
San Francisco Bay Regional Water Quality Control Board

February 26, 2014
File No. 01-2281 (BGS)

Mr. Stewart McVay
lloydsplumbing@yahoo.com
2584 Grant Avenue
San Lorenzo, CA 94580

Thompson & Thompson Fence Company, Inc.
Attn: Mr. Gary Thompson
2560 Grant Avenue
P.O. Box 206
San Lorenzo, CA 94580

SUBJECT: Approval of Work Plan and Requirement for a Technical Report
Thompson & Thompson Fence Company, Inc., 2584 Grant Avenue,
San Lorenzo, Alameda County

Dear Mr. McVay and Mr. Thompson:

This letter approves your January 30, 2014, *Work Plan for Subsurface Investigation*, and requires you to submit a technical report describing results of the proposed work.

Regional Water Board staff reviewed the above referenced work plan. The work plan proposes advancing four shallow borings (B-3 through B-6) in the vicinity of the former underground storage tank location to collect soil and grab groundwater samples for laboratory analyses of TPHg, TPHd, TPHmo, and VOCs. In addition, existing groundwater monitoring wells MW-1 through MW-3 will also be sampled for TPHg, TPHd, TPHmo, and VOCs. This work will be performed to address data gaps in the conceptual site model. We approve your work plan.

You are required to submit a report describing the results of the proposed work by May 26, 2014.

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.waterboards.ca.gov/water_issues/programs/ust/electronic_submittal/. All reports submitted should have the Regional Board file number 01-2281 on the first page of the report. A copy of any submittal should also be sent to the ACEHD in Alameda.

If you have any questions regarding this letter, please contact Barbara Sieminski of my staff at (510) 622-2423 or e-mail to: barbara.sieminski@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 w/attach:

Ms. Donna Drogos, ACEHD: donna.drogos@acgov.org

Mr. Mark Detterman, ACEHD: mark.detterman@acgov.org

Mr. Kris Larson; Ninyo & Moore; klarson@ninyoandmoore.com

M. Melissa Terry; Ninyo & Moore; mterry@ninyoandmoore.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 May 2012

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