



ENVIRONMENTAL HEALTH DEPARTMENT
ENVIRONMENTAL PROTECTION
1131 Harbor Bay Parkway, Suite 250
Alameda, CA 94502-6577
(510) 567-6700
FAX (510) 337-9335

August 28, 2013

Dr. Joginder Sikand
c/o Jasminder & Sonia Sikland
1066 Rock Harbor Point
Hercules, CA 94547

Mr. Anis Rahman
Albany Hill Mini Mart
800 San Pablo Avenue
Albany, CA 94706

Subject: Conditional Work Plan Approval; Fuel Leak Case No. RO0000262 and Geotracker Global ID T0600102131, Albany Hill Mini Mart, 800 San Pablo Avenue, Albany, CA 94706

Dear Dr. Sikand and Mr. Rahman:

Alameda County Environmental Health (ACEH) staff has reviewed the case file including the *Workplan for a Soil and Vapor Assessment*, dated April 15, 2013 (and submitted on July xxx, 2013), and the *Semi-Annual Groundwater Monitoring Report, March 2013 Groundwater Sampling*, dated April 28, 2013. The reports were prepared and submitted on your behalf by Aqua Science Engineers, Inc. (ASE). Thank you for submitting the reports.

ACEH has evaluated the data and recommendations presented in the above-mentioned reports, in conjunction with the case files, and 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 fails to meet the LTCP Media-Specific Criteria for Vapor Intrusion to Indoor Air, and the Media-Specific Criteria for Direct Contact.

The *Workplan for a Soil and Vapor Assessment* proposes the installation of six soil bores and three temporary vapor points to collect sufficient information to determine if the site fits the LTCP vapor intrusion and direct contact and outdoor air media-specific criteria so that it might close under the policy. Based on ACEH staff review of the work plan, the proposed scope of work appears to be adequate to address the remaining data gaps and is conditionally approved for implementation provided that the technical comments below are incorporated during the proposed work. Submittal of a revised work plan or a work plan addendum is not required unless an alternate scope of work outside that described in the work plan or these technical comments is proposed. We request that you address the following technical comments, perform the proposed work, and send us the report described 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. LTCP Media Specific Criteria for Vapor Intrusion to Indoor Air** – The LTCP describes conditions, including bioattenuation zones, which if met will assure that exposure to petroleum vapors in indoor air will not pose unacceptable health risks to human occupants of existing or future site buildings, and adjacent parcels. Appendices 1 through 4 of the LTCP criteria illustrate four potential exposure scenarios and describe characteristics and criteria associated with each scenario.

Our review of the case files indicates that the site data and analysis fail to support the requisite characteristics of one of the four scenarios. Specifically, it appears that petroleum contamination is present at greater than 100 milligrams per kilogram (mg/kg) at a depth of approximately 10 feet; however, insufficient soil analytical data appears to have been collected in the 0 to 5 foot depth interval in proximity to the release locations (rather than as collected, at locations distant from releases) to evaluate the site against scenarios 1 to 3.

Additionally, although the site actively dispenses gasoline, the site also contains a minimum of three commercial spaces that are unrelated to fuel dispensing (mini-mart, jewelry shop, and a barber shop), and is located in a mixed use region with a residential apartment building immediately west of the property. Finally, although two vapor monitoring points (VMP-1 and VMP-2) have been installed beneath two buildings in proximity to release locations, they were installed to a depth of two feet below grade surface (bgs) rather than the requisite depth of five feet below the building foundation used under scenario 4 of this criterion.

2. **LTCP Media Specific Criteria for Direct Contact and Outdoor Air Criteria** – The LTCP describes conditions where direct contact with contaminated soil or inhalation of contaminants volatilized to outdoor air poses a low threat to human health. According to the policy, release sites where human exposure may occur satisfy the media-specific criteria for direct contact and outdoor air exposure and shall be considered low-threat if the maximum concentrations of petroleum constituents in soil are less than or equal to those listed in Table 1 for the specified depth bgs. Alternatively, the policy allows for a site specific risk assessment that demonstrates that maximum concentrations of petroleum constituents in soil will have no significant risk of adversely affecting human health, or controlling exposure through the use of mitigation measures, or institutional or engineering controls.

Our review of the case files indicates that insufficient data and analysis has been collected to satisfy the media-specific criteria for direct contact and outdoor air exposure. Although shallow soil has been collected at distal locations, insufficient soil analytical data has been collected in the 0 to 5 foot depth zone in close proximity to the release locations, including such shallow secondary sources that have not been eliminated at the site as dispensers or tank top fill port sources.

