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

September 8, 2015  
File No. 01-0741 (RAL)

Mr. Willie (Bill) Everidge, Jr.  
1325 South Cloverdale Avenue  
Los Angeles, CA 90019-2807  
**Sent via email to:** [Everidgejr@aol.com](mailto:Everidgejr@aol.com)

**SUBJECT: Work Plan Approval for Site Investigation - Former Everidge Service Co.,  
and Requirement for Technical Report, 1211 7<sup>th</sup> Street, Oakland,  
Alameda County**

Dear Mr. Everidge:

This letter responds to your August 21, 2015, *Data Gap Investigation Work Plan (Work Plan)* for the subject Site. As explained below, I approve the Work Plan and require you to submit summary status reports and recommendations following completion of each main phase of investigation. This letter is directed to you as the owner of the above referenced Site and the successor to your father, who owned and operated the Site.

**Site Background Summary**

A waste oil and three gasoline underground storage tanks (USTs) were removed from your Site in October 1992. Additional piping and the dispensers were removed in 1995. Free phase petroleum product was recorded in the gasoline UST pit as well as from one borehole (B4). Soil and groundwater samples collected in 1992, 1993, and 1995 showed petroleum contamination above Low Threat Closure Policy criteria. No samples have been collected since that time.

**Work Plan Summary**

Our May 13, 2015, a Regional Water Board directive letter required that you submit a work plan to include site background information and plans to address data gaps by July 13, 2015. You submitted a work plan dated July 14, 2015. Regional Water Board staff provided comments asking for clarification on several issues. You then submitted the revised *Work Plan* dated August 21, 2015. The *Work Plan* proposes a stepped investigation, with several of the steps dependent on the results of previous findings. The following work is proposed and described:

1. A Membrane Interface Probe (MIP) investigation consisting of three borings followed by a summary report and refined plans for soil borings
2. Soil borings (22 borings are currently planned) and soil and groundwater sampling followed by a summary report and refined plans for well installation
3. Preferential pathway study
4. Well installation and sampling followed by a summary report
5. Soil gas sampling and if needed sub slab and indoor air sampling followed by a summary report and updated excavation plans

6. Remedial excavation if appropriate, and
7. Conceptual site model and final report

Each step is described in the *Work Plan* in greater detail but the number, locations, depths, analytes and schedule may change dependent on prior results and will be discussed with Regional Water Board staff.

The August 21, 2015 *Work Plan* satisfies the requirements of my May 13, 2015, directive letter. I hereby approve the *Work Plan*.

### **Report Required**

You are hereby required to submit a status report, consisting of the MIP investigation, final design, and schedule for the soil investigation, by **November 20, 2015**.

This requirement for a 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 pursuant to the California Code of Regulations (Title 23, Section 3890 et.seq.). 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).

All reports submitted must have the Regional Water Board file number 01-0741 on the first page of the report.

Please direct all questions and correspondence regarding this matter to Ralph Lambert at (510)-622-2382 or e-mail [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 U.S. Mail with attachment:**

Ms. Jacquelyn Everidge  
8907 Hillside St.  
Oakland, CA 94605-3941

**Copy via Email with attachment:**

State Water Resources Control Board  
UST Cleanup Fund Unit  
Attn.: Ms. Lisa Labrado  
E-mail: [LLabrado@waterboards.ca.gov](mailto:LLabrado@waterboards.ca.gov)

Alameda County Environmental Health  
Attn.: Mr. Mark Detterman  
Email: [Mark.Detterman@acgov.org](mailto:Mark.Detterman@acgov.org)

Schutze & Associates, Inc.  
Attn.: Mr. Jan Schutze  
Email: [JS@schutze-inc.com](mailto:JS@schutze-inc.com)

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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.

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

*Revised January 2014*