

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY

REBECCA GEBHART, Interim Director



DEPARTMENT OF ENVIRONMENTAL HEALTH
LOCAL OVERSIGHT PROGRAM (LOP)
For Hazardous Materials Releases
1131 HARBOR BAY PARKWAY
ALAMEDA, CA 94502
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October 6, 2017

Ms. Carryl MacLeod
Chevron Environmental Management Co.
6101 Bollinger Canyon Road
San Ramon, CA 94583
(Sent via electronic mail to:
CMacLeod@chevron.com)

Mr. John Ratto
Ratto Land Company
P.O. Box 6104
Oakland, CA 94603-0104

Ms. Vivian McIlraith
Vivian L. McIlraith Trust
407 Castello Road
Lafayette, CA 94549

Subject: Response to Request for Closure, Fuel Leak Case No. RO0000233 (Global ID # T0600100333), Chevron #9-4612, 3616 San Leandro Street, Oakland, 94601

Dear Mesdames MacLeod and McIlraith, and Mr. Ratto:

Alameda County Department of Environmental Health (ACDEH) staff has reviewed the case file for the above referenced site including the report entitled *First Quarter 2017 Semi-Annual Groundwater Monitoring Report*, dated August 4, 2017, and the *Request for Case Closure*, (RFC) dated August 11, 2017. The reports were submitted on your behalf by Stantec Consulting Services, Inc. (Stantec). Thank you for the reports.

As you will recall, and as discussed in ACDEH's June 7, 2017 letter, the site has an atypical distribution of contamination, in that more elevated Photoionization Detector (PID) responses and odors are not at the groundwater interface at approximately 8 to 10 feet below grade surface (bgs), but at a depth of approximately 16 to 20 feet bgs. Deeper soils that documented elevated PID or odor responses have not been previously submitted for analytical testing. As a result of the data gap review, two downgradient soil bores were proposed in the *Site Conceptual Model and Data Gap Work Plan*, dated February 28, 2014, in order to collect grab groundwater samples to define the extent of groundwater contamination in a deep granular layer downgradient of the subject site, and ACDEH requested several modifications to the scope of work.

Attempts to place the two proposed soil bores have been hindered by the presence of a high pressure gas line across San Leandro Street, and a lack of progress in obtaining access to private property slightly further downgradient.

The previous directive letter dated June 7, 2017, ACDEH identified potential alternative methods to move the case towards closure. This included use of the Low Threat Closure Policy (LTCP) *Technical Justification for Groundwater Media-Specific Criteria* (State Water Board, April 24, 2012) to identify a search area for wells, surface water bodies, basements, and other potential sensitive receptors; the onsite investigation of apparently residual contamination at depth to obtain vertical soil contamination delineation; and the generation of a work plan addendum to incorporate all previously requested changes and potential changes to be identified and proposed.

In regards to the RFC, ACDEH has evaluated site data, in conjunction with the case files, to determine if the site is eligible for closure as a low risk site under the State Water Resources Control Board's (SWRCBs) Low Threat Underground Storage Tank Case Closure Policy (LTCP). Based on ACDEH staff review, we have determined that the site fails to meet the Media-Specific Criteria for Groundwater (see Geotracker for an updated LTCP checklist).

Based on the review of the case file ACDEH requests that you address the following technical comments and send us the documents 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 indicates that insufficient data collection and analysis has been presented to support the requisite characteristics of plume definition or plume classification as follows:

- a. **Upgradient Sources** – In the Request for Closure and previous documents, four upgradient sources were identified as potential contributors to groundwater contamination at the subject site, as follows:

- a. Tony's Express Auto Service; RO0000265; T0600101680; case closed January 2011;
- b. Shell #13-5682; RO0000867; T0600101256; case closed April 1998; and RO0002986; T1000000424; case closed March 2010 and revisited in August 2014;
- c. Fruitvale BART; RO0002490; T06019732174; SCP case open
- d. Fruitvale Transit Village; Regional Board Case # 01S0639; SL0600154423; Case pending closure

ACDEH's review of the analytical data at each of these sites finds that groundwater concentrations at the downgradient extent of each of the sites is either, substantially less than groundwater concentrations at the upgradient edge of the subject site at MW-3, or approximately equal to the concentrations in MW-3, but separated by 6 to 7 years of time which does not account for the potential for biodegradation over the intervening period of time, or over the distance between the cases.

Additionally, based on ACDEHs review of the rose diagram for the subject site, two and potentially three, of the cases do not appear to be upgradient, but rather cross-gradient.

ACDEH notes that investigation and documentation of the onsite flow of offsite groundwater contamination substantial enough to affect case closure has not been proposed or investigated at the site and may be a data gap if this remains a concern.

- b. **Groundwater Concentrations** – ACDEH is in agreement that, in general, groundwater concentrations are stable and meet this portion of the Criteria. However, with one exception, review of onsite groundwater concentrations for Total Petroleum Hydrocarbons as gasoline (TPHg) indicates a consistent and clear increasing concentration trend in the downgradient direction onsite over a not insubstantial period of time (a minimum of 10 years, back to at least February 2007). The most recent data from the referenced groundwater monitoring report is consistent with this observation, and TPHg concentrations increase in the downgradient direction onsite from well MW-3 to MW-2 or VH-1. These recent concentrations ranged from 1,400 micrograms per liter ($\mu\text{g/l}$), to 2,000 $\mu\text{g/l}$, to 3,000 $\mu\text{g/l}$, respectively. As noted above, the single exception is for the period between May 2014 and May 2016 at VH-1. TPHg concentrations in well VH-1 decreased during this period from those in upgradient well MW-3; however, concentrations in well MW-2 were consistently higher than those in well MW-3 during this brief period. Thus, consistent with multiple previously sampling events, the downgradient wells do not currently define the downgradient extent of groundwater TPHg contamination (please see Technical Comment 1c below as well).
- c. **Extent of Groundwater Plume** – The referenced RFC states that grab groundwater from offsite bores HA-1, HA-2, and HA-3 define the downgradient extent of groundwater contamination. Due to the consistent detection of odors and PID responses with depth (at 16 to 20 feet bgs) as discussed above, the vertical extent of soil contamination may not be defined, and the vertical and downgradient extent of the groundwater plume is not defined by the shallow groundwater sampled

