quality Assurance (QC/QA). All sampling and analysis conducted by Respondents under this Order shall be performed in accordance with QC/QA procedures submitted by Respondents and approved by DTSC pursuant to this

Order.

6.5 Submittals. All submittals and notifications from Respondents a required by this Order shall be sent simultaneously to:

Barbara J. Cook, P.E.
Regional Branch Chief
Attention: Sarah Stenehjem
Department of Toxic Substances Control
700 Heinz Avenue, Suite 200
Berkeley, California 94710

Regional Water Quality Control Board
San Francisco Bay Region
1515 Clay Street, Suite 1400
Oakland, California 94612

6.6 Communications. All approvals and decisions of DTSC made regarding submittals and notifications will be communicated to Respondents in writing by the Site Mitigation Branch Chief, Department of Toxic Substances Control, or his/her designee. No informal advice, guidance, suggestions or comments by DTSC regarding reports, plans, specifications, schedules or any other writings by Respondents shall be construed to relieve Respondents of the obligation to obtain such formal approvals as may be required.

6.7 DTSC Review and Approval. All response actions taken pursuant to this Order shall be subject to the approval of DTSC. Respondents shall submit all deliverables required by this Order to DTSC. Once the deliverables are approved by DTSC, they shall be deemed incorporated into, and where applicable, enforceable under this Order.

(a) If DTSC determines that any report, plan, schedule or other document submitted for approval pursuant to this Order fails to comply with this Order or fails to protect public health or safety or the environment, DTSC may:

(1) Modify the document as deemed necessary and approve the document as modified; or

(2) Return comments to Respondents with recommended changes and a date by which Respondents must submit to DTSC a revised document incorporating the recommended changes.

(b) Any modifications, comments or other directive issued pursuant to (a) above, are incorporated into this Order. Any noncompliance with these modifications or directives shall be deemed a failure or refusal to comply with this Order.

6.8 Compliance with Applicable Laws. Nothing in this Order shall relieve Respondents from complying with all other applicable laws and regulations, including but not limited to compliance with all applicable waste discharge requirements issued by the State Water Resources Control Board or a California Regional Water Quality Control Board. Respondents shall conform all actions required by this Order with all applicable federal, state and local laws and regulations.

6.9 Respondent Liabilities. Nothing in this Order shall constitute or be construed as a satisfaction or release from liability for any conditions or claims arising as a result of past, current or future operations of Respondents. Nothing in this Order is intended or shall be construed to limit the rights of any of the parties with respect to claims arising out of or relating to the deposit or disposal at any other location of substances removed from the Site. Nothing in this Order is intended or shall be construed to limit or preclude DTSC from taking any action authorized by law to protect public health or safety or the environment and recovering the cost thereof. Notwithstanding compliance with the terms of this Order, Respondents may be required to take further actions as are necessary to protect public health and the environment.

6.10 Site Access. Access to the Site and laboratories used for analyses of samples under this Order shall be provided at all reasonable times to employees, contractors, and consultants of DTSC. Nothing in this section is intended or shall be construed to limit in any way the right of entry or inspection that DTSC or any other agency may otherwise have by operation of any law. DTSC and its authorized representatives shall have the authority to enter and move freely about all property at the Site at all reasonable times for purposes including, but not limited to: inspecting records, operating logs, sampling and analytic data, and contracts relating to this Site; reviewing the progress of Respondents in carrying out the terms of this Order; conducting such tests as DTSC may deem necessary; and verifying the data submitted to DTSC by Respondents.

To the extent the Site or any other property to which access is required for the implementation of this Order is owned or controlled by persons other than Respondents, Respondents shall use best efforts to secure from such persons access for Respondents, as well as DTSC, its representatives, and contractors, as necessary to effectuate this Order. To the extent that any portion of the Site is controlled by tenants of Respondents, Respondents shall use best efforts to secure from such tenants, access for Respondents, as well as for DTSC, its representatives, and contractors, as necessary to effectuate this Order. For purposes of this Section, Abest efforts@ includes the payment of reasonable sums of money in consideration of access. If any access required to complete the Work is not obtained within forty-five (45) days of the effective date of this Order, or within forty-five (45) days of the date DTSC notifies Respondents in writing that additional access beyond that previously secured is necessary, Respondents shall promptly notify DTSC, and shall include in that notification a summary of the steps Respondents have taken to attempt to obtain access. DTSC

may, as it deems appropriate, assist Respondents in obtaining access. Respondents shall reimburse DTSC in obtaining access, including, but not limited to, attorneys fees and the amount of just compensation.

