

San Francisco Bay Regional Water Quality Control Board

May 10, 2016
File No.: 01-2434 (RAL)

Glen & Elizabeth Poy-Wing
240 West MacArthur Boulevard
Oakland, CA 94611
Sent via email: Carknot@yahoo.com

Subject: Report Approval and Requirement for Technical Report, Oakland Auto Works (Formerly Dodson LTD), 240 West MacArthur Boulevard, Oakland, Alameda County

Dear Glen & Elizabeth Poy-Wing:

This letter approves your *Multi-Phase Extraction Report* (MPE Report) dated January 12, 2016, and the *First Quarter 2016 Groundwater Monitoring Report* (Sample Report) dated February 23, 2016. This letter also requires that you submit a work plan to conduct work recommended in the Sample Report at the subject Site as described later in this letter. This letter is directed to you as the owner of the Site and operator of Oakland Auto Works, an auto repair facility. We understand that this Site is evaluated for redevelopment as a residential property.

Summary of Reports

Your MPE Report documents operation of a temporary multi-phase extraction system to extract and treat both groundwater and soil vapor from existing wells located near the former underground storage tanks and the adjacent medical building basement. You operated the multi-phase extraction system for 60 days. Based on photoionization detection results, an estimated 4,250 pounds of petroleum hydrocarbons was removed. Laboratory data indicate that 1,720 pounds of gasoline and the gasoline components of benzene, toluene, ethylbenzene, and xylenes (BTEX) were removed. Based on the laboratory data, BTEX concentrations in the last sample of extracted soil vapors decreased by an average of 85% from their highest recorded concentrations. The MPE also removed and treated 391,092 gallons of groundwater. The main objective was to remove remaining secondary source hydrocarbons and to decrease the potential for vapor intrusion both to the Site building and the adjacent medical building basement.

The Sampling Report presents post-remediation groundwater data collected in January 2016. The sampling was conducted to determine impact of the remediation on groundwater concentrations. The highest concentrations of diesel, gasoline, and BTEX in groundwater were lower than recorded last in 2013. The highest concentration from recent samples for benzene was 180 µg/L and methyl tert-butyl ether was not detected in groundwater. Diesel range hydrocarbons were reported at 5,200 µg/L above the solubility limit of diesel in water.

In the Sampling Report you recommend to conduct a soil vapor survey under the Site building prior to requesting closure under the *Low-Threat Underground Storage Tanks Case closure Policy* (LTCP).¹ Regional Water Board staff concurs with this recommendation.

Approval of Reports

The MPE Report satisfies the requirements of the Regional Water Board letter dated December 5, 2014. I hereby approve the MPE Report. The Sampling Report documented groundwater concentrations after the implementation of the MPE remediation system.

Comparison with the Low-Threat Underground Storage Tanks Case closure Policy

Regional Water Board staff compared your Site with the criteria outlined in the LTCP. We conclude that this Site does not meet the following low-threat closure criterion:

Media-Specific Criteria – Petroleum Vapor Intrusion to Indoor Air: The Site has no permanent soil vapor probes. The last recorded concentration of benzene in extracted vapor from the five remediation wells was 1,500 $\mu\text{g}/\text{m}^3$. The LTCP criteria for direct measurement of soil vapor for benzene in an area with no bio-attenuation zone is $<280 \mu\text{g}/\text{m}^3$ for commercial use and $<85 \mu\text{g}/\text{m}^3$ for residential use. Therefore, the benzene concentration in soil vapor at the Site exceeds the LTCP criteria. Additionally, oxygen and naphthalene in soil vapor have not been measured at this Site as required by the LTCP. Based on the presence of a former waste oil tank at the Site, chlorinated volatile organic compounds must also be analyzed in soil vapor. The *Leaking Underground Fuel Tank Guidance Manual*² supports such recommendation.

Technical Report Requirement

To obtain the data required to address LTCP closure impediments outlined above, you are required to submit a Work Plan to this office by **June 30, 2016**. The Work Plan must include a description of the proposed field methods and rationale to conduct soil vapor sampling under and/or immediately adjacent to the Site building.

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).

¹ See State Water Resources Control Board webpage:


http://www.waterboards.ca.gov/board_decisions/adopted_orders/resolutions/2012/rs2012_0016atta.pdf

² See State Water Resources Control Board webpage: http://www.waterboards.ca.gov/ust/luft_manual/manual_dec2015.pdf

All reports submitted must have the Regional Water Board file number 01-2434 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,



Digitally signed by Stephen Hill
DN: cn=Stephen Hill, o, ou=RWQCB,
email=SHill@waterboards.ca.gov, c=US
Date: 2016.05.10 12:07:19 -07'00'

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.: Mr. Micah Reich
Micah.Reich@waterboards.ca.gov

SOMA Environmental
Attn.: Mr. Mansour Sepehr
MSepehr@somaenv.com

Alameda County Environmental Health
Attn.: Mr. Mark Detterman
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.