



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

February 3, 2014

Mr. Balaji Angle  
B&C Gas Mini Mart  
35584 Conovan Lane  
Fremont, CA 94536

Mr. John Rutherford  
Desert Petroleum  
3781 Telegraph Road  
Ventura, CA 93003-3420

Subject: Public Comments on Potential Case Closure for Fuel Leak Case No. RO0000278 and GeoTracker Global ID T0600100930, Desert Petroleum #795, 2008 First Street, Livermore, CA 94550

Dear Mr. Angle and Mr. Rutherford:

Alameda County Environmental Health (ACEH) distributed an "*Invitation to Comment -Potential Case Closure*," on November 15, 2013 to nearby residents and landowners requesting that any comments or questions on the fuel leak case closure be submitted to ACEH by January 15, 2014. ACEH extended the public comment period to January 29, 2014 based on a request from the Zone 7 Water Agency. On January 29, 2014, the Zone 7 Water Agency submitted correspondence with comments that objected to case closure for fuel leak case RO0000278 (see attached correspondence). As described in the January 29, 2014 correspondence, Zone 7 requests that groundwater monitoring be continued to confirm that the MTBE plume is stable or decreasing and will not affect a downgradient municipal supply well.

ACEH has reviewed the objections to case closure and concurs with the Zone 7 Water Agency that additional groundwater monitoring is warranted. Therefore, we request that you continue groundwater monitoring for two quarters and submit the technical reports requested below. Following two quarters of groundwater monitoring, the site will be re-evaluated.

#### **TECHNICAL REPORT REQUEST**

Please upload technical reports to the ACEH ftp site (Attention: Jerry Wickham), and to the State Water Resources Control Board's GeoTracker website according to the following schedule and file-naming convention:

- **April 15, 2014** – Quarterly Groundwater Monitoring Report – First Quarter 2014  
File to be named: GWM\_R\_YYYY-mm-dd RO278
- **July 15, 2014** – Quarterly Groundwater Monitoring Report – Second Quarter 2014  
File to be named: GWM\_R\_YYYY-mm-dd RO278

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.

If you have any questions, please call me at (510) 567-6791 or send me an electronic mail message at [jerry.wickham@acgov.org](mailto:jerry.wickham@acgov.org). Online case files are available for review at the following website: <http://www.acgov.org/aceh/index.htm>. If your email address does not appear on the cover page of this notification, ACEH is requesting you provide your email address so that we can correspond with you quickly and efficiently regarding your case.

Sincerely,

Jerry Wickham, California PG 3766, CEG 1177, and CHG 297  
Senior Hazardous Materials Specialist

Attachments: Zone 7 Water Agency Comments on Potential Case Closure dated January 29, 2014  
Responsible Party(ies) Legal Requirements/Obligations

Enclosure: ACEH Electronic Report Upload (ftp) Instructions

cc: Danielle Stefani, Livermore Pleasanton Fire Department, 3560 Nevada St, Pleasanton, CA 94566 (*Sent via E-mail to: [dstefani@lpfire.org](mailto:dstefani@lpfire.org)*)

Colleen Winey (QIC 8021), Zone 7 Water Agency, 100 North Canyons Pkwy, Livermore, CA 94551 (*Sent via E-mail to: [cwiney@zone7water.com](mailto:cwiney@zone7water.com)*)

Eric Uranga, City of Livermore Economic Development, 1052 S. Livermore Ave., Livermore, CA 94550 (*Sent via E-mail to: [ejuranga@ci.livermore.ca.us](mailto:ejuranga@ci.livermore.ca.us)*)

Scott Bittinger, Stratus Environmental, 3330 Cameron Park Drive, Ste. 550, Cameron Park, CA 95682 (*Sent via E-mail to: [sbittinger@stratusinc.net](mailto:sbittinger@stratusinc.net)*)

Gowri Kowtha, Stratus Environmental, 3330 Cameron Park Drive, Ste. 550, Cameron Park, CA 95682 (*Sent via E-mail to: [gkowtha@stratusinc.net](mailto:gkowtha@stratusinc.net)*)

