

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



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

June 20, 2008

Casimiro Damele
3750 Victor Avenue
Oakland, CA 94619

Subject: Fuel Leak Case No. RO0000132 and Geotracker Global ID T0600100430, ARCO,
4401 Market Street, Oakland, CA 94608

Dear Mr. Damele:

Alameda County Environmental Health (ACEH) staff has reviewed the case file for the above-referenced site including the recently submitted document entitled, "Site-Specific Risk Assessment and Site Conceptual Model," dated January 16, 2004 (received by ACEH on February 6, 2007), which was prepared by Streamborn for the subject site. Streamborn has recommended case closure for the site based on residual soil and groundwater contamination decreasing with time due to natural attenuation and residual contamination in soil and groundwater presenting insignificant risk to human health and the environment. Streamborn also believes that it is unlikely in the future that a structure will be located above the residual contaminated soil onsite and off-site.

Based on the analytical data and current surrounding land-use, adequate justification for case closure was not presented, hence case closure cannot be considered at this time. This decision to deny closure is subject to appeal to the State Water Resources Control Board (SWRCB), pursuant to Section 25299.39.2(b) of the Health and Safety Code (Thompson-Richter Underground Storage Tank Reform Act - Senate Bill 562). Please contact the SWRCB Underground Storage Tank Program at (916) 341-5851 for information regarding the appeal process.

ACEH requests that you address the following technical comments, perform the proposed work, and send us the technical reports requested below.

TECHNICAL COMMENTS

1. **Site Conceptual Model Data Gaps** – Elevated concentrations of benzene in soil have been detected during the underground storage tank (UST) removals in 1990 as well as subsequent soil and groundwater investigations conducted in 1994 and 1999. Concentrations of benzene have been detected as high as 3.3 mg/kg in soil sample #S4 collected at 8 feet below the ground surface (bgs) during the UST removals and as high as 12 mg/kg benzene in soil samples collected at 15 to 15.5 feet bgs from boring B10 located off-site. Although Streamborn believes that "benzene contaminated soil presents an insignificant risk at the site" because it is unlikely that a structure would be located in the northwest corner of the property where the former USTs were located and elevated benzene in soil is present, it cannot be definitively ruled out. The surrounding land use is primarily residential; therefore,

future residential land use for this property is not unforeseen or unreasonable and risk evaluation must be conducted to a residential land-use risk scenario. In Streamborn's benzene risk evaluation model, the exposure duration (ED) inputted into the model was 10 years for residential and commercial risk scenarios. However, according to ASTM E 1739, the default exposure duration is 30 years for residential risk and 25 years for commercial risk. It is not clear why the default value for ED was modified and an explanation could not be found in the text of the document. Nonetheless, based on the results of the Tier 2 Risk-Based Corrective Action evaluation, the benzene concentrations at the site still appear to pose a risk for a future residential land-use scenario.

In November 2007, the San Francisco Bay Regional Water Quality Control updated the Environmental Screening Levels in the document titled "Screening for Environmental Concerns at Sites With Contaminated Soil and Groundwater." The soil screening levels for evaluating vapor intrusion concerns were removed "due to concerns associated with contaminant loss during sampling, which would lead to an under-prediction of contaminant mass, as well as concerns associated with the ability of the soil version of the EPA Johnson and Ettinger Models to accurately predict indoor air concentrations based on soil VOC measurements."¹ Due to these concerns with soil screening results, more direct measurements using soil vapor sampling is required to evaluate potential vapor intrusion. Therefore, collection and analysis of soil vapor or sub-slab samples is necessary to evaluate potential vapor intrusion concerns at the site. Please propose a scope of work to address the above-mentioned concerns and submit a revised SCM and work plan by the date specified below.

2. **Groundwater Contaminant Plume Monitoring** – According to our records, the most recent groundwater monitoring event was conducted on September 29, 2003. At this time, please conduct one additional groundwater monitoring event at the site to evaluate current groundwater conditions. Prior to collecting groundwater samples, it is recommended that the monitoring wells be re-developed so that groundwater samples representative of actual site conditions are collected. Please notify ACEH three (3) business days prior to scheduled fieldwork, and submit a report by the date specified below.

3. **GeoTracker Compliance** – A review of the State Water Resources Control Board's (SWRCB) GeoTracker website indicates that only reports (GEO_REPORT) electronic files have been uploaded to GeoTracker and analytical data files (GWM_R) and groundwater elevation data (GEO_WELL) files have not been submitted, rendering the site to non-compliance status. 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

¹ SFBRWQCB *Screening for Environmental Concerns at Sites with Contaminated Soil and Groundwater*, November 2007

requirement for the submittal of a paper copy. Please complete the surveying and upload all applicable electronic submittal types such as the analytical data (EDF), survey data (GEO_XY and GEO_Z), boring logs (GEO_BORE), maps (GEO_MAP) PDF reports, etc. from July 1, 2005 to current to GeoTracker by the date specified below. Electronic reporting is described below.

TECHNICAL REPORT REQUEST

Please submit technical reports to Alameda County Environmental Health (Attention: Paresh Khatri), according to the following schedule:

- **August 19, 2008** – Revised SCM and Data Gap Work Plan
- **October 30, 2008** - Quarterly Monitoring Report (3rd Quarter 2008)

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

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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

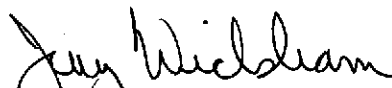
If it appears as though significant delays are occurring or reports are not submitted as requested, we will consider referring your case to the Regional Board or other appropriate agency, including the County District Attorney, for possible enforcement actions. California Health and Safety Code, Section 25299.76 authorizes enforcement including administrative action or monetary penalties of up to \$10,000 per day for each day of violation.

If you have any questions, please call me at (510) 777-2478 or send me an electronic mail message at paresh.khatri@acgov.org.

Sincerely,



Paresh C. Khatri
Hazardous Materials Specialist



Jerry Wickham, PG, CHG, CEG
Acting Supervising Hazardous Material
Specialist

Enclosure: ACEH Electronic Report Upload (ftp) Instructions

cc: Douglass W. Lovell, Streamborn, P.O. Box 8330, Berkeley, CA 94707-8330
Leroy Griffin, Oakland Fire Department, 250 Frank H. Ogawa Plaza, Ste. 3341, Oakland, CA
94612-2032
Donna Drogos, ACEH
Paresh Khatri, ACEH
File

Alameda County Environmental Cleanup Oversight Programs (LOP and SLIC)	ISSUE DATE: July 5, 2005
	REVISION DATE: December 16, 2005
	PREVIOUS REVISIONS: October 31, 2005
SECTION: Miscellaneous Administrative Topics & Procedures	SUBJECT: Electronic Report Upload (ftp) Instructions

Effective January 31, 2006, 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

- Entire report including cover letter must be submitted to the ftp site as a **single portable document format (PDF) with no password protection.** (Please do not submit reports as attachments to electronic mail.)
- 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)

Additional Recommendations

- A separate copy of the tables in the document should be submitted by e-mail to your Caseworker in Excel format. These are for use by assigned Caseworker only.

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 dehloptoxic@acgov.org
 - or
 - ii) Send a fax on company letterhead to (510) 337-9335, to the attention of Alicia Lam-Finneke.
 - 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 and Firefox browsers will not open the FTP site.
 - b) Click on File, then on LogIn As.
 - 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 dehloptoxic@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 at 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)