



ENVIRONMENTAL HEALTH SERVICES
ENVIRONMENTAL PROTECTION
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May 14, 2012

Manwel and Samira Shuwayhat
c/o Gus Shuwayhat
54 Wolfe Canyon Road
Kentfield, CA 94904
(Sent via E-mail to: Gus.Shuwayhat@thomsonreuters.com)

Subject: Case File Review for Fuel Leak Case No. RO0000324 and GeoTracker Global ID T0600102287, Livermore Gas and Mini-mart, 160 Holmes Street, Livermore, CA 94553

Dear Manwel and Samira Shuwayhat:

Alameda County Environmental Health (ACEH) staff has reviewed the case file for the above referenced site including the most recent report entitled, "*Soil and Groundwater Characterization Report/Request for Low Risk Closure Report, Laidlaw Transit, 2900 Ladd Avenue, Livermore, California,*" dated January 6, 2012 (Closure Report). The Closure Report presents results from site assessment activities conducted in September 2011 and requests that the site be considered for low-risk closure.

Based on our review, the case cannot be considered for low-risk closure at this time for the reasons discussed in the technical comments below. These reasons include a lack of plume stability and the presence of elevated concentrations in TBA beneath and downgradient from the site. This decision is subject to appeal to the State Water Resources Control Board (SWRCB), pursuant to Section 25296.40 of the Health and Safety Code (Thompson-Richter Underground Storage Tank Reform Act - Senate Bill 562). Further information regarding the petition process is available on the SWRCB website (http://www.waterboards.ca.gov/water_issues/programs/ust/cleanup/petitions.shtml). You may also contact the SWRCB Underground Storage Tank Program at (916) 341-5752 for information regarding the appeal process. California Underground Storage Tank regulations allow any responsible party who believes that the corrective action plan for the site has been satisfactorily implemented, but where closure has not been granted, to petition the SWRCB for a review of the case.

Further source removal and groundwater monitoring are required. Therefore, we request that you submit a Draft Corrective Action Plan no later than July 24, 2012.

TECHNICAL COMMENTS

1. **Water Supply Wells.** The RFC refers to a well survey completed by Allterra in 2007. We have reviewed the reports prepared in 2007 by Allterra but were not able to locate a 2007 well survey. However, we did find a Well Location Map dated 6/16/05 in the case files. If the 2005 well survey map is the most recent, we request that you complete an updated well survey. The well survey must locate all water supply wells within 200 feet of the site on a map and must include a table that includes the well designation, location, total depth, diameter, screen interval, date of well installation, current status, historic use, and owner of the wells. Please present your well survey results in the Draft Corrective Action Plan requested below.

2. **Soil Impacts.** The RFC indicates that remaining soil impacts are predominantly confined to the smear zone, which annually fluctuates between 24 and 28 feet bgs. However, a review of the soil analytical data from the July 2008 direct push soils investigation indicates significant detections of MTBE to depths of 36 feet bgs and tert butyl alcohol (TBA) to depths of 40 feet bgs.
3. **Section 5.0 - Site-Specific Risk Profile.** Many of the low risk criteria cited in Section 5.0 do not appear to be recognized, valid regulatory criteria. This makes the section difficult to review and evaluate. In addition, several interpretations cited in Section 5.0 appear to be incorrect and not supported by the facts of the case. We have described several of these instances in the technical comments below. For these reasons, we do not concur that the case should be considered a low-risk fuel leak case. Please note that the December 9, 2009 document prepared by Closure Solutions should not be cited as establishing regulatory criteria for consideration of low-risk closure. The opening sentence of Section 5.0 indicates that "*Allterra predominantly used the criteria established under the San Francisco Bay Regional Water Quality Control Board's (RWQWCB) Supplemental Instructions to State Water Board December 8, 1995 Interim Guidance on Require Cleanup at Low Risk Fuel Sites as well as precedents set under the 56 Water Quality Orders resulting in case closure petitions.*" However, a review of the cited criteria indicates that only one of the 10 listed criteria corresponds to the criteria presented in the 1996 low-risk RWQCB Board. In the future, you must accurately cite the sources of listed criteria and use criteria from acceptable regulatory sources.
4. **Section 5.2 - Groundwater Contaminant Levels.** We do not concur that the criteria listed in the first paragraph of this section can be used to define a low-risk case. Furthermore, this Section 5.1 states, "the current extent of elevated concentrations of petroleum constituents in groundwater in close proximity to EW-3 is limited, covering an area of about 360 square feet." This statement is incorrect as the area with elevated concentrations of TBA in groundwater extends well beyond an area of 360 square feet. Section 5.1 also presents an argument that groundwater data from longer screen wells MW-1A and EW-1 are more representative than data from shorter screen well EW-3. We do not concur with this rationalization and believe that data from EW-3 are likely more representative than data from longer screen wells. Longer screen wells tend to mix groundwater from different zones and dilute concentrations. Section 5.1 also claims that an oxygen releasing compound will continue to accelerate natural attenuation and enhance biodegradation without presenting any information to support this statement. We have reviewed the data and could not find data to support the contention that an oxygen releasing compound continues to add oxygen to the groundwater at this time.
5. **Section 5.3 – Plume Stability and Migration.** Section 5.3 of the RFC states that, "residual dissolved petroleum constituents are generally limited to shallow groundwater beneath the site in the vicinity of EW-3." However, a review of the most recent groundwater monitoring data indicates that TBA was detected in groundwater from well MW-7B at a concentration of 1,800 micrograms per liter ($\mu\text{g/L}$). Well MW-7B is located more than 150 feet from well EW-3 and is screened in a deeper zone. Section 5.3 states that the "clear decreasing trend for petroleum constituents in groundwater indicates plume stability." Although there have been significant reductions in contaminant concentrations in several wells, the data do not support a clear and decreasing trend throughout the site. A review of the most recent groundwater monitoring data indicates that TBA concentrations in well MW-1A have rebounded from 6,200 $\mu\text{g/L}$ in June 2011 to 21,000 $\mu\text{g/L}$ in November 2011. TBA concentrations in well EW-1 increased from 15,000 $\mu\text{g/L}$ in January 2011 to 50,000 $\mu\text{g/L}$ in February

