



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

February 13, 2013

Denis Brown  
Shell Oil Products US  
20945 S. Wilmington Ave.  
Carson, CA 90810-1039

Foothill Blvd. LLC  
c/o Linli Lee  
141 Woodland Way  
Piedmont, CA 94611-3839

Walter Watters  
101 Jasmine Creek Drive  
Corona Del Mar, CA 92625-1420

Subject: Case File Review for Fuel Leak Case No. RO0000415 and GeoTracker Global ID T0600101065, 4411 Foothill Boulevard, Oakland, CA 94601

Dear Denis Brown, Linli Lee, and Walter Watters:

Alameda County Environmental Health (ACEH) staff has reviewed the fuel leak case file for the above-referenced site including the most recently submitted report entitled, "*Subsurface Investigation Report*," dated December 10, 2012 (Report). The Report, which was prepared on Shell's behalf by Conestoga-Rovers & Associates, presents results from the installation and sampling of seven sub-slab vapor probes. Based on these results, the Report recommends case closure for the site.

ACEH has reviewed the case file using the criteria in the State Water Resources Control Board Low-threat Closure Policy (LTCP), which became effective on August 17, 2012. Our review indicates that the site does not meet the groundwater or vapor intrusion media-specific criteria. Although the site does not meet the LTCP criteria, the case may be closed if an analysis of site conditions indicates that the site poses a low threat. Based on our review of the case file, we believe that additional information is required to complete the site-specific evaluation. Therefore, we request that you submit a Work Plan that addresses the technical comments below **no later than April 23, 2013**.

#### **TECHNICAL COMMENTS**

1. **Sub-Slab Soil Vapor Sampling Results.** In order to confirm the previous sub-slab vapor sampling results, we request that you conduct one additional round of vapor sampling for the seven sub-slab vapor probes. In addition to the analytes used during the first sampling event, we request that the sub-slab vapor samples also be analyzed for naphthalene. Please include these plans in the Work Plan requested below.
2. **Soil Vapor Sampling.** Concurrent with the sub-slab vapor sampling requested above, we request that you also conduct one additional round of soil vapor sampling for the three soil vapor probes located along the southern boundary of the site. These soil vapor samples are to be analyzed for naphthalene in addition to the analytes used during previous sampling events. Please include these plans in the Work Plan requested below.

3. **Downgradient Plume Delineation.** Since groundwater monitoring well S-3 was destroyed in 2005, monitoring well S-8 is the only groundwater monitoring well that is located southwest of the former third generation USTs and dispensers. Elevated concentrations of petroleum hydrocarbons remain in groundwater in the area of S-8; during the groundwater monitoring event on December 23, 2011, TPHg and benzene concentrations were 55,000 and 9,500 micrograms per liter, respectively. As discussed in technical comment 3, sensitive receptors may be present southwest of the site. Since the plume extent has not been fully defined to the southwest, further downgradient delineation is necessary. Please present plans to complete downgradient delineation and to evaluate any potential impacts on buildings with basements south and southwest of the site.
4. **Sensitive Receptors.** A sensitive receptor survey that was completed by the Pacific Environmental Group in 1995, identified residences and an apartment building with basements as potential sensitive receptors. The buildings with basements are generally located southwest and south southwest of the site. Given the elevated concentrations of benzene that remain in groundwater in some areas of the site and the shallow depth to groundwater seasonally, further investigation of the potential for the off-site plume to impact these receptors is necessary. As discussed in technical comment 2, please present plans in the Work Plan requested below to complete downgradient delineation and to evaluate potential impacts on buildings with basements south and southwest of the site.
5. **Well Survey.** The most recent well survey appears to have been completed in 2000. In the Work Plan requested below, we request that you include plans to complete an updated well survey. In addition, we request that you also include plans to confirm that no domestic or irrigation wells are present within the area potentially affected by the off-site plume.
6. **Groundwater Monitoring.** Groundwater monitoring is to be continued on an annual schedule during the fourth quarter.

### **TECHNICAL REPORT REQUEST**

Please upload technical reports to the ACEH ftp site (Attention: Jerry Wickham), and to the State Water Resources Control Board's GeoTracker website according to the following schedule and file-naming convention:

- **April 23, 2013** – Work Plan  
File to be named: WP\_R\_yyyy-mm-dd RO0415

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 ST system, and require your compliance with this request.

Denis Brown  
Linli Lee  
Walter Watters  
RO0000415  
February 13, 2013  
Page 3

If you have any questions, please call me at (510) 567-6791 or send me an electronic mail message at [jerry.wickham@acgov.org](mailto:jerry.wickham@acgov.org). Case files can be reviewed online at the following website: <http://www.acgov.org/aceh/index.htm>. As your email address does not appear on the cover page of this notification ACEH is requesting you provide your email address so that we can correspond with you quickly and efficiently regarding your case.

