



ENVIRONMENTAL HEALTH SERVICES
ENVIRONMENTAL PROTECTION
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December 23, 2013

Mr. Brian Waite
Chevron Environmental Management Co.
6101 Bollinger Canyon Road
San Ramon, CA 94583
(sent via electronic mail to
bwaite@chevron.com)

Mr. Mark Gomez
City of Oakland
250 Frank Ogawa Plaza,
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Oakland, CA, 9461
(sent via electronic mail to
mgomez@oaklandnet.com)

Simgas LLC
655 Montgomery St #1900
San Francisco, CA 94111

Gurinder Grewal & Navdeep Singh
349 Brianne Ct.
Pleasanton, CA 94566
(sent via electronic mail to grewalngns@yahoo.com)

Subject: Request for Closure Response; Fuel Leak Case No. RO0000464; (Global ID # T0600102238); Chevron #9-1851, 451 Hegenberger Road, Oakland, CA 94612

Dear Ladies and Gentlemen:

Alameda County Environmental Health Department (ACEH) staff has reviewed the case file, including the *UST Removal Compliance Sampling Report*, dated October 26, 2012 (submitted August 21, 2013), by Pangea Environmental Services (Pangea), the *Remedial Excavation Report and Case Closure Request*, dated March 28, 2013, by Conestoga-Rovers & Associates (CRA), and the *Second Semi-Annual 2013 Groundwater Monitoring and Sampling Report*, dated November 30, 2013, by CRA. Thank you for submitting the reports.

It has become apparent that a fairly complex interplay of events involving the diesel UST removal in September 2012, the detection of diesel contamination in soil and groundwater, and the existence of multiple Responsible Parties at the site, has complicated Chevron's case closure request at the site. It appears appropriate to request specific site details in order for ACEH to determine the appropriateness of the closure request by Chevron, versus the appropriateness of case closure for Chevron and the opening of a new case with Gurinder Grewal and Navdeep Singh as Responsible Parties at the site.

At present Total Petroleum Hydrocarbons as diesel (TPHD) groundwater concentrations at the site are undefined in downgradient well MW-5 and have rapidly risen from essentially nondetectable to 11,000 micrograms per liter ($\mu\text{g/l}$). The analytical results incorporated the use of silica gel cleanup.

Based on ACEH staff review of the case file, we request that you address the following technical comments and submit the documents as requested and described below. Subsequent to the submittal of these documents, ACEH would like to convene a meeting with all parties.

TECHNICAL COMMENTS

- 1. Timeline of Diesel Use at the Site** – One of the keys to understanding diesel contamination at the site appears to be the history of use of the diesel underground storage tank (UST). Historic files indicate that the UST was reported to be a methanol UST at the time of the first groundwater monitoring report (May 1996) until the July 2008 report. In groundwater monitoring reports thereafter it was indicated to be a diesel UST; however, the conversion is not specifically reported. Chevron is also reported to have operated a service station located at the site only until 1999.

ACEH has assembled the following timeline for site activities to help resolve the responsibility for the diesel release and the source of the diesel release:

- March 16, 2012 – Groundwater sampling indicates that MW-3 was essentially non-detectable for TPH as motor oil (TPHmo) and TPHd; depth-to-water was 3.99 feet bgs.
- August 16 to 18, 2012 - Waste oil excavation soil bores were installed to define the limits of free phase and waste oil contamination and of the future excavation.
- September 13, 2012 – Well MW-3, located approximately 3 to 5 feet downgradient of the former diesel UST was sampled and groundwater yielded a concentration of 4,400 µg/l TPHmo and 2,000 µg/l TPHd, and no detectable of benzene, toluene, ethylbenzene, or total xylenes (BTEX), and 24 micrograms per liter (µg/l) methyl-tert-butyl-ether (MTBE); depth-to-water was 4.31 feet bgs. (Briefly, groundwater diesel concentrations were rising before removal of the diesel UST or the waste oil excavation).
- September 18, 2012 - Diesel UST removed; tank bottom samples at six feet below surface grade (bgs) and the stockpile sample yield a maximum of 5.5 milligrams per kilogram (mg/kg) TPH as diesel, and no detectable concentrations of BTEX or MTBE. Total reported excavation depth was 15 feet bgs. Groundwater yielded a concentration of 960 µg/l TPH as diesel and non-detectable BTEX and MTBE; however, tert-butyl-ether (TBA) was detected at a concentration of 1,800 µg/l. TPHmo was not analyzed. Photographs show a UST in good repair.
- Undetermined date of well destruction for MW-3; well destruction appears to be unpermitted by the Alameda County Public Works Agency.
- November 9 to 21, 2012 – Waste oil UST excavation activities.
- February 28, 2013 – Groundwater sampling indicates MW-5 was non-detectable for TPH as diesel, TPH as motor oil, BTEX, but contained 6 µg/l MTBE; depth-to-water was 5.08 feet bgs.
- September 21, 2013 – Groundwater sampling; MW-5 yields 2,100 µg/l TPH as motor oil, 11,000 µg/l TPH as diesel, BTEX is non-detectable, but contained 3 µg/l MTBE; depth-to-water was 5.44 feet bgs.

