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October 29, 2014 (*Revised*)

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Chevron Environmental Management  
PO Box 6012  
6101 Bollinger Canyon Rd  
San Ramon, CA 94583  
(sent via electronic mail to:  
[ACoulter@Chevron.com](mailto:ACoulter@Chevron.com))

Mr. Gary Bankhead  
Kaiser Foundation Hospitals  
100 San Leandro Blvd.  
San Leandro, CA 94577  
(sent via electronic mail to:  
[Gary.J.Bankhead@kp.org](mailto:Gary.J.Bankhead@kp.org))

Heitzinger Associates  
PO Box 1613  
Pebble Beach, CA 93953  
Pasadena, CA 91188  
(sent via electronic mail to:

Subject: Request for Data Gap Work Plan; Fuel Leak Case No. RO0000500 (Global ID # T0600100334), Chevron #9-1026, 3701 Broadway, Oakland CA 94611

Dear Ms. Fischer, Mr. Bankhead, and Heitzinger Associates:

Alameda County Environmental Health (ACEH) staff has reviewed the case file including the *Revised Conceptual Site Model and Low-Threat Case Closure Request*, and the *Conceptual Site Model Addendum and Closure Request*, both dated October 3, 2014. The reports were submitted on your behalf by Conestoga-Rovers & Associates (CRA). Thank you for the submittals.

The documents were submitted in response to comments contained in an April 29, 2014 directive letter from ACEH communicating its analysis and review of the site under the State Water Resource Control Board's (SWRCB's) Low Threat Closure Policy (LTCP), and seeking additional analysis, insight, and data in order to determine if it would be appropriate to move the case toward closure under the policy.

Towards this end, ACEH had previously evaluated the data and recommendations presented in the available reports, in conjunction with the case files, to determine if the site was eligible for closure as a low risk site under LTCP. Based on that review, ACEH determined that the site failed to meet the LTCP General Criteria e (Site Conceptual Model), and the Media-Specific Criteria for Groundwater, and the Media-Specific Criteria for Vapor Intrusion to Indoor Air (please see the April 29, 2014 directive letter for a detailed discussion).

Using the additional analysis and data provided in the referenced documents submitted in October 2014, ACEH has re-reviewed the subject site with respect to the LTCP. Based on our re-evaluation of the site, we have determined that several criterions meet the LTCP; however, the site continues to fail the LTCP Media-Specific Criteria for Vapor Intrusion to Indoor Air (see Geotracker).

Therefore, at this juncture ACEH requests that you prepare a Data Gap Investigation Work Plan to address the Technical Comments provided below and discussed with you in a meeting with Chevron and ACEH staff on April 24, 2014.

### **TECHNICAL COMMENTS**

- 1. LTCP Media Specific Criteria for Groundwater** – Thank you for highlighting existing data that appears to satisfy this media specific criteria. Based on data presented it appears that any remaining Light Non-Aqueous Phase Liquids (LNAPL) in the site vicinity will likely be offsite beneath MacArthur Boulevard, but would likely encounter and intersect the sanitary sewer line that is installed in MacArthur Boulevard at a depth of approximately 20 feet below grade surface (bgs). Because groundwater was generally encountered at a depth of approximately 15 to 20 feet bgs onsite, this suggests that the LNAPL has been removed to the extent practicable, that any remaining LNAPL plume is offsite, and that the extent of the LNAPL plume is likely limited.

The depth and location of the sanitary sewer suggests that the likely extent of the dissolved-phased groundwater plume is also somewhat limited. Based on historic detections and the presence of 0.03 feet of LNAPL in well E, 0.04 feet of LNAPL in well F, and 0.08 feet in well EA-1 in September 1993, ACEH's interpretation is the LNAPL and the dissolved-phase plumes extended past the sanitary sewer line (each well is located downgradient of, and LNAPL thicknesses are expected to be influenced by, the presence of the sanitary sewer). Although the stratigraphic data from wells downgradient of the sanitary sewer line is very limited and constrained, the lack of detectable dissolved-phased contamination in wells E, F, and EA-1 for a number of years, suggests the current extent of the dissolved-phased plume is likely limited and captured by the sanitary sewer.

The inclusion of a sensitive receptor survey (wells and other sensitive receptors) in the *Conceptual Site Model Addendum and Closure Request* indicates that there are no sensitive receptors or groundwater users within 1,000 feet of the site in the downgradient direction. The LTCP *Technical Justification Paper for Groundwater Media-Specific Criteria* indicates that maximum documented plume length for benzene is 554 feet, and for TPH the maximum length is 855 feet. The lack of sensitive receptors and sensitive groundwater users within 1,000 feet downgradient appears to provide a level of protection to the public and to users of groundwater.

The redevelopment of the subject site into an underground medical office building required the extraction of a significant volume of groundwater, and will likely have removed LNAPL and high dissolved-phased groundwater in proximity to the site. It is the expectation of ACEH that the volume of remaining LNAPL beneath MacArthur Boulevard that would enter the sanitary sewer system will be limited in the future due to the redevelopment dewatering.

Consequently, ACEH has determined that the site likely meets groundwater media-specific criteria 1.5.

