

ALAMEDA COUNTY  
HEALTH CARE SERVICES



AGENCY

DAVID J. KEARS, Agency Director

ENVIRONMENTAL HEALTH SERVICES  
ENVIRONMENTAL PROTECTION  
1131 Harbor Bay Parkway, Suite 250  
Alameda, CA 94502-6577  
(510) 567-6700  
FAX (510) 337-93

August 7, 2009

Denis Brown  
Shell Oil Products US  
20945 S. Wilmington Ave.  
Carson, CA 90810-1039

Linli Lee  
Foothill Blvd. LLC  
141 Woodland Way  
Piedmont, CA 94611-3839

Walter Watters  
101 Jasmine Creek Drive  
Corona Del Mar, CA 92625-1420

Subject: Fuel Leak Case No. RO0000415 and Geotracker Global ID T0600101065, 4411 Foothill Boulevard, Oakland, CA 94601

Dear Denis Brown, Linli Lee, and Walter Watters:

Alameda County Environmental Health (ACEH) staff has reviewed the fuel leak case file for the above-referenced site including the recently submitted document entitled, "*Sub-Slab Soil Vapor Probe Installation and Soil Vapor Sampling Report*," dated June 24, 2009 (Report). The Report, which was prepared on Shell's behalf by Conestoga-Rovers & Associates, presents results from sampling of two sub-slab vapor probes and six soil vapor probes. Vapor concentrations in the two sub-slab vapor samples were below San Francisco Bay Regional Water Quality Control Board Environmental Screening Levels for residential and commercial land use. Based on these results, the Report recommends that the two sub-slab vapor probes be properly decommissioned. We have no objection to decommissioning the two sub-slab vapor probes. In addition, sampling of the soil vapor probes may be discontinued at this time.

We request that you proceed with installation of off-site monitoring wells S-10 through S-12 and soil vapor probe V-12 following completion of an off-site access agreement. Groundwater monitoring is to be continued on a semi-annual basis during the second and fourth quarters as previously proposed and approved by ACEH in correspondence dated July 24, 2009. Newly installed wells S-10 through S-12 are to be sampled on a quarterly basis for a period of one year prior to implementing semi-annual groundwater monitoring. We request that you perform the proposed work and send us the reports described below.

**TECHNICAL REPORT REQUEST**

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

- **August 18, 2009** – Second Quarter 2009, Semi-annual Groundwater Monitoring Report
- **January 12, 2010** – Well Installation and Soil Vapor Probe Sampling Report
- **February 18, 2010** – Fourth Quarter 2009, Semi-annual Groundwater Monitoring Report

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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.swrcb.ca.gov/ust/cleanup/electronic\\_reporting](http://www.swrcb.ca.gov/ust/cleanup/electronic_reporting)).

#### 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.

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**UNDERGROUND STORAGE TANK CLEANUP FUND**

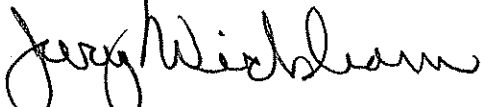
Please note that delays in investigation, later reports, or enforcement actions may result in your becoming ineligible to receive grant money from the state's Underground Storage Tank Cleanup Fund (Senate Bill 2004) to reimburse you for the cost of cleanup.

**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.

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).

Sincerely,



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

Enclosure: ACEH Electronic Report Upload (ftp) Instructions

cc: Peter Schaefer, Conestoga-Rovers & Associates, 5900 Hollis Street, Suite A, Emeryville, CA 94608

Bill Phua c/o Jay Phares, 10700 MacArthur Boulevard, Suite 200, Oakland, CA 94605-5260

Leroy Griffin, Oakland Fire Department, 250 Frank H. Ogawa Plaza, Ste. 3341  
Oakland, CA 94612-2032

Donna Drogos, ACEH  
Jerry Wickham, ACEH  
File