

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY

REBECCA GEBHART, Acting Director



ENVIRONMENTAL HEALTH SERVICES  
ENVIRONMENTAL PROTECTION  
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June 30, 2016

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: Groundwater Monitoring and EDF Submittals; Fuel Leak Case No. RO00000208; Palace Garage (Global ID #T0600101043), 14336 Washington Avenue, San Leandro, CA 94578

Dear Mr. Kerry:

Alameda County Department of Environmental Health (ACDEH) staff has reviewed the case file including the *Sub-Slab Soil Vapor Investigation Report*, dated April 22, 2016, and the *Semi-Annual 2016 Groundwater Monitoring Report – Palace Garage*, dated June 10, 2016. The reports were submitted on your behalf by Innovex Environmental Solutions, Inc (Innovex). Thank you for submitting them.

Due to site specific limitations sub-slab vapor sampling was conducted in lieu of the installation of vapor sampling points at a depth of five feet below the building foundation as called for in the State Water Board's Low Threat Closure Policy. However, the results of the sub-slab vapor points indicates that soil vapor intrusion, including risk of explosion related to methane concentrations produced as the result of the degradation of hydrocarbons in the subsurface, does not appear to be a concern at the site.

Conversely, groundwater concentrations in all wells rose, including several wells in excess of an order of magnitude, above the previous semi-annual sampling event. Groundwater concentrations in well MW-1 rose from 1,300 milligrams per liter ( $\mu\text{g/l}$ ) Total Petroleum Hydrocarbons as gasoline (TPHg) to 24,000  $\mu\text{g/l}$ . The *Technical Justification for Vapor Intrusion Media-Specific Criteria*, March 21, 2012, State Water Board), indicates that concentrations of this magnitude are indirect evidence of Light Non-Aqueous Phase Liquid (LNAPL). Additionally, the highest previous concentration in downgradient well MW-5 was 80  $\mu\text{g/l}$  TPHg; however, the TPHg concentration rose to 1,000  $\mu\text{g/l}$  in the last groundwater monitoring event. Thus the extent of the groundwater plume is now not defined.

ACDEH recognizes that groundwater concentrations can rise substantially as the result of an excavation, and anticipates that groundwater concentrations are likely to decline again. However, the substantial change in the depth to groundwater may also factor into the substantial increase in groundwater concentrations. Groundwater elevations rose approximately 3.5 to 4.5 feet above the depths documented in the November 2015 event. Similar concentrations were documented the last time groundwater levels were this high in May 2012 (20,000  $\mu\text{g/l}$  TPHg). To verify that additional, potentially undocumented, contamination does not remain beneath the site that will continue to substantially impact groundwater, it appears reasonable to request additional verification monitoring of groundwater at the site. It also appears reasonable to change the monitoring interval to quarterly in an attempt to observe contaminant concentrations when groundwater levels may remain higher than normal.

Finally, a review of Geotracker indicates that, except for the EDF submittal associated with the recent groundwater monitoring report, EDF submittals for the site are lacking since second 2014 semi-annual groundwater monitoring event in October 2014. It is appropriate to populate Geotracker with all required data at this time.

Thus, 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. Quarterly Verification Groundwater Monitoring** – As indicated above, please alter the groundwater monitoring interval to quarterly at the site for a minimum of one groundwater monitoring event, in order to determine groundwater concentrations in the near future. This is requested in an effort to verify that there are no unexpected residual contaminant sources at the site, and to verify the affect of groundwater elevations on contaminant concentrations at the site. Please submit reports by the dates identified below.
- 2. Electronic Report and Data Upload Compliance** – A review of the case file and the State's Geotracker database indicates that the site is not in compliance with previous directive letters. Compliance is a State requirement for reimbursement. Pursuant to California Code of Regulations, Title 23, Division 3, Chapter 16, Article 12, Sections 2729 and 2729.1, beginning September 1, 2001, all analytical data, including monitoring well samples, submitted in a report to a regulatory agency as part of the UST or LUST program, must be transmitted electronically to the SWRCB GeoTracker system via the internet. In September 2004, the SWRCB adopted regulations that require electronic submittal of information for all groundwater cleanup programs, including SLIC programs. Beginning July 1, 2005, electronic submittal of a complete copy of all reports for all sites was required in GeoTracker. At present missing data and documents include, but may not be limited to older EDF submittals, GEO MAPS, and some GEO WELL data. Please see Attachment 1 for limited additional details, and the state GeoTracker website for full details. ACEH requests notification of, and a list of, the documents uploaded to Geotracker. Please upload all submittals to GeoTracker by the date specified below.

## **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:

- **August 1, 2016** – Geotracker Compliance Uploads  
Please email your case worker
- **October 14, 2016** – Quarterly Groundwater Monitoring Report  
File to be named: RO208\_GWM\_R\_yyyy-mm-dd
- **January 27, 2017** – Quarterly Groundwater Monitoring Report  
File to be named: RO208\_GWM\_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

Mr. Jeff Kerry  
RO000208  
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Enclosures: Attachment 1 – Responsible Party (ies) Legal Requirements / Obligations and Electronic Report Upload (ftp) Instructions

cc: Rick Marment, 9748 Weddington Circle, Granite Bay, CA 95746,  
(Sent via electronic mail to: [r.mar@shorewest.net](mailto:r.mar@shorewest.net))

Thomas Sparrowe, Closure Solutions, Inc, 4600 Northgate Blvd, Suite 230, Sacramento, CA 95834  
(Sent via electronic mail to: [tsparrowe@innovex.net](mailto:tsparrowe@innovex.net))

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 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> May 15, 2014
	<b>ISSUE DATE:</b> July 5, 2005
	<b>PREVIOUS REVISIONS:</b> October 31, 2005; December 16, 2005; March 27, 2009; July 8, 2010, July 25, 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.