



ENVIRONMENTAL HEALTH SERVICES
ENVIRONMENTAL PROTECTION
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May 22, 2015

Mr. Phillip Jaber
George H. Jaber Trust
2801 Encinal Avenue
Alameda, CA 94501-4726

NOTICE TO COMPLY

Subject: Notice To Comply; Request for Work Plan; Fuel Leak Case No. RO00000373 Olympic Station
(Global ID T0600102256), 1436 Grant Avenue, San Lorenzo, CA 94580

Dear Mr. Jaber:

A review of the case file for the above-referenced site indicates that your case is currently not in compliance with Alameda County Environmental Health's (ACEH) November 19, 2014 directive letter that requested a work plan to delineate the extent of groundwater contamination downgradient of wells MW-5A and MW-6A. These wells are at the downgradient extent of the investigated portion of the site and contain the highest groundwater concentrations at the site. Groundwater concentrations up to 14,000 micrograms per liter ($\mu\text{g/L}$) Total Petroleum Hydrocarbons (TPH) as gasoline (TPHg), 1,100 $\mu\text{g/l}$ benzene, and 490 $\mu\text{g/l}$ ethylbenzene were documented during the monitoring and sampling. These wells are also installed in a shallower groundwater bearing zone than the remediation system and it is uncertain that the system has an effect on contamination in these wells. The referenced directive letter requested the submittal of a work plan by February 6, 2015. Nearly 4 months have lapsed since the work plan was requested to be submitted, and an extension has not been received, nor has a report been submitted to ACEH or Geotracker.

Implementation of site characterization and/or cleanup at this site is crucial to be protective of human health and the environment and to move this case towards closure evaluation. Please note that as Responsible Parties, you are required by California Code of Regulations, Title 23, Division 3, Chapter 16, Article 11, §2720 through §2728 to characterize the site and implement corrective action.

Alameda County Environmental Health (ACEH) staff has also reviewed the case file including the *Remediation Status Report and Results of First Quarter 2015 Groundwater Monitoring and Sampling Event*, dated April 27, 2015. The report was prepared and submitted on your behalf by Stratus Environmental, Inc. (Stratus). Thank you for submitting the report.

The referenced report documented progress of the Dual Phase Extraction (DPE) system and the fourth quarterly sampling of groundwater from wells MW-5A and MW-6A. Groundwater monitoring and sampling indicates elevated but declining groundwater concentration trends in these two wells. Concentrations were as noted above.

The report also documents trace groundwater and trace vapor influent concentrations into the DPE system. System wells are installed in a deeper water-bearing zone than wells MW-5A, MW-6A, and also MW-4. It appears apparent that the system has reached asymptotic levels, and it is appropriate to initiate system cycling.

Therefore, based on ACEH staff review of the case and files, we request that you address the following technical comments and send us the reports described below.

TECHNICAL COMMENTS

- 1. System Shutdown and Remediation Monitoring Work Plan** – As noted above, it appears appropriate to shut the remedial system down in order to determine the potential for contaminant rebound at the site. Due to the potential of rebound to affect sensitive receptors (potential for vapor intrusion to commercial and residential buildings in close proximity to the new wells) please propose an appropriate monitoring schedule of environmental media (vapor and / or groundwater) to monitor in order to determine trends. ACEH anticipates that the monitoring interval will be at closer intervals initially. Please submit a Remediation Monitoring Work Plan by the date identified below.
- 2. Data Gap Investigation Work Plan and Focused Site Conceptual Model** – Based on the more recently installed groundwater wells (MW-5A and MW-6A), it appears that the lateral or downgradient extent of groundwater contamination has not been defined as had been anticipated with the installation of the wells. At a minimum this indicates that the Site Conceptual Model (SCM) is insufficient, as the downgradient extent of groundwater contamination was understood to be towards Grant Avenue from the known release areas (former dispenser islands and underground storage tank pit). Additionally, with the presence of both commercial and residential buildings in close proximity to the new wells, additional downgradient risk of vapor intrusion may be present at the site and vicinity than previously anticipated. Consequently, it appears appropriate to request the generation of a Data Gap Work Plan to define the extent of groundwater contamination at the site and to investigate the risk of vapor intrusion to the closely associated commercial and residential structures. This may also indicate that the remedial system should be evaluated for modification should this new extent require a remedial effort.

Consequently, please prepare a Data Gap Investigation Work Plan to address the technical comments above, by the date identified below. Please support the scope of work in the Data Gap Investigation Work Plan with a focused SCM and Data Quality Objectives (DQOs) that relate the data collection to each LTCP criteria. For example please clarify which scenario within each Media-Specific Criteria a sampling strategy is intended to apply to.

In order to expedite review, ACEH requests the focused SCM be presented in a tabular format that highlights the major SCM elements and associated data gaps, which need to be addressed to progress the site to case closure under the LTCP. Please see Attachment A "Site Conceptual Model Requisite Elements". Please sequence activities in the proposed revised data gap investigation scope of work to enable efficient data collection in the fewest mobilizations possible.

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:

- **June 29, 2015** – Remediation Monitoring Plan
File to be named: RO373_WP_R_yyyy-mm-dd
- **July 31, 2015** – Data Gap Investigation Plan and Focused SCM
File to be named: RO373_WP_R_yyyy-mm-dd
- **July 17, 2015** – Semi-Annual Groundwater Monitoring and, if required, Remedial Progress Report;
File to be named RO373_REM_R_yyyy-mm-dd
- **December 18, 2015** – Semi-Annual Groundwater Monitoring and, if required, Remedial Progress Report; File to be named RO373_REM_R_yyyy-mm-dd
- **30 Days After Completion of Corrective Actions** – Confirmation Work Plan (Verification Sampling)
File to be named: RO373_WP_L_yyyy-mm-dd

Mr. Phillip Jaber
RO0000373
May 22, 2015, Page 3

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.

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 E. Detterman, PG, CEG
Senior Hazardous Materials Specialist

Enclosures: Attachment 1 – Responsible Party (ies) Legal Requirements / Obligations and
Electronic Report Upload (ftp) Instructions
Attachment A – Site Conceptual Model Requisite Elements

cc: Scott Bittinger, Stratus Environmental, Inc, 3330 Cameron Park Drive, Suite 550, Cameron Park,
CA 95682 (sent via electronic mail to: sbittinger@stratusinc.net)

Gowri Kowtha, Stratus Environmental, Inc, 3330 Cameron Park Drive, Suite 550, Cameron Park,
CA 95682 (sent via electronic mail to: gkowtha@stratusinc.net)

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

Mark Detterman (sent via electronic mail to mark.detterman@acgov.org)
Electronic File, GeoTracker

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.

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| Alameda County Environmental Cleanup Oversight Programs (LOP and SLIC) | REVISION DATE: May 15, 2014 |
| | ISSUE DATE: July 5, 2005 |
| | PREVIOUS REVISIONS: October 31, 2005; December 16, 2005; March 27, 2009; July 8, 2010, July 25, 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.