



ENVIRONMENTAL HEALTH SERVICES  
ENVIRONMENTAL PROTECTION  
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February 10, 2011

Pritpaul Sappal (Sent via E-mail to: [paulsappal@yahoo.com](mailto:paulsappal@yahoo.com))  
2718 Wahburn Court  
Vallejo, CA 94591

Subject: Fuel Leak Case No. RO0000127 and GeoTracker Global ID T0600101804, Alaska Gasoline Station, 6211 San Pablo Avenue, Oakland, CA 94608

Dear Mr. Sappal:

Thank you for the recently submitted document entitled, "Well Installation & Feasibility Study Report," dated October 5, 2010, which was prepared by AEI Consultants for the subject site. Alameda County Environmental Health (ACEH) staff has reviewed the case file including the above-mentioned report for the above-referenced site. AEI completed soil vapor extraction and air sparging feasibility study testing to evaluate the feasibility of several remedial alternatives including bio-venting and ozone sparging. Based on results of the pilot testing, AEI has recommended that the site be considered for "Low Risk" Closure based on SWRCB adopted Resolution 2009-0081.

ACEH does not concur with AEI's recommendation that the site be considered for "Low Risk" closure since significantly elevated concentrations of petroleum hydrocarbons are present in the soil, groundwater, and soil vapor at the site and the site appears to pose a potential risk to human health and the environmental, including potential vapor intrusion at the adjacent apartment building. Therefore, a case closure evaluation cannot be approved at this time. ACEH requests that you address the following technical comments and send us a Corrective Action Plan work plan as requested below.

#### **TECHNICAL COMMENTS**

1. **Corrective Action** – AEI states that the site appears to address the criteria cited in the SWRCB adopted Resolution 2009-0081, drafted in November 2009, "which directed agencies to use the decision framework in the 14 case closures to close low-risk sites, and stated that such closures are consistent with SWRCB Resolution 92-49." It appears that AEI may be referring to the draft "Low Threat" Policy that was circulated by the SWRCB. In any event, please note that the draft Policy has not been adopted and passage appears dubious at this time. Therefore, to consider a possible closure argument, a comparison of site conditions has been made to the San Francisco Bay Regional Water Quality Control Board's criteria for a "Low Risk Groundwater Case," and the site does not appear to satisfy all of the criteria for a "Low Risk Groundwater Case."

Based on analytical results collected to date, there appears to a significant source remaining at the site, which continues to degrade groundwater and may be causing a potential contaminant volatilization to indoor air condition on and off-site.

ACEH concurs that the groundwater contaminant plume may be possibly defined at this time. However, additional groundwater monitoring of newly installed wells is necessary before a determination can be made regarding groundwater contaminant plume stability.

AEI states that the groundwater is not of beneficial use at the site. Please note that according to the San Francisco Bay RWQCB's Water Quality Control Plan (Basin Plan) for the San Francisco Bay Basin, "the term 'groundwater' includes all subsurface waters, whether or not these waters meet the classic definition of an aquifer or occur within identified groundwater basins." It is also stated in the Basin Plan that "all groundwaters are considered suitable, or potentially suitable, for municipal or domestic water supply (MUN)." Therefore, the groundwater beneath the subject site must be considered beneficial for these uses unless shown to be non-beneficial using criteria presented in the Basin Plan. To that end, in the upcoming Corrective Action Plan, please revise the cleanup goals for the appropriate groundwater designation or justify that groundwater is not a potential drinking water resource.

AEI states that "[v]apor samples from SG-2S and SG-6 near the western property boundary did not fall under the low flow category and indicated significant hydrocarbon concentrations are present in the soil vapor to the north and south of the onsite building." AEI then states that "[f]urther investigation and/or remediation may be necessary to better assess the soil conditions along the western property boundary north and south of the onsite building." ACEH concurs that remediation may be necessary at the site since significantly elevated concentrations of TPH-g ( $50,000,000 \mu\text{g}/\text{m}^3$ ) and benzene ( $750,000 \mu\text{g}/\text{m}^3$ ) have been detected at the site albeit in potentially saturated soils and the site appears to pose a potential risk to human health and the environment on and off-site.

Based on the above comparison, the site does not appear to satisfy the criteria for a "Low Risk Groundwater Case" and a Corrective Action Plan is due by the date specified below.

### **NOTIFICATION OF FIELDWORK ACTIVITIES**

Please schedule and complete the fieldwork activities by the date specified below and provide ACEH with at least three (3) business days notification prior to conducting the fieldwork.

### **TECHNICAL REPORT REQUEST**

Please submit technical reports to ACEH (Attention: Paresh Khatri), according to the following schedule:

- **March 25, 2011** – Corrective Action Plan
- **Due within 45 Days of Sampling** – Semi-annual Monitoring Report (1<sup>st</sup> Quarter 2011)
- **Due within 45 Days of Sampling** – Semi-annual Monitoring Report (3<sup>rd</sup> Quarter 2011)

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Thank you for your cooperation. Should you have any questions or concerns regarding this correspondence or your case, please call me at (510) 777-2478 or send me an electronic mail message at [paresh.khatri@acgov.org](mailto:paresh.khatri@acgov.org).

Sincerely,

Paresh C. Khatri  
Hazardous Materials Specialist

Enclosure: Responsible Party(ies) Legal Requirements/Obligations  
ACEH Electronic Report Upload (ftp) Instructions

cc: Peter McIntyre, AEI Consultants, 2500 Camino Diablo, Walnut Creek, CA 94597 (*Sent via E-mail to: [pmcintyre@aeiconsultants.com](mailto:pmcintyre@aeiconsultants.com)*)  
Leroy Griffin, Oakland Fire Department, 250 Frank H. Ogawa Plaza, Ste. 3341, Oakland, CA 94612-2032 (*Sent via E-mail to: [lgriffin@oaklandnet.com](mailto:lgriffin@oaklandnet.com)*)  
Donna Drogos, ACEH (*Sent via E-mail to: [donna.drogos@acgov.org](mailto:donna.drogos@acgov.org)*)  
Paresh Khatri, ACEH (*Sent via E-mail to: [paresh.khatri@acgov.org](mailto:paresh.khatri@acgov.org)*)  
GeoTracker  
File

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.swrcb.ca.gov/ust/electronic\\_submittal/report\\_rqmts.shtml](http://www.swrcb.ca.gov/ust/electronic_submittal/report_rqmts.shtml)).

**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.

<b>Alameda County Environmental Cleanup Oversight Programs (LOP and SLIC)</b>	<b>ISSUE DATE:</b> July 5, 2005
	<b>REVISION DATE:</b> March 27, 2009
	<b>PREVIOUS REVISIONS:</b> December 16, 2005, October 31, 2005
<b>SECTION:</b> Miscellaneous Administrative Topics & Procedures	<b>SUBJECT:</b> 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

- Entire report including cover letter must be submitted to the ftp site as a **single portable document format (PDF) with no password protection**. (Please do not submit reports as attachments to electronic mail.)
- 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)

#### Additional Recommendations

- A separate copy of the tables in the document should be submitted by e-mail to your Caseworker in **Excel** format. These are for use by assigned Caseworker only.

#### 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 [dehloptoxic@acgov.org](mailto:dehloptoxic@acgov.org)  
Or
    - ii) Send a fax on company letterhead to (510) 337-9335, to the attention of My Le Huynh.
  - 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 and Firefox browsers will not open the FTP site.
  - b) Click on File, then on Login As.
  - 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 [dehloptoxic@acgov.org](mailto:dehloptoxic@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.