

ALAMEDA COUNTY  
**HEALTH CARE SERVICES**  
AGENCY  
DAVID J. KEARS, Agency Director



ENVIRONMENTAL HEALTH SERVICES  
ENVIRONMENTAL PROTECTION  
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April 28, 2009

Mr. Maurice Kaufman  
City of Emeryville  
1333 Park Avenue  
Emeryville, CA 94608

Subject: Fuel Leak Case No. RO0000267 and Geotracker Global ID T0600101590, City of Emeryville, 3310 Powell St., Emeryville, CA 94608

Dear Mr. Kaufman:

Alameda County Environmental Health (ACEH) staff has reviewed the case file for the above-referenced site including the December 5, 2008 *Request for Case Closure* prepared by OTG EnviroEngineering Solutions, Inc. The report presents the groundwater monitoring results from well MW-1 and includes a utility survey but does not address the other items that were requested in our June 24, 2008, directive letter such as providing the depths of utilities or providing a work plan to investigate the lateral and vertical extent of contamination in both groundwater and soil.

MW-1 was installed in the vicinity of the former USTs however utility lines are located between this well and the former USTs. Data suggests that contamination from the UST pit could be migrating along utility lines thus MW-1 data could potentially be unrepresentative of groundwater conditions downgradient of the tank pit. Additionally, your consultant hypothesizes that tidal influence along utilities has affected contaminant concentrations, suggesting that contaminants are migrating along utilities toward the bay approximately fifty feet away. Groundwater collected from the tank pit detected 46,115 micrograms per liter  $\mu\text{g/L}$  total petroleum hydrocarbons as gasoline (TPHg), 12,700  $\mu\text{g/L}$  TPH as diesel (TPHd), and 5  $\mu\text{g/L}$  benzene. Recent groundwater results from well MW-1 also indicate that TPHg is present in concentrations above the Aquatic Protection Goal ESL of 220  $\mu\text{g/L}$  for TPHg. Therefore, ACEH cannot consider case closure for the subject site at this time. This decision to deny closure is subject to appeal to the State Water Resources Control Board (SWRCB), pursuant to Section 25299.39.2(b) of the Health and Safety Code (Thompson-Richter Underground Storage Tank Reform Act - Senate Bill 562). Please contact the SWRCB Underground Storage Tank Program at (916) 341-5851 for information regarding the appeals process.

ACEH requests that you address the following technical comments, perform the requested work, and send us the report requested below.

### **TECHNICAL COMMENTS**

1. **Utility Survey** – ACEH requested that a utility survey be performed in the immediate vicinity of the former USTs in our June 24, 2008, directive letter. Data for your site suggests that contamination from the UST pit could be migrating along utilities thus MW-1 data is potentially unrepresentative of groundwater conditions downgradient of the tank pit. Your latest submittal discussed the results of a utility survey but did not include the depths of utility trenches in the report or on a cross-section. Furthermore, your hypothesis that tidal influence has helped to decrease concentrations along the utilities only serves to heighten our concern that contamination may be preferentially migrating through utilities to the Bay. Additionally, you hypothesize that tidal fluctuations cause over one foot of change in the depth to water at the site however, data to support your hypothesis was not presented in the report.

We request that you complete the utility survey by providing data on the depths of the utilities, including utilities that appear to run through the tank pit and between the tank pit and well MW-1. Additionally, please provide information to determine if tidal influence is impacting dissolved hydrocarbon concentrations. Include data tables and utilize cross-sections to depict your results (including plotting the utility depths, UST locations, and high- and low-tide water levels, at a minimum). Discuss your analysis and interpretation of the results of the utility survey in the report requested below.

2. **Dissolved Groundwater Plume Characterization** – A grab groundwater sample collected from the northwestern part of the tank pit in 1992 detected 46,115 micrograms per liter  $\mu\text{g/L}$  total petroleum hydrocarbons as gasoline (TPHg), 12,700  $\mu\text{g/L}$  TPH as diesel (TPHd), and 5  $\mu\text{g/L}$  benzene. Tank pit confirmation sampling appears necessary to evaluate current conditions and validate your hypothesis that tidal fluctuations and preferential pathways through the underground utility trenches have acted as an exchange for sea water which contributed to the dilution rate of contaminants at this site. Please submit a work plan to evaluate the presence of residual contamination by the date requested below.
3. **Wellhead Elevation Survey** – MW-1 has not been surveyed. Per Geotracker regulations please survey your well to NAD 83 for latitude and longitude and NAVD 88 for elevation. In addition to uploading this information to Geotracker, include this data in the report requested below and in groundwater data tables.
4. **Request for Information** – ACEH's June 24, 2008 letter requested that any additional reports that have been prepared for the subject site be unloaded to our ftp site. No reports have been uploaded and no mention has been made if additional reports are available. Please either address this comment in the work plan requested below or upload any reports (including Phase I reports) to our ftp site by May 18, 2009.

### **TECHNICAL REPORT REQUEST**

Please submit technical reports to Alameda County Environmental Health (Attention: Barbara Jakub), according to the following schedule:

- **June 29, 2009** – Work Plan & Utility Survey

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](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.

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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.

If you have any questions, please call me at (510) 639-1287 or send me an electronic mail message at [barbara.jakub@acgov.org](mailto:barbara.jakub@acgov.org).

Sincerely,



Barbara J. Jakub, P.G.  
Hazardous Materials Specialist

Enclosure: ACEH Electronic Report Upload (ftp) Instructions

cc: Xinggang Tong, OTG EnviroEngineering Solutions, Inc., 464 19<sup>th</sup> St., Suite 206, Oakland,  
CA 94612  
Donna Drogos, ACEH  
Barbara Jakub, ACEH  
File

<b>Alameda County Environmental Cleanup Oversight Programs (LOP and SLIC)</b>	<b>ISSUE DATE:</b> July 5, 2005
	<b>REVISION DATE:</b> December 16, 2005
	<b>PREVIOUS REVISIONS:</b> October 31, 2005
<b>SECTION:</b> Miscellaneous Administrative Topics & Procedures	<b>SUBJECT:</b> Electronic Report Upload (ftp) Instructions

Effective January 31, 2006, 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

- Entire report including cover letter must be submitted to the ftp site as a **single portable document format (PDF) with no password protection**. (Please do not submit reports as attachments to electronic mail.)
- 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)

#### Additional Recommendations

- A separate copy of the tables in the document should be submitted by e-mail to your Caseworker in Excel format. These are for use by assigned Caseworker only.

#### 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](mailto:dehloptoxic@acgov.org)  
or
  - ii) Send a fax on company letterhead to (510) 337-9335, to the attention of Alicia Lam-Finneke.
- 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 and Firefox browsers will not open the FTP site.
- b) Click on File, then on Login As.
- 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](mailto: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 at acgov.org. (e.g., [firstname.lastname@acgov.org](mailto: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)