



ENVIRONMENTAL HEALTH SERVICES  
ENVIRONMENTAL PROTECTION  
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January 21, 2014

Mr. Jeff Kerry  
Kerry & Associates  
151 Callan Avenue, Suite 300  
San Leandro, CA 94577  
(sent via electronic mail to:  
[djkerry1@aol.com](mailto:djkerry1@aol.com))

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

Subject: Request for Revised Draft Corrective Action 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 *Fourth Quarter 2013 Groundwater Monitoring Report*, dated September 30, 2013, and the *Data Gap Investigation Report*, dated November 22, 2013. Thank you for submitting the reports.

To incorporate the recently collected data, ACEH has updated the evaluation of the site under the State Water Resources Control Board's (SWRCBs) Low Threat Underground Storage Tank Case Closure Policy (LTCP). Based on ACEH staff review, we have determined that the site continues to fail to meet the LTCP General Criteria f (undocumented dispenser secondary source removal), and the Media-Specific Criteria for Vapor Intrusion to Indoor Air. Specifically source area soil bore SB-20 detected concentrations of Total Petroleum Hydrocarbons as gasoline (TPHg) over 100 milligram per kilogram (mg/kg) in the 5 to 10 foot depth interval (up to 3,500 mg/kg). Vapor probe (SB-4), placed in proximity to the source area and soil bore SB-20 detected concentrations of benzene up to 73,000 micrograms per cubic meter ( $\mu\text{g}/\text{m}^3$ ), ethylbenzene up to 300,000  $\mu\text{g}/\text{m}^3$ , naphthalene up to 8,400  $\mu\text{g}/\text{m}^3$ , but contained between 1.8% and 2.2% oxygen. Over multiple groundwater sampling events, benzene in groundwater is generally over 100 micrograms per liter ( $\mu\text{g}/\text{l}$ ; ranging from 82 to 340  $\mu\text{g}/\text{l}$ ) in the closest downgradient well to the source (MW-6).

The recent work documented in the *Data Gap Investigation Report* indicates that sufficient data has been collected to determine that the site appears to meet the Media-Specific Criteria for Direct Contact Exposure.

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. Request for a Revised Corrective Action Plan** - The recently submitted data indicates the site fails general criteria f (secondary source removal) and the Media-Specific Criteria for Petroleum Vapor Intrusion to Indoor Air. As a consequence, corrective actions appear to be appropriate at the subject site, as previously planned. The recently generated data may alter the approach to corrective actions at the site. Therefore, ACEH requests a re-evaluation of corrective actions, and if appropriate a revised Draft Corrective Action Plan (CAP) and Fact Sheet for public notification of the Draft CAP, by the date identified below.

In the revised Draft CAP, please provide engineering design drawings and technical specifications for the installation of the remedial system (DPE and the groundwater treatment system, or other remedial alternative evaluated in the Feasibility Study / Corrective Action Plan) that will be generated to obtain construction permits and which will also be used to prepare a construction bid package. ACEH requests that the draft plans be incorporated into the draft CAP for submittal to ACEH for review and approval prior to implementation of corrective actions at the site.

Please provide information on the system including, but not be limited to, the following:

- Design drawings and specifications for the (DPE) system including installation details for DPE wells.
- Operation and maintenance plans.
- System optimization and performance metrics.
- Post-remediation monitoring and verification plans with proposed strategy for collecting groundwater, soil and soil vapor monitoring and confirmation samples.
- A detailed cost estimate for the proposed work.
- Updated cleanup goals utilizing the 2013 Regional Water Quality Control Board - San Francisco Region's Environmental Screening Levels and LTCP screening levels for petroleum hydrocarbons.
- Implementation schedule with milestone dates.

Please note that in a recent telephone conversation your consultant inquired about ACEH's acceptance of relying on existing engineering controls to mitigate vapors from the former UST system without remediation. ACEH considers engineering controls to be short-term mitigation for vapor intrusion and would only be allowed if source remediation is not viable.

#### **TECHNICAL REPORT REQUEST**

Please upload technical reports to the ACEH ftp site (Attention: Mark Detterman), and to the State Water Resources Control Board's Geotracker website, in accordance with Attachment 1 and the following specified file naming convention and schedule:

- **March 28, 2014** – Revised Draft CAP and Public Notification Fact Sheet  
File to be named: RO208\_CAP\_ADDEND\_R\_yyyy-mm-dd

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.

Online case files are available for review at the following website: <http://www.acgov.org/aceh/index.htm>.

If you have any questions, please call 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 and Electronic Report Upload (ftp) Instructions

cc: Matthew Farris, Closure Solutions, Inc, 4600 Northgate Blvd, Suite 230, Sacramento, CA 95834  
(sent via electronic mail to: [mfarris@closureolutions.com](mailto:mfarris@closureolutions.com))

Dilan Roe (sent via electronic mail to [dilan.roe@acgov.org](mailto:dilan.roe@acgov.org))  
Mark Detterman (sent via electronic mail to [mark.detterman@acgov.org](mailto:mark.detterman@acgov.org))  
Electronic File, GeoTracker

# 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 [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.