

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY

REBECCA GEBHART, Interim Director



DEPARTMENT OF ENVIRONMENTAL HEALTH
LOCAL OVERSIGHT PROGRAM (LOP)
For Hazardous Materials Releases
1131 HARBOR BAY PARKWAY, SUITE 250
ALAMEDA, CA 94502
(510) 567-6700
FAX (510) 337-9335

December 29, 2016

Mr. Mark Horne
Chevron Environmental Management Co.
6101 Bollinger Canyon Road
San Ramon, CA 94583
(Sent via electronic mail to:
MarkHorne@chevron.com)

Mr. Rene Boisvert
800 Center LLC
c/o Boulevard Equity Group
484 Lake Park Ave #246
Oakland, CA 94610-2730

Mr. Terrilla Sadler
618 Brooklyn Avenue
Oakland, CA 94606

NOTICE TO COMPLY

Subject: Request for Groundwater Monitoring, Updated Site Conceptual Model, Sensitive Receptor Survey, Fuel Leak Case RO0000454 (Global ID # T0600102230), Chevron #20-6145 / Signal SS, 800 Center Street, Oakland CA 94607

Messrs. Horne, Boisvert, and Sadler:

Alameda County Department of Environmental Health (ACDEH) has reviewed the case file, including the *Third Quarter 2016 Groundwater Monitoring and Sampling Report*, and dated November 9, 2016. The report was prepared and submitted on your behalf by GHD. Thank you for submitting the report. The report documented a groundwater monitoring event at the subject site on August 18, 2016.

A review of the case file for the above-referenced site indicates that your case is currently not in compliance with the ACDEH May 25, 2016 correspondence, which requested quarterly groundwater monitoring in addition to an updated Site Conceptual Model (SCM) and a sensitive receptor survey as detailed in that letter. Over four months have lapsed and the sensitive receptor survey and an updated SCM have not been received by ACDEH.

Completion of site characterization and/or cleanup at this site is necessary to ensure human health and the environment are protected, as well as to move this case towards closure under the State Water Boards (SWBs) Low Threat Closure Policy (LTCP). Please note that as Responsible Parties, you are required by California Code of Regulations, Title 23, Division 3, Chapter 16, Article 11, §2720 through §2728 to characterize the site and implement corrective action, as required.

In order to regain compliance, please conduct the requested actions, and submit a summary report, and electronically upload all documents to GeoTracker and ACDEH's FTP server by the dates specified below. Failure to conduct the work by the due dates specified below may result in an issuance of a Notice of Violation and possible enforcement action by the District Attorney and/or ineligibility for reimbursement of corrective action costs incurred at the site from the Underground Storage Tank Clean-up Fund. ACDEH can recommend removal of this site from the Underground Storage Tank Clean-up Fund. Pursuant to Chapter 6.7, California Health and Safety code, civil penalties up to \$10,000 for each UST for each day of violation may be imposed. Please note that once removed from the Clean-up Fund, the costs associated with site characterization/site cleanup work that is required will not be reimbursed. Please note that civil penalties for non-compliance are assessed from the original due date (August 19, 2016).

Based on the review of the case file ACDEH requests that you address the following technical comments and send us the documents requested below.

TECHNICAL COMMENTS

1. **LTCP General Criteria e (Site Conceptual Model) – (LATE)** Our review of the case files indicates that insufficient data collection or analysis has been presented to assess the nature, extent, and mobility of the release and to support compliance with Media Specific Criteria Groundwater as described below.

Based on changes in the depth to groundwater, it appears that depth to groundwater affects groundwater concentrations. During the January 2014 monitoring and sampling event, groundwater was at a historic low point for the preceding six years, and contaminant concentrations were at historic high concentrations for the preceding six years. The relationship appears to indicate historic low groundwater levels may cause historic plume concentration spikes that must be considered within the context of the LTCP.

2. **LTCP Media Specific Criteria for Groundwater – (LATE)** Our review of the case files indicates that insufficient data collection and analysis has been presented to support the requisite characteristics of plume stability or plume classification as follows:

- a. **Groundwater Plume Length** – The January 2014 groundwater monitoring event documented all site wells contained significantly higher TPHd concentrations than prior monitoring events. Conversely, TPHg and petroleum hydrocarbon volatiles, including benzene, ethylbenzene, toluene, and total xylenes (BTEX) did not change significantly. As a consequence, it is appropriate to define the groundwater TPHd plume length by means contained in the LTCP, such as use of maximum plume lengths as defined in the LTCP *Technical Justification for Groundwater Media-Specific Criteria*, (April 2012), and determine if sensitive receptors are located within 1,000 feet of the assumed maximum plume length. ACDEH defines sensitive receptors to include wells, sensitive populations, and dewatering structures such as basements with sumps that remove groundwater from the subsurface, and discharge it to surface conveyance such as curbs with potential direct exposures to humans and the environment including storm water discharges. ACDEH is aware that an updated well survey and sensitive population survey has more recently been conducted for the site.