2012. More significantly, TBA concentrations have increased significantly in downgradient wells MW-9A and MW-9B, which indicates plume expansion. Based on these facts, the plume does not appear to be stable.

6. **Section 5.5 - Potential Impacts to Drinking Water Wells.** Section 5.4 indicates that a continuous confining layer is present at a depth of 55 to 69 feet bgs both on-site and off-site. We agree that a fine-grained layer typically has been encountered at these depths in the region near the site. However, it is not clear that the fine-grained layer is continuous in the area of the site.
7. **Section 5.6 Achievement of Water Quality Objectives Before Resource Used.** Section 5.6 implies that groundwater in the area of the site is not likely to be used as a source of drinking water since municipal water is available. Groundwater is extracted for use as drinking water in the Livermore-Amador Basin including the region surrounding the site. Since groundwater is a source of drinking water in this area, the statement that municipal water is supplied to nearby residents and businesses appears to be irrelevant. In order to make the statement that groundwater in the area of the site is not likely to be used, we assume that you have conducted some research on the likelihood that groundwater near the site will or will not be used in the future. In the Draft Corrective Action Plan requested below, please provide the information, contacts, and documentation you have used to conclude that the Zone 7 Water Agency and California Water Service are not likely to use groundwater in the area of the site.

TECHNICAL REPORT REQUEST

Please submit technical reports to Alameda County Environmental Health (Attention: Jerry Wickham), according to the following schedule:

- **July 24, 2012** – Draft Corrective Action Plan

If you have any questions, please call me at (510) 567-6791 or send me an electronic mail message at jerry.wickham@acgov.org. Online case files are available for review at the following website: <http://www.acgov.org/aceh/index.htm>.

Sincerely,

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

Attachment: Responsible Party(ies) Legal Requirements/Obligations

Enclosure: ACEH Electronic Report Upload (ftp) Instructions

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cc: Danielle Stefani, Livermore Pleasanton Fire Department, 3560 Nevada St, Pleasanton, CA 94566
(Sent via E-mail to: 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)

James Allen, Allterra Environmental, Inc., 849 Almar Avenue, Suite C, No. 281, Santa Cruz, CA 95060 (Sent via E-mail to: james@allterraenv.com)

Joe Mangine, Allterra Environmental, Inc., 849 Almar Avenue, Suite C, No. 281, Santa Cruz, CA 95060 (Sent via E-mail to: joe@allterraenv.com)

Donna Drogos, ACEH (Sent via E-mail to: donna.drogos@acgov.org)
Jerry Wickham, ACEH (Sent via E-mail to: jerry.wickham@acgov.org)

GeoTracker, e-File

Attachment 1

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.