

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



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June 19, 2008

Rod Freitag
Alameda County General Services
1401 Lakeside Drive, 11th Floor
Oakland, CA 94601

Subject: Fuel Leak Case No. RO0000401 and GeoTracker Global ID T0600100049, ALCO Park Garage, 165 13th Street, Oakland, CA 94612

Dear Mr. Freitag:

Alameda County Environmental Health (ACEH) staff has reviewed the case file for the above-referenced site including the recently submitted document entitled, "2008 Annual Groundwater Monitoring Report," dated March 17, 2008, which was prepared by Professional Service Industries, Inc. (PSI) for the subject site. The site is comprised of three individual former and current underground storage tank systems all located in different areas of the site. Each area of the site has been named for the purposes of simplifying identification of each UST system. Site Number 1 is the former closed-in-place USTs located at the corner of 12th and Jackson Streets. Site Number 2 is the active USTs located at the corner of 13th and Jackson Streets. Site Number 3 is the former waste oil UST located at the south east corner of the site. PSI has requested case closure for the site based on a lack of sensitive receptors (i.e. results of their Site Conceptual Model) and the stability of the groundwater plume. However, the SCM appears incomplete and case closure has not been adequately justified based on available site analytical data.

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 appeal process.

ACEH requests that you address the following technical comments and send us the technical reports and work plan described below.

TECHNICAL COMMENTS

1. **Data Gaps in Site Conceptual Model** – A Site Conceptual Model (SCM) was prepared for the site in 2000. However, several key concepts that should be incorporated in the SCM were not presented. For example, the only exposure pathway considered in the SCM was drinking water exposure scenario and the fate and transport of MtBE associated with that exposure pathway. PSI identified Lake Merritt as a potential sensitive receptor and then stated "Lake Merritt is salt water and is not a potential drinking water source." Although it is true that Lake Merritt is brackish water, PSI does not adequately identify or address other

potentially completed receptors such as aquatic protection. Also, PSI does not discuss the fact that the San Francisco Bay Regional Water Quality Control Board's (RWQCB) Water Quality Control Plan (Basin Plan) 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 must be considered beneficial for these uses unless shown to be non-beneficial using criteria presented in the Basin Plan (i.e. less than 200 gallons per day yield or total dissolved solids exceeding 3,000 mg/L).

It is also stated in the Basin Plan that "[a]t a minimum, groundwaters designated for use as domestic or municipal supply shall not contain concentrations in excess of the secondary maximum contaminant levels (Secondary MCLs) specified in Tables 64449-A (Secondary MCLs-Consumer Acceptance Limits) and 64449-B (Secondary MCLs-Ranges) of Section 64449 of Title 22 of the California Code of Regulations, which is incorporated by reference into this plan." Currently, concentrations of contaminants in groundwater are significantly above the secondary MCLs as well as RWQCB's Environmental Screening Levels (ESLs). Please note that site-specific cleanup goals above the secondary MCLs and ESLs may be acceptable provided that they are adequately justified based on site conditions.

PSI does not discuss contaminant volatilization to indoor air, ingestion, construction worker exposure pathway, etc. and it is unclear whether these exposure pathways were evaluated in the SCM. The SCM should synthesize all the analytical data and evaluate all potential exposure pathways and potential receptors that may exist at the site, including identifying or developing site cleanup objectives and goals. At a minimum, the SCM should include:

- a) Local and regional plan view maps that illustrate the location of sources (former facilities, piping, tanks, etc.) extent of contamination, direction and rate of groundwater flow, potential preferential pathways, and locations of receptors;
- b) Geologic cross section maps that illustrate subsurface features, man-made conduits, and lateral and vertical extent of contamination;
- c) Plots of chemical concentrations versus time;
- d) Plots of chemical concentrations versus distance from the source;
- e) Summary tables of chemical concentrations in different media (i.e. soil, groundwater, and soil vapor); and
- f) Well logs, boring logs, and well survey maps;
- g) Discussion of likely contaminant fate and transport.

If data gaps (i.e. potential contaminant volatilization to indoor air, etc.) are identified in the SCM, a scope of work to address those data gaps should be prepared and included in the SCM.

SITE NUMBER 1

At this site, four borings were installed around the UST complex on October 27, 1992. Benzene was detected at 0.019 mg/kg at 15 feet below the ground surface (bgs) and 0.41

mg/kg at 21 feet bgs in soil samples collected from SB-1. Based on the increasing concentrations detected with depth, the vertical extent of benzene in soil appears undefined at this time.

Total petroleum hydrocarbons (TPH) as gasoline (g) and benzene were detected at concentrations of 51,000 µg/L and 2,400 µg/L, respectively, in a "grab" groundwater sample collected from SB-1 on 10/28/1992. On February 10, 1999 three additional borings were installed to delineate the extent of petroleum hydrocarbons in groundwater. TPH-g and benzene were detected at 5,000 µg/L and 580 µg/L, respectively, in a "grab" groundwater sample collected from SB-6. Based on the available data, groundwater contaminant volatilization to indoor air exposure pathway has not been evaluated. Please note that ACEH is aware that the site is comprised of a parking structure with an active gasoline dispensing facility. However, case closure is based not only on current land use, but hypothetical future land-use as well. Please propose a scope of work to address the above-mentioned concerns and submit a work plan by the date specified below.

