



July 18, 2017

Mr. Seung Lee
German Autocraft
301 East 14th Street
San Leandro, CA 94577

William Andrade II
Address Unknown

Sephen & Elizabeth Wilhelm
Address Unknown

NOTICE TO COMPLY

Subject: Late Pilot Test and CAP Implementation Plan; Fuel Leak Case No. RO0000302 and Geotracker Global ID T0600100639, German Autocraft, 301 East 14th Street, San Leandro, CA 94577-1713

Dear Mr. Lee:

A review of the case file for the above-referenced site indicates that your case is currently in not in compliance with Alameda County Department of Environmental Health's (ACDEH) August 3, 2016 letter, which required a report on the pilot testing of an ozone system, including injection well installation, be submitted by October 28, 2016. This is nearly 9 months ago.

Implementation of site characterization is important and corrective actions at this site may be required in order to protect downgradient groundwater use and to move this case towards closure. Please note that as an identified Responsible Party, you are required by California Code of Regulations (Title 23, Division 3, Chapter 16, Article 11, §2720 through §2728) to characterize the site and implement any necessary corrective action.

ACDEH staff has additionally reviewed the case file for the above referenced site including the *Quarterly Groundwater Monitoring & Pilot Test Status Report – First Quarter 2017*, dated April 14, 2017, and the *Quarterly groundwater Monitoring Report – Second Quarter 2017*, dated July 14, 2017. The reports were prepared and submitted on your behalf by Stratus Environmental, Inc (Stratus). Thank you for submitting them.

The April 2017 report documented the First Quarter 2017 Groundwater Monitoring event and provided limited details as to the startup of the ozone injection pilot test system; however, the pilot test has extended significantly beyond typical pilot test time periods, and the report did not include additional details requested in the August 3, 2016 directive letter, including the well Radius of Influence (ROI), additional soil bore locations, grab groundwater samples, and soil analytical results. The July 2017 report reported the termination of the pilot test; however, again did not provide further details.

In order to regain compliance, please complete these actions, submit a site investigation report, and electronically upload all documents to GeoTracker and ACDEH's FTP server by the dates specified below. Failure to submit the implement these actions by the due dates specified below may result in an issuance of a Notice of Violation and possible enforcement action by the District Attorney and/or ineligibility for reimbursement of corrective action costs incurred at the site from the Underground Storage Tank Clean-up Fund. Furthermore, if necessary ACDEH may recommend removal of this site from the Underground Storage Tank Cleanup Fund which you appear eligible for. Pursuant to Chapter 6.7, California Health and Safety code, civil penalties up to \$10,000 for each UST for each day of violation may be imposed. Once removed from the Clean-up Fund, the costs associated with site characterization/site cleanup work that is required will not be reimbursed. Please note that civil penalties for non-compliance are assessed from the original due date (October 28, 2016).

TECHNICAL COMMENTS

- 1. Corrective Actions** - Please be aware that the proposed scope of work contained in the June 13, 2016 *Corrective Action Work Plan* that was approved with modifications on August 3, 2017, was approved as a pilot test only and that prior to implementation, corrective actions require a 30-day public comment period. A pilot test report is overdue. Consequently ACDEH requests the submittal of the report by the date identified below.

Review of the *Draft Feasibility Study / Corrective Action Plan*, dated December 5, 2012, and prepared by Stratus, indicates that at a minimum the corrective action goals require an update as they were defined to Environmental Screening Levels (ESLs) promulgated by the San Francisco Regional Water Quality Control Board (RWQCB), rather than to goals defined under the current standard of the LTCP.

- 2. Groundwater Monitoring Interval and Analytical Suite** – A quarterly groundwater monitoring interval appears appropriate in the near site vicinity while the ozone injection system was operational, and during rebound evaluation, and during a pilot test; however, it also appears appropriate to modify the sampling interval of wells more distant from the site. For multiple reasons it appears reasonable to reduce wells MW-11, MW-13, and MW-14 to an annual sampling interval, and wells MW-5 and MW-8 to a semi-annual interval. Based on slightly higher detectable concentrations in groundwater, please the sample wells in the months of March and September of a given year until otherwise changed. Please additionally include naphthalene in the analytical suite.
- 3. LTCP Media Specific Criteria for Vapor Intrusion to Indoor Air** – ACDEH has also reviewed the site against the Low Threat Closure Policy. The LTCP describes conditions, including bioattenuation zones, which if met will assure that exposure to petroleum vapors in indoor air will not pose unacceptable health risks to human occupants of existing or future site buildings, and adjacent parcels. Appendices 1 through 4 of the LTCP criteria illustrate four potential exposure scenarios and describe characteristics and criteria associated with each scenario.

