

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

October 9, 2017

Scott Zengel
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c/o Signature Development Co.
2235 Broadway, Ste. 200
Oakland, CA 94612

(Sent via E-mail to:
dmiller@signaturedevelopment.com)

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Nicholas Allen
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655 Redwood Highway, Suite 285
Mill Valley, California 94941
(Sent via E-mail to:
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Andrea Wing
Equilon Enterprises LLC
20945 S. Wilmington Ave.
Carson, CA 90810
(Sent via E-mail to:
andrea.wing@shell.com)

Subject: Fuel Leak Case No. RO0000343 and GeoTracker Global ID T0600101263, Shell, 461 8th Street, Oakland, CA 94607 – Request for Technical Report

Dear Responsible Parties:

Alameda County Department of Environmental Health (ACDEH) staff has reviewed the fuel leak case files for the above referenced site including the *Record Report of Construction, Progress Report (Construction Progress Report)*, 459 8th Street, Oakland, California, dated October 28, 2016 and prepared by PES Environmental (PES), and the *Subsurface Investigation Report and First Quarter Groundwater Monitoring Report (Investigation and Monitoring Report)*, Former Shell Service Station, 461 8th Street, Oakland, California, dated 15 May 2017 and prepared by AECOM. The Construction Progress Report summarizes demolition and construction activities conducted at the properties identified by APN 1-201-42 and 1-201-43 (the site). The Investigation and Monitoring Report summarizes installation of two replacement onsite monitoring wells, including soil sampling and analysis, and the results of the First Quarter 2017 groundwater monitoring event.

AECOM recommends one year of quarterly monitoring of groundwater monitoring wells S-24 and S-25, semi-annual monitoring of wells S-5, S-6, and S-26, and annual monitoring of well S-4. PES states that a Final Record Report of Construction will be submitted upon completion of the foundation for the redevelopment project. ACDEH concurs with AECOM's recommendations, and requests that you prepare a workplan for additional investigation that addresses the technical comments below.

TECHNICAL COMMENTS

- 1. Soil Investigation** – PES (2016) identifies a “suspect area” where petroleum staining and odor were observed by construction personnel. Petroleum concentrations in soil beneath the car stacker bays, in the area where PES observed suspect soil, need to be investigated. We request that you prepare a workplan then collect and analyze representative soil samples from the “suspect area.”
- 2. Vapor Intrusion to Future Site Structure** – ACDEH requests that you evaluate the potential for vapor intrusion to the on-site structure. The 27 February 2015 Limited Human Health Risk Assessment Report, prepared by Conestoga-Rovers & Associates stated that petroleum concentrations “in soil from the area beneath the car stacker bays are below ESLs.” Based on this finding, the Limited HHRA concluded that it is unlikely that residual petroleum hydrocarbon concentrations will pose an unacceptable risk or hazard to on-site receptors. Soil analytical data is needed to verify petroleum concentrations in site soil. In addition, we request that you prepare a workplan then collect and analyze representative soil gas samples. Excavation of the basement reportedly extended to approximately 14 feet below ground surface. The minimum on-site depth to groundwater was approximately 21 feet bgs, for the monitoring period. The distance from the bottom of the building foundation to the groundwater table is accordingly approximated to be 7 feet. Benzene concentrations in site groundwater are greater than 100 ug/L. Please propose appropriate soil gas sampling, including petroleum concentration and oxygen content analysis, in the workplan requested below.

SUBMITTAL ACKNOWLEDGEMENT STATEMENT

ACDEH requires a Submittal Acknowledgement Statement, signed by the Responsible Party (RP), as a cover letter signed to technical reports and submittals. 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 State Water Resources Control Board’s GeoTracker website.”

TECHNICAL REPORT REQUEST

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

- December 15, 2017 – Additional Investigation Workplan
File to be named: WP_R_yyyy-mm-dd RO343
- January 15, 2018 – Semi-Annual Groundwater Monitoring Report – 2nd Half 2017
File to be named: GWM_R_yyyy-mm-dd RO343
- January 15, 2018 – Final Record Report of Construction
File to be named: DEV_R_yyyy-mm-dd RO343

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 you have any questions, please contact me at (510) 567-6721 or robert.schultz@acgov.org.

Sincerely,

A handwritten signature in black ink that reads "Robert W. Schultz". The signature is written in a cursive style with a large, looping flourish at the end of the name.

Robert W. Schultz, CHG
Senior Hazardous Materials Specialist

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

cc: Shane Olton, AECOM (Sent via E-mail to: shane.olton@aecom.com)
Kyle Flory, PES Environmental (Sent via E-mail to: kflory@pesenv.com)
Dilan Roe, ACDEH, (Sent via electronic mail to: dilan.roe@acgov.org)
Robert W. Schultz, ACDEH, (Sent via electronic mail to: robert.schultz@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 acknowledgement 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.