
San Francisco Bay Regional Water Quality Control Board

May 12, 2017
File No.: 01-2443 (RAL)

Mr. Joe Sarapochillo and Mr. Anthony Sarapochillo
881 Evergreen Avenue
San Leandro, CA 94577

**SUBJECT: Conditional Work Plan Approval and Requirement for a Technical Report,
Former Breckenridge Auto Shop, 6045 San Pablo Avenue, Oakland,
Alameda County**

Dear Mr. Joe Sarapochillo and Mr. Anthony Sarapochillo:

Regional Water Board staff reviewed your consultant's ICES April 12, 2017, *Work Plan, Supplementary Site Characterization* (Work Plan). As explained below, I conditionally approve the Work Plan and require Mr. Joe Sarapochillo and Mr. Anthony Sarapochillo to report the results and make recommendations as appropriate. This letter is directed to Mr. Joe Sarapochillo and Mr. Anthony Sarapochillo as the current owners of the Site.

Work Plan Summary

The Work Plan proposes drilling four boreholes at the site and collecting soil and groundwater samples from each borehole. One borehole is planned near the former waste oil tank, one near the former fill ports, while the other two locations are proposed in the southern and central areas. ICES proposes that all soil and groundwater samples be analyzed for gasoline and diesel range hydrocarbons, volatile organic compounds including methyl tert-butyl ether, total oil and grease (TOG), and semi-volatile organic compounds (SVOCs). ICES also proposed analyzing soil samples for polychlorinated biphenyls (PCBs) and the five wear metals.¹

Work Plan Conditional Approval

I hereby approve the April 12, 2017 Work Plan subject to the following conditions:

- Soil sample results must be reported on a dry-weight basis. For risk assessment and comparison with screening levels the ESL User's Guide, Section 10.1.2 states that soil results should be reported on a dry weight basis.²
- TOG analysis should be omitted since the constituents of concern are reported in the other proposed analytical methodologies.
- SVOC analysis for groundwater samples should be omitted since SVOCs are not usually highly soluble.

¹ See Table 16-1 of the Leaking Underground Fuel Tank Guidance Manual:
http://www.swrcb.ca.gov/ust/luft_manual/manual_dec2015.pdf

² See Regional Water Board webpage:
http://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/ESL/ESL%20Users%20Guide_22Feb16.pdf

- Sampling and analysis of soils for PCBs should be omitted unless a rationale is provided and Board staff agree with the rationale. PCBs were not commonly used at auto repair shops.

Report Required

Mr. Joe Sarapochillo and Mr. Anthony Sarapochillo are required to submit by **July 24, 2017**, a technical report documenting the results of implementing the work plan as conditionally approved. The report must include investigation results, associated maps, an updated site conceptual model, cross-sections, if applicable, depicting the extent of contamination, and any recommendations for follow-up actions.

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 Mr. Joe Sarapochillo and Mr. Anthony Sarapochillo are also required to submit all documents in electronic format to the State Water Resources Control Board's GeoTracker database. The requirement for and 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, water depth, site maps, and boring logs (PDF format).

All reports submitted should have the Regional Water Board file number 01-2443 on the first page of the report. Mr. Joe Sarapochillo and Mr. Anthony Sarapochillo 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 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 sent via email with attachment: Mailing List

Mailing List

Alameda County Environmental Health

Attn.: Mr. Mark Detterman

Email: Mark.Detterman@acgov.org

State Water Resources Control Board

Underground Storage Tank Cleanup Fund Unit

Attn.: Mr. Micah Reich

E-mail: Micah.Reich@waterboards.ca.gov

ICES

Attn.: Mr. Derek Wong

E-mail: Derek_ices@yahoo.com

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.