



ENVIRONMENTAL HEALTH DEPARTMENT  
ENVIRONMENTAL PROTECTION  
1131 Harbor Bay Parkway, Suite 250  
Alameda, CA 94502-6577  
(510) 567-6700  
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May 18, 2011

Mr. Jeff Kerry  
Kerry & Associates  
151 Callan Avenue, Suite 300  
San Leandro, CA 94577

Mr. Jeffery Kerry  
Jeffery & Dolores Kerry Trust & Jame Donnelley Et. Al.  
19655 North Ripon Road  
Ripon, CA 95366

Subject: Request for a Work Plan; Fuel Leak Case No. RO00000208; Palace Garage (Global ID #T0600101043), 14336 Washington Avenue, San Leandro, CA 94578

Dear Mr. Kerry:

Alameda County Environmental Health (ACEH) staff has reviewed the case file including the *Soil Vapor Testing and Additional Assessment Work Plan*, dated November 13, 2009, the *Soil Vapor Testing and Additional Assessment Report*, dated August 30, 2010, and the *Fourth Quarter 2010 Groundwater Monitoring Report*, dated November 30, 2010. The reports were prepared and submitted on your behalf by Closure Solutions, Inc. (Closure Solutions). Thank you for submitting the reports; they help to inform future actions. Based on ACEH staff review of the case file, we request that you address the following technical comments and send us the reports described below.

### **TECHNICAL COMMENTS**

- 1. Residual Soil Sources** – Significant residual contamination appears to remain in soil beneath the site. A review of groundwater analytical data for the site indicates significant seasonal pulses of contamination are being contributed to groundwater beneath the site. In November or December of recent years (2007, 2008, 2009, and 2010) groundwater in well MW-1 reach yearly minimum concentrations, but are then followed by significant increases in the first or second quarter of the following year (for example 75 µg/l TPHg and 6.0 µg/l benzene in November 2009 and 18,000 µg/l TPHg and 300 µg/l benzene in May 2010). Approximately six months later, generally in the following groundwater monitoring and sampling event, concentrations further downgradient at well MW-2 undergo a corresponding increase (for example 950 µg/l TPHg and 14 µg/l benzene in May 2010, and 1,900 µg/l TPHg and 45 µg/l benzene in November 2010). Wells MW-3 and MW-4 are further downgradient than well MW-2 and remain non-detectable for TPHg and BTEX; however, the wells also appear to be laterally distant from a relatively narrow plume, possibly suggestive of a preferential conduit pathway, by 30 to 60 feet. Generally nondetectable grab groundwater concentrations collected from bore SB-18 in August 2010 closer to the plume centerline could either indicate a seasonal low concentration, or could indicate a very narrow plume pathway such as a utility conduit.

Additional data supporting a significant residual source at the site is analytical data collected from onsite soil bore SB-1 (in addition to offsite bores SB-5, SB-6 [with offsite residual concentrations up to 3,200 mg/kg TPHg and 22 mg/kg benzene], and other near source soil bores, both on and offsite). Bore SB-1 was installed through the former dispenser island location and significant concentrations are present at depths greater than approximately 10 feet in the bore (residual concentrations up to 4,700 mg/kg TPHg and 12 mg/kg benzene). Because the former UST system was a suction system, significant concentrations would typically not be expected beneath a suction dispenser system as gravity drainage returns product to the UST once a hole is developed; thus the primary source would be expected to be beneath the location of the former UST. Consequently, while the UST excavation is reported to have extended up to approximately 18 or 20 feet below grade surface, it appears that

the lateral extent was not resolved or mitigated. Lack of UST removal sidewall characterization samples further support this interpretation.

It appears appropriate to undertake corrective actions, or an investigation to allow such, in the source vicinity to mitigate residual contamination in both on and offsite soil, as well as the ongoing contaminant contribution to groundwater from residual soil contamination beneath the subject site, and beneath the adjacent site. It also appears appropriate to collect groundwater parameters at the site to determine if microbial activity will assist in the mitigation of the residual downgradient groundwater contaminant plume. As a consequence, ACEH requests a work plan, by the date identified below, for the implementation of these activities.

2. **Utility Lateral Preferential Pathway Survey** – Thank you for providing the utility maps contained in Appendix G of the *Site Conceptual Model*, dated September 30, 2008. The as-built utility map obtained from the City of San Leandro depicts a lateral that extends toward the property at the approximate location of the paved drive between the site building and the adjacent building to the north. Because utility laterals also create vadose zone migration pathways for contaminants migrating through shallow soil sources, please also account for all utility laterals to the site or the immediate vicinity.
3. **Groundwater Monitoring** – In a review of bore logs ACEH has noted that the log for well MW-4 (SB-16) contained a number of elevated PID detections (up to 1,221 ppm PID units) without the collection of appropriate soil samples at those intervals. Please additionally analyze groundwater from well MW-4 a minimum of one time, for a full volatile organic compound scan (EPA Method 8260). This request is an attempt to understand these detections as indications of potential contamination.
4. **Soil Vapor Survey Data** – ACEH also seeks to clarify a statement in the *Soil Vapor Testing and Additional Assessment Report*. The report references an indoor worker breathing zone sample; however, the only additional sample that was denoted on Table 3 was labeled “Outdoor Air”. It also was not located on a figure. While it is surmised these may be the same sample, the discrepancy will be a source of confusion now and in the future, and it was thought appropriate to clarify, or rectify, this assumption now.
5. **Geotracker Well Survey** – At this time, all wells at the site have not been surveyed to Geotracker well survey standards; this is a state requirement. Please survey the wells, and upload the resulting GEO\_XY and GEO\_Z data files to Geotracker.

#### **TECHNICAL REPORT REQUEST**

Please submit the following deliverable to ACEH (Attention: Mark Detterman), according to the following schedule:

- **June 24, 2011** – Work Plan or Corrective Action Plan (CAP)
- **June 24, 2011** – Groundwater Monitoring Report
- **90 Days After Approval of Work Plan / ICAP** – Interim Corrective Action 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.

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Should you have any questions, please contact me at (510) 567--6876 or send me an electronic mail message at [mark.detterman@acgov.org](mailto:mark.detterman@acgov.org).

Sincerely,

Mark E. Detterman, PG, CEG  
Senior Hazardous Materials Specialist

Enclosures: Attachment 1 – Responsible Party (ies) Legal Requirements / Obligations  
Electronic Report Upload (ftp) Instructions

cc: Kathleen Waldo, Closure Solutions, Inc, 4600 Northgate Blvd, Suite 230, Sacramento, CA 95834  
(sent via electronic mail to: [kwaldo@closureolutions.com](mailto:kwaldo@closureolutions.com))  
Donna Drogos, ACEH, (sent via electronic mail to [donna.drogos@acgov.org](mailto:donna.drogos@acgov.org))  
Mark Detterman, ACEH, (sent via electronic mail to [mark.detterman@acgov.org](mailto:mark.detterman@acgov.org))  
Geotracker, Electronic File

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

**REPORT REQUESTS**

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.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, 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.

<b>Alameda County Environmental Cleanup Oversight Programs (LOP and SLIC)</b>	<b>REVISION DATE:</b> July 20, 2010
	<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 (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

- **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 [deh.loptoxic@acgov.org](mailto:deh.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 <ftp://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 [deh.loptoxic@acgov.org](mailto:deh.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.