



ENVIRONMENTAL HEALTH SERVICES
ENVIRONMENTAL PROTECTION
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June 20, 2016

Port of Oakland
530 Water Street
Oakland, CA 94604-2064
Attn.: Jeff Rubin
(Sent via electronic mail to jrubin@portoakland.com)

Subject: Request for Revised Report, Fuel leak case RO0000010 and GeoTracker Global ID T0600101866, Port of Oakland, and fuel leak case RO0000187, GeoTracker Global ID T0600100892, Port of Oakland / Nations Way Transport, both cases having the address of 651 Maritime St., Oakland, CA 94607

Dear Mr. Rubin:

Alameda County Environmental Health (ACEH) has reviewed the case file including the recently submitted document entitled *Direct and Indirect Evidence of Product (DIEP)* dated January 22, 2016 and provided to our office on February 9, 2016. The DIEP was prepared by Arcadis U.S. Inc. (Arcadis) for the subject site.

The purpose for the delineation of the free phase product (FP) plume is to determine the area potentially impacted by documented methane generation as the FP plume underlying the site degrades. The DIEP addresses direct and indirect evidence for the presence of FP as presented in the State Water Resources Control Board's (SWRCBs) Low Threat Underground Storage Tank Case Closure Policy (LTCP) supporting documentation entitled Technical Justification for Low-Threat Closure Scenarios for Petroleum Vapor Intrusion Pathway (SWRCB, 2011).

The DIEP presents findings of a review of groundwater data for direct evidence of FP and a review for indirect evidence of FP based on soil vapor screening data (based on photoionization detector- PID-readings) and groundwater and soil concentration data. The data was summarized in tables and its findings presented in Figure 1, depicting contaminant plumes based on direct and indirect groundwater evidence, and Figure 2, depicting contaminant plumes based on direct and indirect vapor evidence.

Based on the review of the case file ACEH requests that you address the following technical comments and send us the documents requested below.

TECHNICAL COMMENTS

1. **Depth to Water** – The DIEP states that the site grade was raised during redevelopment, and as a result, soil samples originally collected below 3.5 feet below ground surface (bgs) now correspond to approximately 7 feet bgs. The revised depth (of approximately 7 feet bgs) places these soil samples at approximately the top of the water table and that potentially submerged samples were removed from the evaluated data set.

It is the opinion of ACEH that evidence of direct and indirect FP is evidence and should not be summarily disregarded. ACEH requests an evaluation of all soil data for the site be included in the report requested below.

Additionally, raising grade typically does not have a significant effect on the depth to water (dtw). It is unclear to ACEH how the groundwater rises to match the raising of the ground surface. Therefore, ACEH requests discussion of the site hydrology that produces such an effect.

2. **Direct Evidence - Soil** – This category for the presence of FP was not addressed in the report, perhaps due to the opinion expressed in Technical Comment 1 above. ACEH requests a review of the soil bore data for an update to Table 4 for inclusion in the report requested below. Additionally, please include a figure documenting the findings of the soil data review.
3. **Indirect Evidence - Soil** – The DIEP states, of the 153 soil samples, 62 samples representing 39 locations contain “elevated concentrations of GRO and/or DRO”. It is unclear if these 39 locations constitute locations containing elevated concentrations of GRO and/or DRO or if these locations meet or exceed the concentrations for indirect evidence of FP. ACEH requests that you clarify the statement in the report requested below.

Additionally, it does not appear that all soil bores were reviewed for indirect evidence of FP. For example, Table 4 presenting historic soil data, does not include data for the monitoring wells and for soil bores having the prefix of GP, BH, and SB. Therefore, ACEH requests a review of the soil data, preparation of an updated soil data table and figure for inclusion in the report requested below.

4. **Direct Evidence - Groundwater** – It is unclear to ACEH why Table 1 presents data only for the existing groundwater monitoring well network. Table 1 includes the well MW-8A, the replacement well for destroyed well MW-8. MW-8 was reported to contain FP, as reported in DIEP Table 2, yet is not depicted as a FP location on the appropriate plume diagram. No discussion of well MW-8 was noted in the DIEP.

Additionally, numerous soil bores have been advanced across the site for the collection of grab groundwater samples. As examples, bore MFC-37 was reported to contain a sheen but is not included in either of the plumes depicted on the groundwater figure, and bore GP-4, reported to contain 0.60-foot of FP, is not summarized in the tables nor is it depicted on the figures.

ACEH requests a review of the groundwater data for an update to the appropriate table and figure to be included in the report requested below.