Our review of the case files indicates that the site data collection and analysis fail to support the requisite characteristics of one of the four scenarios. Specifically, in conformance with Department of Toxic Substances Control (DTSC) guidance, it appears appropriate to conduct an additional soil vapor sampling event of the vapor wells to capture temporal changes in soil vapor at the site.

Therefore, please present a strategy in a Data Gap Investigation Work Plan described in Technical Comment 5 below to collect additional data to satisfy Scenario 4. Please note, please ensure that your strategy is consistent with the field sampling protocols described in the DTSC Final Vapor Intrusion Guidance (October 2011).

Alternatively, please provide justification of why the site satisfies the Media-Specific Criteria for Vapor Intrusion to Indoor Air in a SCM that assures that exposure to petroleum vapors in indoor air will not pose unacceptable health risks to occupants of adjacent buildings.

- 4. 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 stability or plume classification as follows:

- a. Downgradient Extent of Groundwater Plume** – Review of existing data indicates that while the private residential water supply well at 141 Farrelly may define the downgradient extent of the groundwater plume to the northeast of the subject site, the nature of the data is problematic at best. ACDEH remains concerned with 1) the length of the screen interval in the 141 Farrelly well, reported to be 25 to 65 feet below grade surface, and 2) consistent contamination documented at well MW-12, and the westerly trend of groundwater.

The probability of intra-well vertical flow from a highly transmissive deeper water-bearing zone with low to non-detectable concentrations is substantially increased in a well installed primarily for supply water. The length of the screen interval and the lack of knowledge of the associated lithology remains problematic. Secondly, the continued presence of moderate hydrocarbon concentrations in well MW-12 remains undefined. This is problematic due to the difference between the historic groundwater flow to the northwest (as documented by the groundwater plume orientation) and the more “recent” direction of groundwater flow to the west and away from the historic plume trend.

- b. Lateral Extent of Groundwater Plume** – In part the installation of injection wells at the site was anticipated to provide lateral definition of the soil and groundwater plume at the site. Based on a review of the referenced reports, the wells do not appear to have been installed, and the lack of progress has not been communicated. Groundwater well MW-15, recently with concentrations of Total Petroleum Hydrocarbons as gasoline (TPHg) up to 19,500 micrograms per liter (μL) and 62 μL benzene, provides poor definition of the northeastern extent of the groundwater plume at the site.

Please present a strategy, as described in Technical Comment 4 below, to address the items discussed above. Alternatively, please provide justification of why the site satisfies the Media-Specific Criteria for Groundwater in the focused SCM described in Technical Comment 4 below.

- 5. Data Gap Investigation Work Plan and Focused Site Conceptual Model** – Please prepare a Data Gap Investigation Work Plan to address the technical comments listed above. Please support the scope of work in the Revised Data Gap Investigation Work Plan with a focused SCM and Data Quality Objectives (DQOs) that relate the data collection to each LTCP criteria. For example please clarify which scenario within each Media-Specific Criteria a sampling strategy is intended to apply to.

In order to expedite review, ACDEH requests the focused SCM be presented in a tabular format that highlights the major SCM elements and associated data gaps, which need to be addressed to progress the site to case closure under the LTCP. Please refer to the previously forwarded Attachment A “Site Conceptual Model Requisite Elements”. Please sequence activities in the proposed revised data gap investigation scope of work to enable efficient data collection in the fewest mobilizations possible.

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:

- ~~October 28, 2016~~ **September 22, 2017** – Pilot Test and Corrective Action Implementation Plan;
File to be named: RO302_IR_R_yyyy-mm-dd
- **November 20, 2017** – Third Quarter 2017 Groundwater Monitoring Report

File to be named: RO302_GWM_R_yyyy-mm-dd

- **February 23, 2018** – Fourth Quarter 2017 Groundwater Monitoring Report
File to be named: RO302_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 does not appear on the cover page of this notification, ACDEH is requesting you provide your email address so that we can correspond with you quickly and efficiently regarding your case.

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,



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

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

cc: Trevor Hartwell, Stratus Environmental, Inc, 3330 Cameron Park Drive, Suite 550, Cameron Park, CA 95682; (Sent via electronic mail to: thartwell@stratusinc.net)

Gowri Kowtha, Stratus Environmental, Inc, 3330 Cameron Park Drive, Suite 550, Cameron Park, CA 95682; (Sent via electronic mail to: gkowtha@stratusinc.net)

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.