

Detterman, Mark, Env. Health

From: Lambert, Ralph@Waterboards <ralph.lambert@waterboards.ca.gov>
Sent: Monday, January 09, 2017 8:24 AM
To: Marie@terragreencdc.org; kenkland@aol.com; mitundra@yahoo.com
Cc: js@schutze-inc.com; Reich, Micah@Waterboards; Her, Song@Waterboards; Detterman, Mark, Env. Health
Subject: Requirement to destroy wells, former FG Gasoline, Oakland, case 01-2318
Attachments: 01-2318 requirement to destroy wells 1-6-17.pdf

Please see the attached letter.

Ralph Lambert, PG, CHg
Regional Water Quality Control Board
San Francisco Bay Region
1515 Clay St., Suite 1400
Oakland, CA 94612

(510) 622-2382

San Francisco Bay Regional Water Quality Control Board

January 6, 2017
File No.: 01-2318 (RAL)

Terra Green CDC
Attn: Ms. Marie Roberts De La Parra
117 Cardigan Bay
Alameda, CA 94502-7924
Sent via email: Marie@terragreencdc.org

SUBJECT: Requirement for a Technical Report of Monitoring Well Destruction and Waste Removal – Former FG Gasoline, 3314 San Pablo Avenue, Oakland, Alameda County

Dear Ms. Marie Roberts De La Parra:

This letter requires Terra Green CDC to submit a technical report prior to issuing a no further action required/case closure letter for this Site. This letter is directed to Terra Green CDC as the buyer of the property taking responsibility for case closure at the subject Site.

The Regional Water Board did not receive any comments in response to the November 2, 2016, notification of intent¹ to issue a closure letter for the case. The comment period ended January 2, 2017. Before Regional Board staff can issue that closure letter, Terra Green CDC is required to provide documentation that the monitoring wells have been properly destroyed in accordance with the August 2012 *Low-Threat Underground Storage Tank Case Closure Policy*² to prevent them from serving as conduits for subsurface pollution. Terra Green CDC is also required to document that all waste piles, drums, and other investigation or remediation-derived materials have been properly managed and removed from the Site to prevent those materials from causing contamination or nuisance conditions at the Site.

Terra Green CDC is required to submit a technical report to this office by **March 30, 2017**, documenting the proper decommissioning of the monitoring wells and that all drums, debris and other investigation or remediation derived materials were properly managed and removed from the Site in accordance with applicable regulatory requirements.

This requirement for technical reports 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

¹ See GeoTracker webpage: http://geotracker.waterboards.ca.gov/regulators/deliverable_documents/9039336264/01-2318%20intent%20to%20issue%20NFA.pdf

² See State Water Resources Control Board webpage: http://www.waterboards.ca.gov/board_decisions/adopted_orders/resolutions/2012/rs2012_0016atta.pdf

requirements. Any extension in the above deadline must be confirmed in writing by Regional Water Board staff.

Terra Green CDC is 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 should have the Regional Water Board file number 01-2318 on the first page of the report. Terra Green CDC is 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 Mr. 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 to:

Schutze & Associates, Inc.
Attn.: Mr. Jan Schutze
Email: JS@schutze-inc.com

Mr. Ken Tran & Nguyen Nam
Email: Kenkland@aol.com and
Mitundra@yahoo.com

Alameda County Environmental Health
Attn.: Mr. Mark Detterman
Email: Mark.Detterman@acgov.org

State Water Resources Control Board
Underground Storage Tank Fund
Attn.: Mr. Mica Reich
Email: Micah.Reich@waterboards.ca.gov

State Water Resources Control Board
Underground Storage Tank Fund
Attn.: Ms. Song Her
Email: Song.Her@waterboards.ca.gov

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.