

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY

REBECCA GEBHART, Interim Director



DEPARTMENT OF ENVIRONMENTAL HEALTH
LOCAL OVERSIGHT PROGRAM (LOP)
For Hazardous Materials Releases
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ALAMEDA, CA 94502
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December 7, 2017

Andrew Saberi
Sabek, Inc.
1045 Airport Blvd.
South San Francisco, CA 94080
(Sent via E-mail to: tsaberi@aol.com)

Andrea Wing
Shell Oil Products US
20945 S. Wilmington Ave.
Carson, CA 90810-1039
(Sent via E-mail to: andrea.wing@shell.com)

Som Gupta
c/o Carmerlengo & Johnson
500 Airport Blvd.
Burlingame, CA 94010

Subject: Request for Site Investigation Work Plan, Fuel Leak Case No. RO0000433 and GeoTracker Global ID T0600101691, Shell / Sabek Inc, 1230 14th Street, Oakland, CA 94607

Dear Responsible Parties:

Alameda County Department of Environmental Health (ACDEH) staff has reviewed the case file for the above-referenced site, including the *Soil Excavation Report*, dated 12 April 2016, and the *2016 Groundwater Monitoring Report*, dated 2 May 2017. Both documents were prepared by Pangea Environmental Services, Inc. (Pangea), on behalf of Andrew Saberi. This letter summarizes (1) the reports submitted in 2016, (2) the case history, (3) the recommended pathway to closure for this fuel leak case, and (4) responsible party actions, submittals, and schedule required by the ACDEH.

RECENT REPORTS AND CONSULTANT RECOMMENDATIONS

Soil excavation and offsite disposal at a landfill was conducted in November 2015 and removed approximately 685 tons of petroleum-impacted soil. This interim remedial action was proposed by Pangea and approved by the ACDEH on 3 August 2015, and ACDEH required a report summarizing the remedial action no later than 13 November 2015. No explanation for the delayed implementation and late report was provided by Saberi or Pangea. During excavation, Pangea was issued a stop work notice by the City of Oakland for to failure to provide adequate erosion control, traffic control, or notice to the city building department. The petroleum-impacted soil was transported offsite and disposed as non-hazardous waste at Recology Hay Landfill in Vacaville, California. Based on observations during excavation and on removal verification sample results, Pangea recommended additional investigation north (downgradient) of the former underground storage tanks, including three borings beneath the existing station building and one boring south of the station building.

Groundwater samples were collected from wells MW-4, MW-5R, MW-6, MW-7, AS-2, AS-4, and DP-1 on 2 November 2016. Wells AS-2 and AS-4 are screened below the water table, and wells MW-4, MW-5R, MW-6, MW-7, and DP-1 are screened across the water table. The wells were sampled using a conventional three-volume purge method. Up to 930 ug/L total petroleum hydrocarbons as gasoline (TPHg) and 48 ug/L

benzene were reported in the groundwater samples from the site. Pangea indicates the footprint of the existing site structure is approximately 1,000 square feet and that a service bay is located in the eastern portion of the building. No information pertaining to former automotive repair features (e.g., hydraulic hoists, waste oil collection systems, parts washing stations, etc.) is provided in the report. In the report, Pangea recommended alternative locations for additional soil borings, including two borings beneath the station building, one boring south of the station building, and one boring east of the station building, near the former location of a waste oil UST.

CASE MANAGEMENT HISTORY

Beginning in 1993, the ACDEH requested active remediation of soil and groundwater at this site. From 2011 through 2013, active remediation consisting of operation of a combined dual-phase extraction (DPE) and air-sparg (AS) system with bio-organic catalyst injections was performed. In addition, 558 tons of petroleum-impacted soil were excavated and removed from the site in 1995, and approximately 685 tons of petroleum impacted soil were removed in 2015. The case history is summarized in the following timeline of ACDEH cleanup oversight actions:

- 1993 - Directed investigation and cleanup and recommended additional excavation of contaminated soil.
- 1994 - The property owner and former operators (Andy Saberi, Pawan Garg, Som Gupta, and Shell Oil Co.) disagreed on responsibility for the cleanup, each alleging that the other parties were responsible.
- 1995 - Alameda County's District Attorney sued Saberi, Garg, Gupta and Shell Oil for failure to comply with ACDEH's directives. A settlement agreement between the parties identified Shell Oil Co as the remediation lead.
- 1996 - Directed additional remedial investigation.
- 1997 - Directed additional investigation and interim remediation.
- 2000 - Requested a SCM to guide selection of the best method to remediate the site.
- 2001 - Reviewed a SVE pilot test report and denied Shell's proposal to perform a RBCA analysis. ACDEH requested additional investigation and cleanup.
- 2002 - Directed additional investigation and a corrective action plan (CAP) for active remediation.
- 2002 - Requested access to the downgradient residential properties for further investigation.
- 2002 - Public notice and comment period conducted prior to ACDEH approval of Shell's CAP.
- 2003-2004 - Oversaw hydrogen peroxide injection and dual-phase extraction (DPE) testing by Shell.
- 2007 - Shell determined that DPE was not feasible, and Saberi disagreed. Saberi sued Shell Oil, Garg, and Gupta. The 1995 settlement agreement was subsequently modified to identify Saberi as the remediation lead.

