



ENVIRONMENTAL HEALTH SERVICES
ENVIRONMENTAL PROTECTION
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Alameda, CA 94502-6577
FAX (510) 337-9335
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May 2, 2012

Mr. Phillip Smith (sent via electronic mail to pjboise@aol.com)
PJ Smith Family LLC
PO Box 1542
Boise, ID 83701-1542

Subject: Request for Work Plan; Fuel Leak Case No. RO0003065 and GeoTracker Global ID
T0600102132, Smith Commercial Property, 2520 Blanding Avenue, Alameda, CA 94501

Dear Mr. Smith:

Alameda County Environmental Health (ACEH) staff has reviewed the case file for the referenced site including the October 21, 2009 *Phase I Environmental Assessment* and the November 25, 2009 *Limited Soil and Groundwater Investigation* both prepared by Olson Environmental Inc. (OEI), and the September 26, 2011 *Supplemental Groundwater Investigation Report* prepared by Pacific Engineering and Construction, Inc. (PECI). Thank you for submitting the reports. The *Limited Soil and Groundwater Investigation* documented the installation of three soil borings; SB-1 was located within the former tank pit and SB-2 and SB-3 were located in the presumed down gradient direction of the former tank pit and the *Supplemental Groundwater Investigation Report* documented the installation of three soil borings approximately within 2 feet of the 2009 soil boring locations to determine if the concentration of contaminants found during the 2009 sampling event had decreased. The soil sample collected during the 2009 investigation from SB-1 near the former tank pit contained up to 550 milligrams per kilogram (mg/kg) total petroleum hydrocarbons as gasoline (TPHg) and the groundwater sample contained 4,900 micrograms per liter (ug/L) TPHg, 14,000 µg/L TPH as diesel, 15,000 µg/L TPH as motor oil, and 14 µg/L benzene. Based on the results of the 2009 investigation, ACEH concludes that an unauthorized release occurred from the UST but the 2011 investigation provided inconsistent confirmatory results. In order to evaluate your site and progress to case closure additional information and a soil and groundwater investigation is needed. ACEH requests that you address the following technical comments and send us the documents requested below.

TECHNICAL COMMENTS

- 1. Geo Tracker Compliance** - A review of the State Water Resources Control Board's (SWRCB) GeoTracker website indicates the site has not yet been claimed. Because this is a state requirement, ACEH requests that the site be claimed in GeoTracker by the date identified below. Pursuant to California Code of Regulations, Title 23, Division 3, Chapter 16, Article 12, Sections 2729 and 2729.1, beginning September 1, 2001, all analytical data, including monitoring well samples, submitted in a report to a regulatory agency as part of the UST or LUST program, must be transmitted electronically to the SWRCB GeoTracker system via the internet. Also, beginning January 1, 2002, all permanent monitoring points utilized to collect groundwater samples (i.e. monitoring wells) and submitted in a report to a regulatory agency, must be surveyed (top of

casing) to mean sea level and latitude and longitude to sub-meter accuracy using NAD 83. A California licensed surveyor may be required to perform this work. Additionally, pursuant to California Code of Regulations, Title 23, Division 3, Chapter 30, Articles 1 and 2, Sections 3893, 3894, and 3895, beginning July 1, 2005, the successful submittal of electronic information (i.e. report in PDF format) shall replace the requirement for the submittal of a paper copy. Please claim your site and upload all future submittals to GeoTracker and ACEH's ftp server by the date specified below. Electronic reporting is described below on the attachments.

Additional information regarding the SWRCB's GeoTracker website may be obtained online at http://www.waterboards.ca.gov/water_issues/programs/ust/electronic_submittal/ and http://www.swrcb.ca.gov/ust/electronic_submittal/report_rqmts.shtml) or by contacting the GeoTracker Help Desk at geotracker@waterboards.ca.gov or (866) 480-1028.

