

Detterman, Mark, Env. Health

From: Wrigley, Michael@Waterboards [Michael.Wrigley@waterboards.ca.gov]
Sent: Monday, July 13, 2015 1:59 PM
To: Boblawlor@sbcglobal.net
Cc: Lambert, Ralph@Waterboards; Labrado, Lisa@Waterboards; Cook.Forrest@gmail.com; Detterman, Mark, Env. Health; Meillier, Laurent@Waterboards
Subject: Requirement for an Investigation Work Plan, Former DiSalvo Trucking, letter.
Attachments: 01-0495 - WP required 070815 LMM.pdf

R.W.L. Investments
Attn.: Mr. Bob Lawlor
4919 Tidewater Ave., Unit B
Oakland, CA 94601
Sent via email: Boblawlor@sbcglobal.net

**SUBJECT: Requirement for an Investigation Work Plan, Former DiSalvo Trucking,
4919 Tidewater Avenue, Oakland, Alameda County, File No.: 01-0495**

Dear Mr. Lawlor:

Please find the attached letter from the Regional Water Quality Control Board regarding the above referenced site.

Thank you for your time and attention to this matter.

Respectfully,

Michael Wrigley, M.S.
Scientific Aide
Regional Water Quality Control Board
San Francisco Bay Region
1515 Clay Street, Suite 1400
Oakland, CA 94612
Office: (510) 622-2350
E-mail: Michael.Wrigley@waterboards.ca.gov
Website: <http://www.waterboards.ca.gov/sanfranciscobay/>

San Francisco Bay Regional Water Quality Control Board

July 9, 2015
File No.: 01-0495 (RAL)

R.W.L. Investments
Attn.: Mr. Bob Lawlor
4919 Tidewater Ave., Unit B
Oakland, CA 94601
Sent via email: Boblawlor@sbcglobal.net

**SUBJECT: Requirement for an Investigation Work Plan, Former DiSalvo Trucking,
4919 Tidewater Avenue, Oakland, Alameda County**

Dear Mr. Lawlor:

This letter requires R.W.L. Investments to submit an investigation work plan to define the current areas containing petroleum free product and secondary source, and the extent of impacts. This letter also requires R.W.L. Investments to continue sampling groundwater on a semi-annual basis. R.W.L. Investments, as the owner of the property is named as the responsible party at the Site referenced above. The Site is currently a busy trucking terminal.

Background

In 1989 there were three diesel underground storage tanks (USTs) and one waste oil UST removed from this Site. Soil was excavated and treated onsite and several thousand gallons of diesel product were removed from the excavations. However, there is still petroleum free product found in one or more wells (MW-2 in April 2015) indicating that there is a remaining secondary source. A recovery trench and sump, a standpipe in the former UST excavation, and an extraction well have also indicated free product and/or high concentrations. These locations are not typically monitored or sampled to determine if free product exists. The thickness of free product is also not reported when encountered in monitoring wells.

Many historic borings indicated that high concentrations of diesel were found in soil and/or groundwater at the site. Volatile organic compounds were not detected in soil adjacent to the former waste oil UST. However, the current extent of contamination is not well defined to the north (upgradient) where high concentration impacts were recorded at locations SB-14 and SB-15. The current extent of remaining secondary source is not known. In December 2013, downgradient samples collected adjacent to San Leandro Bay define the extent of diesel contamination to the south of the Site. Soil samples have not been analyzed for Polycyclic Aromatic Hydrocarbons, including naphthalene, as required in the State Water Board's Low-Threat Underground Storage Tank Case Closure Policy¹ (LTCP). Although various cleanup actions have been proposed little additional cleanup has been completed. This Site is adjacent to San Leandro Bay and impacts from this Site may threaten this water body as well as workers at the Site.

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

Work Required

This letter requires that you submit a work plan to identify the remaining secondary source areas that may be removed or treated and to better define the extent of contamination as required by the LTCP. This letter also requires that you continue to sample the groundwater on a semi-annual basis from all wells, sumps, and standpipes. The thickness of petroleum free product must be reported and removed. The work plan must contain the following elements:

- Rationale for the proposed work
- Sampling methods for the proposed sampling
- Proposed implementation schedule

You are hereby required to submit an acceptable work plan by August 28, 2015.

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 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. 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 01-0495 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 Public Works Department and the Alameda County Environmental Health Services Department.

Please direct all questions and correspondence regarding this matter to Ralph Lambert at (510)-622-2382 or email RALambert@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 via Email with attachment:

State Water Resources Control Board
UST Cleanup Fund Unit
Attn.: Ms. Lisa Labrado
E-mail: LLabrado@waterboards.ca.gov

Almar Environmental
Attn.: Mr. Forrest Cook
E-mail: Cook.Forrest@gmail.com

Alameda County Environmental Health
Attn.: Mr. Mark Detterman
E-mail: Mark.detterman@acgov.org

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