
San Francisco Bay Regional Water Quality Control Board

December 10, 2012
File No.: 01-0495 (RAL)

R.W.L. Investments
Attn: Bob Lawlor
Boblawlor@sbcglobal.net
4919 Tidewater Ave., Unit B
Oakland, CA 94601

SUBJECT: Approval of Work Plan and Requirement for a Technical Report
Former DiSalvo Trucking Site, 4919 Tidewater Avenue, Oakland
Alameda County

Dear Mr. Lawlor:

This letter approves your October 29, 2012, *Investigation Workplan* and the *Amendment to the Investigation Workplan* dated November 16, 2012, and requires you to submit a technical report presenting the results of the investigation.

Your work plan proposed installing three groundwater monitoring wells, five borings located between your site and nearby San Leandro Bay, hand trenching at selected locations across a sewer line, the destruction of four observation wells installed as part of a pumping test, and surface completion of an extraction well. The *Amendment* deleted one planned well, changed the sample analysis to TPHd and naphthalene, and clarified some details.

I hereby approve the Workplan as amended and require R.W.L. Investments to submit an acceptable technical report consisting of the results of the proposed investigation by March 25, 2013.

The report shall present the data in tables and on maps and include recommendations for further work as appropriate. The report shall also include information on the operation and effectiveness of the recovery trench that is installed on-site.

R.W.L. Investments, as the owner of the property is named as the responsible party.

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 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 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 Department of Environmental Health.

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.

Sincerely,

A handwritten signature in cursive script that reads "Stephen Hill" with a small "for" written below it.

Digitally signed by Stephen Hill
Date: 2012.12.10 10:34:58
-08'00'

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, lalabrado@waterboards.ca.gov
Ben Halsted, Environmental Restoration Services, envirest@aol.com
Mark Detterman, Alameda County Environmental Health, mark.detterman@acgov.org

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.

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

Revised March 2012