SITE NUMBER 2

In 1989, boring AP-1 was installed at the site as part of an investigation that was conducted following the repair of a leaking vent line. A soil sample collected at three feet bgs detected 630 mg/kg TPH-g and 1.5 mg/kg benzene. Concentrations of contaminants are above the RWQCB ESLs indicating a potential risk to human health and the environment.

PSI states that the groundwater contaminant plume is stable. However, concentrations of contaminants detected in monitoring well MW-6 do not appear to exhibit a stable or decreasing trend. For example, TPH-g was detected at a concentration of 6,200 µg/L on July 15, 1998, decreased to a concentration of 1,100 µg/L on July 20, 2001, and then increased to 6,800 µg/L on February 15, 2007. Concentrations of benzene in groundwater exhibit similar trends in this well. Therefore, the groundwater contaminant plume does not appear stable and/or decreasing and an adequate discussion justifying a stable plume was not presented. Additionally, the most recent quarterly monitoring report does not include groundwater elevation data for this well or field sheets. Therefore, it is difficult to determine if the fluctuating concentrations in groundwater contaminants are associated with groundwater elevation changes and/or residual soil contamination, and ultimately difficult to demonstrate plume stability. Please summarize all past depth to groundwater and groundwater elevation data for all monitoring wells on-site and include the data in the revised SCM due by the date requested below. Additionally, in all future quarterly groundwater monitoring reports, please collect depth to groundwater data and include the field sheets as attachments. Please propose a scope of work to address the above-mentioned concerns and submit a work plan by the date specified below.

SITE NUMBER 3

On February 12, 1992, one 550-gallon waste oil UST was removed from the site. Groundwater was encountered in the excavation at 8.5 feet bgs. A "grab" groundwater sample collected from the excavation detected 19,000 µg/L TPH as kerosene, 2,800 µg/L TPH-g and, 52 µg/L benzene. To assess the groundwater contamination, groundwater monitoring well MW-6 was installed in October 1992 at the site. Groundwater contaminants were not detected above laboratory detection limits and ACEH approved suspending

groundwater monitoring requirements in December 1993. However, based on the groundwater flow direction calculated at Site Number 2, it would appear that monitoring well MW-6 is located cross-gradient of the former UST. Please justify that MW-6 adequately defines the groundwater contaminant plume and is representative of site conditions. If it is determined that MW-6 does not adequately characterize the contaminant plume, a subsurface investigation may be proposed. Please address the above-mentioned concerns and submit a work plan by the date specified below.

TECHNICAL REPORT REQUEST

Please submit technical reports and work plans to Alameda County Environmental Health (Attention: Paresh Khatri), according to the following schedule:

- **August 18, 2008** – Revised SCM and Data Gap Work Plan
- **October 30, 2008** - Quarterly Monitoring Report (3rd Quarter 2008)
- **January 30, 2009** - Quarterly Monitoring Report (4th Quarter 2008)
- **April 30, 2009** - Quarterly Monitoring Report (1st Quarter 2009)
- **July 30, 2009** - Quarterly Monitoring Report (2nd Quarter 2009)

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).

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

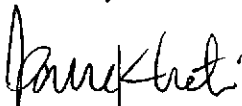
Please note that delays in investigation, later reports, or enforcement actions may result in your becoming ineligible to receive grant money from the state's Underground Storage Tank Cleanup Fund (Senate Bill 2004) to reimburse you for the cost of cleanup.

AGENCY OVERSIGHT

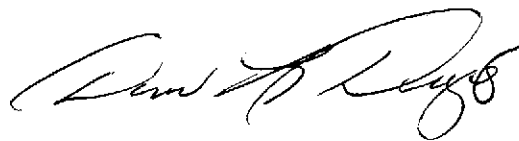
If it appears as though significant delays are occurring or reports are not submitted as requested, we will consider referring your case to the Regional Board or other appropriate agency, including the County District Attorney, for possible enforcement actions. California Health and Safety Code, Section 25299.76 authorizes enforcement including administrative action or monetary penalties of up to \$10,000 per day for each day of violation.

If you have any questions, please call me at (510) 777-2478 or send me an electronic mail message at paresh.khatri@acgov.org.

Sincerely,



Paresh C. Khatri
Hazardous Materials Specialist



Donna L. Drogos, PE
Supervising Hazardous Material Specialist

Mr. Freitag
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cc: Brand Burfield, Professional Service Industries, Inc., 4703 Tidewater Avenue, Suite B,
Oakland, CA 94601
Leroy Griffin, Oakland Fire Department, 250 Frank H. Ogawa Plaza, Ste. 3341, Oakland, CA
94612-2032
Donna Drogos, ACEH
Paresh Khatri, ACEH
File

Alameda County Environmental Cleanup Oversight Programs (LOP and SLIC)	ISSUE DATE: July 5, 2005
	REVISION DATE: December 16, 2005
	PREVIOUS REVISIONS: October 31, 2005
SECTION: Miscellaneous Administrative Topics & Procedures	SUBJECT: 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
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 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)
 - c) The subject line of the e-mail must start with the RO# followed by **Report Upload**. (e.g., Subject: RO1234 Report Upload)