

Detterman, Mark, Env. Health

From: Lambert, Ralph@Waterboards [ralph.lambert@waterboards.ca.gov]
Sent: Thursday, November 12, 2015 7:46 AM
To: Everidgejr@aol.com; Jan
Cc: Reich, Micah@Waterboards; Detterman, Mark, Env. Health
Subject: Former Everidge Service Co., Oakland, case 01-0741
Attachments: 01-0741 time ext for investigation 111015 LMM.pdf

Please see the attached time extension letter. Make sure this work gets done in a timely fashion.

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

November 10, 2015
File No. 01-0741 (RAL)

Mr. Willie (Bill) Everidge, Jr.
1325 South Cloverdale Avenue
Los Angeles, CA 90019-2807
Sent via email to: Everidgejr@aol.com

**SUBJECT: Approval of Time Extension Request - Former Everidge Service Co.,
1211 7th Street, Oakland, Alameda County**

Dear Mr. Everidge:

This letter responds to your consultant's October 30, 2015, request for a time extension to submit the technical report required in our September 8, 2015, directive letter. Your consultant stated that the extension request is due to delays to obtain funding from the State's Underground Storage Tank (UST) Cleanup Fund. This letter is directed to you as the owner of the above referenced Site and the successor to your father, who owned and operated the Site.

The Regional Water Board's September directive letter approved your August 21, 2015 Revised Work Plan for a Site investigation. You were originally scheduled to submit the results of your Membrane Interface Probe (MIP) investigation and provide a final design and schedule for the soil investigation by November 20, 2015. Due to delays getting the successor of the original owner into the UST Fund you requested a two-month delay. I hereby approve your request for a time extension.

You are required to submit a technical status report, consisting of the MIP investigation, final investigation design, and schedule for the remaining soil investigation, by January 20, 2015.

This requirement for a 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 pursuant to the California Code of Regulations (Title 23, Section 3890 et.seq.). 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 01-0741 on the first page of the report.

Please direct all questions and correspondence regarding this matter to Ralph Lambert at (510)-622-2382 or e-mail 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 U.S. Mail with attachment:

Ms. Jacquelyn Everidge
8907 Hillside St.
Oakland, CA 94605-3941

Copy via Email with attachment:

State Water Resources Control Board
UST Cleanup Fund Unit
Attn.: Mr. Micah Reich
E-mail: Micah.Reich@waterboards.ca.gov

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

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

¹ All code sections referenced herein can be found by going to www.leginfo.ca.gov

Revised January 2014