

## Detterman, Mark, Env. Health

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**From:** Lambert, Ralph@Waterboards [ralph.lambert@waterboards.ca.gov]  
**Sent:** Tuesday, June 07, 2016 11:52 AM  
**To:** Carknot@yahoo.com; Msepehr@somaenv.com  
**Cc:** Reich, Micah@Waterboards; Detterman, Mark, Env. Health  
**Subject:** 01-2434 conditional approval of soil vapor work plan  
**Attachments:** 01-2434 - c-approve soil gas workplan 6-7-16.pdf

Please see the attached directive letter.

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

(510) 622-2382

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

June 7, 2016  
File No.: 01-2434 (RAL)

Mr. Glen & Ms. Elizabeth Poy-Wing  
240 West MacArthur Boulevard  
Oakland, CA 94611  
Sent via email: [Carknot@yahoo.com](mailto:Carknot@yahoo.com)

**SUBJECT: Conditional Approval of Work Plan for Soil Vapor Sampling and Technical Report Requirement, Oakland Auto Works (Formerly Dodson LTD), 240 West MacArthur Boulevard, Oakland, Alameda County**

Dear Glen & Elizabeth Poy-Wing:

This letter responds to your May 27, 2016, *Workplan for Conducting Soil Vapor Sampling* (Work Plan). As explained below, I approve the Work Plan with conditions and require you to submit a technical report with the results of the soil vapor sampling. This letter is directed to you as the owner of the subject Site and operator of Oakland Auto Works, an auto repair facility.

**Background**

Oakland Auto Works occupies the Site that formally included fuel underground storage tanks and a waste oil tank. Elevated concentrations of gasoline and diesel range hydrocarbons (TPH-g and TPH-d) have been reported in Site groundwater. The Site is immediately adjacent to a medical office building with an occupied basement and an underground walkway leading to a hospital located across the street. Remediation was conducted in late 2015. The remediation consisted of using multi-phase extraction (MPE) for two months to decrease the potential for vapor intrusion both at the Site and the adjacent medical building. We understand that this Site is being evaluated for redevelopment as a residential property.

Based on photoionization detection results, the MPE remediation removed an estimated 4,250 pounds of petroleum hydrocarbons. Laboratory data indicate that 1,720 pounds of gasoline and the gasoline components of benzene, toluene, ethylbenzene, and xylenes (BTEX) were removed. The MPE also removed and treated 391,092 gallons of groundwater.

No soil vapor probes have been installed or sampled for this Site. Vapor samples have only been collected from groundwater monitoring wells and from the MPE system. The proposed work is to determine if the Site poses a potential hazard for vapor intrusion or if it can be closed under the *Low-Threat Underground Storage Tanks Case Closure Policy* (LTCP).<sup>1</sup>

<sup>1</sup> See State Water Resources Control Board webpage:  
[http://www.waterboards.ca.gov/board\\_decisions/adopted\\_orders/resolutions/2012/rs2012\\_0016atta.pdf](http://www.waterboards.ca.gov/board_decisions/adopted_orders/resolutions/2012/rs2012_0016atta.pdf)

### Work Plan Summary

The Regional Water Board's May 10, 2016, directive letter required that you submit a work plan by June 30, 2016, to sample the soil vapor. The Work plan proposes the following:

- Installing five soil vapor probes covering the area of contamination;
- Installing two sub-slab vapor probes in the existing medical building;
- Sampling and soil vapor probes installation will be conducted in compliance with the Department of Toxic Substances Control July 2015 *Active Soil Gas Investigation Advisory*<sup>2</sup>;
- Collecting soil vapor samples after a minimum of 24 hours and analyzing the samples for BTEX, methyl tert-butyl ether, naphthalene, and chlorinated volatile organic compounds using the United States Environmental Agency method TO-17. The Work plan also recommends analyzing for oxygen, carbon dioxide, and methane in soil vapor; and
- Preparing a report presenting the sample results along with a comparison with the LTCP criteria.

### Work Plan Approval

The May 27, 2016 Work plan does not fully comply with the requirements of the May 10, 2016, directive letter. I hereby approve the Work plan with the following conditions:

- Appropriate decontamination steps must be taken during installation and sampling of the probes. Decontamination is not described in the Work plan;
- Oxygen must be analyzed from all soil vapor probes but is not required from the sub-slab probes based on the shallow depths of these probes; and
- Based on groundwater results, soil vapor samples from all installed probes must also be analyzed for TPH-g and TPH-d.

### Report Requirement

You are hereby required to submit an acceptable technical report consisting of workplan-implementation results and recommendations by **September 12, 2016**.

This requirement for a technical 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.

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/](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).

<sup>2</sup> See Department of Toxic Substances Control webpage:

[https://www.dtsc.ca.gov/SiteCleanup/upload/VI\\_ActiveSoilGasAdvisory\\_FINAL.pdf](https://www.dtsc.ca.gov/SiteCleanup/upload/VI_ActiveSoilGasAdvisory_FINAL.pdf)

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](mailto: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 sent via E-mail with attachment:**

State Water Resources Control Board  
UST Cleanup Fund Unit  
Attn.: Mr. Micah Reich  
E-mail: [Micah.Reich@waterboards.ca.gov](mailto:Micah.Reich@waterboards.ca.gov)

SOMA Environmental  
Attn.: Mr. Mansour Sepehr  
E-mail: [MSepehr@somaenv.com](mailto:MSepehr@somaenv.com)

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

*Revised January 2014*

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