

Detterman, Mark, Env. Health

From: Lambert, Ralph@Waterboards [ralph.lambert@waterboards.ca.gov]
Sent: Tuesday, August 30, 2016 11:07 AM
To: BobLawlor@sbcglobal.net; Forrest Cook (cook.forrest@gmail.com)
Cc: Reich, Micah@Waterboards; Detterman, Mark, Env. Health
Subject: Former Di Salvo Trucking, Tidewater, Oakland, conditional approval of CAP, case 01-0495
Attachments: 01-0495 - c-approve CAP 8-30-16.pdf

Please see the attached directive letter for excavation.

Ralph Lambert, PG, CHg
Regional Water Quality Control Board
San Francisco Bay Region
1515 Clay St., Suite 1400
Oakland, CA 94612

(510) 622-2382

San Francisco Bay Regional Water Quality Control Board

August 30, 2016
File No.: 01-0495 (RAL)

R.W.L. Investments Inc.
Attn.: Mr. Bob Lawlor
4919 Tidewater Avenue, Unit B
Oakland, CA 94601
Sent via email: BobLawlor@sbcglobal.net

SUBJECT: Conditional Approval of Corrective Action Plan and Requirement for Technical Reports, Former Di Salvo Trucking, 4919 Tidewater Avenue, Oakland, Alameda County

Dear Mr. Lawlor:

This letter conditionally approves your May 25, 2016, *Corrective Action Plan (CAP)* and the *Response to CAP Review Comments & Questions* (Response Document) dated August 10, 2016. I approve the CAP and Response Document with the conditions noted below and require you to submit technical reports documenting the implementation of the CAP. This letter is addressed to R.W.L. Investments Inc., the owner of the subject Site.

Background

In November 2015, 43 passive soil vapor samples were collected across the Site. High Total Petroleum Hydrocarbon diesel (TPH-d) in soil vapor was detected throughout most of the Site, likely extending under the onsite building. The diesel soil vapor impact may extend offsite to the northeast and northwest. Low mass based values for naphthalene and perchloroethene in soil vapor were also detected within the TPH-d impacted area.

On February 24, 2016, Regional Water Board staff issued a directive letter requiring the submittal of a Petroleum Free Product Removal Report, a Corrective Action Plan and a “radius list” to invite the public to comment on the proposed remedial action. The directive letter identified the *Low-Threat Underground Storage Tank Case Closure Policy¹* (LTCP) closure impediments at the Site. A CAP fact sheet inviting comments was sent out to the “radius list”. The comment period ended July 31, 2016 and no comments were received.

Summary of Proposed Remedy

The CAP proposes excavating the highly impacted soil as the optimal remedial approach. A site specific Health and Safety Plan will be prepared and will discuss measures to minimize odors and exposure. Since the Site is a busy trucking terminal, the excavation will be conducted in eight phases to allow continued business operations. Excavated soils will be wetted as needed to

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

minimize dust and odors and excavated soils will be covered. Planned excavation depth is between three and 10 feet below ground surface depending on the depth of fill and observation of impacts. Confirmation soil samples will be collected from the sidewalls approximately every 25-linear feet and from the bottom of each excavation every 500-square feet. Confirmation soil samples will be analyzed for TPH-d. Excavated soil will be transported to a permitted disposal facility. Encountered groundwater and any product will be pumped into onsite tanks and transported for permitted disposal or recycling. The excavations will be backfilled as soon as possible using clean fill and the fill compacted to at least 90 % of the excavated areas before paving is completed. Excavating soil will require the proper well destruction of some monitoring wells. The Response Document recommends replacing all destroyed wells at the conclusion of the excavations.

Conditional CAP Approval

I hereby approve the CAP complemented by the Response Document with the following conditions:

- TPH-d concentrations in soils must be reported without using silica gel cleanup. Rationale: Biologically mediated degradation of petroleum partly generates polar compounds that can be removed by passing the sample extract through a column or cartridge packed with silica gel. Certain degradation polar metabolites tend to be more toxic than the nonpolar petroleum parent compound. The elimination of polar metabolites through routine application of silica gel cleanup could artificially and unreasonably lower the toxicity estimates of biodegraded petroleum mixtures. This condition is consistent with the Environmental Screening Levels User's Guide Section 9.7.3.²
- All soil sample results must be reported on a dry-weight basis as suggested in the ESL User's Guide Section 10.1.
- Selected soil samples must also be analyzed for naphthalene, semi-volatiles, and VOCs, as required by LTCP.
- The time that the excavations are exposed must be minimized to prevent nuisance odors. All trucks carrying soils offsite must be covered to minimize dust and odors during transportation.
- Confirmatory backfill soil samples must be taken before placement in the excavations. The sample results must confirm that the proposed backfill is free of hydrocarbons and contaminants related to the fill's prior use.
- Excavations depth should be determined by field evidence of it being clean (odors and staining) to the extent practicable. The photo-ionization detector mentioned in the Response is not very sensitive to diesel range hydrocarbons. However, we understand that not all impacted soil will be removed, for example under the Site building.
- You may propose replacing only selected wells after the excavation activities are completed.

Status Reports

R.W.L. Investments Inc. must submit remediation status reports on a quarterly basis until the CAP is fully implemented as modified by the above conditions. The first report is due **December**

² See Environmental Screening Levels User's Guide at http://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/esl.shtml

30, 2016, and subsequent reports by the end of each calendar quarter and a final completion report by **June 30, 2017**.

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. 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 01-0495 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 Public Works Department and the Alameda County Environmental Health Services Department.

Please direct all questions and correspondence regarding this matter to Ralph Lambert at (510)-622-2382 or email RALambert@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 via Email with attachment:

State Water Resources Control Board
Underground Storage Tank
Cleanup Fund Unit
Attn.: Mr. Micah Reich
E-mail: Micah.Reich@waterboards.ca.gov

Almar Environmental
Attn.: Mr. Forrest Cook
E-mail: Cook.Forrest@gmail.com

Alameda County Environmental Health
Attn.: Mr. Mark Detterman
E-mail: 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.

Revised January 2014

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