



June 9, 2011

ENVIRONMENTAL HEALTH DEPARTMENT
ENVIRONMENTAL PROTECTION
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Jeffrey R. Jones (*Sent via E-mail to: jjones@portoakland.com*)
Port of Oakland
530 Water Street
Oakland, CA 94607

Jeffrey L. Rubin (*Sent via E-mail to: jrubin@portoakland.com*)
Port of Oakland
530 Water Street
Oakland, CA 94607

Subject: Feasibility Study Evaluation for Fuel Leak Case No. RO0000010 & RO0000187,
(GeoTracker Global ID T0600101866 & T0600100892), Port of Oakland, 651 Maritime
Street, Oakland, CA 94607

Dear Messrs. Jones and Rubin:

Thank you for the recently submitted document entitled, "Feasibility Study/Corrective Action Plan," dated March 15, 2011, which was prepared by Malcolm Pirnie, Inc. (Malcolm Pirnie) 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. ACEH requested that a Feasibility Study/Corrective Action Plan (FS/CAP) be prepared for the site since previous remedial methods appeared to have minimal success in abating free product present at the site. Although free product is still present at the site, Malcolm Pirnie recommends monitored natural attenuation as the most cost-effective remedial alternative to clean-up the site. Based on a review of the above-mentioned FS/CAP, it would seem as though only cost was considered in evaluating the remedial alternatives. Also, some of the assumptions in the evaluation of implementing monitored natural attenuation do not appear adequately justified. It is important to note that free-phase product removal began in 1996 and continued until 2003. A free-phase product removal system was installed in 2004 and continued to operate until ACEH pointed out its ineffectiveness in remediating the site. Therefore, several years of ineffective free-product removal (which is more aggressive than monitored natural attenuation) continued unsuccessfully at the site, and now Malcolm Pirnie is proposing that monitoring natural attenuation be implemented at the site to abate free product and move the case towards closure.

The remedial alternative presented in the FS/CAP does not appear to have been adequately justified and cannot be approved at this time. ACEH requests that you address the following technical comments and send us a revised FS/CAP as requested below.

TECHNICAL COMMENTS

1. **Feasibility Study/Corrective Action Plan** – As mentioned above, free-phase product removal began as early as 1996 and free product is currently still detected at the Site. In

Section 5.2 Remedial Action Objectives, Malcolm Pirnie states that “[r]emedial actions implemented at the Site are required to comply with application portions of Title 23, California Code of Regulations (23 CCR), Division 3, Chapter 16, Sections 2655 and 2725-2727; and the Regional Water Board’s Basin Plan. Therefore, the selected remedy must: ...[r]emove product from the subsurface to the extent practicable.” In this case, for the most part, passive product removal methods have been implemented with limited success. Other more effective and readily implementable remedial measures were not considered due to short-term costs. Therefore, free product removal to the extent practicable has not been performed at this site.

One of the assumptions in the FS/CAP was that the “Regional Water Board has recommended that the Oakland Shoreline/Alameda Point Brackish Shallow Groundwater Zone (Zone C), which includes the Site, should be de-designated from municipal supply beneficial use.” However, at this time, the Regional Board Basin Plan does not show that this area has been de-designated. Therefore, groundwater in the vicinity of the site is designated as potential beneficial use.

It appears that not all costs associated with monitored natural attenuation were included in the evaluation comparing other remedial alternatives. Malcolm Pirnie states that the Monitored Natural Attenuation remedial alternative also included institutional and engineering controls. “Institutional controls include a deed restriction prohibiting use of the Site for sensitive land uses. Engineering controls include construction of a vapor barrier and negative pressure sub-slab ventilation system beneath on-Site buildings and adherence to the RMP during construction activities.” Should the above institutional control be implemented as a mitigation measure, periodic maintenance and monitoring would be necessary for the life of the structure, costs associated with these activities would be incurred by the Responsible Party, and the case would remain open indefinitely. Also, Malcolm Pirnie states that groundwater quality will be monitored for a period of five (5) years, and if plume stability can be demonstrated, no further action will be requested. Therefore, it is assumed that only five years of costs for natural attenuation remedial alternative are included. Malcolm Pirnie later states that “[r]emediation of the dissolved and free product plumes under this alternative may extend to more than 20 years.” It is not clear whether monitored natural attenuation will still be considered cost-effective after 20 years of monitoring and it is not certain that this alternative will reach water quality objectives in a reasonable time compared to other alternatives presented in the FS/CAP. Please note that the intent of the FS/CAP is to evaluate at least three viable alternatives for remedying or mitigating the actual or potential adverse effects of the unauthorized release(s) besides the “no action” and “monitored natural attenuation” remedial alternatives that will cost-effectively reach cleanup levels and cleanup goals in a reasonable timeframe. To address the above-mentioned concerns, please submit a revised FS/CAP due by the date specified below.

TECHNICAL REPORT REQUEST

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

- **August 5, 2011** – Feasibility Study / Corrective Action Plan
- **Due within 30 Days of Sampling** – Semi-annual Monitoring Report (3rd Quarter 2011)

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- **Due within 30 Days of Sampling** – Semi-annual Monitoring Report (1st Quarter 2011)

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.

Sincerely,

Paresh C. Khatri
Hazardous Materials Specialist

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

cc: Todd Miller, Malcolm Pirnie, 2000 Powell Street, Suite 1180, Emeryville, CA 94608 (*Sent via E-mail to: tmiller@pirnie.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*)
Donna Drogos, ACEH (*Sent via E-mail to: donna.drogos@acgov.org*)
Paresh Khatri, ACEH (*Sent via E-mail to: paresh.khatri@acgov.org*)
GeoTracker
File

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).

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: July 20, 2010
	ISSUE DATE: July 5, 2005
	PREVIOUS REVISIONS: October 31, 2005; December 16, 2005; March 27, 2009; July 8, 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 dehloptoxic@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.
 - 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 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.