



ENVIRONMENTAL HEALTH SERVICES
ENVIRONMENTAL PROTECTION
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May 6, 2014

Ms. Carryl MacLeod
Chevron Environmental Management Co.
6101 Bollinger Canyon Road
San Ramon, CA 94583
(sent via electronic mail to:
CMacLeod@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: Conditional Approval of Data Gap Work Plan, Fuel Leak Case No. RO0000233 (Global ID # T0600100333), Chevron #9-4612, 3616 San Leandro Street, Oakland, 94601

Dear Mesdames MacLeod and McIlraith, and Mr. Ratto:

Alameda County Environmental Health (ACEH) staff has reviewed the case file for the above referenced site including the reports entitled *Site Conceptual Model and Data Gap Work Plan*, dated February 28, 2014. The report was submitted on your behalf by Stantec Consulting Services, Inc. (Stantec). Thank you for submitting the report, it has added in our collective understanding of the site. The report was generated as a result of the identification of data gaps under the Low-Threat Closure Policy (LTCP) in a meeting between ACEH and Chevron on January 21, 2014, and a subsequent followup directive letter email dated January 24, 2014.

The site has an atypical distribution of contamination, in that more elevated PID responses and odors are not at the groundwater interface at approximately 8 to 10 feet below grade surface (bgs), but at a depth of approximately 16 to 20 feet bgs. Deeper soils with elevated PID or odor responses have not been previously submitted for analytical testing. As a result of the data gap review, two downgradient soil bores were proposed in the referenced work plan in order to collect grab groundwater samples to define the extent of groundwater contamination in a deep granular layer downgradient of the subject site.

Based on ACEH staff review of the referenced document and of the case file we generally concur with the proposed scope of work, provided that the modifications requested in the technical comments below are addressed and incorporated during the field implementation. This may require some changes to the planned scope of work; however, the submittal of a revised Work Plan is not required unless an alternate scope of work outside that described in the Work Plan and technical comments below is proposed.

We request that you address the following technical comments, perform the proposed work, and send us the technical reports requested below. Please provide 72-hour advance written notification to this office (e-mail preferred to: mark.detterman@acgov.org) prior to the start of field activities.

TECHNICAL COMMENTS

1. **Work Plan Modifications** – The referenced work plan proposes a series of actions with which ACEH is in general agreement of undertaking; however, ACEH requests several modifications to the approach. Please submit a report by the date specified below.
 - a. **Well Survey** – The referenced work plan states that a well survey was conducted in 1993 using the Department of Water Resources (DWR) database for the subject site and found three water supply wells within the ½-mile search radius. Because of the potential for a stratified contamination flow condition in groundwater, as discussed in the referenced work

plan and ACEH directive letters, it appears appropriate to update the well survey, in part to capture all wells that may screen the deeper granular layer, if it is present downgradient of the site. ACEH requests that the updated well search use both DWR and Alameda County Public Works Agency (ACPWA) databases as the databases are sufficiently different to warrant this approach. Please submit the update well survey by the date requested below.

- b. Position of Downgradient Soil Bores** – ACEH requests that proposed soil bores SB-5 and SB-6 be placed across San Leandro Street west of the site at locations that will likely maximize the potential to encounter any groundwater contamination downgradient of wells VH-1 and MW-2. Therefore, please ensure the bores are positioned downgradient of VH-1 and MW-2 along the predominant groundwater flow direction as defined by the rose diagram (204 degrees from north).
- c. Soil Analysis Protocols** – In order to collect sufficient information to review the site under the LTCP, ACEH requests that soil samples be collected and analyzed at signs of contamination (PID responses, discoloration, odor, and etc.), changes in lithology, including at depth beneath groundwater as discussed above.
- d. Grab Groundwater Collection Protocols** – The referenced work plan does not describe any special efforts to collect representative grab groundwater samples from a depth (presumed to be 16 to 20 feet bgs) that corresponds to the deep granular layer beneath the site, and presumably the site vicinity. While a revised work plan is not requested, ACEH expects that special efforts and equipment to collect and isolate groundwater from this layer will be undertaken and described in the report requested below. ACEH is aware of multiple accepted methods and protocols to capture a representative grab groundwater sample at depth in a groundwater column.

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 the specified file naming convention below, according to the following schedule:

- **July 7, 2014** – Soil and Groundwater Investigation Report
File to be named: RO233_SWI_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 your email address is not listed on the first page of this letter, or in the list of cc's listed below, ACEH is requesting your email address to help expedite communications and to help lower overall costs.

If you have any questions, please call 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

Mesdames MacLeod and McIlraith, and Mr. Ratto
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Enclosures: Attachment 1 – Responsible Party (ies) Legal Requirements / Obligations
Electronic Report Upload (ftp) Instructions

cc: Travis Flora, Stantec Consulting Services, Inc, 15575 Los Gatos Blvd, Building C, Los Gatos, CA
95032; (sent via electronic mail to travis.flora@stantec.com)

Dilan Roe (sent via electronic mail to dilan.roe@acgov.org)

Mark Detterman (sent via electronic mail to 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/).

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.

Alameda County Environmental Cleanup Oversight Programs (LOP and SCP)	REVISION DATE: July 25, 2012
	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 (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
 - 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.