
San Francisco Bay Regional Water Quality Control Board

January 31, 2014
File No.: 01-2348 (RAL)

AC Transit
Attn: Wahid Amiri, wamiri@actransit.org
1600 Franklin Street
Oakland, CA 94603

SUBJECT: Approval of Corrective Action Plan Approval and Requirement to Submit a Technical Report - AC Transit Facility, 1100 Seminary Avenue, Oakland Alameda County

Dear Mr. Amiri:

This letter approves your November 6, 2013, (*Revised*) *Technical Report/Corrective Action Plan (CAP)* for the above referenced site, and requires that you submit the *Remedial Design and Implementation Plan (Work Plan)* proposed in the CAP.

Your CAP describes a plan to inject bacteria, air, and nutrients into both the vadose and saturated zones in the source area to create an in-situ bioreactor (ISBR) to degrade hydrocarbons. Diesel and gasoline product are still found in the source area and require treatment prior to this case being considered for closure. You have proposed a two year program for remediating the source area. At the end of two years, depending on the remediation results, the treatment area may then be expanded. As part of the CAP you propose installing five ISBR injection wells and another four borings for soil sampling at the start of the project. We suggest that you also install both a groundwater monitoring well and a soil vapor probe within the proposed treatment area so that you can better monitor treatment effectiveness.

You propose to include specific field design, methods, and rationale for the proposed wells, borings, injection, and the proposed verification sampling for the remediation in your Work Plan.

A fact sheet was sent out inviting neighbors and interested parties to comment on the CAP. No comments were received.

Specifically, you are required to submit a technical report by April 11, 2014, that consists of your implementation work plan.

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.

You are 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.swrcb.ca.gov/water_issues/programs/ust/electronic_submittal . All reports submitted should have the Regional Water Board file number 01-2348 on the first page of the report.

If you have any questions, please contact Ralph Lambert of my staff at (510) 622-2382 or via e-mail at 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

cc: Brad Wright, Cameron-Cole, bwright@cameron-cole.com
Mark Detterman, Alameda County Environmental Health, mark.detterman@acgov.org
Lisa Labrado, UST Fund, llabrado@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 March 2012

¹ All code sections referenced herein can be found by going to www.leginfo.ca.gov.