

Detterman, Mark, Env. Health

From: Lambert, Ralph@Waterboards [ralph.lambert@waterboards.ca.gov]
Sent: Thursday, October 20, 2016 9:29 AM
To: Detterman, Mark, Env. Health; Reich, Micah@Waterboards
Subject: 6045 San Pablo Ave. Oakland, do work plan, case 01-2443
Attachments: 01-2443 - require RI workplan 10-20-16.pdf

Please see the attached letter requiring the new owners to claim the Site in GeoTracker and prepare an investigation work plan.

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

October 20, 2016
File No.: 01-2443 (RAL)

Mr. Joe Sarapochillo and Mr. Anthony Sarapochillo
881 Evergreen Avenue
San Leandro, CA 94577

SUBJECT: Requirement for Claiming Site in GeoTracker and Submittal of Investigation Work Plan, Former Breckenridge Auto Shop, 6045 San Pablo Avenue, Oakland, Alameda County

Dear Mr. Joe Sarapochillo and Mr. Anthony Sarapochillo:

This letter directs you to claim the subject Site in GeoTracker and submit an investigation work plan to define the extent of the current contamination, identify the locations of the prior Underground Storage Tanks (USTs), and additional information outlined below. This information will help to move this Site toward closure. You are named in this letter as the current owners of the subject Site. As owners you are responsible if the Site has a continuing release or is allowing for impacts due to continued contaminant migration.

Background

According to available information, USTs were removed from the Site in the 1970s by a previous owner. A 1993 investigation reported weathered total petroleum hydrocarbons (TPH) as gasoline up to 6,600 µg/L, TPH diesel up to 45,000 µg/L, and benzene up to 150 µg/L in groundwater. The prior location of the USTs and dispensers are not included on the maps. Sampling results for methyl tert-butyl ether (MtBE), naphthalene, polycyclic aromatic hydrocarbons (PAHs), and non-petroleum volatile organic compounds have not been reported to date.

The 1993 investigation report also indicated that a waste-oil UST was removed in 1992. A report of the waste oil tank removal was not submitted to Alameda County Environmental Health Department who subsequently sent several directive letters to the prior owner. The requirements outlined in this correspondence have not been addressed to date. In 2009 and 2011, the Alameda County also sent Notices of Violation to the prior owner, Mr. Breckenridge, for failing to claim the Site in GeoTracker. Alameda County Environmental Health Department referred this case to the Regional Water Board in correspondence dated March 22, 2012.¹ The Site is a currently active automotive repair facility.

Comparison with the State Water Board's Low-Threat Underground Storage Tank Case Closure Policy

¹ See GeoTracker webpage:

https://geotracker.waterboards.ca.gov/regulators/deliverable_documents/4017323136/ENF%5FREF%5FL%5F2012%2D03%2D22.pdf

Regional Water Board staff compared the Site with the criteria outlined in the Low-Threat Underground Storage Tank Case Closure Policy (LTCP)² and concludes the Site does not meet several of the closure criteria:

General Criteria

- *General Criteria b. The unauthorized release consists only of petroleum.*
- Rationale: The Site included a waste oil tank. Page 16-4 of the State Water Resources Control Board *Leaking Underground Fuel Guidance Manual*³ recommends the following analyses for soil and groundwater where waste oil may have been released to the environment:
 - Benzene, toluene, ethylbenzene, xylenes;
 - Sixteen polycyclic aromatic hydrocarbons (PAHs);
 - Chlorinated solvents (which will include ethylene dibromide and ethylene dichloride);
 - Oxygenates: MtBE and tertiary butyl alcohol;
 - For soil only: analysis for the five “wear metals” (cadmium, chromium, nickel, lead, and zinc).

Several of these analyses have not been conducted. It is unknown if the release consists only of petroleum.

- *General Criteria e. A conceptual site model that assesses the nature, extent, and mobility of the release has been developed.*
Rationale: The extent of release was never defined at the Site, therefore an accurate conceptual site model is not available at this time.
- *General Criteria g. Soil or groundwater has been tested for methyl tert-butyl ether (MtBE) and results reported in accordance with Health and Safety Code section 25296.15.*
Rationale: Soil and groundwater samples have not been tested for MtBE.

Media Specific Criteria

- *Groundwater specific criteria. The contaminant plume that exceeds water quality objectives must be stable or decreasing in areal extent and the distance to supply wells and surface water must meet specific criteria.*
Rationale: the extent of the release was never defined to water quality objectives and the distance to the nearest water supply well and surface water body is not available in the record as required for criteria 1 through 4.
- *Direct Contact and Outdoor Air Exposure specific criteria. Release sites where human exposure may occur must satisfy the media-specific criteria for direct contact and outdoor air exposure.*
Rationale: Soil samples analysis has not been conducted for PAHs.

Requirement to Claim the Site in GeoTracker

California Water Code section 13196(a) authorizes the State Water Resources Control Board (State Board) to require a person submitting a report to the State Board, a regional board, or a

² See the State Water Resources Control Board webpage: http://www.waterboards.ca.gov/board_decisions/adopted_orders/resolutions/2012/rs2012_0016atta.pdf

³ See State Water Resources Control Board webpage: http://www.swrcb.ca.gov/ust/luft_manual/guidance_manual_sept2012.pdf

local agency to submit it in an electronic format. Pursuant to California Code of Regulations (Chapter 30, Division 3 of Title 23 and Division 3 of Title 27), you are required to submit electronic reports to GeoTracker.

As the Responsible Parties, you have two primary electronic reporting duties:

1. Claim the Site in GeoTracker before submitting electronic compliance data.
2. Authorize secondary access to allow an authorized Responsible Party agent (typically a consultant) to submit compliance data on your behalf.

What Is Required To Be Submitted Electronically To GeoTracker?

1. All chemical analytical results for soil, water, and vapor samples as EDF reports;
2. The latitude and longitude of any permanent sampling point for which data is reported, accurate to within 1 meter;
3. The surveyed elevation relative to a geodetic datum of any permanent sampling point;
4. The elevation of groundwater in any permanent monitoring well relative to the surveyed elevation;
5. A site map or maps showing the location of all sampling points;
6. The depth and length of the screened interval for any permanent monitoring well;
7. PDF copies of boring logs; and
8. PDF copies of all reports, work plans, and other documents, including the signed transmittal letter and professional certification by a California Licensed Civil Engineer or a Registered Geologist.

You must claim the Site in GeoTracker as described above by **December 6, 2016**.

Work Plan Requirement

You are hereby required to submit by **January 6, 2017**, a work plan containing the following elements to address the LTCP impediments outlined above:

- Determine and map the location of the former USTs including the former waste oil tank so that one can understand where to sample;
- Backfill the former UST fill ports as was recommended in the 1993 investigation report to prevent potential vertical pathways for surface contamination to reach groundwater;
- Propose work to meet the LTCP deficiencies outline above;
- Include the sampling methods for the proposed work;
- Include an implementation schedule;

The work plan must be prepared and signed by an appropriately experienced professional.

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. The requirement for and

guidance for electronic information submittal is available at: http://www.waterboards.ca.gov/water_issues/programs/ust/electronic_submittal/. Please note that this requirement to upload reports requires that you must first “claim” the Site in GeoTracker and authorize access to allow an authorized Responsible Party agent (typically a consultant) to submit reports and data on your behalf. See the “Beginner’s Guide” on the web link above. Note that the data to upload 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 01-2443 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 to:
Alameda County Environmental Health
Attn.: Mr. Mark Detterman
Email: Mark.Detterman@acgov.org

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

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.