3. **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. **Soil Collection** – The referenced work plan states that soil samples will be collected at a depth of 2 and 4 feet in order to collect soil within the 0 to 5 foot depth zone at the site. The bore locations and depths appear appropriate. The collection of one soil sample from each bore, as based on visual, olfactory, or equipment response evidence, in the 0 to 5 foot zone appears to be sufficient to meet this criterion, and is thus requested. ACEH requests the installation of an additional bore along the southern property line due to moderately elevated concentrations in soil collected from SB-2, and the lack of soil in the 0 to 5 and 5 to 10 foot intervals adjacent to this building structure. Soil analytical from both depth intervals is requested to be obtained. The collection of this data is intended to allow an evaluation of, and a level of protection for, the property-line building to the south of the site.
 - b. **Vapor Data Collection** – The referenced work plan states that temporary vapor wells will be installed at three offsite locations. These locations are located based on a combination of data that includes atypical elevated offsite soil vapor concentrations (up to 1,100,000 $\mu\text{g}/\text{m}^3$ TPHg, and 440 $\mu\text{g}/\text{m}^3$ benzene). These data are vapor intrusion data gaps for a site located in a mixed-use residential and commercial neighborhood to the west and northwest. Because of the atypical vapor readings at an offsite location, ACEH requests the wells be installed as permanent vapor wells to allow additional vapor sampling events if needed. Because an ozone sparging system continues to operate at the site, and rebound testing has not been conducted, it appears appropriate to collect multiple vapor samples from onsite (or near site) vapor locations through time. This strategy is consistent with protocols described in the Department of Toxic Substances Control's Final Vapor Intrusion Guidance (October 2011).

ACEH additionally requests that utility pathways be evaluated as vapor intrusion pathways due to the atypical offsite distribution of vapor contamination. This is requested to include potential vapor intrusion to the onsite commercial stores.

- c. Additional Vapor Well** – In a dual-phased approach to determine the potential for vapor intrusion to the property-line building to the south of the site, ACEH requests a permanent vapor well be installed five feet below the foundation of the building along the southern property line. Moderately elevated benzene concentrations at SB-2 suggest a potential for vapor intrusion to the southerly building in this vicinity, and existing VMP-2 is installed to only 2 feet bgs. The location of the additional bore and the soil collection requested in Technical Comment 3a can be utilized for the location of this vapor well.
 - d. Addition of Naphthalene to the Analytical Suite** – The LTCP evaluates a site against a select set of analytes that include naphthalene. ACEH consequently request the inclusion of naphthalene in the soil, and soil vapor analytical suite. Please be aware that Appendix E of the Department of Toxic Substance Control (DTSC) April 2012 *Advisory Active Soil Gas Investigations*, specifies that TO-17 analysis for naphthalene should be used to validate TO-15 naphthalene analysis and also specifies the tubing type due to sorption of naphthalene by standard sampling tubing. Consequently ACEH requests confirmation sampling by TO-17 in the analytical program and use of appropriate non-sorbing tubing for naphthalene soil vapor collection.
- 4. Requested Site Data Corrections** – Two potentially critical corrections to site data are requested in future site documents; these include the following items:
- a. Location of Offsite USTs** – Three USTs were discovered during sewer replacement in 2005; two were left in-place and one, previously filled with concrete and located just to the south of the southern property line, was removed. Well MW-5 was also improperly destroyed during the sewer replacement, but is buried directly below the new sewer, and is thus inaccessible. Previous communications have indicated that the actual locations of the USTs are unknown; however, it is important to visually document the presence of the USTs. Consequently ACEH requests that the general potential locations of these USTs be identified with qualifiers on future site plans and figures.
 - b. Corrections to Future Vapor Analytical Tables** – Table 3 of the September 20, 2012 *Soil, Groundwater, and Soil Vapor Assessment Report* states that Vapor Monitoring Points VMP-1 and VMP-2 are installed to a depth of five feet bgs, rather than to the correct depth of two feet. This appears to have lead to a misunderstanding of site data.
- 5. Ozone-Sparging System Evaluation** – The existing ozone sparging system has been in operation for a number of years, and has not been recently evaluated for system performance. Consequently ACEH requests an evaluation and recommendations for system optimization or shut down by the date identified 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 the specified file naming convention below, according to the following schedule:

- **October 25, 2013** – Soil and Soil Vapor Report
File to be named: RO262_SWI_R_yyyy-mm-dd
- **October 25, 2013** – Remediation Progress Report
File to be named: RO262_REM_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.

Dr. Sikand and Mr. Rahman
August 28, 2013, RO0000262
Page 4

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.

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 Detterman, PG, CEG
Senior Hazardous Materials Specialist

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

cc: Robert Kitay, Aqua Science Engineers, Inc, 55 Oak Court, Suite 220, Danville, CA 94526,
(sent via electronic mail to rkitay@aquascienceengineers.com)

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

Mark Detterman (sent via electronic mail to mark.detterman@acgov.org)

Geotracker, Electronic File

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 .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 <://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 .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.