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

September 21, 2015  
File No.: 01-0495 (RAL)

R.W.L. Investments  
Attn.: Mr. Bob Lawlor  
4919 Tidewater Avenue, Unit B  
Oakland, CA 94601  
**Sent via email:** [BobLawlor@sbcglobal.net](mailto:BobLawlor@sbcglobal.net)

**SUBJECT: Work Plan Approval for Passive Soil Gas Survey, Former DiSalvo Trucking,  
4919 Tidewater Avenue, Oakland, Alameda County**

Dear Mr. Lawlor:

This letter responds to your August 27, 2015, *Passive Soil Gas Investigation Workplan* (Work Plan), and your *Response to Workplan Review Comments* (Response) dated September 17, 2015, for the subject Site. As explained below, I approve the Work Plan with the modifications found in the *Response* and require you to submit a technical report with the results and recommendations. This letter is directed to R.W.L. Investments as the owner of the above referenced Site.

**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 as indicated by sampling results collected in April 2015 at MW-2, there is remaining petroleum free product in one or more wells indicating that there is a secondary source.

Many historic borings indicate high levels of diesel in soil and/or groundwater scattered across the Site. The current extent of contamination is not defined to the north (upgradient). The current extent of remaining secondary source is not known. 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 Policy<sup>1</sup> (LTCP). This Site is adjacent to the San Francisco Bay and impacts from this Site may threaten the Bay as well as workers at the Site.

**Work Plan and Response Summary**

Our July 9, 2015, a Regional Water Board directive letter required 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. That letter also requires that you

<sup>1</sup> See the 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)

continue to sample the groundwater on a semi-annual basis. Regional Water Board staff provided comments on the Work Plan and requested clarification on several issues. You then submitted the Response on September 17, 2015. The Work Plan modified by the Response proposes the following:

- Installing 44 passive soil vapor sample collectors across the Site covering the area of contamination
- Recovering soil vapor samples after one to two weeks and analyzing the samples for diesel range hydrocarbons, naphthalene, and chlorinated VOCs
- Preparing a report presenting the sample results along with conclusions and recommendations for the next steps

The August 27, 2015 Work Plan and the Response satisfy the requirements of the July 9, 2015, directive letter. I hereby approve the Work plan and the Response.

**You are hereby required to submit an acceptable technical report consisting of results and recommendations by November 30, 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/](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](mailto: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.: Micah Reich  
E-mail: [Michah.Reich@waterboards.ca.gov](mailto:Michah.Reich@waterboards.ca.gov)

Almar Environmental  
Attn.: Mr. Forrest Cook  
E-mail: [Cook.Forrest@gmail.com](mailto:Cook.Forrest@gmail.com)

Alameda County Environmental Health  
Attn.: Mr. Mark Detterman  
E-mail: [Mark.Detterman@acgov.org](mailto:Mark.Detterman@acgov.org)

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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 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.

<sup>1</sup> All code sections referenced herein can be found by going to [www.leginfo.ca.gov](http://www.leginfo.ca.gov)

*Revised January 2014*