
San Francisco Bay Regional Water Quality Control Board

July 10, 2013
File No. 01-0796 (MYM)

Ingersoll-Rand Company
Attn: Dawn Horst
P.O. Box 6820
Piscataway, NJ 08854

March Monheimer as Trustee of
March Monheimer et. al. Trust
8700 Brynwawr Avenue
Rosemont, IL 60018

Volvo Construction Equipment NA
Attn: Lisa Slocum lisa.slocum@volvo.com
312 Volvo Way
Shippensburg, PA 17257

Pat Tool as Trustee of the
Tool Family Partnership
1900 Marina Boulevard
San Leandro, CA 94577-3207

SUBJECT: Approval of Work Plan and Requirement for a Technical Report
Ingersoll-Rand Company, 1944 Marina Boulevard, San Leandro, Alameda County

Dear Ms. Horst, Ms. Slocum, Mr. Monheimer, and Mr. Tool:

This letter approves your *June 28, 2013, Workplan for Site Investigation*, and requires you to submit a technical report.

Your work plan proposes the following tasks:

- Install 3 soil borings (MW-5, MW-6, MW-7) to approximately 20 feet bgs or deeper at the northern portion of the Site and converting these borings to groundwater monitoring wells;
- Install 1 offsite well on the western adjoining property to help determine the lateral extent of the contaminants of concern;
- Install four soil-vapor probes (VW-1 through VW-4) to the west adjacent property;
- Analyze soil and groundwater samples for TPHg and TPHd by EPA Method 8015M, benzene, toluene, ethylbenzene and xylenes (BTEX) and fuel oxygenates MtBE, TBA, TAME, EtBE, and DIPE by EPA method 8260.
- Analyze soil gas samples for TPHg, BTEX, 1,2-DCA, EDB, naphthalene, and the leak tracer compound (isopropyl alcohol) using EPA method TO-15, and fixed gases including oxygen, carbon dioxide, and methane by ASTM D-1946.

As stated in our April 25, 2013, directive letter, these additional data are needed to update the conceptual site model to help determine if the Site meets the State's low threat UST case closure criteria or if additional investigation and cleanup is needed.

You are required to submit a technical report by September 15, 2013, documenting the results of the soil and groundwater investigation and the results of the soil vapor investigation. The report shall include recommendations for steps needed to move the Site to closure.

This requirement for a 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.

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, and elevations, water depth, site maps, and boring logs (PDF format). All reports submitted should have Regional Board file number 01-0796 on the first page of the report. A copy of any submittal should also be sent to the Alameda County DEH.

If you have any questions regarding this letter, please contact Martin Musonge of my staff at (510) 622-2396 or e-mail to: mmusonge@waterboards.ca.gov.

Sincerely,

Bruce H. Wolfe
Executive Officer

Attachment: Fact Sheet – Requirement for Submitting Technical Reports under Section 13267 of the California Water Code

cc w/attachment:

Donna Drogos, Alameda County Environmental Health, donna.drogos@acgov.org
SWRCB, UST Cleanup Fund, WB-DFA-USTCleanupFund@waterboards.ca.gov
Brand Burfield, brand.burfield@psiusa.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 May 2012

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