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

November 12, 2013  
File No. 01-1183 (MYM)

Plaza Car Wash  
Attn: Charles Kaady [ckaady@kaady.com](mailto:ckaady@kaady.com)  
7400 S.W. Barbur Blvd.  
Portland, Oregon 97221

**SUBJECT: Requirement for a Technical Report – Plaza Car Wash**  
400 San Pablo Avenue, Albany, Alameda County

Dear Mr. Kaady:

This letter requires you to submit a technical report comprising a work plan to determine the extent of soil, groundwater, and soil vapor contamination at your site. This letter also requires you to resume sampling of the monitoring wells at your site and submit a report of the results.

The site has been impacted by leaks from the former underground storage tanks (UST). The initial environmental investigation at the site was overseen by the Alameda County Environmental Health Department (ACEHD). On May 12, 2012, the ACEHD referred the case to the San Francisco Bay Regional Water Quality Control Board (Regional Water Board) for further oversight. Regional Water Board staff reviewed the case file and identified actions to complete the site investigation and cleanup and move the case toward closure.

**You are required to submit a work plan by January 31, 2014, to determine the extent of soil and groundwater contamination at the site and to evaluate the potential for vapor intrusion from soil gas.**

**You are also required to submit semi-annual groundwater monitoring and sampling reports; the first report is due by January 31, 2014.**

This requirement for 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.

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). All reports submitted should have the Regional Board file number 01-1183 on the first page of the report. A copy of any submittal should also be sent to the Alameda County Department of Environmental Health.

If you have any questions regarding this letter, please contact Martin Musonge of my staff at (510) 622-2396 or e-mail to: [martin.musonge@waterboards.ca.gov](mailto:martin.musonge@waterboards.ca.gov).

Sincerely,

A handwritten signature in cursive script that reads "Stephen Hill" with a small "for" written below it.

Digitally signed by Stephen Hill  
Date: 2013.11.12 14:34:20  
-08'00'

Bruce H. Wolfe  
Executive Officer

Attachment: Fact Sheet – Requirements for Submitting Technical Reports under Section 13267 of the California Water Code

cc w/attach:

Donna Drogos, Alameda County Environmental Health. [donna.drogos@acgov.org](mailto:donna.drogos@acgov.org)  
SWRCB, UST Cleanup Fund. [WB-DFA-USTCleanupFund@waterboards.ca.gov](mailto:WB-DFA-USTCleanupFund@waterboards.ca.gov)  
Frank Hamedi-Fard, Enviro Soil Tech Consultants. [info@envirowoiltech.com](mailto:info@envirowoiltech.com)  
George and Diane Ososke, 301 Main Street, #20B, San Francisco, CA 94105

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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 May 2012*

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