



ENVIRONMENTAL HEALTH SERVICES
ENVIRONMENTAL PROTECTION
1131 Harbor Bay Parkway, Suite 250
Alameda, CA 94502-6577
(510) 567-6700
FAX (510) 337-9335

May 10, 2016

Raj Mulkh & Bhatia Kulwinder, et. al.
4445 Pinewood Drive
Union City, CA 94587-4824

Vintners Distributors, Inc
28456 Century Street
Hayward, CA 94545-4800

Hollis Phillips
ARCADIS U.S., Inc
100 Montgomery, Suite 300
San Francisco, CA 94104
(Sent via email to:
Hollis.Phillips@arcadis-us.com)

Jim Smith
BP Contracts Manager
201 Helios Way, Sixth Floor
Houston, TX, 77079
(Sent via email to:
Jim.Smith2@bp.com)

Subject: Request for Data and Analysis; Fuel Leak Case No. RO0000076 and GeoTracker Global ID T0600100110, ARCO #04931, 731 W Macarthur Blvd, Oakland, CA 94609

Dear Responsible Parties:

This letter is in followup to a meeting held in the offices of the Alameda County Department of Environmental Health (ACDEH) on January 12, 2016, in an effort to move the case toward closure under the State Water Resource Control Board's Low Threat Closure Policy (LTCP). Thank you for attending the meeting. During the meeting, site data was reviewed to limit the areas of remaining concern under the LTCP.

Based on the meeting discussions ACDEH requests that you address the following technical comments and send us the items requested below.

TECHNICAL COMMENTS

- 1. LTCP Media Specific Criteria for Groundwater** – To satisfy the media-specific criteria for groundwater, the contaminant plume that exceeds water quality objectives must be stable or decreasing in areal extent, and meet all of the additional characteristics of one of the five classes of sites listed in the policy.

Our review of the case files in the meeting indicates that sufficient data collection and analysis has not been presented to support the requisite characteristics of plume stability or plume classification as follows:

- a. Potential Receptor Separation Distance From Contamination** – As discussed in the meeting, all residential homes facing the service station across West Street, and all residential homes at least two parcels to the east of the service station (along both W. MacArthur Boulevard and 37th Street), did not respond to the sensitive receptor survey questionnaire which asked, among other items, about the presence of basements. It is understood that the immediately adjacent residential parcel to the northeast contains at least a partial basement.

Despite the number of soil bores and groundwater wells installed to investigate the site, depth to first groundwater at the site remains poorly understood due to past data collection methods. Available data provides conflicting data and the potential for either a water table aquifer, or a confined aquifer to be present. Based on the bore log for recently installed SB-7, the depth to first water downgradient of the site is approximately eight feet below grade surface (bgs). The known presence of a partial basement immediately adjacent to the site may result in the removal of approximately eight feet of separation (based on standard basement depths) between contaminated groundwater or soil vapor and a receptor, and place these undefined receptors at risk of exposure to the contamination. Therefore as discussed in the meeting, it appeared reasonable to conduct a desktop

detailed analysis of the construction of homes to the northeast and southeast of the site using the Google Street view function, with a followup field reconnaissance confirmation, and potential additional outreach to the homes, if appropriate.

- 2. LTCP Media Specific Criteria for Vapor Intrusion to Indoor Air** – The LTCP describes conditions, including bioattenuation zones, which if met will assure that exposure to petroleum vapors in indoor air will not pose unacceptable health risks to human occupants of existing or future site buildings, and adjacent parcels. Appendices 1 through 4 of the LTCP criteria illustrate four potential exposure scenarios and describe characteristics and criteria associated with each scenario.

As discussed in the August 19, 2015 directive letter, our review of the case files indicates that the site data collection and analysis has not supported the requisite characteristics of one of the four scenarios. Specifically, the risk for vapor intrusion to indoor air to occupants in the adjacent residential home with a partial basement located to the northeast of the site in the vicinity of SV-7 and SV-8 has not been adequately assessed. The soil vapor sample collected from SV-8 was collected from a depth of 5 feet below grade surface (bgs) rather than at 5 feet below the foundation depth. Additionally, the presence of less than 4% oxygen (1.3%) at 5 feet bgs, coupled with an elevated benzene detection limit (nondetectable at < 180 micrograms per cubic meter [$\mu\text{g}/\text{m}^3$] approximately 15 to 20 feet from the residence and basement, does not support selection of Scenario 4a of the LTCP at the site.

As discussed in the meeting, potential approaches to obtaining the data to determine if the offsite residential home is protected, include data mining, and / or the collection of soil analytical data (TPHg, BTEX, MTBE, and naphthalene) between five and 10 feet bgs, establishing the thickness of the vadose / bioattenuation zone, collection of groundwater in proximity to the parcel boundary, and / or the collection of additional soil vapor analytical data onsite in proximity to the home. In your review of site data, or the collection of new data, please be aware that ACDEH cannot recognize non-detectable concentrations above identified goals (either LTCP defined, or other) as suitable for determining the level of risk to a receptor.

- 3. Data Gap Evaluation and / or Work Plan** – Based on the discussion above, ACDEH requests a site data gap evaluation and / or the submittal of a brief data gap work plan, as needed or appropriate, by the date identified below. As before, if a work plan is submitted, please reference existing standard protocols in an attempt to limit the level of effort.
- 4. Groundwater Monitoring** – Please continue to conduct groundwater monitoring annually in August of a given year to capture worst case groundwater concentrations. Please include all wells, and submit a report by the date identified below.

TECHNICAL REPORT REQUEST

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

- **July 29, 2016** – Appropriate Technical Response
File to be named: WP_R_YYYY-mm-dd or MISC_R_YYYY-mm-dd
- **October 31, 2016** - 2016 Annual Groundwater Monitoring Event
File to be named: GWM_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>. If your email address does not appear on the cover page of this notification, ACDEH is requesting you provide your email address so that we can correspond with you quickly and efficiently regarding your case.

Ladies & Gentlemen
RO0000076
May 10, 2016, Page 3

Thank you for your cooperation. ACDEH looks forward to working with you and your consultants to advance the case toward closure. If you have any questions, please call me at (510) 567-6876 or send me an electronic mail message at mark.detterman@acgov.org.

Sincerely,

Mark E. Detterman, PG, CEG
Senior Hazardous Materials Specialist

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

cc: Dilan Roe, ACDEH, (Sent via electronic mail to dilan.roe@acgov.org)
Mark Detterman, ACDEH, (sent via electronic mail to mark.detterman@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.