2. Request for *Supplemental Groundwater Investigation Report Addendum* – Both the November 25, 2009 *Limited Soil and Groundwater Investigation* and the September 26, 2011 *Supplemental Groundwater Investigation Report* were performed without an approved work plan, therefore, the following data deficiencies must be addressed in the requested *Supplemental Groundwater Investigation Report Addendum*:

- a. The November 2009 report text indicates that soil samples were collected from depths of 5 and 8 feet bgs for laboratory analysis, yet the soil sample designations (SB1-7, SB2-7, and SB3-7) on the three boring logs are each shown at a depth of 7 feet. In Table 1 of the September 2011 report, it is stated that each soil sample (SB1-7, SB2-7, and SB3-7) was collected at a depth of 7 feet. Please clarify in the requested Addendum the depths at which soil samples SB1-7, SB2-7, and SB3-7 were collected and verify internal consistency between text, tables, boring logs, and figures in all future reports.
- b. Groundwater sample collection details such as observations of the collected groundwater sample (turbidity and/or odor) or depth of sample collection were not provided in either of the reports. Please provide these details in the requested Addendum.
- c. The September 2011 report text describes the locations of the second set of soil borings, but the figure does not show the new locations. Please present an updated figure showing both the 2009 and 2011 soil boring locations in the requested Addendum.
- d. It is unclear from the September 2011 report which soil boring had to be deepened from 10 feet to 12 feet so as to collect a groundwater sample, since the new borings were not logged and SB-1 and SB-3 are referred to twice in the text. Please provide these missing details in the requested Addendum.
- e. The lead concentrations in soil for SB-1 and SB-3 in Table 1 of the September 2011 report do not agree with the lead concentrations reported in the laboratory sheets. Please present a revised Table 1 in the requested Addendum.

3. Request for a *Soil and Groundwater Investigation Work Plan* – The 2011 report presents soil and groundwater results from 2009 and 2011, but due to the previously mentioned data discrepancies and lack of detail, the site status remains uncertain and limited additional investigation is needed to resolve the discrepancies. This type of investigation typically involves drilling several soil borings and collecting soil and groundwater samples for analysis. We request

that you prepare and submit a Work Plan to ACEH to conduct this work at the site by the date specified below.

- a. **Soil Boring Locations** – Based on the 2009 boring locations, it appears appropriate to place soil borings at the north end and at the south end but within the former tank pit to obtain source characterization samples.
 - b. **Soil Sample Collection** – As detailed in Technical Comment 2a, it was not clear from the September 2011 report the depth the soil samples were collected. If samples were collected at a depth of 7 feet, it would appear that SB1-7 was collected just above groundwater at 7.5 feet in the capillary fringe, and SB2-7 and SB3-7 were both collected below first encountered groundwater at 6 feet. In the work plan requested below, please propose appropriate soil sample collection criteria and analysis to characterize the former tank pit location.
4. **Draft Low-Threat UST Case Closure Policy:** The referenced report also contained a recommendation for site closure based on the July 14, 2011 *Draft* Low-Threat UST Case Closure Policy. While the policy was just adopted by the SWRCB on May 1, 2012, it has not moved through the legal channels within the state and is subject to change. Consequently, the policy is not approved for implementation by the SWRCB.

UNDERGROUND STORAGE TANK CLEANUP FUND

Please be aware that site investigation/site cleanup costs may be reimbursable from the California Underground Storage Tank Cleanup Fund. The application and additional information is available at the State Water Resources Control Board's website at http://www.waterboards.ca.gov/water_issues/programs/ustcf. Please be aware that reimbursement monies are contingent upon maintaining compliance with directives from ACEH. Additional information about the USTCF can be found below in the attachments to this letter.

TECHNICAL REPORT REQUEST

Please submit the following deliverables to ACEH (Attention: Karel Detterman), according to the following schedule:

- **June 4, 2012** – Claim site in Geotracker and upload reports
- **June 15, 2012** – Soil and Groundwater Investigation Work Plan

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.

Thank you for your cooperation. Should you have any questions or concerns regarding this correspondence or your case, please send me an e-mail message at karel.detterman@acgov.org or call me at (510) 567-6708.

Mr. P.J. Smith
RO0003065
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Sincerely,

Karel Detterman, PG
Hazardous Materials Specialist

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

cc: Mark Waldman, Pacific Engineering and Construction, Inc., 35 Stillman Street, Ste. 126, San Francisco, CA 94107 (Sent via E-mail to: amwaldman@sbcglobal.net)

Donna Drogos, ACEH (Sent via E-mail to: donna.drogos@acgov.org)
Karel Detterman, ACEH (Sent via E-mail to: karel.detterman@acgov.org)
GeoTracker, Electronic Case File

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.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.

Alameda County Environmental Cleanup Oversight Programs (LOP and SLIC)	REVISION DATE: July 20, 2010
	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 (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
 - 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.