- 2. LTCP Media Specific Criteria for Vapor Intrusion to Indoor Air** – Thank you for providing additional information and data relative to the backfill material used for the Chevron site excavation. Please also note that while ACEH has previously commented on the presence of a moisture barrier that is reported to have been used in the sub-grade medical office building, please be aware that the Department of Toxic Substance Control (DTSC) does not regard a water barrier to be a vapor barrier. In order to remain consistent with the dynamic and ever changing vapor intrusion field, ACEH follows DTSC vapor intrusion guidance.

As discussed in our April 29, 2014 directive letter, our review of the case files indicates that while extensive excavation occurred at the subject site, substantial residual soil contamination remained beneath the medical offices at a depth at or greater than 15 feet bgs (with concentrations up to 8,600 milligrams per kilogram [mg/kg] Total Petroleum Hydrocarbons [TPH] as gasoline; 4,300 mg/kg TPH as diesel, 14,000 mg/kg Total Oil and Grease, 31 mg/kg benzene, and 100 mg/kg ethylbenzene). As discussed in the April 24, 2014 meeting, it is anticipated that substantial oxygenation of the residual contamination occurred at the time of excavation; however, the effect of the oxygenation, and the thickness of the residual soil contamination beneath the medical offices at the site has not been evaluated, nor has the site been assessed for the potential of vapor intrusion to the subgrade medical offices, constructed to a depth of 15 feet bgs. Please note that due to the construction of the medical offices a full 15 feet below grade, the separation distance the LTCP relies on to provide a level of protection has been completely removed and eliminated.

Therefore it is prudent to collect additional data to confirm that vapor intrusion to indoor air is not a risk to the sub-grade medical office building. There appear to be a minimum of three ways to collect multiple lines of evidence to confirm this:

- The collection of grab groundwater samples, in order to determine residual groundwater concentrations of Total Petroleum Hydrocarbons as gasoline (TPHg), benzene, ethylbenzene, and naphthalene, may provide sufficient data to evaluate the potential for vapor intrusion to the sub-grade medical office building.
- The collection of vapor samples, adjacent to, but not beneath, the subgrade medical office building, also provides a method to evaluate the potential for vapor intrusion to the sub-grade medical office building.

- Finally, the collection of soil samples in close proximity to excavation bottom confirmation samples, that documented up to 31 mg/kg benzene directly below the 15 foot deep sub-grade office building, provides another method to evaluate the extent of excavation removal, or the extent of contaminant degradation that may have occurred in the interim, and the potential for vapor intrusion to the sub-grade building.
- 3. Data Gap Investigation Work Plan** – Based on the discussion contained in Technical Comments above, please prepare a Data Gap Investigation Work Plan and submit the document by the date identified below, to address the technical comments listed above. Please sequence activities in the proposed revised data gap investigation scope of work to enable efficient data collection in the fewest mobilizations possible.
  - 4. Groundwater Monitoring** – In the *Conceptual Site Model Addendum and Closure Request*, CRA recommended that groundwater monitoring cease at the site due to the lack of detectable groundwater concentrations and the safety hazard well sampling in a busy boulevard presents to a work crew. ACEH is in agreement that groundwater monitoring can be suspended as the case is evaluated and resolved under the LTCP.

### **TECHNICAL REPORT REQUEST**

Please upload technical reports to the ACEH ftp site (Attention: Barbara Jakub), and to the State Water Resources Control Board's Geotracker website, in accordance with the following specified file naming convention and schedule:

- **January 2, 2015** – Data Gap Investigation Work Plan and Tabular Focused SCM  
(File to be named: WP\_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 you have any questions, please call me at (510) 567-6876 or send me an electronic mail message at [mark.detterman@acgov.org](mailto:mark.detterman@acgov.org).

Sincerely,

Mark E. Detterman, P.G., C.E.G.  
Senior Hazardous Materials Specialist

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

cc: N. Scott MacLeod, Conestoga-Rovers & Associates, Inc., 5900 Hollis Street, Suite A, Emeryville, CA 94608; (sent via electronic mail to [smacleod@croworld.com](mailto:smacleod@croworld.com))

Nathan Lee, Conestoga-Rovers & Associates, Inc., 5900 Hollis Street, Suite A, Emeryville, CA 94608; (sent via electronic mail to [nlee@croworld.com](mailto:nlee@croworld.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](mailto:lgriffin@oaklandnet.com))

Dilan Roe, ACEH (sent via electronic mail to [dilan.roe@acgov.org](mailto:dilan.roe@acgov.org))  
Mark Detterman (sent via electronic mail to [mark.detterman@acgov.org](mailto: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

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.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, 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.

<b>Alameda County Environmental Cleanup Oversight Programs (LOP and SLIC)</b>	<b>REVISION DATE:</b> May 15, 2014
	<b>ISSUE DATE:</b> July 5, 2005
	<b>PREVIOUS REVISIONS:</b> October 31, 2005; December 16, 2005; March 27, 2009; July 8, 2010, July 25, 2010
<b>SECTION:</b> Miscellaneous Administrative Topics & Procedures	<b>SUBJECT:</b> Electronic Report Upload (ftp) Instructions

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

- **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](mailto: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](mailto: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.