

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) 337-9335

July 10, 2008

Masood Feroz  
3744 Depot Road  
Hayward, CA 94545-2720

Eric Freeberg  
River Bend Properties  
P.O. Box 9440  
Rancho Santa Fe, CA 92067-4440

Jack Lotz  
Lotz and Associates  
22320 Foothill Boulevard, Suite 410  
Hayward, CA 94541

Kenneth Kein  
25858 Peterman Avenue  
Hayward, CA 94545

Subject: Fuel Leak Case No. RO0000161 and Geotracker Global ID T0600101922, American Auto Wreckers, 3744 Depot Road, Hayward, CA 94545

Dear Messrs. Feroz, Freeberg, Lotz, and Hein:

Alameda County Environmental Health (ACEH) staff has reviewed the case file for the above-referenced site including the recently submitted document entitled, "Case Closure Summary Form and Request for Case Closure," dated May 16, 2008, prepared by PIERS Environmental Services, Inc. (PIERS) for the subject site. PIERS requests case closure citing that there are no beneficial uses of site groundwater, no sensitive receptors, contaminants in groundwater are stable, and there is no threat to public health, and human health and safety. However, adequate justification to support their assertions was not presented in the above-mentioned closure report, nor was the report signed by a Registered Professional Engineer or Professional Geologist as required under the California Business and Professions Code. Therefore, ACEH cannot consider case closure for the subject site 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 appeals process.

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

**TECHNICAL COMMENTS**

1. **Soil and Groundwater Characterization** - The most recent subsurface investigation conducted in July 2004 detected total recoverable petroleum hydrocarbons (TRPH) at a concentration of 2,000 milligrams per kilogram (mg/kg) in soil sample EB6@11.5' and detected 350,000 micrograms per liter ( $\mu\text{g/L}$ ) TPH as diesel (d), which is indicative of free product, in a "grab" groundwater sample collected from boring EB4 indicating that the site poses a potential risk to human health and the environment. According to the San Francisco

Bay Regional Water Quality Control Board, six criteria must be addressed to be considered a "Low Risk Groundwater Case" eligible for case closure evaluation.<sup>1</sup> This evaluation includes addressing the first criteria which states "[t]he leak has been stopped and ongoing sources, including free product, removed or remediated." Based on the concentration of TPH-d detected at the site, free product remains and there may be a secondary source of contamination at the site, hence does not appear to qualify for case closure at this time.

In absence of proposed cleanup goals or levels, the site concentrations were also compared to the Environmental Screening Levels (ESLs) listed in the California Regional Water Quality Control Board's "Screening for Environmental Concerns at Sites with Contaminated Soil and Groundwater," Interim Final - November 2007. The groundwater ESL for TPH-g and residual fuels (diesel range) is 100 µg/L for sites where groundwater is a current or potential drinking water resource. As stated above, TPH-d concentrations at the site were detected at 350,000 µg/L, significantly above the 100 µg/L diesel range ESL. Please justify that the site is adequately characterized and the contaminant concentrations detected do not pose a risk to human health and the environment. If it cannot be determined that the site poses no risk, please propose a scope of work to address the above-mentioned concerns and submit a work plan by the date specified below or justify that the previously submitted work plan addresses the above mentioned concerns.

- 2. Beneficial Uses of Groundwater** – PIERS states that there are no beneficial uses of site groundwater since "water sample parameters include measurements of conductivity of up to 2180 microsiemens per centimeter (µS/cm) and turbidity values up to 1044 NTU. The lithology is clayey silt; indicative of the tidal margins." However, according to the San Francisco Bay RWQCB's Basin Plan for the San Francisco Bay Basin, "the term 'groundwater' includes all subsurface waters, whether or not these waters meet the classic definition of an aquifer or occur within identified groundwater basins<sup>2</sup>." In this case, the site appears to lie within the Santa Clara Valley Basin's East Bay Plain Sub-basin. It is also stated in the Basin Plan that "all groundwaters are considered suitable, or potentially suitable, for municipal or domestic water supply (MUN)." Therefore, the groundwater beneath the subject site must be considered beneficial for these uses unless shown to be non-beneficial using criteria presented in the Basin Plan (i.e. the total dissolved solids exceeding 3,000 milligrams per liter (mg/L), electrical conductivity exceeding 5,000 µS/cm, and yield less than 200 gallons per day). Based on the information submitted by PIERS, the groundwater at the site appears to be of potential beneficial use.

It is also stated in the Basin Plan that "[a]t a minimum, groundwaters designated for use as domestic or municipal supply shall not contain concentrations in excess of the secondary maximum contaminant levels (Secondary MCLs) specified in Tables 64449-A (Secondary MCLs-Consumer Acceptance Limits) and 64449-B (Secondary MCLs-Ranges) of Section 64449 of Title 22 of the California Code of Regulations, which is incorporated by reference into this plan." Currently, concentrations of contaminants in groundwater are significantly above secondary MCLs as well as the RWQCB's ESLs. Please justify that the groundwater

---

<sup>1</sup> San Francisco Bay Regional Water Quality Control Board's January 5, 1996 Memorandum termed *Supplemental Instructions to State Water Board December 8, 1995 Interim Guidance on Required Cleanup at Low-Risk Fuel Sites*.