- b. **Stability of Groundwater Concentrations** – It appears appropriate to resume groundwater monitoring of all on- and offsite shallow groundwater monitoring wells in an attempt to determine current groundwater depths and current concentrations in an effort to support an updated SCM.

3. **Quarterly Groundwater Monitoring** – In order to quickly determine groundwater plume concentration stability, please conduct quarterly groundwater monitoring and sampling at the site and submit reports by the dates identified below.

SUBMITTAL ACKNOWLEDGEMENT STATEMENT

Please note that ACDEH has updated Attachment 1 with regard to report submittals to ACDEH. ACDEH will now be requiring a Submittal Acknowledgement Statement, replacing the Perjury Statement, as a cover letter signed by the Responsible Party (RP). The language for the Submittal Acknowledgement Statement is as follows:

I have read and acknowledge the content, recommendations and/or conclusions contained in the attached document or report submitted on my behalf to ACDEH's FTP server and the SWRCB's Geotracker Website.

Please make this change to your submittals to ACDEH.

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 24, 2017 (LATE)** – Sensitive Receptor Survey, Updated SCM
File to be named RO454_SCM_R_YYYY-mm-dd
- **April 7, 2017** – First Quarter 2017 Groundwater Monitoring Report
File to be named RO454_GWM_R_YYYY-mm-dd

Online case files are available for review at the following website: <http://www.acgov.org/aceh/index.htm>.

Should you have any questions, please contact 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: Morgan Hargrave, GHD, 10969 Trade Center Drive, Suite 107, Rancho Cordova, CA 95670;
(Sent via electronic mail to: morgan.hargrave@ghd.com)

Greg Barclay, GHD, 10969 Trade Center Drive, Suite 107, Rancho Cordova, CA 95670;
(Sent via electronic mail to: greg.barclay@ghd.com)

Dilan Roe, ACDEH, (Sent via electronic mail to: dilan.roe@acgov.org)

Paresh Khatri, ACDEH; (Sent via electronic mail to: paresh.khatri@acgov.org)

Mark Detterman, ACDEH, (Sent via electronic mail to: 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

Alameda County Department of Environmental Health's (ACDEH) Environmental Cleanup Oversight Programs, Local Oversight Program (LOP) and Site Cleanup Program (SCP) 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 File Transfer Protocol (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 SCP 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 (http://www.waterboards.ca.gov/water_issues/programs/ust/electronic_submittal/) for more information on these requirements.

ACKNOWLEDGEMENT STATEMENT

All work plans, technical reports, or technical documents submitted to ACDEH must be accompanied by a cover letter from the responsible party that states, at a minimum, the following: "I have read and acknowledge the content, recommendations and/or conclusions contained in the attached document or report submitted on my behalf to ACDEH's FTP server and the SWRCB's GeoTracker website." 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 6731, 6735, and 7835) 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 licensed 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 case meet this requirement. Additional information is available on the Board of Professional Engineers, Land Surveyors, and Geologists website at: <http://www.bpelsg.ca.gov/laws/index.shtml>.

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: December 1, 2016
	ISSUE DATE: July 5, 2005
	PREVIOUS REVISIONS: October 31, 2005; December 16, 2005; March 27, 2009; July 8, 2010, July 25, 2010; May 15, 2014, November 29, 2016
SECTION: Miscellaneous Administrative Topics & Procedures	SUBJECT: Electronic Report Upload (ftp) Instructions

The Alameda County Environmental Cleanup Oversight Programs (LOP 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) Open File Explorer using the Windows  key + E keyboard shortcut.
 - i) Note: Netscape, Safari, and Firefox browsers will not open the FTP site as they are NOT being supported at this time.
 - b) On the address bar, type in ftp://alcoftp1.acgov.org.
 - c) Enter your User Name and Password. (Note: Both are Case Sensitive)
 - d) Click Log On.
 - e) Open "My Computer" on your computer and navigate to the file(s) you wish to upload to the ftp site.
 - f) 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.