

San Francisco Bay Regional Water Quality Control Board

January 8, 2018
File No. 01-0529 (JMJ)

Mr. Pargat Singh
3519 Castro Valley Blvd.
Castro Valley, CA 94546
Sent via email to: Aulakhp21@gmail.com

**SUBJECT: Approval of Workplan and Requirement for Completion Report -
EZ Serve #100877, 525 West "A" Street, Hayward, Alameda County**

Dear Mr. Singh:

This letter responds to your November 28, 2017, [Workplan to Conduct Additional Investigation and Sensitive Receptor Survey](#) (Workplan). As explained below, I approve the Workplan and require you to submit a completion report by March 30, 2018.

Background

The Water Board's staff March 17, 2017, [directive letter](#) conditionally approved a workplan dated August 4, 2015 submitted on behalf of Restructure Petroleum Marketing Services of California (RPMSCA). RPMSCA is the owner and operator of the former Mobil/EZ Serve gas station at the subject Site. Therefore, we required RPMSCA to submit a report by May 31, 2017, documenting implementation of the August 4, 2015, work plan. This report was to include an offsite soil vapor investigation workplan. Mr. Pargat Singh, the new owner of the Site, has not agreed to multiple requests for Site access from RPMSCA. Mr. Pargat Singh hired SOMA Environmental Engineering, Inc. (SOMA) to conduct the work.

Workplan Summary

The Workplan contains all of the August 4, 2015, workplan proposals and the Water Board March 17, 2017, conditions with the following exceptions:

1. Grab groundwater samples from soil borings will replace the monitoring wells proposed in the August 4, 2015, workplan;
2. Destruction of three monitoring wells will be postponed; and
3. MW-1 will not be replaced with a monitoring well at the same location.

The above changes are acceptable to Water Board staff because:

1. Groundwater samples will still be collected from the same vicinity originally approved by Water Board staff;
2. Postponement of well destruction has no impact on site characterization; and
3. MW-1 is still accessible.

The Workplan also includes the following:

1. A statement: *"On behalf of the site owner, Mr. Singh, SOMA acknowledges that the proposed work will not be reimbursed by the UST Cleanup Fund."*

2. A waste oil tank was not present at the Site according to SOMA's review of the historical information. Therefore, drilling or sampling for contaminants of concern that may be discharged by a waste oil tank will not be conducted.

The Workplan contains the following elements:

1. Incorporating the sampling of two offsite irrigation wells located south of the Site in the monitoring program along with the other Site monitoring wells;
2. Installing three offsite downgradient soil borings in the residential areas immediately adjacent south and west of the Site and Collecting grab groundwater samples for analysis
3. Installing four soil vapor probes in the residential areas immediately adjacent south and west of the Site Collecting soil vapor samples for analysis;
4. Conducting a sensitive receptor survey within a 2,000 feet radius of the Site;
5. Determining the source of drinking water for the mobile home park located north of the Site; and

Result of Review

The Workplan contains all of the August 4, 2015, workplan proposals and the Water Board March 17, 2017, conditions with the exceptions noted above. As noted above the exceptions are acceptable. I hereby approve the Workplan.

Requirement for Completion Report

Mr. Pargat Singh is hereby required to submit a completion report by **April 15, 2018**. The report must document implementation of the approved workplan and present implementation results.

In addition to a paper copy, Mr. Pargat Singh is 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.

Basis for Requirement

- Benefit from required information: The information required in this report is needed to define the extent of the groundwater contamination plume, any immediate threats it poses to water quality, determine whether subsurface contamination poses a threat to human health through the vapor intrusion pathway, and to determine if the subject Site is eligible for closure under the State Water Board [Low-Threat Underground Storage Tank Case Closure Policy](#).
- Basis for naming parties: Mr. Pargat Singh is named in his capacity as the current landowner.

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.

If you have any questions, please contact Mr. John Jang of my staff at (510) 622-2366 or John.Jang@waterboards.ca.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Stephen Hill". The signature is written in a cursive style with a small "for" written below the first few letters.

Digitally signed by Stephen Hill
Date: 2018.01.08 09:05:53
-08'00'

Bruce H. Wolfe
Executive Officer

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

Copy sent with attachment: Mailing List

Mailing List

Restructure Petroleum
Marketing Services of California
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Attn.: Mr. Brian Cobb
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Attn.: Messrs Vinod & Janak Bansal
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State Water Resources Control Board
Underground Storage Tank
Cleanup Fund Unit
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San Francisco Bay
Regional Water Quality Control Board
Attn.: Mr. Kevin Brown
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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 requirement.

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 March 2014

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

