
San Francisco Bay Regional Water Quality Control Board

November 26, 2018
File No. 01-0529 (JMJ)

Mr. Pargat Singh
3519 Castro Valley Blvd.
Castro Valley, CA 94546
Sent via email to: Aulakhp21@gmail.com

SUBJECT: Approval of *Site Investigation and Sensitive Receptor Survey Report* and Requirement for a Conceptual Site Model - EZ Serve #100877, 525 West “A” Street, Hayward, Alameda County

Dear Mr. Singh:

This letter responds to your April 6, 2018, *Site Investigation and Sensitive Receptor Survey Report* ([Report](#)). As explained below, I approve the Report and require you to submit a Conceptual Site Model (CSM) by February 15, 2019.

Background

The Regional Water Board’s January 8, 2018, directive [letter](#) approved your November 28, 2017, [Workplan](#) and required you to submit a completion report by March 30, 2018. The Report was submitted in early April 2018.

The Report documents the implementation of the November 28, 2017, workplan including:

- Installing three soil borings in the residential areas west and south of the Site;
- Collecting grab groundwater samples from the soil borings for analysis;
- Installing four temporary soil vapor probes in the residential areas west and south of the Site;
- Collecting soil vapor samples from the soil vapor probes for analysis; and
- Conducting a sensitive receptor survey within 2,000 feet of the groundwater plume.

The Report makes the following conclusions and recommendations:

- Groundwater samples from this recent off-site investigation contains total petroleum hydrocarbons as gasoline, benzene, ethylbenzene, MtBE, and naphthalene below the State’s Low-Threat Underground Storage Tank Case Closure Policy ([LTCP](#)) criteria. All other chemicals of concern were below laboratory reporting limits or below Environmental Screening Levels ([ESLs](#)).
- Soil vapor samples were either below laboratory reporting limit or below the LTCP criteria (residential land use with and without bio-attenuation zone).
- Results of the sensitive receptor survey indicated that there are six irrigation wells (all field verified) located within 2,000 feet radius of the Site’s groundwater plume. Two of these wells are already on the Site’s monitoring program. No other sensitive receptors are located within this radius distance.

- Residents of the mobile homes north of the site utilize tap water as their source of drinking water, which is supplied by EBMUD.
- It appears that the site qualifies for regulatory closure based on meeting the LTCP's media-specific criteria for groundwater and vapor intrusion.

Water Board Response

Regional Water Board staff has reviewed the case file for this Site and concludes that this case does not meet the low-threat closure General Criterion e (submittal of an adequate CSM).

The CSM needs to include the following elements:

- Pollutant source identification and whether adequate source removal has been conducted to the extent practicable
- Characterization of groundwater plume stability
- Identification of exposure pathways and sensitive receptors
- Determination if cleanup and/or risk management measures are required to address the MtBE impacts to two downgradient off-site irrigation wells. Your consultant had previously indicated that the owners of these two irrigation wells are willing to allow you to properly destroy these two wells. If this is true, please provide documentation of their concurrence
- Comparison of the Site to all the LTCP criteria
- Identification of any remaining data gaps.

The CSM should include recommendations to move the case toward closure or address any identified data gaps.

Technical Report Requirement

You are required to submit a technical report consisting of a CSM that includes the elements described above. This technical report is due to this office by **February 15, 2019**. This technical report must be prepared and signed by an appropriately certified professional.

Basis for Requirement

The information required in this report is needed to move this case towards closure. You are named in your capacity as the current landowner.

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/. Please note that this requirement includes all analytical data, monitoring well latitudes, longitudes, elevations, water depth, site maps, and boring logs (PDF format). All reports submitted must have the Regional Water Board file number 01-2437 on the first page of the report.

If you have any questions, please contact Mr. John Jang of my staff at (510) 622-2366 or John.Jang@waterboards.ca.gov.

Sincerely,



A handwritten signature in black ink, appearing to read "Stephen Hill", is enclosed in a light gray rectangular box. A small "for" is written in the bottom left corner of the signature.

Digitally signed by Stephen Hill
Date: 2018.11.26 15:07:59
-08'00'

Bruce H. Wolfe
Executive Officer

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

Copy sent with attachment: Mailing List

Mailing List

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State Water Resources Control Board
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Attn.: Mr. Hugh Murphy
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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

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 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

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