

Detterman, Mark, Env. Health

From: Detterman, Mark, Env. Health
Sent: Monday, June 08, 2015 3:45 PM
To: 'Jang, John@Waterboards'
Subject: RE: Former EZ Serve #100877, 525 "A" Street, Hayward - Requirement for a Work Plan

John,

Thank you for the email and letter. I am not sure of the extent you have been able to review the subject site; however, prior to transferring the case to the RWQCB, ACEH regarded this as a high priority site due to likely comingling of the plume with the service station to the southwest of the site, then managed by the Hayward FD, and the apparent subsequent migration of the plume to two actively used backyard irrigation wells directly downgradient and immediately next door to that downgradient service station. The lack of reasonable and appropriate actions was the principal reason for the site to be included in the group of case transfers.

Documentation of data to support this concern, including as I recall, groundwater samples obtained from the two wells, is on the ACEH website, at the web link below my email signature. Should you have questions, please do not hesitate to contact me.

Regards,

Mark Detterman
Senior Hazardous Materials Specialist, PG, CEG
Alameda County Environmental Health
1131 Harbor Bay Parkway
Alameda, CA 94502
Direct: 510.567.6876
Fax: 510.337.9335
Email: mark.detterman@acgov.org

PDF copies of case files can be downloaded at:

<http://www.acgov.org/aceh/lop/ust.htm>

From: Jang, John@Waterboards [<mailto:John.Jang@waterboards.ca.gov>]
Sent: Monday, June 08, 2015 3:00 PM
To: JackC@edifl.com
Cc: Ramdass, Sunil@Waterboards; Detterman, Mark, Env. Health
Subject: Former EZ Serve #100877, 525 "A" Street, Hayward - Requirement for a Work Plan

The attached letter is being emailed to you in lieu of hard copies via U.S. mail.

San Francisco Bay Regional Water Quality Control Board

June 2, 2015
File No. 01-0529 (JMJ)
CUF Claim # 2874

Restructure Petroleum Marketing Service
Attn: Mr. Jack Ceccarelli
205 So. Hoover Blvd., Suite 101
Tampa, FL 33609-905

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

Sent via email: JackC@edifl.com

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

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

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

Subject: Requirement for a Work Plan and Approval of Reduced Monitoring and Sampling, and Requirement for Technical Monitoring Reports - EZ Serve #100877, 525 West "A" Street, Hayward, Alameda County -

Dear Responsible Parties:

This letter requires you to submit a work plan for conducting additional investigations. Implementation of the required work plan will help to determine if the Site is eligible for closure under the State Water Board's Low-Threat Underground Storage Tank (UST) Closure Policy¹ (LTCP) or whether additional investigation or remediation is required. This letter also requires you reduce the monitoring and sampling frequency at the site to semi-annual or annual for some of the monitoring wells (MWs), and requires submittal of technical monitoring reports. Reduced monitoring and sampling will continue to provide sufficient data for adequate evaluation of groundwater flow direction and contaminant concentration trends.

Background

The Site was a former EZ Serve service station that was demolished in 1990. The Site remained vacant until 2008, when the current Valero station was constructed. Environmental investigations at the Site started in 1986 when three monitoring wells were installed (contained dissolved TPH-g and benzene at up to 51,000 ug/L and 9,000 ug/L respectively). Three additional monitoring

¹ See State Water Resources Control Board webpage:
http://www.waterboards.ca.gov/board_decisions/adopted_orders/resolutions/2012/rs2012_0016atta.pdf

wells were installed in 1988 (contained dissolved TPH-g and benzene at up to 150,000 ug/L and 14,000 ug/L respectively). The EZ Serve station was demolished in 1990 and six monitoring wells were installed in January 1992 to replace the original six wells. Subsequently, between 1993 and 2009, eleven additional monitoring wells were installed along with 23 soil borings. Also, three vapor extraction/air sparging (VE/AS) wells and one groundwater extraction well (EW) were installed in 2002. Pilot tests using the VE/AS and EW indicated that they were not viable remediation methods for this Site. Construction of the new Valero service station in 2008 included excavating 988 cubic yards of soil to accommodate installing the new USTs. Groundwater flow beneath the former EZ Serve Site is primarily to the west. About 100 feet southwest of the EZ Serve Site is the Prime Properties site which contained a leaking former gas station. Two irrigation wells beyond the Prime Properties site and located 300 and 330 feet southwest of the EZ serve Site have been impacted by petroleum hydrocarbons, primarily with MTBE at up to 200 ug/L that is believed to have originated from the EZ Serve Site.

Responsible Party Information

This letter is directed to you as a potential responsible party for the pollution at and emanating from the subject Site based upon the following information:

EZ Serve Petroleum Marketing, doing business as Restructure Petroleum Marketing Service was the business owner, tank owner and tank operator from approximately 1967 until 1989. EZ Serve Petroleum Marketing is the primary responsible party because the unauthorized release occurred during the time when EZ Serve Petroleum Marketing owned and operated the USTs.

Margaret Thompson was the property owner from March 1969 through March 2000 and is a responsible party because she owned the property when the unauthorized release occurred.

Janak and Vinod Bansal were the property owners from March 2000 through November 2005 and are a responsible party because they owned the property where an unauthorized release occurred.

Azizolah and Shakila Kandahari (Himalaya Trading Company, Inc.) purchased the property in November 2005 and subsequently built a Valero service station at the site are a responsible party because they are the current owners of a property where an unauthorized release occurred.

