

Detterman, Mark, Env. Health

From: Lambert, Ralph@Waterboards [ralph.lambert@waterboards.ca.gov]
Sent: Monday, July 25, 2016 8:03 AM
To: Linda@cadbookssf.com; Tim Hersch (picenv@verizon.net)
Cc: Reich, Micah@Waterboards; dc1451@mac.com; icugirl@aol.com; Detterman, Mark, Env. Health
Subject: Cademartori Trucking work plan approval, 1933 Peralta St. Oakland, case 01-0254
Attachments: 01-0254 - c-approve RI workplan 7-22-16.pdf

Please see the attached conditional work plan approval and requirement for report.

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

July 22, 2016
File No.: 01-0254 (RAL)

Linda Cademartori, Trustee of Cademartori Family Trust
One Hallidie Plaza, Suite 888
San Francisco, CA 94102
Sent via email: Linda@cadbookssf.com

SUBJECT: Conditional Approval of Site Assessment Work Plan and Technical Report Requirement, Cademartori Trucking Facility, 1933 Peralta Street, Oakland, Alameda County

Dear Ms. Cademartori:

This letter responds to your June 28, 2016, *Site Assessment Work Plan* (Work Plan). As explained below, I approve the Work Plan with the conditions noted and require you to submit a technical report with the results of the soil and groundwater sampling. This letter is directed to you as the trustee of the Cademartori Family Trust, which is the owner of the subject Site and former owner of Cademartori Trucking Inc., which operates the facility.

Background

Cademartori Trucking occupies the Site that formally included fuel and waste oil underground storage tanks (USTs). The USTs were removed in July 1990 and approximately 8,500 gallons of contaminated groundwater and 120.3 tons of contaminated soil were removed in 1990 and 1991. There is no record of any investigation work since 1991. There has been no testing for fuel oxygenates or sufficient testing for waste oil constituents. Elevated concentrations of gasoline and diesel range hydrocarbons (TPH-g and TPH-d) have been reported in Site soil and groundwater.

Work Plan Summary

The Work plan proposes the following:

- Collecting soil samples from depths of three, five, and ten feet below ground surface from four boreholes located near the former USTs and dispensers;
- Collecting groundwater samples from the same four borings;
- Analyzing all soil and groundwater samples for TPH-g, TPH-d, volatile organic compounds, aromatics and fuel oxygenates;
- Analyzing soil from three and five foot below ground surface for total metals and semi-volatile compounds.

- Preparing a report presenting the sample results, a Site Conceptual Model (SCM), and a comparison with the Low-Threat Underground Storage Tank Case Closure Policy (LTCP¹) criteria.

Work Plan Approval

I hereby approve the Work plan with the following conditions:

- Appropriate decontamination steps must be taken during drilling and sampling. Decontamination is not described in the Work plan;
- Report TPH-d concentrations without using silica gel cleanup. Biologically mediated degradation of petroleum partly generates polar compounds that can be removed by passing the sample extract through a column or cartridge packed with silica gel. Certain degradation polar metabolites tend to be more toxic than the nonpolar petroleum parent compound. The elimination of polar metabolites through routine application of silica gel cleanup could artificially and unreasonably lower the toxicity estimates of biodegraded petroleum mixtures. This condition is consistent with the Environmental Screening Levels User's Guide Section 9.7.3.²
- All soil sample results should be reported on a dry-weight basis as specified in the ESL User's Guide Section 10.1.
- According to Table 16-1 of the 2015 LUFT Guidance Manual³, the wear metals of cadmium, chromium, nickel, lead, and zinc must be reported for soil samples; and
- When analyzing groundwater for metals filter the water prior to sample preservation with nitric acid so that the results are for dissolved metals. Otherwise the acid preservative will dissolve some of the sediments and skew the results.

Report Requirement

You are hereby required to submit by **September 30, 2016**, an acceptable technical report consisting of:

- The Work Plan implementation results as modified by our above conditions
- A Site Conceptual Model
- A LTCP analysis with your recommendations to qualify the Site for closure

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 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

¹ See State Water Resources Control Board webpage:

http://www.waterboards.ca.gov/board_decisions/adopted_orders/resolutions/2012/rs2012_0016atta.pdf

² See Environmental Screening Levels User's Guide at

http://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/esl.shtml

³ See Leaking Underground Fuel Tank (LUFT) Manual at http://www.waterboards.ca.gov/ust/luft_manual.shtml

this requirement includes all analytical data, water depth, site maps, and boring logs (PDF format).

All reports submitted must have the Regional Water Board file number 01-0254 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 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 sent via E-mail with attachment:

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

PIC Environmental
Attn.: Mr. Tim Hersch
E-mail: PICenv@verizon.net

Mr. David Cademartori
E-mail: DC1451@mac.com

Ms. Carol Wattenburg
E-mail: icugirl@aol.com

Alameda County Environmental Health
Attn.: Mr. Mark Detterman
E-mail: 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 January 2014

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