

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY
DAVID J. KEARS, Agency Director



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December 5, 2008

Anthony Varni
P.O. Box 570
Hayward, CA 94543-0570

Subject: Fuel Leak Case No. RO0000322 and GeoTracker Global ID T0600101435, Varni Property, 2691 Castro Valley Boulevard, Castro Valley, CA 94546

Dear Mr. Varni:

Alameda County Environmental Health (ACEH) staff has reviewed the case file for the above-referenced site including the recently submitted document entitled, "Crawlspace Air, Soil Vapor, and Groundwater Quality Evaluation and Case Closure Request," dated October 31, 2008, which was prepared by Cornerstone Earth Group (CEG) and received on November 10, 2008. CEG collected two groundwater samples, one soil vapor sample, one crawl space sample, and one ambient air sample at the subject site. Groundwater sample analytical results did not detect TPH-d, TPH-g, BTEX or MTBE above the laboratory detection limit with the exception of toluene detected at a concentration of 0.63 $\mu\text{g/L}$ in a groundwater sample collected from GW-1. Soil vapor sample analytical results detected TPH-g at a concentration of 190,000 $\mu\text{g/m}^3$ and benzene at a concentration of <81 $\mu\text{g/m}^3$, the crawl space sample analytical results detected TPH-g at a concentration of <200 $\mu\text{g/m}^3$ and benzene at a concentration of 2.0 $\mu\text{g/m}^3$, and the ambient air sample analytical results detected TPH-g at a concentration of 370 $\mu\text{g/m}^3$ and benzene at a concentration of 5.4 $\mu\text{g/m}^3$. Based on the results of the subsurface investigation, CEG requests case closure.

Based on the analytical data collected to date, ACEH cannot consider case closure for the subject site at this time. This decision to deny closure is subject to appeal to the State Water Resources Control Board (SWRCB), pursuant to Section 25299.39.2(b) of the Health and Safety Code (Thompson-Richter Underground Storage Tank Reform Act - Senate Bill 562). Please contact the SWRCB Underground Storage Tank Program at (916) 341-5851 for information regarding the appeal process.

ACEH requests that you address the following technical comments and send us the technical work plan requested below.

TECHNICAL COMMENTS

1. **Crawl Space Sampling** – The UST was removed on June 24, 1988. According to the County Inspector's notes, the UST exhibited "corrosion along its seam(s)." A groundwater sample collected during the UST removal detected TPH-d, TPH-g and benzene at concentrations of 6,200 $\mu\text{g/L}$, 5,500 $\mu\text{g/L}$, and 11 $\mu\text{g/L}$, respectively in sample #1A indicating that a release(s) occurred at the site. A building was subsequently constructed over the former UST. The most recent soil vapor sampling event, located outside the building

perimeter detected TPH-g at a concentration of 190,000 $\mu\text{g}/\text{m}^3$, significantly above the Regional Water Quality Control Board's (RWQCB) Environmental Screening Level (ESL) of 29,000 $\mu\text{g}/\text{m}^3$ for TPH-g (commercial land use risk scenario), which also confirms that a release had occurred. The crawl space air sample detected TPH-g and benzene at concentrations of <200 $\mu\text{g}/\text{m}^3$ and 2.0 $\mu\text{g}/\text{m}^3$, respectively, both above their respective ESLs of 14 $\mu\text{g}/\text{m}^3$ and 0.14 $\mu\text{g}/\text{m}^3$. Since all the data collected suggests that a release occurred, no remediation has occurred at the site, and there appears to be a potential for contaminant vapor intrusion at the site, additional crawl space samples are necessary to adequately evaluate the potential risk to occupants of the building, prior to case closure consideration. It is recommended that crawl space samples are collected at various locations underneath the building over two seasonal events at various times of the day so that the samples collected are adequately representative of actual site conditions. Also, please ensure that laboratory detection limits are below the contaminant's corresponding ESL. Please propose a scope of work to address the above-mentioned concerns and submit a work plan due by the date specified below.

2. **GeoTracker Compliance** – A review of the case file and the State Water Resources Control Board's (SWRCB) GeoTracker website indicate that only an electronic copy of the report has been uploaded and the remaining electronic files that comprise the report such as the analytical data files (GWM_R, SWI_R, etc.) groundwater elevation data (GEO_WELL), boring logs (GEO_BORE), an updated site map (GEO_MAP), etc. have not been submitted, rendering the site to non-compliance status. 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. Also, beginning January 1, 2002, all permanent monitoring points utilized to collect groundwater samples (i.e. monitoring wells) and submitted in a report to a regulatory agency, must be surveyed (top of casing) to mean sea level and latitude and longitude to sub-meter accuracy using NAD 83. A California licensed surveyor may be required to perform this work. Additionally, pursuant to California Code of Regulations, Title 23, Division 3, Chapter 30, Articles 1 and 2, Sections 3893, 3894, and 3895, beginning July 1, 2005, the successful submittal of electronic information (i.e. report in PDF format) shall replace the requirement for the submittal of a paper copy. Please upload all applicable electronic submittal types such as the analytical data (EDF), and PDF reports from July 1, 2005 to current to GeoTracker by the date specified below. Electronic reporting is described below.

TECHNICAL REPORT REQUEST

Please submit technical reports to ACEH (Attention: Paresh Khatri), according to the following schedule:

- **February 3, 2009** – Soil and Water Investigation Work Plan

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

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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.swrcb.ca.gov/ust/electronic_submittal/report_rqmts.shtml).

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.

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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.

If you have any questions, please call me at (510) 777-2478 or send me an electronic mail message at paresh.khatri@acgov.org.

Sincerely,



Paresh C. Khatri
Hazardous Materials Specialist



Donna L. Drogos, PE
Supervising Hazardous Materials Specialist

Enclosure: ACEH Electronic Report Upload (ftp) Instructions

cc: Peter Langtry, Cornerstone Earth Group, 2737 North Main Street, Suite 10, Walnut Creek, CA
94597
Donna Drogos, ACEH
Paresh Khatri, ACEH
File

Alameda County Environmental Cleanup Oversight Programs (LOP and SLIC)	ISSUE DATE: July 5, 2005
	REVISION DATE: December 16, 2005
	PREVIOUS REVISIONS: October 31, 2005
SECTION: Miscellaneous Administrative Topics & Procedures	SUBJECT: Electronic Report Upload (ftp) Instructions

Effective **January 31, 2006**, 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

- Entire report including cover letter must be submitted to the ftp site as a **single portable document format (PDF) with no password protection**. (Please do not submit reports as attachments to electronic mail.)
- 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)

Additional Recommendations

- A separate copy of the tables in the document should be submitted by e-mail to your Caseworker in **Excel** format. These are for use by assigned Caseworker only.

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 dehloptoxic@acgov.org
or
 - ii) Send a fax on company letterhead to (510) 337-9335, to the attention of Alicia Lam-Finneke.
 - 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 and Firefox browsers will not open the FTP site.
 - b) Click on File, then on Login As.
 - 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 dehloptoxic@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 at 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)