Low-Threat Closure Review

Regional Water Board staff reviewed your Site's specific data against criteria outlined in the LTCP and concludes that this case does not meet several of the low-threat closure criteria, as explained below:

A) General Criterion – An Adequate Conceptual Site Model (CSM):

- (1) An adequate CSM must identify all confirmed and potential contaminant receptors. An updated sensitive receptor survey (SRS) is necessary since the most recent SRS is from 1995. The updated SRS must include additional information about the impacted irrigation wells including depth to water, screened intervals, well head treatment if any, pumping rate, etc.

(2) It is unknown if a waste oil tank (WOT) was present at the Site previously. Analytes characteristic of WOT releases are: TPH-g, TPH-d, TPH-mo, BTEX, chlorinated volatile organic compounds, semi volatile organic compounds, and the metals cadmium, chromium, lead, zinc, and nickel. Summarize in your required technical report whether the Site ever contained a WOT and which analytes were sampled. The analytes listed above must be tested in the media of interest and reported at the location(s) of concern if the presence of a WOT is confirmed or unknown.

B) Media Specific Criterion: Groundwater – The groundwater plume has not been adequately defined. The groundwater flow direction beneath the Site is primarily to the west. The two most westerly monitoring wells are MW-2 (destroyed in 2006) and MW-9 (which over the last four most recent sampling events contained up to 3,620 ug/L of TPH-g, 150 ug/L of benzene, and 78 ug/L of MTBE). In addition, the vertical extent of the groundwater pollution has not been defined. The groundwater pollution needs to be defined both horizontally and vertically in the downgradient direction with additional monitoring wells. In addition, the five monitoring wells that are “lost” needs to be located and either destroyed properly or put back into the monitoring program.

Report Requirement

You are required to submit a technical report to this office by August 3, 2015, consisting of a work plan for:

- (1) Conducting an updated SRS;**
- (2) Determining whether the Site ever contained a WOT and the history of all investigations related to the WOT. If there was previously a WOT and adequate investigation of the WOT were not conducted, then the work plan shall propose an adequate investigation of the WOT; and**
- (3) Determining the extent of the groundwater plume emanating from the Site.**

Groundwater Monitoring Program

The following MWs shall be sampled **annually** during the first quarter of every year based upon recent historical data that consistently been close to or below detection limits: MW-7

The following MWs shall be sampled **semi-annually (twice per year)** during the first and third quarter of every year based upon historical data that consistently contain similar or decreasing concentrations: MW-5, MW-13, EX-1, VEAS-2, and VEAS-3

The following MWs shall be sampled quarterly (**four times per year**) based upon the importance of their locations or lack of consistent recent sampling: MW-1, MW-1A, MW-3, MW-4, MW-6, MW-8 (if found to be good working condition), MW-9, MW-10 (if found to be good working condition), and MW-11 (if found to be good working condition)

You are required to submit the groundwater monitoring and sampling reports to our office by April 30, and October 30 of each year (i.e, semi-annual reports even through some of the monitoring wells are sampled quarterly). Please also coordinate with Prime Properties in order that the monitoring well sampling for both sites is done on the same dates.

This requirement for a technical 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 deadlines must be confirmed in writing by Regional Water Board staff.

You are required to submit all documents in electronic format to the State Water Resources Control Board's GeoTracker database. Guidance for electronic information submittal is available at http://www.waterboards.ca.gov/water_issues/programs/ust/electronic_submittal/. Please note that this requirement includes all analytical data, monitoring well latitudes, longitudes, and elevations, water depths, Site maps, boring logs (PDF format), and complete copies of reports and correspondence including the signed transmittal letters and professional certifications (PDF format).

All reports submitted must have the Regional Water Board file number 01-0529 on the first page of the report. You are responsible for obtaining any necessary approvals or permits from all agencies having jurisdiction over any aspect of the proposed work. These agencies may include the local Building Department, Planning Department, Public Works, and Environmental Health Department.

Please direct all questions and correspondence regarding this matter to John Jang of my staff at (510) 622-2366 or email JJang@waterboards.ca.gov.

Sincerely,

Bruce H. Wolfe
Executive Officer

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

Copy w/attachment via email:

SWRCB, UST Cleanup Fund Unit
Attn.: Mr. Sunil Ramdass
Email: SRamdass@waterboards.ca.gov

Prime Properties
Attn: Mr. Robert Trujillo
916 Silver Spur Road, Suite 210
Rolling Hills Estates, CA 90274

Hydro Analysis, Inc.
Attn: Mr. Gary Aguilar
11100 San Pablo Ave., Suite 200-A
El Cerrito, CA 94530

Mark Detterman
Alameda County Environmental Health
Services
1131 Harbor Bay Parkway, Suite 250
Alameda, CA 94502-6577
Email Mark.Detterman@acgov.org

Environmental & Geological Solutions
Attn.: Mr. Rafael Gallardo
304 Belle Court
El Dorado Hills, CA 95762

San Francisco Bay Regional Water Quality Control Board

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

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

Section 13267¹ of the California Water Code provides that "...the regional board may require that any person who has discharged, discharges, or who is suspected of having discharged or discharging, or who proposes to discharge waste...that could affect the quality of waters...shall furnish, under penalty of perjury, technical or monitoring program reports which the regional board requires."

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

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

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

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

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

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

Are there penalties if I don't comply?

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

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

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

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

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

If I have more questions, whom do I ask?

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

Revised January 2014

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