Jerry Wickham, ACEH (*Sent via E-mail to: [jerry.wickham@acgov.org](mailto:jerry.wickham@acgov.org)*)

GeoTracker, eFile



ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, ZONE 7  
100 NORTH CANYONS PARKWAY, LIVERMORE, CA 94551-9486 • PHONE (925) 454-5000

January 29, 2014

Mr. Jerry Wickham  
Alameda County Environmental Health Services Environmental Protection  
1131 Harbor Bay Parkway, Suite 250  
Alameda, CA 94502-6577  
(sent via email to [jerry.wickham@acgov.org](mailto:jerry.wickham@acgov.org) )

**Subject: Comment Letter - Potential Case Closure of Fuel Leak Case RO0000278 Desert Petroleum #795, 2008 First Street, Livermore, CA**

Dear Mr. Wickham,

Zone 7 Water Agency (Zone 7) opposes the closure of the fuel leak case RO0000278 at 2008 First Street, Livermore, CA because the plume has not been proven to be stable or decreasing which is a required criterion for all closure scenarios set forth in the State Water Resources Control Board's (SWRCB's) Low-Threat Underground Storage Tank (UST) Case Closure Policy. The justification for closure is based on one round of groundwater sampling, which in our opinion does not substantiate the plume to be stable or decreasing.

MTBE was non-detect in monitoring well MW13 during the most recent groundwater quality data available in GeoTracker (Quarterly Groundwater Monitoring and Remediation Report, First Quarter 2013). However, MTBE was detected in this well for five consecutive sampling rounds prior to this. Two of these detections were above the primary maximum contaminant level (MCL) of 13 micrograms per liter (ug/L) and all detections were above the secondary MCL of 5 ug/L. The most recent sampling event was not the first time MW13 has tested non-detect for MTBE. In the fourth quarter 2008 sampling event MTBE was not detected in MW13 but in the next sampling round (first quarter 2009) MTBE was detected at 19 ug/L. This shows that MTBE concentrations have fluctuated in this well in the past, therefore in absence of verification monitoring results, the most recent non-detect does not indicate that the plume is stable and decreasing.

Additionally, monitoring well MW13 is being used as the defining edge of the plume. The MTBE groundwater plume begins at some point between MW4 and MW3 and, with exception of the most recent sampling round, extends past MW13. This would make the plume over 1,000 feet long. None of the low-risk case closure scenarios allow for closure with a plume over 1,000 feet long. Scenario 4 does allow for low-risk closure with a plume length of less than 1,000 feet long. So, the case can only meet this criterion based on the most recent groundwater sampling data and if the assumption is made that MW13 would remain non-detect for MTBE in the future. If these assumptions are made then the length of the plume could be calculated as somewhere between 600 and 1,000 feet in length and would meet the plume length criterion for Scenario 4.

Zone 7 does not agree that there is enough data to support that the plume has stabilized at less than 1,000 feet in length given the uncertainty of monitoring well MW13's results remaining non-detect.

Furthermore, there is an active municipal supply well directly downgradient from the plume. If MW13 is outside the plume, as is the case for the First Quarter 2013, then this supply well is over 1,000 feet from the plume and the case would qualify for low-risk closure under Scenario 4. If MTBE is once again detected in MW13, as it has been in the past following a round of non-detect, it would be within 1,000 feet of the active downgradient municipal supply well, depending on how far the plume extends beyond MW13. This would be a third criterion that the case would fail to meet for low-risk closure under Scenario 4. Therefore, closing the case based on one round of data seems unreasonable.

We feel that case closure is premature and could put the public's water supply at risk. We recommend that the case remain open and that additional groundwater sampling be conducted to verify that the plume is truly stable and decreasing and meets the length criterion for Scenario 4.

We appreciate the opportunity to comment on this proposed case closure. If you have any questions or comments, please feel free to contact me at 925-454-5063 or via e-mail at [cwiney@zone7water.com](mailto:cwiney@zone7water.com).

Sincerely,



Colleen Winey  
Assistant Geologist - Groundwater Section  
Zone 7 Water Agency

cc: Matt Katen, Zone 7  
Jill Duerig, Zone 7

## 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 [.loptoxic@acgov.org](mailto:.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](mailto:.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.