



ENVIRONMENTAL HEALTH SERVICES  
ENVIRONMENTAL PROTECTION  
1131 Harbor Bay Parkway, Suite 250  
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October 30, 2013

Perry Pineda  
Shell Oil Products US  
20945 S. Wilmington Ave.  
Carson, CA 90810-1039

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

Subject: Case File Review for 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. Pineda 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 documents entitled, "*Remedial Action Report*," dated April 16, 2013, "*Subsurface Investigation Report*," dated June 3, 2013, and "*Groundwater Monitoring Report – Second Quarter 2013*," dated August 9, 2013. All reports were prepared on Shell's behalf by Conestoga-Rovers & Associates, Inc. The Remedial Action Report presents results from the excavation of shallow soil near a former waste oil aboveground storage tank (AST) in the northern portion of the site. Chemicals of concern in this area were total petroleum hydrocarbons as motor oil, polycyclic aromatic hydrocarbons (PAHs), and lead. Approximately 52.08 tons of soil was excavated and transported off-site for disposal. The concentrations of all chemicals of concern in confirmation soil samples from the excavation were below Environmental Screening Levels (San Francisco Bay Regional Water Quality Control Board February 2013) for commercial land use with the exception of one soil sample (N-3) from the northern sidewall of the excavation. Lead was detected in soil sample at a concentration of 721 milligrams per kilogram. The Remedial Action Report concludes that the elevated lead concentrations detected in soil sample N-3 may be related to a regional source of lead in shallow soil. Based on the results presented, ACEH is not requesting further remedial action for shallow soil in the northern portion of the site at this time.

The "*Subsurface Investigation Report*," dated June 3, 2013, presents results from ten soil borings advanced to help assess the source of lead and PAHs in shallow soil on properties adjacent to the northern portion of the site. Elevated concentrations of lead were detected in several backyards of properties north of the site. Based on the distribution of lead, the Subsurface Investigation Report concludes that the lead is a regional issue and not related to the former service station operations. Benzo(a)pyrene, benzo(b)fluoranthene, and indeno(1,2,3,c,d)pyrene were detected in one soil sample (HA-10-0) at concentrations that exceed Environmental Screening Levels (San Francisco Regional Water Quality Control Board, February 2013) for residential land use. However, review of the chromatograms indicates that the PAHs are likely from a pyrogenic source not related to the former service station operations. Since the chemicals of concern do not appear to be related to releases from the site, ACEH is not requesting further investigation of the shallow lead and PAHs in off-site soil as part of this fuel leak case at this time. However, the ongoing off-site investigations for fuel releases from this site are required and are to be completed as proposed.

### **TECHNICAL REPORT REQUEST**

Please upload technical reports to ACEH ftp site (Attention: Jerry Wickham), and to the State Water Resources Control Board's GeoTracker website, in accordance with the specified naming convention below, according to the following schedule:

- **January 31, 2014** – Off-site Soil Vapor and Groundwater Investigation Report  
File to be named: SWI\_R\_yyyy-mm-dd
- **February 10, 2014** – Fourth Quarter 2013 Groundwater Monitoring Report  
File to be named: GWM\_R\_yyyy-mm-dd\_RO145

If you have any questions, please call me at (510) 567-6791 or send me an electronic mail message at [jerry.wickham@acgov.org](mailto:jerry.wickham@acgov.org). Case files can be reviewed online at the following website: <http://www.acgov.org/aceh/index.htm>. If your email address does not appear on the cover page of this notification ACEH is requesting you provide your email address so that we can correspond with you quickly and efficiently regarding your case.

Sincerely,

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

Attachment: Responsible Party(ies) Legal Requirements/Obligations

Enclosure: ACEH Electronic Report Upload (ftp) Instructions

cc: Leroy Griffin, Oakland Fire Department, 250 Frank H. Ogawa Plaza, Ste. 3341, Oakland, CA 94612-2032 2032 (*Sent via E-mail to: [lgriffin@oaklandnet.com](mailto:lgriffin@oaklandnet.com)*)

Scott Merillat, 664 27<sup>th</sup> Street, Oakland, CA 94612 (Parcel #9-691-7)

Jack Chang, 559 9<sup>th</sup> Avenue, San Francisco, CA 94118-3716

David Pankratz, 668 27<sup>th</sup> Street, Oakland, CA 94612 (Parcel #9-691-8)

Monique Oatis, 670 27<sup>th</sup> Street, Oakland, CA 94612 (Parcel #9-691-9)

Wilfrid Kintonouza, 721 31<sup>st</sup> Street, Oakland, CA 94598 (Parcel #9-691-1)

