



ENVIRONMENTAL HEALTH DEPARTMENT
ENVIRONMENTAL PROTECTION
1131 Harbor Bay Parkway, Suite 250
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June 30, 2011

Ms. Stacie H. Frerichs
Chevron Environmental Management
6001 Bollinger Canyon Rd K2256
PO Box 6012
San Ramon, CA 94583-2324
(sent via electronic mail to staciehf@chevron.com)

Mr. John Ratto
Ratto Land Company
P.O. Box 6104
Oakland, CA 94603-0104

Ms. Vivian McIlraith
Vivian L. McIlraith Trust
407 Castello Road
Lafayette, CA 94549

Subject: Request for Data Gap Work Plan, Fuel Leak Case No. RO0000233 (Global ID # T0600100333), Chevron #9-4612, 3616 San Leandro Street, Oakland, 94601

Dear Ms. Frerichs, Mr. Ratto, and Ms McIlraith:

Alameda County Environmental Health (ACEH) staff has reviewed the case file for the above referenced site including the report entitled, *Case Closure Request*, dated February 2, 2009. The report was submitted on your behalf by Conestoga-Rovers & Associates (CRA). Case review has identified a number of data gaps that indicate that this case cannot proceed to closure at this time.

As discussed further in the technical comments below, this fuel leak case cannot be closed at this time. This decision is subject to appeal to the State Water Resources Control Board (SWRCB), pursuant to Section 25299.39(b) of the Health and Safety Code (Thompson-Richter Underground Storage Tank Reform Act - Senate Bill 562). Please contact Mr. George Lockwood in the SWRCB Underground Storage Tank Program at (916) 341-5752 or GLockwood@waterboards.ca.gov for information regarding the appeal process.

Based on the review of the case file and the referenced report ACEH requests that you address the following technical comments and send us the documents requested below.

TECHNICAL COMMENTS

1. **Contaminant Underflow Migration or the Depth of Residual Soil & Groundwater Contamination**
– ACEH is concerned that contaminant migration beneath and downgradient of the site is utilizing deeper water-bearing granular zones not adequately characterized to allow an understanding of any associated downgradient health risks. This is based on the following observations:
 - a. The depth to groundwater as encountered at the time of drilling in February 1988 in geotechnical bore holes B-1 to B-3 and the depth noted for “strong gasoline odor” (14 feet and 20 feet below grade surface [bgs], respectively).
 - b. The depth of groundwater as encountered at the time of drilling in August 1988 in monitoring well VH-1 (22.5 feet bgs). Two soil samples collected from this well bore at 20.5 and 25.5 feet bgs appear to help define “at depth” soil concentrations at this location.
 - c. The depth of groundwater as encountered at the time of drilling in August 1995 in soil bore SB-1 (approximately 15 to 19 feet bgs), the near lack of PID detections above that depth, the low PID detections (40 PID units) at 21 feet bgs, the low concentrations in soil (16 mg/kg TPHg <0.005 mg/kg benzene) at 21 feet bgs, and the elevated concentration in the grab

groundwater collected thereafter (21,000µg/l TPHg, 240 µg/l benzene). Groundwater was specifically not encountered in SB-1 in the silty sand at a depth between approximately 10 and 12 feet bgs, comparable to the depth of groundwater sampling in bore SB-2 installed in May 2008 and stated to define the lateral extent of groundwater impacts at SB-1.

- d. The depth of groundwater as encountered at the time of drilling in February 1993 in well bore MW-2 (approximately 8.5 feet bgs), the lack of detectable soil concentrations at the depths of 5 and 10 feet bgs, and the elevated PID detections at depths of 15 and 19 feet bgs (2,800 and 1,050 PID units respectively) without analysis of soil samples.
- e. The depth of (ground) water as encountered at the time of drilling in March 2002 of soil bores HA-1 to HA-3 (7 to 8 feet bgs) used to investigate potential utility conduits, and the non-detectable concentrations in the grab groundwater samples. The shallowness of these grab groundwater samples renders the elevated PID detections in well MW-2 (and grab groundwater in SB-1) undefined.

