

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, SUITE 250
ALAMEDA, CA 94502
(510) 567-6700
FAX (510) 337-9335

July 17, 2017

Au Energy LLC
c/o Sunny Goyal
Vintners Distributors, Inc.
41805 Albrae Street, 2nd Floor
Fremont, CA 94538
(Sent via E-mail to: sunny@vintnersdist.com)

Andrea Wing
Shell Oil Products US
20945 S. Wilmington Ave
Carson, CA 90810-1039
(Sent via E-mail to: andrea.wing@shell.com)

Subject: Meeting Follow-up for Fuel Leak Case No. RO0000254 and GeoTracker Global ID T0600101231, Shell #13-5266, 1800 Powell Street, Emeryville, CA 94608

Dear Mr. Goyal and Ms. Wing:

Thank you for participating in the meeting today with Alameda County Department of Environmental Health (ACDEH) staff to discuss the path to closure for the subject site. Two unauthorized releases have occurred at the site: 1) a release in September 1982 of 3,200 gallons of super unleaded gasoline due to a leak from damaged fiberglass piping connected to an underground storage tank (UST) that occurred during Equilon Enterprises LLC dba Shell Oil Products US (Shell) ownership of the site; and 2) a release of diesel in September 2013 due to a product rupture that occurred during on-site investigative drilling that was conducted by the current property owner, Au Energy LLC. Although Shell and Au Energy are responsible parties (RPs) for the 1982 fuel leak, Au Energy is the primary/active RP for the 2013 diesel release, as Shell was not the property owner, tank owner, or tank operator at the time of the release.

During a stakeholder meeting on July 28, 2016 representatives from Shell stated their belief that all criteria for the LTCP have been met by Shell for the 1982 release. Representatives for Au Energy stated their belief that soil contaminated from the 2013 diesel release has been excavated to the extent feasible given the landfill subsurface material at the site and believe that residual TPH may be due to historical industrial waste debris. Au Energy also stated that further downgradient characterization of the diesel release is impeded due to the following: 1) extensive utility lines in Powell Street; and 2) inability to install any monitoring wells downgradient due to the California Coastal Commission and the East Bay Regional Park District (EBRPD) not granting permission for access to EBRPD land that is adjacent and south of Powell.

In a directive letter dated August 8, 2016 ACDEH requested that Shell and Au Energy submit reports compiling information on the 1982 release, the 2004 piping and dispenser upgrade, the 2013 release and the 2014 station redevelopment. ACDEH has reviewed the *Status Report and Low Threat Closure Evaluation* (RFC) dated November 15, 2016 and prepared by AECOM on behalf of Shell and concurs that the environmental case associated with the 1982 unauthorized gasoline release at the site can be closed under the State Water Resources Control Board's (State Water Board) Low-Threat Underground Storage Tank Case Closure Policy (LTCP). However, as discussed in the meeting today and in our directive letters dated November 21, 2016 and June 30, 2017, AU Energy remains out of compliance with ACDEH's directives for failure to submit the requisite documentation requested in ACDEH's August 8, 2016 letter.

As agreed in the meeting today, ACDEH requests that AU Energy conduct a groundwater monitoring event to evaluate the current groundwater conditions at the subject site and incorporate the findings in the Status Report in compliance with the Technical Report Request below. If AU Energy does not submit the Status Report by the compliance date, ACDEH will issue a Notice of Violation to AU Energy and proceed with splitting the case into two separate release cases. Under this scenario, the environmental case for the gasoline release will be closed under RO0000254 and a new case will be opened for the diesel release along with a transfer of pertinent existing groundwater monitoring wells to AU Energy.

TECHNICAL REPORT REQUEST

Please upload technical reports to the ACDEH ftp site (Attention: Dilan Roe), and to the State Water Resources Control Board's GeoTracker website according to the following schedule and file-naming convention:

- September 15, 2017 – Status Report
File to be named: STAT_R_YYYY-mm-dd RO254

GEOTRACKER COMPLIANCE

Pursuant to California Code of Regulations, Title 23, Division 3, Chapter 16, Article 12, Sections 2729 and 2729.1, beginning September 1, 2001, all analytical data, including monitoring well samples, submitted in a report to a regulatory agency as part of the UST or LUST program, must be transmitted electronically to the State Water Board GeoTracker system via the internet. Also, beginning January 1, 2002, all permanent monitoring points utilized to collect groundwater samples (i.e. monitoring wells) and submitted in a report to a regulatory agency, must be surveyed (top of casing) to mean sea level and latitude and longitude to sub-meter accuracy using NAD 83. A California licensed surveyor may be required to perform this work. In September 2004, the SWRCB adopted regulations that require electronic submittal of information for all groundwater cleanup programs, including SCP programs. Additionally, pursuant to California Code of Regulations, Title 23, Division 3, Chapter 30, Articles 1 and 2, Sections 3893, 3894, and 3895, beginning July 1, 2005, the successful submittal of electronic information (i.e. report in PDF format) shall replace the requirement for the submittal of a paper copy. Please upload all required submittals to GeoTracker. Electronic reporting is described below on the attachments.

This information is 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.

If you have any questions, please call me at (510) 567-6767 or send me an electronic mail message at dilan.roe@acgov.org. Online case files are available for review at the following website: <http://www.acgov.org/aceh/index.htm>.

Responsible Parties
RO0000254
July 17, 2017
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Sincerely,

Dilan Roe

Dilan Roe, PE
Chief – Land Water Division

Attachments: Responsible Party(ies) Legal Requirements/Obligations
ACDEH Electronic Report Upload (ftp) Instructions

cc: Shane Olton, 2020 L Street, Suite 400; Sacramento, CA 95811 (*Sent via E-mail to:*
shane.olton@aecom.com)

Mark Williams, Bureau Veritas North America, Inc., 2430 Camino Ramon, Suite 122, San Ramon, CA 94583. (*Sent via E-mail to:* mark.williams@us.bureauveritas.com)

Sara Heikkila, 300 South Grand Avenue, Suite 200; Los Angeles, CA 90071 (*Sent via E-mail to:* sara.heikkila@aecom.com)

Jeff Bullen, Shell Oil Products US, One Shell Plaza, P.O. Box 2463; Houston, TX 77252
(*Sent via E-mail to:* jeff.bullen@shell.com)

John Ellis, Vintners Distributors, 41805 Albrae Street, 2nd Floor; Fremont, CA 94538
(*Sent via E-mail to:* johne@vintnersdist.com)

Paresh Khatri, ACDEH (*Sent via E-mail to:* paresh.khatri@acgov.org)

GeoTracker, eFile

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.

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|---|---|
| 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.