

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

August 31, 2017  
File No. 01-0529 (JMJ)

Certified Mail No.:  
Return Receipt Requested

Mr. Pargat Singh  
3519 Castro Valley Blvd.  
Castro Valley, CA 94546

Restructure Petroleum Marketing Services  
of California  
Attn.: Ms. Janet Ceccarelli, President  
3343 Kingfisher Drive  
Holiday, FL 34690

Copy sent via email: [Aulakhp21@gmail.com](mailto:Aulakhp21@gmail.com)

**SUBJECT: Deadline for Submittal of Technical Report – EZ Serve #100877,  
525 West “A” Street, Hayward, Alameda County**

Dear Mr. Singh and Ms. Ceccarelli:

This letter extends the deadline to submit a technical report documenting the implementation of the “*Workplan to Define the Lateral and Vertical Extent of Groundwater Plume Beneath the Former EZ-Serve #100877 Site*” (Work Plan) dated August 4, 2015, as conditionally approved by the Regional Water Board in our March 17, 2017, letter. This letter is directed to Restructure Petroleum Marketing Services of California (RPMSCA), the owner and operator of the former Mobil/EZ Serve gas station previously located at the subject Site at the time of release(s). This letter is also directed to Mr. Pargat Singh, the current owner and operator of the Valero gas station at the subject Site.

**Background**

In a letter dated March 17, 2017, the Regional Water Board conditionally approved RPMSCA’s Work Plan. In this letter, we required submittal of a technical report by **May 31, 2017**, documenting the implementation of the Work Plan. This technical report must also include an acceptable offsite soil vapor investigation work plan focused in the residential areas west and south of the Site. The results of the conditionally approved investigation along with the implementation of the required soil vapor work plan are required to determine if the subject Site is eligible for closure under the State Water Board’s *Low-Threat Underground Storage Tank Case Closure Policy* (LTCP).<sup>1</sup>

RPMSCA has been working with Regional Water Board staff to confirm that investigation and cleanup are complete.<sup>2</sup> To accomplish this work, RPMSCA must access the property and the groundwater monitoring wells. Mr. Pargat Singh has not agreed to RPMSCA’s multiple requests

<sup>1</sup> See State Water Resources Control Board webpage:  
[http://www.waterboards.ca.gov/board\\_decisions/adopted\\_orders/resolutions/2012/rs2012\\_0016atta.pdf](http://www.waterboards.ca.gov/board_decisions/adopted_orders/resolutions/2012/rs2012_0016atta.pdf)

<sup>2</sup> See GeoTracker webpage:  
[https://geotracker.waterboards.ca.gov/regulators/deliverable\\_documents/7805313587/01%2D0529%20%2D%20Email%20from%20RPMSCA%2C%20access%20impass%2008%2D07%2D17%2Epdf](https://geotracker.waterboards.ca.gov/regulators/deliverable_documents/7805313587/01%2D0529%20%2D%20Email%20from%20RPMSCA%2C%20access%20impass%2008%2D07%2D17%2Epdf)

for site access and the Work Plan has not been implemented. The technical report required in our March 17, 2017, letter is 91 days late as of August 29, 2017. Therefore, the Regional Water Board is naming both RPMSCA and Mr. Singh as dischargers in this letter.

I hereby require that Mr. Pargat Singh and RPMSCA submit the technical report required in our March 17, 2017, letter **by October 30, 2017**.

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

In addition to a hard copy you are also required to submit all documents in electronic format to the State Water Resources Control Board's GeoTracker database pursuant to the California Code of Regulations (Title 23, Section 3890 et.seq.). Guidance for electronic information submittal is available at: [http://www.waterboards.ca.gov/water\\_issues/programs/ust/electronic\\_submittal/](http://www.waterboards.ca.gov/water_issues/programs/ust/electronic_submittal/). Please note that this requirement includes all analytical data, monitoring well latitudes, longitudes, elevations, water depth, site maps, and boring logs (PDF format).

If you have any questions, please contact Mr. John Jang of my staff at (510) 622-2366 or via e-mail: [John.Jang@waterboards.ca.gov](mailto:John.Jang@waterboards.ca.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Stephen Hill", is written over a light gray rectangular background. The signature is cursive and includes a small "for" written below the start of the name.

Digitally signed by Stephen Hill  
Date: 2017.08.31 10:39:59  
-07'00'

Bruce H. Wolfe  
Executive Officer

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

**Mailing List****cc w/attach via U.S. mail:**

Himalaya Trading Company, Inc.  
Attn.: Mr. Azizolah Kandahari  
5196 Grayhawk Lane  
Dublin, CA 94568-7764

EZ Serve Petroleum Marketing  
Attn.: Mr. Brian Cobb  
100700 North I45, Suite 500  
Houston, TX 77037-1187

Attn.: Ms. Margaret S. Thompson  
P.O. Box 16290  
Houston, TX 77222

Vinod & Janak Bansal  
1777 Beach Park Boulevard  
Foster City, CA 94404-1403

**cc w/attach via email:**

RPMSCA  
Attn.: Ms. Jeannie Newman  
3343 Kingfisher Drive  
Holiday, FL 34690  
Email: [RPMSCA@aol.com](mailto:RPMSCA@aol.com)

SOMA Environmental  
Attn: Mr. Mansour Sepehr  
Email: [MSepehr@somaenv.com](mailto:MSepehr@somaenv.com)

RPMS  
Attn.: Mr. Noel Sheno  
CalClean  
Email: [NoelSheno@calclean.com](mailto:NoelSheno@calclean.com)

Environmental & Geological Solutions  
Attn.: Mr. Rafael Gallardo  
304 Belle Court  
El Dorado Hills, CA 95762  
Email [Rafel@EnviroGeoSolutions.com](mailto:Rafel@EnviroGeoSolutions.com)

Mark Detterman  
Alameda County Env. Health Services  
1131 Harbor Bay Parkway, Suite 250  
Alameda, CA 94502-6577  
Email [Mark.Detterman@acgov.org](mailto:Mark.Detterman@acgov.org)

State Water Resources Control Board  
Underground Storage Tank  
Cleanup Fund Unit  
Attn.: Mr. Sunil Ramdass and Micah Reich  
Emails: [Micah.Reich@waterboards.ca.gov](mailto:Micah.Reich@waterboards.ca.gov)  
and [Sunil.Ramdass@waterboards.ca.gov](mailto:Sunil.Ramdass@waterboards.ca.gov)

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San Francisco Bay Regional Water Quality Control Board

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

*Revised March 2014*

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