Solomon Tesfa, 484 Lake Park Avenue #288, Oakland, CA 94610 (Parcel #9-691-2)

Novella Carpenter, 6645 28<sup>th</sup> Street, Oakland, CA 94609 (Parcel #9-691-1-2)

Responsible Parties  
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Teresa Miller, 673 28<sup>th</sup> Street, Oakland, CA 94609 (Parcel #9-691-42)

Thanh and Pham Phung, 2535 East 24<sup>th</sup> Street, Oakland, CA 94601 (Parcel #9-691-43)

Resident, 663 28<sup>th</sup> Street, Oakland, CA 94609 (Parcel #9-691-1)

Resident, 669 28<sup>th</sup> Street, Oakland, CA 94609 (Parcel #9-691-43)

Peter Schaefer, Conestoga-Rovers & Associates, 5900 Hollis Street, Suite A  
Emeryville, CA 94608 (*Sent via E-mail to: [pschaefer@croworld.com](mailto:pschaefer@croworld.com)*)

Donna Drogos, ACEH (*Sent via E-mail to: [donna.drogos@acgov.org](mailto:donna.drogos@acgov.org)*)  
Jerry Wickham, ACEH (*Sent via E-mail to: [jerry.wickham@acgov.org](mailto:jerry.wickham@acgov.org)*)

GeoTracker, eFile

## Attachment 1

### Responsible Party(ies) Legal Requirements/Obligations

#### REPORT/DATA REQUESTS

These reports/data are being requested pursuant to Division 7 of the California Water Code (Water Quality), Chapter 6.7 of Division 20 of the California Health and Safety Code (Underground Storage of Hazardous Substances), and Chapter 16 of Division 3 of Title 23 of the California Code of Regulations (Underground Storage Tank Regulations).

#### ELECTRONIC SUBMITTAL OF REPORTS

ACEH's Environmental Cleanup Oversight Programs (Local Oversight Program [LOP] for unauthorized releases from petroleum Underground Storage Tanks [USTs], and Site Cleanup Program [SCP] for unauthorized releases of non-petroleum hazardous substances) require submission of reports in electronic format pursuant to Chapter 3 of Division 7, Sections 13195 and 13197.5 of the California Water Code, and Chapter 30, Articles 1 and 2, Sections 3890 to 3895 of Division 3 of Title 23 of the California Code of Regulations (23 CCR). Instructions for submission of electronic documents to the ACEH FTP site are provided on the attached "Electronic Report Upload Instructions."

Submission of reports to the ACEH FTP site is in addition to requirements for electronic submittal of information (ESI) to the State Water Resources Control Board's (SWRCB) Geotracker website. In April 2001, the SWRCB adopted 23 CCR, Division 3, Chapter 16, Article 12, Sections 2729 and 2729.1 (Electronic Submission of Laboratory Data for UST Reports). Article 12 required electronic submittal of analytical laboratory data submitted in a report to a regulatory agency (effective September 1, 2001), and surveyed locations (latitude, longitude and elevation) of groundwater monitoring wells (effective January 1, 2002) in Electronic Deliverable Format (EDF) to Geotracker. Article 12 was subsequently repealed in 2004 and replaced with Article 30 (Electronic Submittal of Information) which expanded the ESI requirements to include electronic submittal of any report or data required by a regulatory agency from a cleanup site. The expanded ESI submittal requirements for petroleum UST sites subject to the requirements of 23 CCR, Division, 3, Chapter 16, Article 11, became effective December 16, 2004. All other electronic submittals required pursuant to Chapter 30 became effective January 1, 2005. Please visit the SWRCB website for more information on these requirements. ([http://www.waterboards.ca.gov/water\\_issues/programs/ust/electronic\\_submittal/](http://www.waterboards.ca.gov/water_issues/programs/ust/electronic_submittal/))

#### 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, 7835, 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, 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.

<b>Alameda County Environmental Cleanup Oversight Programs (LOP and SCP)</b>	<b>REVISION DATE:</b> July 25, 2012
	<b>ISSUE DATE:</b> July 5, 2005
	<b>PREVIOUS REVISIONS:</b> October 31, 2005; December 16, 2005; March 27, 2009; July 8, 2010
<b>SECTION:</b> Miscellaneous Administrative Topics & Procedures	<b>SUBJECT:</b> Electronic Report Upload (ftp) Instructions

The Alameda County Environmental Cleanup Oversight Programs (petroleum UST 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 [.loptoxic@acgov.org](mailto:.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 <://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 [.loptoxic@acgov.org](mailto:.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.