



ENVIRONMENTAL HEALTH SERVICES
ENVIRONMENTAL PROTECTION
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June 11, 2013

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, "*Work Plan for Additional Remedial Action and Confirmatory Sampling,*" dated May 8, 2013 (Work Plan). The Work Plan, which was prepared on your behalf by Allterra Environmental, Inc., presents plans for additional remedial action which included installation of an enhanced biodegradation barrier and confirmation soil sampling. Based on a request from Allterra, we understand that implementation of the additional remedial action will be delayed until monitoring results from the current in-situ chemical oxidation (ISCO) is evaluated. We have no objection to implementing the confirmation soil sampling and evaluating the proposed additional remedial action based on monitoring data. Please present recommendations for the additional remedial action in the Confirmation Sampling and ISCO Remedial Action Report requested below.

The Work Plan also requests a schedule extension beyond the current due date of July 9, 2013 for reporting of the current ISCO remedial activities. Based on this request, the schedule for reporting of the current ISCO remedial activities is extended to August 30, 2013.

On August 17, 2012, the State Water Resources Control Board (SWRCB) Low-Threat Closure Policy became effective. If the general and media-specific criteria in the LTCP are met, the leaking fuel case is generally considered to present a low threat to human health and the environment. In compliance with the LTCP, ACEH is currently reviewing all cases to assess whether the site meets the LTCP criteria. Based on ACEH staff review, the site does not meet the Media-specific Groundwater Criteria as discussed in technical comments 1 and 2.

TECHNICAL COMMENTS

1. **LTCP Groundwater Criteria.** The site does not meet any of the four scenarios for the groundwater-specific criteria in the LTCP for the following reasons:
 - The site does not meet scenario 1 because the plume is greater than 100 feet in length.
 - The site does not meet scenario 2 because the dissolved concentration of MTBE is greater than 1,000 micrograms per liter ($\mu\text{g/L}$). The maximum concentration during the most recent groundwater sampling event was 6,300 $\mu\text{g/L}$.
 - The site does not meet scenario 3 because as discussed in technical comment 2, plume stability has not been demonstrated for a minimum of five years.

- The site does not meet scenario 4 because the dissolved concentration of MTBE is greater than 1,000 micrograms per liter ($\mu\text{g/L}$). The maximum concentration during the most recent groundwater sampling event was 6,300 $\mu\text{g/L}$.

Although the site does not meet the four groundwater-specific scenarios in the LTCP, case closure may be considered in the future under scenario 5 based upon the results of the current ISCO remedial activities, groundwater monitoring data, and confirmation sampling data.

2. **Plume Stability and Migration.** A review of TBA concentrations over time in groundwater from well EW-1 indicates a significant increase in TBA concentrations between November 2011 and February 2012. TBA concentrations in groundwater from well EW-1 increased from 15,000 $\mu\text{g/L}$ in January 2011 to 50,000 $\mu\text{g/L}$ in February 2012. TBA concentrations have steadily increased since November 2011 in groundwater from well EW-3. Based on these facts, plume stability has not been demonstrated over a minimum period of five years.
3. **Water Supply Wells.** In correspondence dated xx, 2013, ACEH requested that an updated well survey be performed for the site. The "*Work Plan for Additional Soil and Groundwater Remediation*," dated July 6, 2012 presented plans to conduct an updated well survey. Please present the results from the updated well survey in the report requested below.

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:

- **August 30, 2013** – Confirmation Sampling and ISCO Remedial Action Report
File to be named: IRR_R_yyyy-mm-dd RO324

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. 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

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Attachment: 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@lfire.org)

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