

Detterman, Mark, Env. Health

From: Lambert, Ralph@Waterboards <ralph.lambert@waterboards.ca.gov>
Sent: Friday, February 24, 2017 3:44 PM
To: Linda@cadbookssf.com; Tim Hersch (picenv@verizon.net); icugirl@aol.com
Cc: Reich, Micah@Waterboards; Detterman, Mark, Env. Health; Oliver Bray (obray@braygreenwood.com)
Subject: Cademartori Trucking Site, Peralta St. Oakland, case 01-0254
Attachments: 01-0254 - reject LTC and require workplan 2-24-17.pdf

Please see the attached directive letter.

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

February 24, 2017
File No.: 01-0254 (RAL)

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

SUBJECT: Report Review and Requirement for a Work Plan, Cademartori Trucking Facility, 1933 Peralta Street, Oakland, Alameda County

Dear Ms. Cademartori:

Regional Water Board staff reviewed your consultant's February 10, 2017, *Revised Site Assessment Geologic Report* (Report). The Report recommends case closure based on the State Water Board's *Low-Threat Underground Storage Tank Case Closure Policy*¹ (LTCP). The Report states that excavation and disposal of shallow lead contaminated soil may be required by the Water Board as a condition of closure. As described below, we disagree with the closure recommendation and require a workplan for delineation of contaminated soil and groundwater at the subject Site. At this time it is premature to propose excavation of shallow soil until the magnitude and extent of contamination is delineated. This letter is directed to you as a trustee of the Cademartori Family Trust, the owner of the Site and former owner of Cademartori Trucking Inc., which operated the facility.

Comparison with the LTCP

Regional Water Board staff compared your Site with the criteria in the LTCP and concludes that this Site does not meet two LTCP general criteria:

- *General Criteria b. The release consists only of petroleum.*
Rationale: Metals are constituents of concern in soils and groundwater at this Site. The concentrations of lead (2,920 mg/kg) reported in sample PIC-3 exceeds the Total Threshold Limit Concentration of 1,000 mg/kg², and therefore considered a hazardous toxic waste for disposal purposes in California. The concentrations of chromium, copper, and zinc in soil were also unusually high. High concentrations of metals including chromium, cobalt, lead, nickel, vanadium and zinc were also reported in a groundwater sample. These metals could be associated with vehicle maintenance, fill, or wastes.

¹ See the State Water Resources Control Board webpage:

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

² See CFR Title 22, Division 4.5, Chapter 11, Article 3, Paragraph 66261.24, Characteristic of Toxicity: <http://bit.ly/2m8HSEB>

- *General Criteria f. Secondary source has been removed to the extent practicable.*
Rationale: High concentrations of hydrocarbons remain at the former underground storage tank location indicating a remaining secondary source. The concentrations of total petroleum hydrocarbons in soil in the gasoline range (TPHg) was 986 mg/kg and was 16,000 mg/kg in the diesel range (TPHd). The concentration of TPHg in groundwater was reported at 102,000 µg/L. High concentrations of several metals were also reported for one groundwater sample but it is unclear if the sample result represents dissolved metals or a turbid sample. This data suggests that there is a remaining source that can be removed or treated. The limited sampling suggests TPHg and TPHd are weathered and localized in soil and groundwater.

Report Requirement

Ms. Linda Cademartori, as the Trustee of the Cademartori Family Trust, is required to submit by **April 17, 2017**, a workplan to delineate the extent of high metals, TPHg, and TPHd in shallow soil and groundwater. Site occupants and workers may come in direct contact with metal and petroleum contaminated soils. We recommend that you outline methods to minimize site occupants' contact with shallow soil until investigation, and remediation if required, is complete.

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 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 Mr. 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: Mailing List

Mailing List

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: lcugirl@aol.com

Alameda County Environmental Health
Attn.: Mr. Mark Detterman
E-mail: Mark.Detterman@acgov.org

Mr. Oliver Brey
E-mail: OBray@braygreenwood.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.

Revised January 2014

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