



# California Regional Water Quality Control Board

## San Francisco Bay Region



Linda Adams  
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Environmental  
Protection

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Arnold Schwarzenegger  
Governor

November 13, 2006  
File No. 07S0156 (MRC)

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Contra Costa County Redevelopment Agency  
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Ms. Nancy Ellicock  
Ms. Elizabeth Young  
Mr. John V. Hook  
Mr. Steven Pucell  
c/o Mr. Daniel C. Helix  
P.O. Box 6144  
Concord, CA 94524

SUBJECT: Requirement for Technical Report - Hookston Station Site, 228 Hookston Road,  
Pleasant Hill, Contra Costa County

Dear Messrs. Grant, Helix, Kennedy, Hook, and Pucell and Meses. Helix, Ellicock and Young:

This letter requires submittal of information to augment the reporting already required by the Self Monitoring Program in compliance with Board Order No. R2-2003-0035, as amended.

Board staff has reviewed the following documents concerning the subject site:

- *Third Quarter 2006 Monitoring Report* (ERM; October 31, 2006);
- Letter dated November 7, 2006, from Brian Bjorklund, of ERM, on your behalf.

The report states that vinyl chloride was detected in groundwater from monitoring well MW-16A at 180 micrograms per liter (ug/l). Mr. Bjorklund has reported that recently obtained data for the fourth quarter shows similar results for this location. Vinyl chloride was detected at this location at 18 ug/l in April 2006, and was previously reported as non-detect. The concentration of 180 ug/l exceeds the residential environmental screening level for of 3.8 ug/l for protection of indoor air.

Vapor intrusion prevention systems already installed in homes in the area are capable of preventing vinyl chloride from migrating from the subsurface into indoor air; however, this data suggests that VOC fate and transport in the core of the groundwater plume is complex. To obtain information that will help refine the conceptual model, ERM proposes to obtain additional groundwater, soil and soil vapor samples from the areas between monitoring wells MW-14 and MW-15; between MW-15 and MW-16; and between MW-16 and MW-17. Analytical results

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from these samples will help Board staff better understand the distribution of VOCs in groundwater, soil, and soil vapor in the core of the plume and allow the conceptual model to be refined.

You are required to submit no later than **December 15, 2006**, a workplan to collect and analyze groundwater, soil, and soil vapor samples from at least one location between each pair of wells listed above. The workplan shall include a map of proposed sampling locations, description of sampling methods, and an implementation schedule.

This requirement for a report is made pursuant to Water Code Section 13267, which allows the 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 Board staff.

If you have any questions, please contact Mary Rose Cassa at (510) 622-2447 or e-mail at [mcassa@waterboards.ca.gov](mailto:mcassa@waterboards.ca.gov).

Sincerely,

Bruce H. Wolfe  
Executive Officer

Enclosure: Water Code Section 13267 Fact Sheet  
cc w/enclosure: see next page

cc:

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Hookston Station Document  
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### 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 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 indicate the name, telephone number, and email address of the regional water board staff contact.

*Revised August 2005*

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