

Detterman, Mark, Env. Health

From: Lambert, Ralph@Waterboards [ralph.lambert@waterboards.ca.gov]
Sent: Thursday, January 05, 2017 1:12 PM
To: DRuslen@actransit.org
Cc: Reich, Micah@Waterboards; Detterman, Mark, Env. Health; dmetz@cameron-cole.com
Subject: AC-Transit, 1100 Seminary Ave. time ext. case 01-2348
Attachments: 01-2348 - approve time ext 1-5-17.pdf

Please see the attached 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

San Francisco Bay Regional Water Quality Control Board

January 5, 2017
File No.: 01-2348 (RAL)

Alameda-Contra Costa Transit District
Attn.: Mr. Dan Ruslen
10626 International Blvd.
Oakland, CA 94603
Sent via e-mail to DRuslen@actransit.org

SUBJECT: Approval of Time Extension Request, Alameda-Contra Costa Transit Facility, 1100 Seminary Avenue, Oakland, Alameda County

Dear Mr. Ruslen:

This letter approves your December 30, 2016, request for a time extension to submit the technical report required in our October 26, 2016, directive letter. This letter is addressed to AC Transit which owns and operates a bus facility at the subject Site.

The Regional Water Board's October 26, 2016, directive letter rejected your closure request. We also required AC Transit to evaluate the effectiveness of the pilot study at removing contaminant mass, lowering the impacts to soil and groundwater in the source area and propose an expansion to the in-situ bioreactor. AC Transit was required to submit the report by January 31, 2017. AC Transit requested a time extension to allow the State Water Board to discuss the Site conceptual model and the path to closure with you and Regional Water Board staff. This teleconference call is scheduled on January 17, 2017. Therefore, AC Transit requested submitting the required report by March 31, 2017. Regional Water Board staff finds that this delay will not have significant adverse impacts to human and environmental health. I hereby approve your request for a time extension.

I hereby approve this time-extension request. AC Transit is required to submit a technical report, consisting of a proposal to expand on the pilot test or to propose an alternative remedy by **March 30, 2017**.

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/. Please note that

this requirement includes all analytical data, water depth, site maps, and boring logs (PDF format).

All reports submitted must have the Regional Water Board file number 01-2348 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 Alameda County Environmental Health Services Department.

Please direct all questions and correspondence regarding this matter to Mr. 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 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

Alameda County Environmental Health
Attn.: Mr. Mark Detterman
E-mail: Mark.Detterman@acgov.org

Cameron-Cole
Attn.: Mr. Dustin Metz
Email: DMetzt@cameron-cole.com

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