



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

April 23, 2013

Mr. Pete Mizera  
State Water Resources Control Board  
1001 I Street, 16<sup>th</sup> Floor  
Sacramento, CA 95814  
(Sent via E-mail to: [USTClosuresComments@waterboards.ca.gov](mailto:USTClosuresComments@waterboards.ca.gov))

Subject: **Comment Letter – RAS-CO Manufacturing Co. Case Closure Summary**, Notice of Opportunity for Public Comment; Underground Storage Tank Cleanup Fund Case Closure Recommendation; Claim Number 10081; Fuel Leak Case No. RO0000164 and GeoTracker Global ID T0600101947, RAS-CO Manufacturing, 413 West Sunset Boulevard, Hayward, CA 94541

Dear Mr. Mizera:

Alameda County Environmental Health (ACEH) staff has received the Underground Storage Tank Cleanup Fund's (USTCF's or Fund's) *Notice of Opportunity for Public Comment* dated February 28, 2013, for the subject site. The purpose of the Notice is to inform interested parties of 1) the USTCF's intent to recommend closure of the subject site to the California State Water Resources Control Board's (SWRCBs) Executive Director, and 2) the sixty day public comment period on the Fund's *UST Case Closure Summary Report* (Case Closure Summary), dated February 25, 2013. According to the Notice, written comments to the SWRCB on the Fund's Case Closure Summary must be received by 12:00 noon on April 24, 2013. This letter herein transmits ACEH's comments.

#### **Requirements for Investigation and Cleanup of Unauthorized Releases from USTs**

ACEH reviewed the USTCF's *UST Case Closure Review Summary Report*, dated February 25, 2013, prepared by Roger Hoffmore, and signed by Lisa Babcock, including *Attachment 1: Compliance with State Water Board Policies and State Law*, and *Attachment 2: Summary of Basic Site Information (Conceptual Site Model)* in conjunction with the case files for the above-referenced site. A complete record of the case files (i.e., regulatory directives and correspondence, reports, data submitted in electronic deliverable format, etc.) can be obtained through review of both the SWRCB's Geotracker database, and the ACEH website at <http://www.acgov.org/aceh/index.htm>.

ACEH's review was guided by the requirements for investigation and cleanup of unauthorized releases from underground storage tanks (USTs) contained in the following resolutions, policies, codes, and regulations:

- SWRCB's Low-Threat Underground Storage Tank Case Closure Policy (LTCP), adopted on May 1, 2012; and effective August 17, 2012;
- California Code of Regulations (CCR) Title 23, Article 5 and Article 11, Underground Storage Tank Regulations, as amended and effective July 1, 2011;
- California Health & Safety Code (HS&C) Sections 25280-15299.8, Underground Storage of Hazardous Substances, as amended on January 1, 2011;
- SWRCB Resolution 1992-0049, Policies and Procedures for the Cleanup and Abatement of Discharges under California Water Code Section 13304, as amended on April 21, 1994 and October 2, 1996;

- San Francisco Bay Regional Water Quality Control Board's (RWQCB) San Francisco Bay Basin (Region 2) Water Quality Control Plan (Basin Plan).

### Application of Case Review Tools

ACEH's case closure evaluation was also guided by the application of the principles and strategies presented in the *Leaking Underground Fuel Tank Guidance Manual* (CA LUFT Manual), dated September 2012, developed by the SWRCB "...[t]o provide guidance for implementing the requirements established by the Case Closure Policy" and associated reference documents including but not limited to:

- *Technical Justification for Vapor Intrusion Media-Specific Criteria*, SWRCB dated March 21, 2012;
- *Technical Justification for Groundwater Media-Specific Criteria*, SWRCB dated April 24, 2012;
- *Technical Justification for Soil Screening Levels for Direct Contact and Outdoor Air Exposure Pathways*, SWRCB dated March 15, 2012;
- *Guidance for the Evaluation and Mitigation of Subsurface Vapor Intrusion to Indoor Air, Final DTSC*, dated October, 2011;
- *Evaluating LNAPL Remedial Technologies for Achieving Project Goals, Interstate Technology Regulatory Council*

ACEH also utilized other case review tools developed by the SWRCB to aid in determining compliance of the subject fuel leak site with LTCP criteria, including both the paper *Policy Checklist* (available at [www.waterboards.ca.gov/ust/docs/checklist.pdf](http://www.waterboards.ca.gov/ust/docs/checklist.pdf)) and the electronic version of the *Policy Checklist* (available on the SWRCB's GeoTracker website at <http://geotracker.waterboards.ca.gov>). Additionally, ACEH staff utilizes a *Data Gap Identification Tool* (DGIT) to facilitate consistent application of the LTCP by ACEH staff, assist in identification of impediments to closure, and document our decision making process as transparently as possible for interested parties.

ACEH's evaluation of the subject site is presented below.

