
San Francisco Bay Regional Water Quality Control Board

July 16, 2013
File No.: 01-2318 (RAL)

Terra Green CDC
Attn: Ms. Marie Roberts De La Parra (marie@terragreencdc.org)
117 Cardigan Bay
Alameda, CA 94502-7924

Subject: **Work Plan Approval - Former FG Gasoline Site**
3314 San Pablo Avenue, Oakland, Alameda County

Dear Ms. Marie Roberts De La Parra:

This letter approves your July 8, 2013, *Revised Work Plan*, with the condition noted below, and requires you to submit a technical report documenting the implementation of the Work Plan and presenting the sample results.

The Work Plan describes contains the following tasks:

- Removing the piping and associated impacted soil from the former dispensers area;
- Excavating the impacted soil that was placed back into the UST excavation after UST removal in 1996;
- Collecting confirmation soil samples from the excavations and analyzing for TPH-g, TPH-g, TPH-mo, and VOCs including BTEX on a dry weight basis;
- Installing and sampling three groundwater monitoring wells and analyzing the soil samples collected during drilling, and the groundwater samples, for TPH and BTEX as described above;
- Installing and sampling two vapor probes; and
- Evaluating the data obtained to determine if the site meets the Low Threat UST Case Closure Policy criteria.

The Work Plan is approved with the condition that some of the impacted soil samples also be analyzed for naphthalene, as required by the Low Threat Closure Policy.

I require you to submit a technical report by October 7, 2013, that presents the results for the above discussed tasks. Subsequent groundwater sampling reports are due within 50 days of the end of each calendar quarter.

The report shall present the data in tables and on maps and include recommendations for further work as appropriate.

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 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. All reports submitted should have the Regional Board file number 01-2318 on the first page of the reports.

Please direct all questions and correspondence regarding this matter to Ralph Lambert at (510)-622-2382 or e-mail 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

cc:

Song Her, State UST Fund Unit, song.her@waterboards.ca.gov

Nguyen Nam & Ken Tran, site owners, mitundra@yahoo.com, kenkland@aol.com

Mark Detterman, Alameda County Environmental Health, mark.detterman@acgov.org

Jan Schutze, Schutze & Associates, Inc., js@schutze-inc.com

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 March 2012

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