



ENVIRONMENTAL HEALTH SERVICES
ENVIRONMENTAL PROTECTION
1131 Harbor Bay Parkway, Suite 250
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July 1, 2009

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, "*Subsurface Investigation Report*," dated May 12, 2009. The Subsurface Investigation Report, which was prepared on Shell's behalf by Conestoga-Rovers & Associates, presents the results from eight shallow borings advanced in April 2009 to define the extent of elevated concentrations of lead and petroleum hydrocarbons in soil in the northern portion of the site.

With the exception of one sample collected at a depth of 1.5 feet bgs in boring HA-8 (1,060 mg/kg), lead was not detected at concentrations of concern in the eight soil borings. However, total petroleum hydrocarbons as diesel (TPHd), TPH as motor oil (TPHmo), and polycyclic aromatic hydrocarbons (PAHs) were detected at concentrations exceeding Environmental Screening Levels for shallow soil under commercial land use (San Francisco Bay Regional Water Quality Control Board, Revised May 2008) in each of the eight soil borings. Elevated concentrations of TPHd, TPHmo, and PAHs appear to be limited to shallow fill material in the area of a waste oil aboveground storage tank (AST) located in the northern corner of the site at the rear of the on-site building. Surface spillage or leakage from the waste oil AST may be the source of petroleum hydrocarbons and PAHs in the shallow fill. No soil sampling has been conducted in off-site areas to the west or immediately north of the waste oil AST.

The Subsurface Investigation Report indicates that upcoming remedial excavation operations will include proper excavation and disposal of shallow fill material and concludes that no further investigation is warranted. Excavation of the shallow fill without further investigation is acceptable provided that the excavation is expanded as necessary to remove fill material containing elevated concentrations of TPHd, TPHmo, and PAH in the area of the waste oil AST. Expansion of the remedial excavation in the area of the waste oil AST into adjacent off-site properties is expected to be necessary and should be planned.

Remedial excavation was proposed for hydrocarbon-impacted soils in the area of the former USTs and west of the on-site building in a Remedial Action Plan (RAP) dated May 28, 2008. The RAP was approved by ACEH following a public comment period extending from September 15, 2008 to October 15, 2008. Since the RAP did not include off-site excavation or confirmation sampling along sidewalls, we request that you submit a RAP Addendum **by September 17, 2009** that describes plans for excavation of the contaminated shallow fill material encountered in the northern portion of the site and extending to adjacent off-site areas. The RAP Addendum is to include confirmation sampling to confirm the removal of shallow fill material with elevated concentrations of TPHd, TPHmo, and PAHs in areas adjacent to the waste oil AST.

The California State Water Resources Control Board has approved Resolution No. 2009-0042 (*Actions to Improve Administration of the UST Cleanup Fund and UST Cleanup Program*). Resolution No. 2009-0042 states that, "*Regional Water Board and LOP agencies shall reduce quarterly groundwater monitoring requirements to semiannual or less frequent monitoring at all site unless site-specific needs warrant otherwise and shall notify all responsible parties of the new requirements no later than August 1, 2009. If more than semiannual monitoring is required for a case, the responsible party and State Water board shall be notified of the rationale and the notice shall be posted on Geotracker.*"

In accordance with Resolution No. 2009-0042, groundwater monitoring for your site is to be reduced from quarterly to semiannual monitoring unless site-specific needs warrant more frequent monitoring than semi-annual for the site or specific wells. Examples of conditions where more monitoring more frequent than semiannual may be warranted include but are not limited to the following:

- 1) Plumes that is currently affecting a sensitive receptor or potentially could affect a sensitive receptor within a time frame of less than two years.
- 2) Sites with ongoing or proposed pilot tests, interim remedial actions, or long-term remedial actions where data are needed to monitor or optimize system performance.
- 3) Sites with ongoing verification monitoring needed to make decisions regarding case closure or final actions for the site.
- 4) Newly installed monitoring wells that have not been sampled over one hydrologic cycle.

Based on conditions at your site, we request that groundwater monitoring for all existing wells at the site be reduced from quarterly to semi-annual monitoring. For future groundwater monitoring wells, groundwater monitoring is to be conducted on a quarterly basis for a period of one year prior to implementation of semiannual monitoring.

TECHNICAL REPORT REQUEST

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

- **September 17, 2009** – Remedial Action Plan Addendum
- **August 4, 2009** – Second Quarter 2009 Groundwater Monitoring Report

- **February 4, 2010** – Fourth 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.

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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) 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: March 27, 2009
	PREVIOUS REVISIONS: December 16, 2005, October 31, 2005
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

- 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 My Le Huynh.
 - 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 @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.