



San Francisco Bay Regional Water Quality Control Board

March 17, 2017
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
Dublin, CA 94568-7764

EZ Serve Petroleum Marketing
Attn.: Mr. Brian Cobb
100700 North I45, Suite 500
Houston, TX 77037-1187

Vinod & Janak Bansal
1777 Beach Park Boulevard
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 rescinds our September 30, 2015, letter and 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 consisting of a work plan for conducting a soil vapor investigation in the residential areas immediately west and south of the subject Site. The results of the conditionally approved investigation with the implementation of the required soil vapor work plan 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). This letter is directed to you as responsible parties for the pollution at and emanating from the former Mobil/EZ Serve gas station previously located at the subject Site. This Site is currently an active Valero gas station.

In a letter dated September 30, 2015, Regional Water Board staff conditionally approved your August 4, 2015, work plan. The State issued a Letter of Commitment for the Site in January 1998 indicating that the State’s Underground Storage Tank Cleanup Fund will reimburse the responsible parties for eligible investigation and cleanup cost. To date, the Work Plan has not been implemented.

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

There is not sufficient information from the two offsite downgradient residential areas to determine if these two areas meet the LTCP's Petroleum Vapor Intrusion to Indoor Air criteria. Water Board staff finds that it is more cost-effective to concurrently determine the extent of groundwater and soil vapor contamination. We are also including in this letter the residential area to the south of the Site where groundwater and soil vapor may be contaminated. Based upon updated well survey information, discussions with the Underground Storage Tank Cleanup Fund staff, and a re-evaluation of the timing of addressing the offsite vapor intrusion concerns, we are rescinding our September 30, 2015, directive letter. We are issuing a revised conditional approval letter along with a requirement for a work plan for conducting an offsite soil vapor investigation.

Work Plan Summary

Your Work Plan proposes the following work:

1. Preparing an updated Sensitive Receptor Survey (SRS).
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 organic compounds.
3. Installing six additional monitoring wells at and in the vicinity of the Site.
4. Destroying MW-1A, MW-12, and MW-14.
5. Replacing MW-1 at the same location.

Conditional Approval of Work Plan

I hereby rescind our September 30, 2015, letter. I also hereby approve the Work Plan subject to the following conditions:

1. Your Work Plan must provide details on how you will obtain information for updating the SRS. As a minimum, you must 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 must also determine the source of drinking water for a mobile home park located less than 100 feet north of the Site.
2. The 2015 Leaking Underground Fuel Tank Guidance Manual² recommends that waste oil tank sites are analyzed for the following constituents in soils: chlorinated volatile organic compounds, semi volatile organic compounds (SVOCs), polycyclic aromatic hydrocarbons (PAHs), the metals cadmium, chromium, lead, zinc, and nickel, in addition to the typical fuel constituents. The Work Plan did not include provisions for analyzing for SVOCs, PAHs, and fuel constituents. One soil boring in the location of the former WOT is sufficient.
3. Proposed monitoring wells EGS-3, EGS-4, and EGS-5 are not necessary and not approved. Their proposed locations are either upgradient or cross-gradient.
4. Proposed monitoring wells EGS-1, EGS-2, and EGS-6 are approved but their proposed locations must be re-evaluated to ensure they are optimally located based upon groundwater flow directions, location of existing monitoring wells, and locations of the nearby residential dwellings.

² See State Water Resources Control Board webpage: http://www.waterboards.ca.gov/ust/luft_manual/manual_dec2015.pdf

5. High concentrations of ethanol (up to 230,000 µg/L) 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.
6. According to GeoTracker requirement, all current and future wells coordinates must be surveyed using the North American Vertical Datum of 1988 (NAVD88). The current wells were surveyed using NAVD29 (which is no longer acceptable to GeoTracker). Data using NAVD29 must be converted to the NAVD88 datum.
7. Two offsite downgradient irrigation wells are likely impacted with methyl tert-butyl ether from past releases from the Site. Recent sampling of the irrigation wells have not been conducted due to issues with the irrigation well pumps. You must incorporate quarterly sampling of the two impacted irrigation wells into your sampling program.

Rationale for a Soil Vapor Investigation Work Plan

In 1993, groundwater samples from MW-9, downgradient and offsite adjacent to the residential area west of the Site contained up to 22,000 µg/L of benzene. Recent groundwater samples from MW-9 contain lower concentrations of benzene (up to 150 µg/L). Due to the limited data available, Regional Water Board staff finds that a soil vapor investigation is required to determine if the case meets the LTCP vapor intrusion media specific criteria. This work is required to assess whether vapor intrusion is a concern in the residential areas west and south of the Site.

Report Requirement

The responsible parties listed above must submit a report by **May 31, 2017**, documenting the implementation of the Work Plan as conditionally approved. This report must also include an acceptable offsite soil vapor investigation work plan focused in the residential areas west and south of the subject Site.

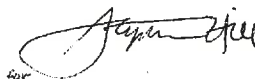
This requirement for a report is made pursuant to Water Code Section 13267, which allows the Regional Water Board to require technical or monitoring program reports from any person who has discharged, discharges, proposes to discharge, or is suspected of discharging waste that could affect water quality. 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.

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 must 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 Mr. John Jang of my staff at (510) 622-2366 (email: JJang@waterboards.ca.gov).

Sincerely,



Digitally signed by Stephen Hill

Date: 2017.03.17 10:15:53 -07'00'

Bruce H. Wolfe
Executive Officer

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

Copy sent via U.S. mail with attachment:

Prime Properties
Attn.: Mr. Robert Trujillo
916 Silver Spur Road, Suite 210
Rolling Hills Estates, CA 90274

Mr. Pargat Singh
(current property owner)
525 West "A" Street
Hayward, CA 94541

Hydro Analysis, Inc.
Attn.: Mr. Gary Aguilar
11100 San Pablo Ave., Suite 200-A
El Cerrito, CA 94530

Copy sent via email with attachment:

State Water Resources Control Board
Underground Storage Tank
Cleanup Fund Unit
Attn.: Mr. Sunil Ramdass
Email: SRamdass@waterboards.ca.gov

Attn.: Mr. Rafael Gallardo
304 Belle Court
El Dorado Hills, CA 95762
Email: Rafael@EnviroGeoSolutions.com

Alameda County Environmental Health
Services

Attn.: Mr. Mark Detterman
1131 Harbor Bay Parkway, Suite 250
Alameda, CA 94502-6577
Email: Mark.Detterman@acgov.org

RPMS

CalClean

Attn.: Mr. Noel Sheno
Email: NoelSheno@calclean.com

Environmental & Geological Solutions

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.