
San Francisco Bay Regional Water Quality Control Board

April 21, 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: Conditional Work Plan Approval and Requirement for a Technical Report –
Cademartori Trucking Facility, 1833 Peralta Street, Oakland, Alameda
County**

Dear Ms. Cademartori:

Regional Water Board staff reviewed your consultant's April 7, 2017, *Additional Site Assessment Work Plan* (Work Plan). As explained below, I conditionally approve the Work Plan and require you to report the results and make recommendations as appropriate. 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.

Work Plan Summary

In 2016, soil and groundwater sampling indicated high concentrations of metals, gasoline, and diesel range hydrocarbons in soil and groundwater. The Work Plan was submitted in compliance with our February 24, 2017, directive letter. It proposes drilling and sampling two boreholes at the locations of the former USTs, and three boreholes in the vicinity of the former USTs. Soil samples will be collected from depths of 3, 5, 10, 15, and 20 feet below ground surface, depending on the depth of the borehole. Grab groundwater samples will be collected from each borehole. Each soil sample will be analyzed for metals and total petroleum hydrocarbons in the gasoline and diesel ranges. Soil results will be reported on a dry weight basis. Groundwater samples will be analyzed for hydrocarbons, volatile organics, and dissolved metals.

Work Plan Approval

I hereby approve the April 7, 2017 Work Plan subject to the following conditions:

- To prevent vertical migration of contaminants, the boreholes must be sealed using a neat cement and bentonite grout as opposed to the sand and bentonite grout described in the Work Plan.¹
- Silica gel cleanup: report TPH as diesel concentrations either without or with and without silica gel cleanup. Silica gel cleanup removes polar compounds in a sample, and some polar compounds are hydrocarbon degradation products that tend to be more toxic than the non-

¹ See Bulletin 74-90, Section 19, Department of Water Resources Well Standards webpage:
http://www.water.ca.gov/groundwater/well_info_and_other/california_well_standards/mws/mws_section19.html

polar petroleum parent compounds. The impact to water quality from these hydrocarbon degradation products must be evaluated to determine the potential harm to the environment and public health. The elimination of the polar compounds through routine application of silica gel cleanup could unreasonably lower the toxicity estimates of biodegraded petroleum mixtures. This condition is consistent with the current Environmental Screening Levels User's Guide.²

I recommend step out boring locations if your proposed sampling does not define the extent of contamination in soil or groundwater.

Technical Report Requirement

The Cademartori Family Trust is required to submit by **July 10, 2017**, a report documenting the results of implementing the work plan as conditionally approved. The report must include investigation results, associated maps, an updated site conceptual model, cross-sections depicting the extent of contamination, and any recommendations for followup actions.

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

Digitally signed by Stephen Hill
Date: 2017.04.21 08:30:13
-07'00'

² See Regional Water Board webpage: http://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/esl.shtml

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

Mr. Oliver Bray
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