### Summary of ACEH's Review of the USTCF's UST Case Closure Summary

ACEH is in agreement with the Fund's recommendation for case closure; however disagrees with the representation of ACEH's objectives, and the scenarios the Fund selected to demonstrate compliance with the Vapor Intrusion to Indoor Air and Direct Contact and Outdoor Air Exposure media specific criteria as follows:

1. **Objections to Closure** – In the Case Closure Summary Report, the Fund presents a summary of ACEH's objections to case closure. ACEH notes that the majority of objections listed are dated and have been addressed to ACEH's satisfaction by the collection of data subsequent to the time ACEH recorded the objections in response to the Second USTCF 5-Year Review Summary dated October 12, 2011. The removal of closure objections has previously been communicated with the USTCF, and included obtaining USTCF concurrence with ACEH initiation of the closure process.
2. **Soil Only Case** – The Fund characterizes the site as a soil only case in the Case Closure Review Summary Report. ACEH notes that the presence of methyl tert-butyl ether (MTBE) at a concentration of 1,200 micrograms per liter (µg/L) in the onsite agricultural well in 1996 indicates the unauthorized release historically impacted groundwater resources at the site. The USTCF concurrence with funding for the sampling of one downgradient domestic well in 2012 is an acknowledgement of this fact.
3. **Vapor Intrusion to Indoor Air** – The USTCF has found that the site fits Policy Criterion 2a, Scenario 3 of the Media Specific Criteria for Vapor Intrusion to Indoor Air and states that benzene concentrations are less than 100 milligrams per kilogram (mg/kg) in the upper 10 feet of soil. ACEH's notes that Criterion 2a, Scenario 3 requires total petroleum hydrocarbon (TPH) to be less than 100 mg/kg, rather than benzene. ACEH's review of the case files indicates that except for UST removal confirmation soil samples, no soil samples have been collected at the site above 12 feet below ground surface (bgs). The three UST removal confirmation soil samples contained up

to 5,000 mg/kg TPH, and have been overexcavated. All other "shallow" soil samples were collected from stockpiled soil. ACEH notes that the former dispenser location was not sampled at the time of the UST removal and has the potential for shallow soil contamination. Consequently, ACEH is not in agreement that this site meets Policy Criterion 2a, Scenario 3 of the Media Specific Criteria for Vapor Intrusion to Indoor Air. ACEH recommends the site be closed under Policy Criteria 2c which would require implementation of site institutional or engineering controls at the time of construction or redevelopment at the site due to the lack of shallow soil data.

- 4. Direct Contact and Outdoor Air Exposure** – The USTCF has found that the site fits Policy Criterion 3a of the Media Specific Criteria for Direct Contact and Outdoor Air Exposure. Again ACEH notes that no soil samples have been collected at the site above 12 feet bgs, and that the former dispenser location was not sampled at the time of the UST removal and has the potential for shallow soil contamination. As noted above, the three UST removal confirmation soil samples contained up to 5,000 mg/kg TPH, and have been overexcavated. All other "shallow" soil samples were collected from stockpiled soil. Therefore, ACEH is in disagreement that this site meets Policy Criterion 3a. ACEH recommends the site be closed under Criteria 3.3 and require implementation of site institutional or engineering controls at the time of construction or redevelopment at the site.

## Conclusions

ACEH is in agreement that the case qualifies for closure under the LTCP; however disagrees with the scenarios selected by the Fund to satisfy the media specific criteria for Vapor Intrusion to Indoor Air and Direct Contact and Outdoor Air Exposure.

Thank you for providing ACEH with the opportunity to comment on the subject site. Should you have any questions regarding the responses above, please contact Mark Detterman at (510) 567-6876 or send him an electronic mail message at [mark.detterman@acgov.org](mailto:mark.detterman@acgov.org).

Sincerely,

Dilan Roe, P.E.  
Supervising Hazardous Materials Specialist

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

cc: Ken Price; Environmental Risk Specialties Corporation, 1600 Riviera Avenue, Suite 310, Walnut Creek, California 94596; (sent via electronic mail to [kprice@erscorp.us](mailto:kprice@erscorp.us))

Mr. John Randall, Chevron Products Co, 6101 Bollinger Canyon Road, #5244, San Ramon, CA 94583

Lisa Babcock, State Water Resources Control Board, Division of Financial Assistance, 1001 I Street, Sacramento, CA 95814; (Sent via E-mail to: [LBabcock@waterboards.ca.gov](mailto:LBabcock@waterboards.ca.gov))

Roger Hoffmore, State Water Resources Control Board, Division of Financial Assistance, 1001 I Street, Sacramento, CA 95814; (Sent via E-mail to: [RHoffmore@waterboards.ca.gov](mailto:RHoffmore@waterboards.ca.gov))

Robert Trommer, State Water Resources Control Board, Division of Financial Assistance, 1001 I Street, Sacramento, CA 95814; (Sent via E-mail to: [RTrommer@waterboards.ca.gov](mailto:RTrommer@waterboards.ca.gov))

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Mary Rose Cassa, San Francisco Regional Water Quality Control Board, 1515 Clay Street, Suite  
1400, Oakland, CA 94612

Donna Drogos, (sent via electronic mail to [donna.drogos@acgov.org](mailto:donna.drogos@acgov.org))  
Mark Detterman (sent via electronic mail to [mark.detterman@acgov.org](mailto:mark.detterman@acgov.org))  
Dilan Roe (sent via electronic mail to [dilan.roe@acgov.org](mailto:dilan.roe@acgov.org))  
Electronic File, GeoTracker