
San Francisco Bay Regional Water Quality Control Board

September 30, 2015
File No. 01-0529 (JMJ)

Restructure Petroleum Marketing Services
Attn.: Ms. Janet Ceccarelli
3343 Kingfisher Drive
Holiday, FL 34690

Himalaya Trading Company, Inc.
Attn.: Mr. Azizolah Kandahari
5196 Grayhawk Lane
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EZ Serve Petroleum Marketing
Attn.: Mr. Brian Cobb
100700 North I45, Suite 500
Houston, TX 77037-1187

Vinod & Janak Bansal
1777 Beach Park Blvd.
Foster City, CA 94404-1403

Ms. Margaret S. Thompson
P.O. Box 16290
Houston, TX 77222

SUBJECT: Conditional Approval of Work Plan and Requirement for a Technical Report - EZ Serve #100877, 525 West “A” Street, Hayward, Alameda County

Dear Responsible Parties:

This letter conditionally approves the “*Workplan to Define the Lateral and Vertical Extent of Groundwater Plume Beneath the Former EZ-Serve #100877 Site*” (Work Plan) dated August 4, 2015. This letter also requires you to submit a technical report documenting the implementation of this Work Plan as modified by our conditions below. The results of the proposed investigation are required to determine if the subject Site is eligible for closure under the State Water Board’s *Low-Threat Underground Storage Tank Case Closure Policy*¹ (LTCP) or whether additional investigation or remediation is required. This letter is directed to you as a responsible parties for the pollution at and emanating from the subject Site.

Work Plan Summary

Your Work Plan proposed the following:

1. Preparing an updated Sensitive Receptor Survey (SRS) by reviewing the previous one and inputting, if needed additional information.
2. Researching the Site’s history to determine the presence of a previous waste oil tank (WOT). If a WOT was present at the Site you will conduct drilling within the area of the former WOT and collect soil and groundwater samples for analysis of lead scavengers, metals, and volatile organics compounds.

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

3. Installing six additional monitoring wells at and in the vicinity of the subject.
4. Decommissioning MW-1A, MW-12, and MW-14.
5. Replacing MW-1 at the same location.

Conditional Approval of Work Plan

I hereby approve the Work Plan subject to the following conditions:

1. Your Work Plan needs to provide details on how you will obtain information for updating the SRS. As a minimum, you shall check with the California Department of Water Resources for drillers reports of water wells installed within 2,000 feet of the Site and with local agencies that have jurisdiction over water well installations in Hayward. You shall also determine the source of drinking water for a trailer park located near the Site.
2. The 2012 Leaking Underground Fuel Tank Guidance Manual² recommends that waste oil tank sites be analyzed for the following constituents in soils: chlorinated volatile organic compounds, semi volatile organic compounds, polycyclic aromatic hydrocarbons, the metals cadmium, chromium, lead, zinc, and nickel, in addition to the typical fuel constituents. One soil boring in the location of the former WOT is sufficient.
3. Proposed monitoring wells EGS-5 and EGS-6 are not necessary and are not approved. Their proposed locations are cross-gradient.
4. High concentrations of ethanol were recently detected in some of the monitoring wells at your Site. Future groundwater samples from all monitoring wells must be analyzed for ethanol in addition to the regular fuel constituents already being tested for.

Report Requirements

You are required to implement the proposed work as modified by our above comments and submit a technical report documenting its implementation by **December 30, 2015**.

Regional Water Board directive letter of June 2, 2015, required you reduce the monitoring and sampling frequency at the Site to semi-annual or annual for some of the monitoring wells (MWs) as listed below, and requires submittal of technical monitoring reports. Reduced monitoring and sampling will continue to provide sufficient data for adequate evaluation of groundwater flow direction and contaminant concentration trends.

The following MWs must be sampled **annually** during the first quarter of every year based upon recent historical data that consistently been close to or below detection limits: MW-7

The following MWs must be sampled **semi-annually (twice per year)** during the first and third quarter of every year based upon historical data that consistently contain similar or decreasing concentrations: MW-5, MW-13, EX-1, VEAS-2, and VEAS-3

The following MWs must be sampled quarterly (**four times per year**) based upon the importance of their locations or lack of consistent recent sampling: MW-1, MW-1A, MW-3, MW-4, MW-6, MW-8 (if found to be good working condition), MW-9, MW-10 (if found to be

² See State Water Resources Control Board webpage:
http://www.waterboards.ca.gov/ust/luft_manual/guidance_manual_sept2012.pdf

good working condition), and MW-11 (if found to be good working condition) and any newly installed monitoring wells.

You are required to submit semi-annual groundwater monitoring and sampling reports to our office by April 30, and October 31 of each year. You must coordinate concurrent well sampling with Prime Properties.

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 deadlines 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 pursuant to the California Code of Regulations (Title 23, Section 3890 et.seq.). 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 01-0529 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 Building Department, Planning Department, Public Works, and Environmental Health Department. Please direct all questions and correspondence regarding this matter to John Jang of my staff at (510) 622-2366 (email address JJang@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 w/attachment via email:

SWRCB, UST Cleanup Fund Unit
Attn.: Mr. Sunil Ramdass
Email: SRamdass@waterboards.ca.gov

Prime Properties
Attn: Mr. Robert Trujillo
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Rolling Hills Estates, CA 90274

Hydro Analysis, Inc.
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El Cerrito, CA 94530

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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.