6.11 Sampling, Data and Document Availability. Respondents shall permit DTSC and its authorized representatives to inspect and copy all sampling, testing, monitoring or other data generated by Respondents or on Respondents= behalf in any way pertaining to work undertaken pursuant to this Order. Respondents shall submit all such data upon the request of DTSC. Copies shall be provided within seven (7) days of receipt of DTSC's written request. Respondents shall inform DTSC at least seven (7) days in advance of all field sampling under this Order, and shall allow DTSC and its authorized representatives to take duplicates of any samples collected by Respondents pursuant to this Order. Respondents shall maintain a central depository of the data, reports, and other documents prepared pursuant to this Order.

6.12 Record Retention. All such data, reports and other documents shall be preserved by Respondents for a minimum of ten (10) years after the conclusion of all activities under this Order. If DTSC requests that some or all of these documents be preserved for a longer period of time, Respondents shall either comply with that request or deliver the documents to DTSC, or permit DTSC to copy the documents prior to destruction. Respondents shall notify DTSC in writing, at least six (6) months prior to destroying any documents prepared pursuant to this Order.

6.13 Government Liabilities. The State of California shall not be liable for any injuries or damages to persons or property resulting from acts or omissions by Respondents, or related parties specified in Section 6.24, Parties Bound, in carrying out activities pursuant to this Order, nor shall the State of California be held as party to any contract entered into by Respondents or its agents in carrying out activities pursuant to this Order.

6.14 Additional Actions. By issuance of this Order, DTSC does not waive the right to take any further actions authorized by law.

6.15 Extension Requests. If Respondents are unable to perform any activity or submit any document within the time required under this Order, Respondents may, prior to expiration of the time, request an extension of the time in writing. The extension request shall include a justification for the delay. All such requests shall be in advance of the date on which the activity or document is due.

6.16 Extension Approvals. If DTSC determines that good cause exists for an extension, it will grant the request and specify a new schedule in writing. Respondents shall comply with the new schedule incorporated in this Order.

6.17 Liability for Costs. Respondents are liable for all of DTSC's costs that have been incurred in taking response actions at the Site (including costs of overseeing

response actions performed by Respondents) and costs to be incurred in the future.

6.18 Payment of Costs. DTSC may bill Respondents for costs incurred in taking response actions at the Site prior to the effective date of this Order. DTSC will bill Respondents quarterly for its response costs incurred after the effective date of this Order. Respondents shall pay DTSC within sixty (60) days of receipt of any DTSC billing. Any billing not paid within sixty (60) days is subject to interest calculated from the date of the billing pursuant to Health and Safety Code section 25360.1. All payments made by Respondents pursuant to this Order shall be by cashier's or certified check made payable to the "DTSC," and shall bear on the face the project code of the Site (Site 201042) and the Docket number of the Order. Payments shall be sent to:

Department of Toxic Substances Control
Accounting/Cashier
1001 I Street, 21st Floor
P.O. Box 806
Sacramento, California 95812-0806

A photocopy of all payment checks shall also be sent to the person designated by DTSC to receive submittals under this Order.

6.19 Severability. The requirements of this Order are severable, and Respondents shall comply with each and every provision hereof, notwithstanding the effectiveness of any other provision.

6.20 Incorporation of Plans, Schedules and Reports. All plans, schedules, reports, specifications and other documents that are submitted by Respondents pursuant to this Order are incorporated in this Order upon DTSC's approval or as modified pursuant to Section 6.7, DTSC Review and Approval, and shall be implemented by Respondents. Any noncompliance with the documents incorporated in this Order, shall be deemed a failure or refusal to comply with this Order.

6.21 Modifications. DTSC reserves the right to unilaterally modify this Order. Any modification to this Order shall be effective upon the date the modification is signed by DTSC and shall be deemed incorporated in this Order.

6.22 Time Periods. Unless otherwise specified, time periods begin from the effective date of this Order and "days" means calendar days.

6.23 Termination and Satisfaction. Except for Respondents' obligations under Sections 5.14 Operation and Maintenance (O&M), 5.15 Five-Year Review, 5.20 Financial Assurance, 6.13 Record Retention, 6.18 Liability for Costs, and 6.19 Payment of Costs, Respondents' obligations under this Order shall terminate and be deemed satisfied upon Respondents' receipt of written notice from DTSC that Respondents have complied with all the terms of this Order.

