

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY
ALEX BRISCOE, Agency Director



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

March 9, 2012

Mr. Abe Gupta
ABE Petroleum
33090 Mission Blvd.
Hayward, CA 94544
(sent via electronic mail to: abegupta@gmail.com)

Subject: Response to Inquiries; Fuel Leak Case No. RO00000257 (Global ID #T0600102154), Abe Petroleum, 17715 Mission Boulevard, Hayward, CA 94544

Dear Mr. Gupta:

This letter is in response to multiple phone calls, voice mails, and emails that Alameda County Environmental Health (ACEH) has received from you beginning March 5, 2012.

ACEH has previously evaluated the letter entitled *Proposing Site Closure*, dated August 15, 2011, and submitted by Sierra Environmental, Inc. (Sierra) on behalf of the Responsible Parties (RPs). That evaluation was discussed in a directive letter dated November 28, 2011. You were included as a cc to that letter at that time; however, a copy is attached to this letter for your quick reference. In that letter the RPs were provided a contact should they wish to petition the case to the State Water Resources Control Board (SWRCB).

State of California regulations that cover the underground storage tank programs are available online. As required, the San Francisco Bay Regional Water Quality Control Board is notified on all ACEH recommendations for closure.

ACEH is in agreement that EBMUD does not currently use groundwater in the East Bay Plain; however, please be aware that all groundwater in the East Bay Plain is currently classified as 'MUN' (potentially suitable for municipal or domestic water supply). According to the RWQCB *Water Quality Control Plan (Basin Plan)*, dated January 18, 2007, 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 is considered beneficial for these uses unless shown to be non-beneficial using criteria presented in the Basin Plan. However, please also be aware that case closure does not necessarily require cleanup to MUN cleanup goals, only that those goals can be met within a reasonable timeframe.

Should you have any questions, please contact me at the listed address.

Sincerely,

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

Enclosures: Attachment 1 – Responsible Party (ies) Legal Requirements / Obligations
Electronic Report Upload (ftp) Instructions

Mr. Abe Gupta
RO0000257
March 9, 2012, Page 2

cc: Som Gupta, ABE Petroleum, 33090 Mission Blvd, Union City, CA 94587
(sent via electronic mail to: abhg25@gmail.com)

Mr. Paul Garg, ABE Petroleum, 33090 Mission Blvd., Union City, CA 94587

Donna Drogos, ACEH, (sent via electronic mail to donna.drogos@acgov.org)
Mark Detterman, ACEH, (sent via electronic mail to mark.detterman@acgov.org)
Geotracker, Electronic 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.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.

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 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.

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY
ALEX BRISCOE, Director



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

November 28, 2011

Mr. Paul Garg
Abe Petroleum
33090 Mission Blvd
Hayward, CA 94544

Mr. Som Gupta
Abe Petroleum LLC
4231 Golden Oak Ct.
Danville, CA 94506
(sent via electronic mail to: abhg25@gmail.com)

Subject: Conditional Approval of DPE Pilot Test Work Plan; Fuel Leak Case No. RO00000257 (Global ID #T0600102154), Abe Petroleum, 17715 Mission Boulevard, Hayward, CA 94544

Dear Messrs. Garg and Gupta:

Alameda County Environmental Health (ACEH) staff has reviewed the case file including the *First Semi-Annual 2011 Groundwater Monitoring* report, dated June 28, 2011, the *Proposing Site Closure*, dated August 15, 2011, and the *Work Plan for 5-Day DPE System Test*, dated August 26, 2011. The reports were prepared and submitted on your behalf by Sierra Environmental, Inc. (Sierra). Thank you for submitting the reports.

The *Proposing Site Closure* document suggests closure is appropriate for the site due to generalized declining contaminant trends in groundwater and due to USTCF funding constraints. While USTCF funding constraints are not a valid reason to close a site, declining contaminant trends help document decreases in contamination at a site; however, residual groundwater contamination (recently between 46,000 and 54,000 µg/l TPHg and 1,900 and 2,520 µg/l benzene onsite) indicate a significant reservoir of residual soil contamination is present beneath the site which will continue to degrade groundwater for an extended period of time. It is expected that the proposed remedial actions, or perhaps others, will shorten that period of time significantly. While, as stated in the document, the groundwater plume generally appears to extend less than 300 feet from the site, the assumed extent is poorly understood, but is generally understood to extend offsite some distance based on currently available data and affects innocent landowners within that distance. Rather than request additional vapor intrusion studies at those locations at this time, ACEH is in agreement with Sierra that onsite remedial actions would directly benefit all vicinity parcels impacted by the contamination. This decision is subject to appeal to the State Water Resources Control Board (SWRCB), pursuant to Section 25299.39(b) of the Health and Safety Code (Thompson-Richter Underground Storage Tank Reform Act - Senate Bill 562). Please contact Mr. George Lockwood in the SWRCB Underground Storage Tank Program at (916) 341-5752 or GLockwood@waterboards.ca.gov for information regarding the appeal process.