5. **Indirect Evidence - Groundwater** – As discussed above, it appears only groundwater data for the existing monitoring well network has been reviewed for the DIEP. ACEH requests a review of all the groundwater data and an update to the appropriate table and figure for inclusion in the report requested below.
6. **Indirect Evidence - Vapor** – A review of the data in Table 4 identifies MFC-37 as having indirect evidence of FP; however, this soil bore is not included in the plume map for vapor, Figure 2. Additionally, GP-5, a soil bore not depicted on Figure 2, was reported to have a PID reading of 1,544 parts per million (ppm).

ACEH requests a review of the vapor data for an update to the table and figure to be included in the report requested below.

7. **Plume Map** – ACEH requests preparation of a plume map showing the area of the plume, showing the direct evidence (soil and groundwater) and indirect evidence (soil, groundwater, and vapor) as a reference for planning purposes to aid future site development.
8. **Supporting Documentation** – The supporting documentation to the LTCP referenced above as *Technical Justification for Low-Threat Closure Scenarios for Petroleum Vapor Intrusion Pathway* (SWRCB, 2011) has been updated. ACEH requests the SWRCB document entitled *Technical Justification for Vapor Intrusion Media-Specific Criteria (Final 03-21-2012)* be referenced for the direct and indirect evidence of FP.

TECHNICAL REPORT REQUEST

Please upload technical reports to the ACEH ftp site (Attention: Keith Nowell), and to the State Water Resources Control Board's Geotracker website, in accordance with the following specified file naming convention and schedule:

- **August 19, 2016** – Revised Direct and Indirect Evidence of Product Report
(File to be named: MISC_R_yyyy-mm-dd)

These reports are being requested pursuant to California Health and Safety Code Section 25296.10. 23 CCR Sections 2652 through 2654, and 2721 through 2728 outline the responsibilities of a responsible party in response to an unauthorized release from a petroleum UST system, and require your compliance with this request.

Online case files are available for review at the following website: <http://www.acgov.org/aceh/index.htm>.

Thank you for your cooperation. ACEH looks forward to working with you and your consultants to advance the case toward closure. Should you have any questions regarding this correspondence or your case, please call me at (510) 567-6764 or send an electronic mail message at keith.nowell@acgov.org

Sincerely,

Keith Nowell, PG, CHG
Hazardous Materials Specialist

Enclosures: Attachment 1 – Responsible Party (ies) Legal Requirements / Obligations
Electronic Report Upload (ftp) Instructions

cc: Diane Heinze, Port of Oakland, 530 Water Street, Oakland, CA 94604-2064
(Sent via electronic mail to: dheinze@portoakland.com)

Katherine Brandt, ARCADIS U.S., Inc., 2000 Powell Street, 7th Floor, Emeryville, CA 94608
(Sent via electronic mail to: Katherine.Brandt@arcadis-us.com)

Dilan Roe, ACEH, (Sent via electronic mail to: dilan.roe@acgov.org)
Keith Nowell, ACEH, (Sent via electronic mail to keith.nowell@acgov.org)
Electronic File, GeoTracker

Attachment 1

Responsible Party(ies) Legal Requirements / Obligations

REPORT REQUESTS

These reports are being requested pursuant to California Health and Safety Code Section 25296.10. 23 CCR Sections 2652 through 2654, and 2721 through 2728 outline the responsibilities of a responsible party in response to an unauthorized release from a petroleum UST system, and require your compliance with this request.

ELECTRONIC SUBMITTAL OF REPORTS

ACEH's Environmental Cleanup Oversight Programs (LOP and SLIC) require submission of reports in electronic form. The electronic copy replaces paper copies and is expected to be used for all public information requests, regulatory review, and compliance/enforcement activities. Instructions for submission of electronic documents to the Alameda County Environmental Cleanup Oversight Program FTP site are provided on the attached "Electronic Report Upload Instructions." Submission of reports to the Alameda County FTP site is an addition to existing requirements for electronic submittal of information to the State Water Resources Control Board (SWRCB) GeoTracker website. In September 2004, the SWRCB adopted regulations that require electronic submittal of information for all groundwater cleanup programs. For several years, responsible parties for cleanup of leaks from underground storage tanks (USTs) have been required to submit groundwater analytical data, surveyed locations of monitoring wells, and other data to the GeoTracker database over the Internet. Beginning July 1, 2005, these same reporting requirements were added to Spills, Leaks, Investigations, and Cleanup (SLIC) sites. Beginning July 1, 2005, electronic submittal of a complete copy of all reports for all sites is required in GeoTracker (in PDF format). Please visit the SWRCB website for more information on these requirements (http://www.waterboards.ca.gov/water_issues/programs/ust/electronic_submittal/).

PERJURY STATEMENT

All work plans, technical reports, or technical documents submitted to ACEH must be accompanied by a cover letter from the responsible party that states, at a minimum, the following: "I declare, under penalty of perjury, that the information and/or recommendations contained in the attached document or report is true and correct to the best of my knowledge." This letter must be signed by an officer or legally authorized representative of your company. Please include a cover letter satisfying these requirements with all future reports and technical documents submitted for this fuel leak case.