6.24 Parties Bound. This Order applies to and is binding upon Respondents, and their officers, directors, agents, employees, contractors, consultants, receivers, trustees, successors and assignees, including but not limited to, individuals, partners, and subsidiary and parent corporations. Respondents shall provide a copy of this Order to all contractors, subcontractors, laboratories, and consultants which are retained to conduct any work performed under this Order, within fifteen (15) days after the effective date of this Order or the date of retaining their services, whichever is later. Respondents shall condition any such contracts upon satisfactory compliance with this Order. Notwithstanding the terms of any contract, Respondents are responsible for compliance with this Order and for ensuring that their subsidiaries, employees, contractors, consultants, subcontractors, agents and attorneys comply with this Order.

6.25 Change in Ownership. No change in ownership or corporate or partnership status relating to the Site shall in any way alter Respondents= responsibility under this Order. No conveyance of title, easement, or other interest in the Site, or a portion of the Site, shall affect Respondents= obligations under this Order. Unless DTSC agrees that such obligations may be transferred to a third party, Respondents shall be responsible for and liable for any failure to carry out all activities required of Respondents by the terms and conditions of this Order, regardless of Respondents= use of employees, agents, contractors, or consultants to perform any such tasks. Respondents shall provide a copy of this Order to any subsequent owners or successors before ownership rights or stock or assets in a corporate acquisition are transferred.

VII. NOTICE OF INTENT TO COMPLY

7. Not later than fifteen (15) days after the effective date of this Order, Respondents shall provide written notice, in accordance with paragraph 6.5 Submittals of this Order, stating whether or not Respondents will comply with the terms of this Order. If Respondents, or any one of them, do not unequivocally commit to perform all of the requirements of this Order, they, or each so refusing, shall be deemed to have violated this Order and to have failed or refused to comply with this Order. Respondents= written notice shall describe, using facts that exist on or prior to the effective date of this Order, any Asufficient cause@ defenses asserted by Respondents under Health and Safety Code sections 25358.3(a) and 25355.5(a)(1)(B) or CERCLA section 107(c)(3), 42 U.S.C. section 9607(c)(3).

VIII. EFFECTIVE DATE

8. This Order is final and effective five (5) days from the date of mailing, which is the date of the cover letter transmitting the Order to you.

IX. PENALTIES FOR NONCOMPLIANCE

9. Each Respondent may be liable for penalties of up to $25,000 for each day out of compliance with any term or condition set forth in this Order and for punitive damages up to three times the amount of any costs incurred by DTSC as a result of Respondents= failure to comply, pursuant to Health and Safety Code sections 25359, 25359.2, 25359.4, and 25367(c). Health and Safety Code section 25359.3 provides that a responsible party who complies with this order, or with another order or agreement concerning the same response actions required by this order, may seek treble damages from Respondents who fail or refuse to comply with this order without sufficient cause.

DATE OF ISSUANCE: [Original Signed 10/09/2002] [Original signed by Barbara Cook]
Barbara J. Cook, P.E.
Regional Branch Chief
Department of Toxic Substances Control

cc: Site Mitigation and Brownfields Reuse Program
Headquarters, Planning & Policy
Office of Legal Counsel


CREEK
WILD CAT
160
30
31
37
TIRE PILE
R1
R2
R3
R4
R5
R6
BERRYDALE
P.B. 561
SITE
FIRE AREA

EXHIBIT A

EXHIBIT B

STANDARD FENCE SPECIFICATIONS

At a minimum, the fence shall be a standard chain link fence with a height of six feet, topped with a minimum of three strands of barbed wire. The wiring of the fencing shall be 11gauge and woven into an approximately two-inch mesh. The fencing should have a knuckled finish on the top and bottom edges. The posts are to be made of galvanized metal, and shall be spaced no more than ten feet apart. Any access gates are to be of the same material as the fence, and shall be secured with a padlock.

SIGN SPECIFICATIONS

The following are specifications for warning signs which must be posted in accordance with section 5.1.3 of this Order:

1. All lettering shall be legible from a distance of twenty five (25) feet.

2. The signs shall read: "Caution: Hazardous Substance Area; Unauthorized Persons Keep Out", and shall provide the name and phone number for the Department's Berkeley Regional Office: (510) 540-2122.

3. The signs shall also provide the warning in number 2 above in a second language which is appropriate to the local area. In addition, the signs shall have the international "Do Not Enter" symbol.

4. The signs shall be visible from the surrounding area and posted, at a minimum, at intervals of every 200 feet around the perimeter of the fence, and at every actual or likely point of entry.

5. The signs shall be of a material able .towithstand the elements.