



California Regional Water Quality Control Board

San Francisco Bay Region



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Protection

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May 17, 2002
File No. 01S0132 (BG)

MAY 21 2002

Mr. Laurence C. Webster
16371 Ardsley Circle
Huntington Beach, CA 92649

SUBJECT: Request for Workplan and Conditional Acceptance of Requested Extension of Time for Implementation of Passive Hydrocarbon Recovery, Task C.3, Order No. 98-093, 4200 Alameda Avenue, Oakland, Alameda County *former EKOTEK*

Dear Mr. Webster:

This letter responds to your November 26, 2001, request to delay "Implementation of Passive Hydrocarbon Recovery, Task C.3, Order No. 98-093" (Task C.3), for the subject property. As explained below, your request for an extension of time is acceptable. On the condition, that you submit a workplan by July 15, 2002, for the steps you will take to effect compliance with Task C.3, I will extend the compliance date for Task C.3 to October 15, 2002.

The workplan should confirm your intent to proceed with implementation of a passive hydrocarbon recovery system and initiation of self-monitoring for the subject site. The workplan should also describe the monitoring procedures, remediation systems, and management controls to be implemented, a schedule for implementation, and any modifications or amendments of the July 2, 1998, Risk Management Plan (RMP) for the subject property that are warranted due to changed site conditions or technology improvements since Order No. 98-093 was adopted.

Background

Task C.3 requires a technical report documenting installation of a passive hydrocarbon recovery system and reporting monitoring results for groundwater elevation, product recovery, and groundwater quality. The compliance date for this task was September 15, 1999. This compliance date was extended once to August 15, 2000, by our letter dated September 13, 1999. You requested a second extension of time by letter dated July 31, 2000, and you requested a third extension of time in your November 26, 2001, letter.

The RMP assumed that development of the property was eminent, and that the planned passive hydrocarbon recovery system would likely be damaged or disrupted by site development activities. Order No. 98-093 allowed you to defer installation of the passive hydrocarbon recovery system until after site development but no later than September 15, 1999, later extended to August 15, 2000.

You have advised us: 1) that you have been trying to sell or lease the property to generate the funds necessary to comply with Task C.3; 2) that two prospective sales have fallen through; 3) that planned intersection improvements by the City of Oakland may further affect your efforts to sell or lease the subject property; and 4) that the property is currently vacant and fenced.

In light of your unsuccessful efforts to negotiate a sale or lease of the property and the high levels of contamination and free product which remain there, it appears that development of the property is not likely in the near future. There is no reason for further delay. You have not provided adequate evidence of

your claim that you are unable to fund the cost of compliance. Further, the property's current condition (ie. vacant, paved, and fenced) would allow unrestricted access to install and securely operate a passive hydrocarbon recovery system.

Conclusion

I find no basis for further delay in installing a passive hydrocarbon recovery system and implementing the self monitoring program. I do recognize: 1) that a reevaluation of the proposed system for passive hydrocarbon recovery may be warranted due to changed site conditions and technology improvements since Order No. 98-093 was adopted; 2) that you may wish to amend the RMP to include any modifications to the monitoring procedures, remediation systems, and management controls to be implemented; and 3) that you may need some period of time to implement the RMP and collect monitoring data.

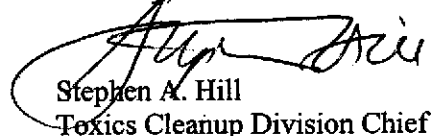
Accordingly I find your request for an extension of time acceptable, on the condition that you submit an acceptable workplan by July 15, 2002, for the steps you will take to comply with Task C.3. The workplan should:

- confirm your intent to comply with Task C.3, Order No. 98-093 through implementation of a passive hydrocarbon recovery system and initiation of self-monitoring for the subject site
- describe the monitoring procedures, remediation systems, and management controls to be implemented
- document a schedule for implementation
- amend the RMP as warranted by an evaluation of changed site conditions and technology improvements since Order No. 98-093 was adopted

I will not recommend enforcement action, provided that you submit the technical report, as required by Task C.3, by **October 15, 2002**. Please note that this letter does not formally alter the original deadline, and the Board may pursue enforcement action if the technical report is not submitted by this later date.

If you have any questions, please contact Betty Graham of my staff at (510) 622-2358 [e-mail bg@rb2.swrcb.ca.gov].

Sincerely,


Stephen A. Hill
Toxics Cleanup Division Chief

For Loretta K. Barsamian
Executive Officer

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