<sup>2</sup> *San Francisco Bay Basin (Region 2) Water Quality Control Plan (Basin Plan)*, California Regional Water Quality Control Board San Francisco Bay Region, January 2007.

at the site is not a potential resource. Please propose a scope of work to address the above-mentioned concerns and submit a work plan by the date specified below.

3. **Sensitive Receptors** – According to PIERS, there are no sensitive receptors in the vicinity because the site is located in a heavy industrialized area of Hayward. However, the site is located close to the Bay and marsh land as stated by PIERS. A discussion of potential ecological receptors was not presented. Please address the above mentioned concerns and submit a work plan by the date specified below.
4. **Groundwater Contaminant Plume Stability** – There are three groundwater monitoring wells at the site. However, based on the calculated groundwater flow direction and gradient, none the existing groundwater monitoring wells appear to be located down-gradient of the former USTs. Please justify that the groundwater monitoring wells adequately assess the groundwater contaminant plume(s) at the site. If it is determined that the contaminant plume cannot be adequately assessed by the current monitoring well network, please propose a scope of work to address the above-mentioned concerns and submit a work plan by the date specified below or justify that the previously submitted work plan addresses the above mentioned concerns.
5. **Silica Gel Cleanup** – According to PIERS, the property and vicinity are underlain by organic rich silt and clay. Organic materials may cause interference in extractable total petroleum hydrocarbon (TPH) analysis. Based on subsurface conditions, it is recommended that silica gel cleanup be performed for extractable TPH analysis to obtain data that is representative of actual site conditions. Please consider this when preparing the scope of work to address the above-mentioned concerns.

#### **TECHNICAL REPORT REQUEST**

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

- **September 8, 2008** – Soil and Water Investigation Work Plan
- **October 30, 2008** - Quarterly Monitoring Report (3<sup>rd</sup> Quarter, 2008)
- **January 30, 2009** - Quarterly Monitoring Report (4<sup>th</sup> Quarter, 2008)
- **April 30, 2009** - Quarterly Monitoring Report (1<sup>st</sup> Quarter, 2009)
- **July 30, 2009** - Quarterly Monitoring Report (2<sup>nd</sup> Quarter, 2009)

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

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. Instructions for submission of electronic documents to the Alameda County Environmental Cleanup Oversight Program ftp site are provided on the attached "Electronic Report Upload (ftp) Instructions." Please do not submit reports as attachments to electronic mail.

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. Submission of reports to the Geotracker website does not fulfill the requirement to submit documents to the Alameda County ftp site. In September 2004, the SWRCB adopted regulations that require electronic submittal of information for 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 monitor wells, and other data to the Geotracker database over the Internet. Beginning July 1, 2005, electronic submittal of a complete copy of all necessary reports was 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](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

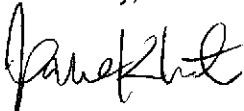
Please note that delays in investigation, later reports, or enforcement actions may result in your becoming ineligible to receive grant money from the state's Underground Storage Tank Cleanup Fund (Senate Bill 2004) to reimburse you for the cost of cleanup.

**AGENCY OVERSIGHT**

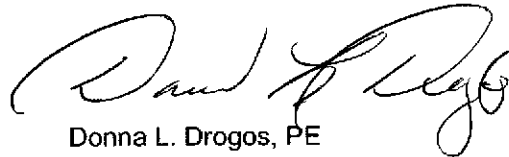
If it appears as though significant delays are occurring or reports are not submitted as requested, we will consider referring your case to the Regional Board or other appropriate agency, including the County District Attorney, for possible enforcement actions. California Health and Safety Code, Section 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](mailto:paresh.khatri@acgov.org).

Sincerely,



Paresh C. Khatri  
Hazardous Materials Specialist



Donna L. Drogos, PE  
Supervising Hazardous Material Specialist

Enclosure: ACEH Electronic Report Upload (ftp) Instructions

cc: Kay Pannell, PIERS Environmental Services, Inc., 1330 S Bascom Ave., Suite F,  
San Jose, CA 95128  
Donna Drogos, ACEH  
Paresh Khatri, ACEH  
File

<b>Alameda County Environmental Cleanup Oversight Programs (LOP and SLIC)</b>	<b>ISSUE DATE:</b> July 5, 2005
	<b>REVISION DATE:</b> December 16, 2005
	<b>PREVIOUS REVISIONS:</b> October 31, 2005
<b>SECTION:</b> Miscellaneous Administrative Topics & Procedures	<b>SUBJECT:</b> 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](mailto: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](mailto: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](mailto: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)