PROFESSIONAL CERTIFICATION & CONCLUSIONS/RECOMMENDATIONS

The California Business and Professions Code (Sections 6735, 6835, and 7835.1) requires that work plans and technical or implementation reports containing geologic or engineering evaluations and/or judgments be performed under the direction of an appropriately registered or certified professional. For your submittal to be considered a valid technical report, you are to present site specific data, data interpretations, and recommendations prepared by an appropriately licensed professional and include the professional registration stamp, signature, and statement of professional certification. Please ensure all that all technical reports submitted for this fuel leak case meet this requirement.

UNDERGROUND STORAGE TANK CLEANUP FUND

Please note that delays in investigation, later reports, or enforcement actions may result in your becoming ineligible to receive grant money from the state's Underground Storage Tank Cleanup Fund (Senate Bill 2004) to reimburse you for the cost of cleanup.

AGENCY OVERSIGHT

If it appears as though significant delays are occurring or reports are not submitted as requested, we will consider referring your case to the Regional Board or other appropriate agency, including the County District Attorney, for possible enforcement actions. California Health and Safety Code, Section 25299.76 authorizes enforcement including administrative action or monetary penalties of up to \$10,000 per day for each day of violation.

Alameda County Environmental Cleanup Oversight Programs (LOP and SLIC)	REVISION DATE: May 15, 2014
	ISSUE DATE: July 5, 2005
	PREVIOUS REVISIONS: October 31, 2005; December 16, 2005; March 27, 2009; July 8, 2010, July 25, 2010
SECTION: Miscellaneous Administrative Topics & Procedures	SUBJECT: Electronic Report Upload (ftp) Instructions

The Alameda County Environmental Cleanup Oversight Programs (LOP and SLIC) require submission of all reports in electronic form to the county's ftp site. Paper copies of reports will no longer be accepted. The electronic copy replaces the paper copy and will be used for all public information requests, regulatory review, and compliance/enforcement activities.

REQUIREMENTS

- **Please do not submit reports as attachments to electronic mail.**
- Entire report including cover letter must be submitted to the ftp site as **a single portable document format (PDF) with no password protection.**
- It is **preferable** that reports be converted to PDF format from their original format, (e.g., Microsoft Word) rather than scanned.
- **Signature pages and perjury statements must be included and have either original or electronic signature.**
- **Do not password protect the document.** Once indexed and inserted into the correct electronic case file, the document will be secured in compliance with the County's current security standards and a password. **Documents with password protection will not be accepted.**
- Each page in the PDF document should be rotated in the direction that will make it easiest to read on a computer monitor.
- Reports must be named and saved using the following naming convention:

RO#_Report Name_Year-Month-Date (e.g., RO#5555_WorkPlan_2005-06-14)

Submission Instructions

- 1) Obtain User Name and Password
 - a) Contact the Alameda County Environmental Health Department to obtain a User Name and Password to upload files to the ftp site.
 - i) Send an e-mail to deh.loptoxic@acgov.org
 - b) In the subject line of your request, be sure to include "**ftp PASSWORD REQUEST**" and in the body of your request, include the **Contact Information, Site Addresses**, and the **Case Numbers (RO# available in Geotracker) you will be posting for.**
- 2) Upload Files to the ftp Site
 - a) Using Internet Explorer (IE4+), go to <ftp://alcoftp1.acgov.org>
 - (i) Note: Netscape, Safari, and Firefox browsers will not open the FTP site as they are NOT being supported at this time.
 - b) Click on Page located on the Command bar on upper right side of window, and then scroll down to Open FTP Site in Windows Explorer.
 - c) Enter your User Name and Password. (Note: Both are Case Sensitive.)
 - d) Open "My Computer" on your computer and navigate to the file(s) you wish to upload to the ftp site.
 - e) With both "My Computer" and the ftp site open in separate windows, drag and drop the file(s) from "My Computer" to the ftp window.
- 3) Send E-mail Notifications to the Environmental Cleanup Oversight Programs
 - a) Send email to deh.loptoxic@acgov.org notify us that you have placed a report on our ftp site.
 - b) Copy your Caseworker on the e-mail. Your Caseworker's e-mail address is the entire first name then a period and entire last name @acgov.org. (e.g., firstname.lastname@acgov.org)
 - c) The subject line of the e-mail must start with the RO# followed by **Report Upload**. (e.g., Subject: RO1234 Report Upload) If site is a new case without an RO#, use the street address instead.
 - d) If your document meets the above requirements and you follow the submission instructions, you will receive a notification by email indicating that your document was successfully uploaded to the ftp site.