

Detterman, Mark, Env. Health

From: Sieminski, Barbara@Waterboards [Barbara.Sieminski@waterboards.ca.gov]
Sent: Wednesday, October 30, 2013 1:49 PM
To: lloydsplumbing@yahoo.com
Cc: Drogos, Donna, Env. Health; Detterman, Mark, Env. Health
Subject: 2584 Grant Ave, San Lorenzo
Attachments: 01-2281 - require RI workplan 10-30-13.pdf

Mr. McVay,

Thank you for meeting with me yesterday at the site. As we discussed yesterday, attached is the letter *Requirement for a Work Plan* for the site. Please contact me if you have questions about this letter.

Regards,

Barbara Sieminski
Engineering Geologist, PG
San Francisco Bay Regional Water Quality Control Board
1515 Clay Street, Suite 1400
Oakland, CA 94612
tel. (510) 622-2423
Barbara.Sieminski@waterboards.ca.gov

San Francisco Bay Regional Water Quality Control Board

October 30, 2013
File No. 01-2281 (BGS)

Mr. Stewart McVay
lloydsplumbing@yahoo.com
Lloyd's Plumbing
2584 Grant Avenue
San Lorenzo, CA 94580

Thompson & Thompson Fence Company, Inc.
Attn: Mr. Gary Thompson
2560 Grant Avenue
P.O. Box 206
San Lorenzo, CA 94580

SUBJECT: Requirement for a Work Plan – Thompson & Thompson Fence Company, Inc.
2584 Grant Avenue, San Lorenzo, Alameda County

Dear Mr. McVay and Mr. Thompson:

This letter requires you to submit a work plan for the additional environmental investigation at the site to address data gaps in the conceptual site model (CSM).

The site has been impacted by fuel leaks from the former underground storage tank (UST). The initial environmental investigation at the site has been overseen by the Alameda County Environmental Health Department (ACEHD). On March 22, 2012, the ACEHD referred the case to the San Francisco Bay Regional Water Quality Control Board (Regional Water Board) for further oversight. Regional Water Board staff reviewed the case file, and on October 29, 2013, met with Mr. McVay at the site to discuss the work required to move the site toward closure.

Site Description

The site is located approximately 0.2 miles from San Francisco Bay. The site consists of a warehouse building with the office in the northern portion of the building, and the adjacent parking lots, east and south of the building. The site has been contaminated by hydrocarbons from the former UST, which was previously used by Thompson & Thompson Fence Company, Inc. The UST was removed on November 6, 1992. The current property owner, Mr. Stuart McVay, acquired the site in April 2013, in the estate bankruptcy sale. Currently the site is operated as a storage yard for Lloyds Plumbing.

Soil samples collected beneath the former UST during tank removal activities indicated up to 2,000 mg/Kg of TPHg, 38 mg/Kg of benzene, and 11 mg/Kg of lead. In March 1996, three groundwater monitoring wells were installed at the site. The wells have been sampled seven times since

installation. The initial sampling results indicated that groundwater beneath the site has been contaminated with hydrocarbons at concentrations up to 33,000 ug/L of TPHg, 2,200 ug/L of benzene, 150 ug/L of MtBE, and 59 ug/L of naphthalene. The most recent sampling was performed in December 2012, prior to property sale, and indicated lower hydrocarbon concentrations (up to 1,800 ug/L of TPHg, 330 ug/L of benzene, and 59 ug/L of naphthalene, based on the laboratory report). However, no formal report for the December 2012 groundwater monitoring event has been submitted to the Regional Water Board. Groundwater at the site is shallow (less than 5 feet below ground surface), and appears to flow beneath the onsite building. The extent of hydrocarbon contamination at the site has not been fully delineated, and the related human health and environmental risks have not been fully determined.

The contamination present in soil, soil gas, and groundwater beneath the site may pose unacceptable risks to human health and the environment. The additional environmental investigation at the site is necessary to address data gaps in the CSM, prior to evaluating site cleanup options.

Requirement for a Work Plan

Mr. Stewart McVay and Thompson & Thompson Fence Company, Inc. are required to submit a work plan to address data gaps in the CSM by **January 30, 2014**.

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.

Mr. Stewart McVay is named in this directive letter because he is the current property owner. Thompson & Thompson Fence Company, Inc., is named in this directive letter because it is the former UST operator.

You are 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/. All reports submitted should have the Regional Board file number 01-2281 on the first page of the report. A copy of any submittal should also be sent to the ACEHD in Alameda.

Please direct all questions and correspondence regarding this matter to Barbara Sieminski at 510-622-2423 or via e-mail at bsieminski@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

cc w/attach:

Ms. Donna Drogos, ACEHD: donna.drogos@acgov.org

Mr. Mark Detterman, ACEHD: 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 May 2012

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