The *Work Plan for 5-Day DPE System Test* provided added DPE details in response to a June 17, 2011 ACEH directive letter requesting added details. The work plan also evaluated the potential for onsite shallow utility lateral conduits to act as preferential vapor pathways and reported on the surveying of site wells to Geotracker standards. Only well MW-5 appears not to be surveyed to those standards.

Based on ACEH staff review of the revised work plan the proposed scope of work is conditionally approved for implementation provided that the technical comments below are incorporated during the proposed work. Submittal of a revised work plan or a work plan addendum is not required unless an alternate scope of work outside that described in the work plan or technical comments below is proposed. We request that you address the following technical comments, perform the proposed work, and send us the reports described below. Please provide 72-hour advance written notification to this office (e-mail preferred to: mark.detterman@acgov.org) prior to the start of field activities.

TECHNICAL COMMENTS

1. **Clarification to Pilot Test Work Plan** – With modifications and clarifications ACEH is in general concurrence with the work proposed in the work plan. These modifications and clarifications include:

- a. **Dual Phased Extraction Pilot Test** – Two shallow (with ten feet of screen terminating at 18 feet bgs) and two deep (with seven feet of screen terminating at 27 feet bgs) extraction wells are proposed for installation for the pilot test, in order to determine the radius-of-influence of the system in the vicinity of the former and existing UST pit. The pilot test work plan indicates that the vacuum will be applied to existing well MW-1. While presumed included in pilot test tasks but not described in the pilot test description, please ensure the monitoring of induced vacuums, employing a minimum of three to four steps, at all available onsite monitoring points (existing wells) is conducted to assist in the determination of the radius-of-influence for the system. In order to gather adequate data, ACEH requests that the monitoring frequency be higher at the beginning of the steps, with a subsequent reduction commensurate with the rate of change.

In the ensuing report, ACEH requests inclusion of an evaluation of the appropriateness of the system, or an expansion of the system, to mitigate contamination encountered at a depth of 30 to 35 feet in MIP bore B4, as clearly illustrated in the PID and FID Consolidation graphs included in the *Report for Remedial Investigation / Feasibility Study*, dated September 29, 2009.

- b. **Soil Sampling Methodology** – In response to an ACEH inquiry, Sierra described the soil sampling protocols for the proposed drilling. In addition to sampling soil at predefined 5-foot intervals as described in the work plan, ACEH requests that soil be sampled and logged at changes of lithology, and indications of contamination (discoloration, stains, odors, PID responses, etc.). This will help ensure that sufficient data is gathered to characterize the subsurface soil stratigraphy beneath the site.
- c. **Soil Analytical Testing** – ACEH understands that soil will be collected at 5-foot intervals as described in the work plan, and will be collected as requested above; however, ACEH did not locate details for the minimum number of soil samples proposed to be submitted for analysis. Please ensure that the soil samples with indications of contamination are also analyzed by the analytical suite outlined in the work plan. Specifically, please ensure that the vertical extent of contamination in soil is defined beneath the site.

TECHNICAL REPORT REQUEST

Please submit the following deliverable to ACEH (Attention: Mark Detterman), according to the following schedule:

- **February 3, 2012** – Interim Remediation Results (Pilot Test)
- **January 20, 2012** – Second 2011 Semi-Annual Groundwater Monitoring Report

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.

Messrs. Garg and Gupta
RO0000257
November 28, 2011, Page 3

Should you have any questions, please contact me at (510) 567--6876 or send me an electronic mail message at mark.detterman@acgov.org.

Sincerely,



Digitally signed by Mark E. Detterman
DN: cn=Mark E. Detterman, o, ou,
email, c=US
Date: 2011.11.28 13:13:05 -08'00'

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

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cc: Abe Gupta, ABE Petroleum, 33090 Mission Blvd, Union City, CA 94587
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Reza Baradaran, Sierra Environmental, 980 W. Taylor Street, San Jose, CA 95126
(sent via electronic mail to: rezza@sierraenvironmentalinc.com)

Mitch Hajiaghai, Sierra Environmental, 980 W. Taylor Street, San Jose, CA 95126
(sent via electronic mail to: mitch@sierraenvironmentalinc.com)

Donna Drogos, ACEH, (sent via electronic mail to donna.drogos@acgov.org)
Mark Detterman, ACEH, (sent via electronic mail to mark.detterman@acgov.org)
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- 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.
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