These lines of evidence can be interpreted at least two ways. CRA has suggested that both MTBE and TPHd (the later at MW-3) appear to be from offsite sources, in part pointing to either a gasoline release site approximately 700 feet upgradient with elevated MTBE concentrations in downgradient wells (Tony's express Auto Service, T0600101680 or RO0000265) or the adjacent BART parking lot with apparently low hydrocarbon concentrations (Fruitvale Transit Village, SL0600154423), while also acknowledging an onsite contribution. An alternate interpretation, while not discounting potential upgradient sources in part, also accounts for drought induced drawdown of groundwater at the time of a release, consistent with deeper groundwater apparently encountered previously at the site and indications of contamination below groundwater. Onsite, groundwater concentrations increase downgradient and suggest that an evaluation of the offsite downgradient contaminant load beneath the depth explored by HA-1 to HA-3 is warranted. While not discussed in the sensitive receptor survey, the downgradient neighborhood appears to consist of a mixed commercial and residential community (*Site Conceptual Model*, December 14, 2000, Delta Environmental Consultants). It may also be appropriate as a part of this characterization, to quantify the upgradient contribution to the site contaminant load, currently limited to well MW-3 in the vicinity of the former used oil UST, contaminants that could potentially be confused with an onsite source. ACEH requests submittal of a work plan to address these data gaps by the date identified below.

2. **Motor Oil Constituents** – Well MW-3 was installed adjacent to the former used oil UST, but both soil and groundwater do not appear to have been analyzed for typical used oil constituents as defined by existing guidelines. A range of footnotes contained in groundwater monitoring reports for well MW-3, including the most recent, indicate unidentified hydrocarbons, unidentified hydrocarbons <C16, unidentified hydrocarbons C9 – C17, atypical #2 fuel / diesel eluting before and later than typical #2 fuel, and etc. These footnotes can indicate both non-fuel compounds as well as hydrocarbons heavier than diesel range, as could be expected adjacent to a former used oil UST. Please collect and submit groundwater samples for the standard used oil constituents (TPHmo, halogenated solvents, the five metals, and PCBs, by standard analytical methods) during the next scheduled groundwater monitoring event, and submit the results in the associated groundwater monitoring report. Please additionally provide an interpretation of any non-fuel related compounds detected.
3. **Groundwater Monitoring** – Please place the subject site on an annual groundwater monitoring basis utilizing the second quarter of the year for the initial resumed groundwater monitoring event. Please continue with the same analytical suite previously utilized, except for well MW-3 as noted above. Please submit the report by the date identified below.

TECHNICAL REPORT REQUEST

Please submit the following deliverables and technical reports to ACEH (Attention: Mark Detterman), according to the following schedule:

- **September 9, 2011** – Data Gap Work Plan
- **September 16, 2011** – Annual Groundwater Monitoring 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.

Should you have any questions, please contact me at (510) 567--6876 or send me an electronic mail message at 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: James Kiernan, 10969 Trade Center Drive, Suite 106, Rancho Cordova, CA 95670
(sent via electronic mail to jkiernan@croworld.com)

Donna Drogos, ACEH, (sent via electronic mail to donna.drogos@acgov.org)
Mark Detterman, ACEH, (sent via electronic mail to mark.detterman@acgov.org)
Geotracker, e-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/).

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.

Alameda County Environmental Cleanup Oversight Programs (LOP and SLIC)	REVISION DATE: July 20, 2010
	ISSUE DATE: July 5, 2005
	PREVIOUS REVISIONS: October 31, 2005; December 16, 2005; March 27, 2009; July 8, 2010
SECTION: Miscellaneous Administrative Topics & Procedures	SUBJECT: 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
 - 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 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.