

Detterman, Mark, Env. Health

From: Lambert, Ralph@Waterboards [ralph.lambert@waterboards.ca.gov]
Sent: Wednesday, October 26, 2016 9:12 AM
To: DRuslen@actransit.org; dmetz@cameron-cole.com
Cc: Detterman, Mark, Env. Health; Reich, Micah@Waterboards
Subject: 1100 Seminary Ave. requirement letter, case 01-2348
Attachments: 01-2348 - case closure denial 10-26-16.pdf

Please see the attached requirement letter that denies case closure.

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

October 26, 2016
File No.: 01-2348 (RAL)

Alameda-Contra Costa Transit District
Attn.: Mr. Dan Ruslen
10626 International Blvd.
Oakland, CA 94603
Sent via e-mail to DRuslen@actransit.org

SUBJECT: Alameda-Contra Costa Transit District, 1100 Seminary Avenue, Oakland, Alameda County – Case Closure Denial and Requirement for a Technical Report

Dear Mr. Ruslen:

Regional Water Board staff reviewed the Alameda-Contra Costa Transit District (AC Transit) *ISBR Pilot Study Assessment and Semi-Annual Groundwater Monitoring Report* (Report) dated October 2016. This Report includes a low-threat closure assessment. Regional Water Board staff concludes that this case does not meet closure criteria outlined in the State Water Board's *Low-Threat Underground Storage Tank Case Closure Policy*¹ (LTCP). You still need to determine the effectiveness of the pilot study conducted at the subject Site in 2016. This letter is directed to AC Transit as the property owner and operator of the Site.

Background

In 1986 and 1987, underground storage tanks (USTs) were removed from the Site. Elevated concentrations of hydrocarbons were found in soil and groundwater near the former USTs.

The Report describes the results of operating an in-situ bioreactor (ISBR) pilot test for two years as proposed in a Corrective Action Plan (CAP) previously approved in our letter of January 31, 2014. The November 6, 2013, CAP proposed establishing an ISBR as the treatment option for removing secondary source of fuel release(s) at your Site. The ISBR consists of injecting nutrients and oxygen into the groundwater to promote bio-degradation.

Comparison with LTCP

Regional Water Board staff compared your Site with the criteria outlined in the LTCP and concludes that this Site does not meet two of the low-threat closure criteria:

- *General Criteria Criterion f. Secondary source has been removed to the extent practicable.* Rationale: The concentrations of gasoline, diesel, and benzene in groundwater are elevated and have been increasing. The concentrations of total petroleum hydrocarbons in the diesel

¹ See the State Water Resources Control Board webpage:
http://www.waterboards.ca.gov/board_decisions/adopted_orders/resolutions/2012/rs2012_0016atta.pdf

range (TPHd) in this summer's soil samples were detected at 2,200 mg/kg. These data suggest that there may be remaining source that can still be removed or treated.

- *Media Specific Criterion- Groundwater. The contaminant plume that exceeds water quality objectives must be stable or decreasing in areal extent and the distance to supply wells and surface water must meet specific criteria.*

Rationale: Concentrations of petroleum hydrocarbons increased over the last two years in the two most contaminated wells (MW-2 and MW-12). The TPHd concentration of 67,000 µg/L is the highest ever recorded in 17 years at well MW-2. The TPHd concentration of 83,000 µg/L at well MW-12 is also the highest recorded since it was installed two years ago. The latest benzene concentration from MW-12 has increased to 29,000 µg/L. Increasing concentrations indicate that the plume is not stable or decreasing. The Site does not meet groundwater specific criteria 1, 2, 3, or 4, based on the length and uncharacterized stability of the plume and the concentrations of benzene. Additionally, the distance to supply wells is not provided in the Report.

Comparison with CAP

On page 15, the approved CAP states that at the conclusion of this two year pilot study “*If the results of the ISBR pilot study show that the technology is effective at reducing TPH concentrations in soil and groundwater, design of a full scale system to treat the entire source area may be developed*”. The Report does not indicate whether the pilot test was effective. The Report implies that based on the TPHd soil results it was effective. However, no such finding on the effectiveness of treatment was made based on groundwater data. If the ISBR was *effective* at removing soil and groundwater contamination, the pilot study must be expanded. If the ISBR was *ineffective* at removing soil and groundwater contamination, the CAP must be revised.

Closure Denial

Your UST case closure request is denied because you have not presented any new data to address the above closure impediments and failed to conclude if the ISBR was effective at removing soil and groundwater contamination at the Site.

Require Reports

AC Transit is required to submit by **January 31, 2017**, a technical report to evaluate the effectiveness of the pilot study at removing contaminant mass and lowering the impacts to soil and groundwater. This technical report must include a proposal for expanding the ISBR or must propose an alternative remedy to reduce the remaining concentrations of petroleum in soils and groundwater in the source area. The pilot test should be continued until its effectiveness is evaluated.

AC Transit must also submit semi-annual status and monitoring reports, which are due by **April 30 and October 31 each year**.

This requirement for technical reports 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.

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).

All reports submitted should have the Regional Water Board file number 01-2348 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,

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 to:

Cameron-Cole

Attn.: Mr. Brad Wright

Email: BWright@cameron-cole.com

Alameda County Environmental Health

Attn.: Mr. Mark Detterman

Mark.Detterman@acgov.org

State Water Resources Control Board

Underground Storage Tank Fund

Attn.: Mr. Mica Reich

Micah.Reich@waterboards.ca.gov

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.