Sincerely,

Jerry Wickham, California PG 3766, CEG 1177, and CHG 297  
Senior Hazardous Materials Specialist

Attachment: Responsible Party(ies) Legal Requirements/Obligations

Enclosure: ACEH Electronic Report Upload (ftp) Instructions

cc: Leroy Griffin, Oakland Fire Department, 250 Frank H. Ogawa Plaza, Ste. 3341, Oakland, CA 94612-2032 2032 (*Sent via E-mail to: [lgriffin@oaklandnet.com](mailto:lgriffin@oaklandnet.com)*)

Peter Schaefer, Conestoga-Rovers & Associates, 5900 Hollis Street, Suite A  
Emeryville, CA 94608 (*Sent via E-mail to: [pschaefer@croworld.com](mailto:pschaefer@croworld.com)*)

Bill Phua c/o Jay Phares, 10700 MacArthur Boulevard, Suite 200, Oakland, CA 94605-5260

Donna Drogos, ACEH (*Sent via E-mail to: [donna.drogos@acgov.org](mailto:donna.drogos@acgov.org)*)

Jerry Wickham, ACEH (*Sent via E-mail to: [jerry.wickham@acgov.org](mailto:jerry.wickham@acgov.org)*)

GeoTracker, eFile

## **Attachment 1**

### **Responsible Party(ies) Legal Requirements/Obligations**

#### **REPORT/DATA REQUESTS**

These reports/data are being requested pursuant to Division 7 of the California Water Code (Water Quality), Chapter 6.7 of Division 20 of the California Health and Safety Code (Underground Storage of Hazardous Substances), and Chapter 16 of Division 3 of Title 23 of the California Code of Regulations (Underground Storage Tank Regulations).

#### **ELECTRONIC SUBMITTAL OF REPORTS**

ACEH's Environmental Cleanup Oversight Programs (Local Oversight Program [LOP] for unauthorized releases from petroleum Underground Storage Tanks [USTs], and Site Cleanup Program [SCP] for unauthorized releases of non-petroleum hazardous substances) require submission of reports in electronic format pursuant to Chapter 3 of Division 7, Sections 13195 and 13197.5 of the California Water Code, and Chapter 30, Articles 1 and 2, Sections 3890 to 3895 of Division 3 of Title 23 of the California Code of Regulations (23 CCR). Instructions for submission of electronic documents to the ACEH FTP site are provided on the attached "Electronic Report Upload Instructions."

Submission of reports to the ACEH FTP site is in addition to requirements for electronic submittal of information (ESI) to the State Water Resources Control Board's (SWRCB) Geotracker website. In April 2001, the SWRCB adopted 23 CCR, Division 3, Chapter 16, Article 12, Sections 2729 and 2729.1 (Electronic Submission of Laboratory Data for UST Reports). Article 12 required electronic submittal of analytical laboratory data submitted in a report to a regulatory agency (effective September 1, 2001), and surveyed locations (latitude, longitude and elevation) of groundwater monitoring wells (effective January 1, 2002) in Electronic Deliverable Format (EDF) to Geotracker. Article 12 was subsequently repealed in 2004 and replaced with Article 30 (Electronic Submittal of Information) which expanded the ESI requirements to include electronic submittal of any report or data required by a regulatory agency from a cleanup site. The expanded ESI submittal requirements for petroleum UST sites subject to the requirements of 23 CCR, Division, 3, Chapter 16, Article 11, became effective December 16, 2004. All other electronic submittals required pursuant to Chapter 30 became effective January 1, 2005. Please visit the SWRCB website for more information on these requirements. ([http://www.waterboards.ca.gov/water\\_issues/programs/ust/electronic\\_submittal/](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, 7835, 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, 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.

<b>Alameda County Environmental Cleanup Oversight Programs (LOP and SCP)</b>	<b>REVISION DATE:</b> July 25, 2012
	<b>ISSUE DATE:</b> July 5, 2005
	<b>PREVIOUS REVISIONS:</b> October 31, 2005; December 16, 2005; March 27, 2009; July 8, 2010
<b>SECTION:</b> Miscellaneous Administrative Topics & Procedures	<b>SUBJECT:</b> Electronic Report Upload (ftp) Instructions

The Alameda County Environmental Cleanup Oversight Programs (petroleum UST 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 [.loptoxic@acgov.org](mailto:.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 <://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 [.loptoxic@acgov.org](mailto:.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.