
San Francisco Bay Regional Water Quality Control Board

September 24, 2014
File No.: 01-2434 (RAL)

Glen & Elizabeth Poy-Wing
240 West MacArthur Blvd.
Oakland, CA 94611

Sent via email: Carknot@yahoo.com

**Subject: Requirement for Revised Corrective Action Plan and Public Participation
Former Dodson LTD, 240 West MacArthur Boulevard, Oakland,
Alameda County**

Dear Mr. Poy-Wing,

This letter requires you to revise your March 5, 2013, Corrective Action Plan (CAP). Your CAP consists of a Dual-Phase Extraction (DPE) plan but was not implemented due to unavailable funding or the securing of a loan to fund the work. This Site was also under review by the State Water Resources Control Board Underground Storage Tanks Program (State Water Board). To facilitate the implementation of the Site's remediation system, you are directed to revise the CAP and operate a temporary DPE or soil vapor extraction (SVE) system for at least 30 consecutive days.

Revised CAP

This letter directs you as the owner and operator of Oakland Auto Works to revise your CAP to a simpler temporary system. The Regional Water Board identified prior owners and Underground Storage Tank (UST) operators of this Site. However, you accepted responsibility and you are enrolled in the UST Cleanup Fund (CUF Claim #13718) with a letter of commitment from the Fund.

The primary route for potential exposure is hydrocarbon vapors migrating to the basement of the adjacent medical building located to the immediate north-east of the Site. The building is adjacent to monitoring well 5 containing the highest hydrocarbon concentrations (Total Petroleum hydrocarbon gasoline at 26,000 µg/L) in groundwater last sampled March 26, 2013. This concentration and past petroleum free product suggest remaining secondary source persisting to impact groundwater and soil vapor. Currently, several of the wells are essential dry, including one that has contained free product at times. High concentrations of soil vapor were collected from three dry monitoring wells in September 2012. The concentration of gasoline vapors were reported at up to 8,300,000 µg/m³, suggesting a possible threat of vapor intrusion to occupants of the on-Site building and the adjacent medical building.

Based on the above data, we suggest that extraction takes place from the vicinity of MW-5, but it could include other nearby wells. Regional Water Board staff concludes that a temporary soil vapor extraction or dual phase extraction system may be sufficient to remove enough mass to allow for low threat case closure for this Site. The temporary system must run for up to 30-days and must be monitored to calculate mass removal rates. If hydrocarbon removal rates drop below 10 pounds per day the system may be shut down early.

You are hereby required to submit an acceptable technical report consisting of a revised CAP by **October 27, 2014**. The revised CAP must contain:

- Rationale for the proposed work
- System design including an extraction network with sufficient hydraulic head
- Remediation System objectives: target removal rate
- Sampling methods for groundwater, separate-phase petroleum and hydrocarbon vapor
- Remediation system implementation schedule
- Site Conceptual Model

Requirement for Public Notification

A CAP requires that the public be invited to comment on the proposed cleanup plan under State law (including Health and Safety Code section 25356.1). An existing draft fact sheet can be revised and sent out to owners, occupants, and businesses within 200 feet of your property. This letter requires your assistance to appropriately notify the public of the CAP implementation.

You are hereby required to submit a report by **October 31, 2014**, that includes a mailing list for surrounding property owners and resident/occupants within a 200-foot radius (“radius list”) of the Site. The mailing list must also include interested parties or groups, including relevant public agencies and environmental/community groups.

This requirement for technical reports 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.

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 01-2434 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
UST Cleanup Fund Unit
Attn: Ms. Lisa Labrado
LLabrado@waterboards.ca.gov

Stellar Environmental Solutions, Inc.
Attn: Mr. Henry Pietropaoli
HPietropaoli@stellar-environmental.com

Alameda County Environmental Health
Attn: Mr. Mark Detterman
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 January 2014