by bores HA-1 to HA-3 with maximum sampling depths of 10 feet bgs. The consistent increasing TPHg concentration in the downgradient direction in onsite wells, screened variously between 5 or 7 feet to 20 or 30 feet, documents the downgradient extent of the groundwater TPHg plume has not been sufficiently defined. The proposed offsite downgradient bores have been intended to potentially satisfy this portion of the Groundwater-Media Specific Criteria.

Therefore, as requested in the previous directive letter dated June 7, 2017 ACDEH requests the submittal of a Work Plan Addendum, by the date identified below, to propose and incorporate alternative methods in moving the case to closure. Please refer to that letter for further details; however, ACDEH requests the use of the LTCP *Technical Justification for Groundwater Media-Specific Criteria* and the maximum TPHg plume length as defined by that document, investigation of the onsite residual contaminant distribution beneath the site rather than offsite, and the incorporation of previous work plan modifications into the addendum. Please update the sensitive receptor survey to include basements within 1,000 feet of the potential TPHg groundwater plume map (see *Technical Justification for Groundwater Media-Specific Criteria*) due to the potential for basements to intercept shallow groundwater, and identify water production wells installed since the well survey conducted nearly 25 years ago in 1993. The use of the Alameda County Public Works Agency (ACPWA) well database to augment the previous Department of Water Resources (DWR) well survey is appropriate.

- 2. Groundwater Monitoring** – Groundwater at the subject site was last monitored in June 2017. Please continue the semi-annual groundwater monitoring and sampling interval. The frequency may be reduced pending a review of analytical results. Please submit the semi-annual report by the date requested below.

SUBMITTAL ACKNOWLEDGEMENT STATEMENT

Please note that ACDEH has updated Attachment 1 with regard to report submittals to ACDEH. ACDEH will now be requiring a Submittal Acknowledgement Statement, replacing the Perjury Statement, as a cover letter signed by the Responsible Party (RP). The language for the Submittal Acknowledgement Statement is as follows:

I have read and acknowledge the content, recommendations and/or conclusions contained in the attached document or report submitted on my behalf to ACDEH's FTP server and the SWRCB's Geotracker Website.

Please make this change to your submittals to ACDEH.

TECHNICAL REPORT REQUEST

Please upload technical reports to the ACDEH 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:

- **December 8, 2017** – Work Plan Addendum
File to be named: RO233_WP_ADDEND_R_yyyy-mm-dd
- **March 2, 2018** – Second 2017 Semi-Annual Groundwater Monitoring Report
File to be named: RO233_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 is not listed on the first page of this letter, or in the list of cc's listed below, ACDEH is requesting your email address to help expedite communications and to help lower overall costs.

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: Travis Flora, Stantec Consulting Services, Inc, 15575 Los Gatos Blvd, Building C, Los Gatos, CA 95032; (Sent via electronic mail to: travis.flora@stantec.com)

Dilan Roe, ACDEH; (Sent via electronic mail to: dilan.roe@acgov.org)

Paresh Khatri, ACDEH; (Sent via electronic mail to: paresh.khatri@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

Alameda County Department of Environmental Health's (ACDEH) Environmental Cleanup Oversight Programs, Local Oversight Program (LOP) and Site Cleanup Program (SCP) 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 File Transfer Protocol (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 SCP 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 (http://www.waterboards.ca.gov/water_issues/programs/ust/electronic_submittal/) for more information on these requirements.

ACKNOWLEDGEMENT STATEMENT

All work plans, technical reports, or technical documents submitted to ACDEH must be accompanied by a cover letter from the responsible party that states, at a minimum, the following: "I have read and acknowledge the content, recommendations and/or conclusions contained in the attached document or report submitted on my behalf to ACDEH's FTP server and the SWRCB's GeoTracker website." 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 6731, 6735, and 7835) 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 licensed 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 case meet this requirement. Additional information is available on the Board of Professional Engineers, Land Surveyors, and Geologists website at: <http://www.bpelsg.ca.gov/laws/index.shtml>.

UNDERGROUND STORAGE TANK CLEANUP FUND

Please note that delays in investigation, late 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 SCP)	REVISION DATE: December 1, 2016
	ISSUE DATE: July 5, 2005
	PREVIOUS REVISIONS: October 31, 2005; December 16, 2005; March 27, 2009; July 8, 2010, July 25, 2010; May 15, 2014, November 29, 2016
SECTION: Miscellaneous Administrative Topics & Procedures	SUBJECT: Electronic Report Upload (ftp) Instructions


The Alameda County Environmental Cleanup Oversight Programs (LOP and SCP) 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) Open File Explorer using the Windows  key + E keyboard shortcut.
 - i) Note: Netscape, Safari, and Firefox browsers will not open the FTP site as they are NOT being supported at this time.
 - b) On the address bar, type in ftp://alcoftp1.acgov.org.
 - c) Enter your User Name and Password. (Note: Both are Case Sensitive)
 - d) Click Log On.
 - e) Open "My Computer" on your computer and navigate to the file(s) you wish to upload to the ftp site.
 - f) 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.