

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY
DAVID J. KEARS, Agency Director



ENVIRONMENTAL HEALTH SERVICES
ENVIRONMENTAL PROTECTION
1131 Harbor Bay Parkway, Suite 250
Alameda, CA 94502-6577
(510) 567-6700
FAX (510) 337-93

November 6, 2008

Denis Brown
Shell Oil Products US
20945 S. Wilmington Ave.
Carson, CA 90810-1039

Rodney and Janet Kwan
1834 Alameda Ave.
Alameda, CA 94501

Subject: Fuel Leak Case No. RO0000145 and Geotracker Global ID T0600101876, Shell/Auto Tech West, 2703 Martin Luther King, Jr. Way, Oakland, CA 94612

Dear Mr. Brown and Mr. and Ms. Kwan:

Alameda County Environmental Health (ACEH) staff has reviewed the fuel leak case file for the above-referenced site including the recently submitted document entitled, "*Site Investigation Report and Soil Vapor Monitoring Report – Third Quarter 2008*," dated September 16, 2008. The report, which was prepared on Shell's behalf by Conestoga-Rovers & Associates, documents the installation of off-site soil vapor probe VP-9 and sampling of the off-site soil vapor probes.

In a fact sheet dated September 9, 2008, ACEH notified potentially affected members of the public who live or own property in the surrounding area of the proposed remediation. The "*Remedial Action Plan*," dated May 28, 2008 proposes a cleanup action consisting of excavation with dewatering followed by bio-sparging. Excavation with shoring is proposed to a depth of 20 feet bgs in the area of hydrocarbon-impacted soil. A public comment period for the RAP extended from September 15, 2008 to October 15, 2008. No comments were received from the public regarding the proposed remedial action and no revisions to the RAP are required. However, the "*Site Investigation Report and Soil Vapor Monitoring Report – Third Quarter 2008*," recommends conducting a shallow soil investigation to assess the extent of elevated lead concentrations prior to the proposed excavation activities. Therefore, we request that you submit a Work Plan for sampling of shallow soil for lead prior to implementing the proposed remedial action.

We request that you address the technical comments below, perform the proposed work, and send us the reports described below.

TECHNICAL COMMENTS

1. **Shallow Soil Investigation for Lead.** Lead was detected in the stockpile sample from soil cuttings for probe VP-9 at a concentration of 2,630 milligrams per kilogram. Organic lead was not detected in the soil sample. The "*Site Investigation Report and Soil Vapor Monitoring Report – Third Quarter 2008*," recommends conducting a shallow soil investigation to define the extent of lead contamination. Please submit a proposed scope of work for shallow soil sampling in the Work Plan requested below.
2. **Soil Vapor Sampling.** We concur with the proposal to add newly installed vapor probe VP-9 to the vapor monitoring program. We also concur with the proposal to reduce the sampling frequency for off-site soil vapor probes VP-7 and VP-8 to semi-annual. Please present soil vapor sampling results in the monitoring reports described below.
3. **Access Agreements.** We concur with the recommendation to continue efforts to secure access agreements for off-site sampling with the support of ACEH. In order for ACEH to provide support for obtaining the access agreements, please provide contact information for each of the off-site property owners along with a copy of the access agreement and a list of dates on which the access agreement was sent or the property owner was contacted.

TECHNICAL REPORT REQUEST

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

- **January 8, 2009** – Work Plan for Shallow Soil Investigation
- **February 4, 2009** – Fourth Quarter 2008 Groundwater and Soil Vapor Monitoring Report
- **May 4, 2009** – First Quarter 2009 Groundwater and Soil Vapor Monitoring Report
- **August 4, 2009** – Second Quarter 2009 Groundwater Monitoring Report
- **November 4, 2009** – Third Quarter 2009 Groundwater and Soil Vapor Monitoring Report

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/cleanup/electronic_reporting).

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

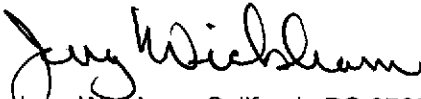
If it appears as though significant delays are occurring or reports are not submitted as requested, we will consider referring your case to the Regional Board or other appropriate agency, including the County District Attorney, for possible enforcement actions. California Health and Safety

Denis Brown
Rodney and Janet Kwan
RO0000145
November 6, 2008
Page 4

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) 567-6791 or send me an electronic mail message at jerry.wickham@acgov.org.

Sincerely,



Jerry Wickham, California PG 3766, CEG 1177, and CHG 297
Senior Hazardous Materials Specialist

Enclosure: ACEH Electronic Report Upload (ftp) Instructions

cc: Leroy Griffin, Oakland Fire Department, 250 Frank H. Ogawa Plaza, Ste. 3341, Oakland, CA 94612-2032

Tom Sparrowe, Conestoga-Rovers & Associates, 5900 Hollis Street, Suite A, Emeryville, CA 95476

Scott Merillat, 664 27th Street, Oakland, CA 94612

Monique Oatis, 670 27th Street, Oakland, CA 94612

Donna Drogos, ACEH
Jerry Wickham, 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)