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**San Francisco Bay Regional Water Quality Control Board**

August 30, 2012  
File No.: 01-0495 (RAL)

R.W.L. Investments  
Attn: Bob Lawlor  
[Boblawlor@sbcglobal.net](mailto:Boblawlor@sbcglobal.net)  
4919 Tidewater Avenue, Unit B  
Oakland, CA 94601

SUBJECT: **Requirement for Investigation Work Plan** - Former DiSalvo Trucking Site,  
4919 Tidewater Avenue, Oakland, Alameda County

Dear Mr. Lawlor:

This letter requires you to prepare an investigation work plan to investigate the extent of hydrocarbon contamination at this site, and to make changes to the analytical protocol used for the groundwater samples collected at the site. The purpose of the investigation is to determine if diesel is migrating off-site and if free product is still present on-site.

The work plan should include the borings as described in your off-site *Investigative Workplan*, dated April 19, 2012, (submitted to ACDEH prior to the case being transferred to the Regional Water Board) which proposed five borings located between your site and nearby San Leandro Bay. However, as discussed with your consultant in a meeting on August 27, 2012, your work plan should also include an evaluation of the on-site utility trenches to determine if they are acting as conduits for contaminant migration.

Your *Groundwater Monitoring Event* report dated, March 27, 2012, reported that no gasoline or BTEX was detected in the groundwater samples and the highest reported MtBE was 8.9 µg/L. However, diesel was reported at 8,730 µg/L, and three of the four wells had diesel near or above the solubility limit for diesel in groundwater. The site had diesel and waste oil tanks but no gasoline tanks. Based on the lack of a gasoline source and minimal detections of gasoline and gasoline constituents, **you are directed to stop analysis for gasoline, BTEX, and MtBE.**

It is not clear from the files if waste oil constituents have been previously analyzed for. If not, you should propose such analysis in the work plan. Otherwise, the analytical suite can be limited to TPH as diesel. Samples should be reported both with and without using silica gel cleanup.

There is an existing recovery trench in the middle of the site that was designed to recover product and remove heavily impacted groundwater. However, no data is provided to indicate if this system is functioning. There is no data presented as to volume, or existence, of any product removed or the volume of groundwater removed. You are required to provide this data along with an evaluation of the cost-effectiveness and need for continued operation of this recovery

JOHN MULLER, CHAIR | BRUCE H. WOLFE, EXECUTIVE OFFICER

trench system in your work plan. Also, the work plan should contain the objectives, details and the rationale for sample locations, sample depths, sampling methods, sample analysis and the schedule for the proposed work.

Regional Water Board staff reviewed your *Investigative and Interim Remedial Action Workplan* (IRAP) dated April 17, 2012, also submitted to ACDEH. The IRAP recommends an investigative trench along the southern corner based on two grab groundwater samples. This trench is then proposed to be converted to a slurry wall to minimize off-site migration. You also propose a 150 foot long recovery trench on the outside of the slurry wall. The Regional Water Board believes that such actions are premature at this time. It is prudent to wait until the above referenced investigation is completed and the data is evaluated to decide which type of remedial action, if any, is necessary at the site.

**Specifically, you are required to submit a work plan October 31, 2012, to determine the magnitude and extent of diesel contamination at the site. The work plan will also include all available data, and an evaluation of that data, concerning the recovery trench at the site.**

This requirement for a report is made pursuant to Water Code Section 13267, which allows the 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 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/](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 depths, site maps, boring logs (PDF format), and complete copies of reports and correspondence including the signed transmittal letters and professional certifications (PDF format).

All reports submitted should have the Regional Water Board file number 01-0495 on the first page of the report. Copies of all submittals should also be sent to Alameda County Environmental Health Department.

If you have any questions, please contact Ralph Lambert of my staff at (510) 622-2382 or via e-mail at [ralambert@waterboards.ca.gov](mailto:ralambert@waterboards.ca.gov).

Sincerely,



Digitally signed by Stephen Hill  
Date: 2012.08.30 09:26:43  
-07'00'

Bruce H. Wolfe  
Executive Officer

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

cc: Lisa Labrado, State UST Fund Unit, [lbrado@waterboards.ca.gov](mailto:lbrado@waterboards.ca.gov)  
Ben Halsted, Environmental Restoration Services, [invirest@aol.com](mailto:invirest@aol.com)  
Mark Detterman, Alameda County Environmental Health, [mark.detterman@acgov.org](mailto:mark.detterman@acgov.org)

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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

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#### **What does it mean when the Regional Water Board requires a technical report?**

Section 13267<sup>1</sup> 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.

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<sup>1</sup> All code sections referenced herein can be found by going to [www.leginfo.ca.gov](http://www.leginfo.ca.gov).

*Revised March 2012*