This timeline illustrates the difficulty in determining the source of, and thus the responsibility for, the diesel groundwater contamination. It does not necessarily appear to be a correct assumption that the removal of the diesel UST resulted in the detection of the diesel contamination in well MW-3. Other known activities that can account for the diesel groundwater contamination could include an accidental nick of a diesel product line during installation of soil bores to define the waste oil excavation, or an earlier release from an unknown diesel source, or a dispenser island.

Please enhance this timeline by incorporating historic diesel usage at the site, reported detections of diesel in soil and groundwater, property ownership, and any other information pertinent to resolving these issues.

- 2. Diesel Source Evaluation** – A second key to the site is to understand the location of the diesel dispensing infrastructure and the location of the possible sources of diesel detections in soil and groundwater. The location of diesel related infrastructure has not been reported, other than to be near the former diesel UST. Please prepare a figure depicting the location of the diesel dispenser(s) and product piping on site plans. Please include the locations of soil and groundwater where diesel contamination has been detected on the figure showing the site infrastructure.

The presence of 130 and 140 mg/kg TPHd in soil bores B-13 and B-14, respectively, document the highest detected concentration of diesel at the site, including within the diesel UST excavation, and do not appear to be associated with the former diesel UST, or other known sources. Bore B-14 also contains the highest concentration of TPH as gasoline (TPHg) aside from the known dispenser islands, and again is isolated from known sources.

Pangea has noted that the analytical lab used to analyze samples from the UST excavation characterized the TPHd in the grab groundwater sample to be aged, thus has argued that the removal of the UST did not release diesel, but may have caused limited mixing of diesel-impacted soil with

groundwater. These interpretive notes are not available from the analytical laboratory in groundwater monitoring reports.

As noted above, at present TPHd groundwater concentrations at the site are undefined in downgradient well MW-5 and have rapidly risen to 11,000 µg/l. Of potential significance is the characterization of the hydrocarbon as TPHd rather than TPHmo, as would be expected from the waste oil excavation. Please provide an assessment of this data.

3. **Contaminant Travel Time** – Please assess contaminant travel time from potential source areas and bores B-13, B-14, MW-3, and MW-5 to help identify the timing of the release.
4. **Groundwater Monitoring** – Until these issues are resolved (diesel source, plume stability, and responsibility), ACEH requests continuation of groundwater monitoring.

TECHNICAL REPORT REQUEST

Please upload technical reports to the ACEH 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:

- **February 21, 2014** – Timeline, Diesel Source Evaluation, and Travel Time Analysis
File to be named: MISC_R_YYYY-mm-dd
- **May 2, 2014** – Semi-Annual Groundwater Monitoring Report
File to be named: 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, ACEH is requesting you provide your email address so that we can correspond with you quickly and efficiently regarding your case.

If you have any questions, please call 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: Nathan Lee, Conestoga-Rovers & Assoc., 5900 Hollis Street, Suite A, Emeryville, CA 94608
(sent via electronic mail to nlee@croworld.com)
Bob Clark-Riddell, Pangea Environmental Services, Inc., 1710 Franklin Street, Suite 200, Oakland, CA 94612 (sent via electronic mail to BRiddell@pangeaenv.com)
Leroy Griffin, Oakland Fire Department, 250 Frank H. Ogawa Plaza, Suite 3341, Oakland, CA 94612-2032 (sent via electronic mail to lgriffin@oaklandnet.com)

Dilan Roe (Sent via electronic mail to dilan.roe@acgov.org)
Mark Detterman (sent via electronic mail to mark.detterman@acgov.org)
Electronic File, GeoTracker

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/).

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.

Alameda County Environmental Cleanup Oversight Programs (LOP and SCP)	REVISION DATE: July 25, 2012
	ISSUE DATE: July 5, 2005
	PREVIOUS REVISIONS: October 31, 2005; December 16, 2005; March 27, 2009; July 8, 2010
SECTION: Miscellaneous Administrative Topics & Procedures	SUBJECT: 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 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) Using Internet Explorer (IE4+), go to <ftp://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 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.