2008 - Oversaw preparation of the revised CAP for the site, including DPE and air sparging (AS).

2011 through 2013 - Oversaw operation of a DPE/AS system and bio-organic catalyst injections at the site. The system actively removed petroleum compounds from the subsurface and increased biological activity in site groundwater to expedite biodegradation of petroleum.

2015 - Issued a Late Letter for failure to provide a workplan for soil excavation. Oversaw soil excavation to groundwater in the location of former fuel dispensers.

2016 - Report of excavation activities was submitted to the ACDEH.

2017 - Report of post-remediation groundwater sampling was submitted to the ACDEH.

PATHWAY TO CLOSURE

During the 24 years since five USTs were removed from the site in 1993, biodegradation is believed to have significantly reduced petroleum mass and concentrations in the site subsurface. In addition, as described above, active remediation was performed. Additional investigation is required to determine if site conditions meet the criteria for closure as a low-threat UST site. The California Low-Threat UST Case Closure Policy (LTCP) specifies additional investigation is needed beneath the abandoned service station building, in the vicinity of the former waste oil tank, and near the property boundaries upgradient of adjoining residential properties. Specific concerns are listed in the Technical Comments section of this letter. Because general and media-specific low-threat UST closure criteria are otherwise met, if the additional investigation results are below the concentration thresholds specified in the LTCP, and if the findings further validate the current conceptual site model (CSM) for the UST release, the ACDEH intends to process this case for closure.

The investigation activities proposed by Pangea in its 12 April 2016 Excavation Report are insufficient. You must submit a workplan. Your workplan submittal is required to include the following elements:

- A. Proposed Work
- B. Technical Approach
- C. Assumptions
- D. Analytes and Methods
- E. Reporting
- F. Performance Measures
- G. Work Notice
- H. Implementation Schedule

Please refer to the Leaking Underground Fuel Tank Guidance Manual (LUFT Manual), prepared by the California State Water Resources Control Board, and revised December 2015. The LUFT Manual may be downloaded at: https://www.waterboards.ca.gov/ust/luft_manual/manual_dec2015.pdf. Your workplan must address the technical comments below.

TECHNICAL COMMENTS

- 1. Offsite Petroleum Vapor Evaluation.** Soil gas well VMP-1 was sampled in September 2014 and petroleum was reported in the sample. Well VMP-1 is cross-gradient of the former petroleum plume in groundwater. Petroleum in groundwater migrated northeast from the former UST system, onto the adjoining residential properties. It is assumed that separate phase petroleum, when historically on the water table, would have also migrated toward the northeast. As part of the workplan, this assumption must be reviewed based on site specific data, including site geology, historical groundwater table gradients, and observations of petroleum impacts at the site. Soil gas samples SG-2 through SG-6 were collected from an area where active remediation was conducted. Active remediation was not conducted east of the station building. To evaluate onsite and potential offsite soil gas concentrations, soil gas samples from 5 and 10 feet bgs are required from a location in the northeastern corner of the site, overlying the former migration pathway for petroleum compounds in groundwater. Soil gas samples must be analyzed for the full suite of 42 common volatile organic compounds (VOCs). VOCs are required due to the historical presence of a waste oil UST and the potential for interference with the laboratory's petroleum analyses.
- 2. Soil Gas North of the Dispenser Excavation, Beneath the Abandoned Station Building.** Soil gas samples must be collected beneath the abandoned station building. Samples must be analyzed for the full suite of 42 common VOCs. VOCs are required due to the historical presence of a waste oil UST and the potential for interference with petroleum analysis by the laboratory. Please provide a detailed site plan showing existing and former automotive fueling or repair related features.
- 3. Shallow Soil Investigation.** Soil samples must be collected from between 0 and 5 feet bgs and between 5 and 10 feet bgs in the vicinity of the abandoned service station building and beneath the location of the former waste oil UST. Soil samples must be analyzed for compounds commonly found in gasoline or waste oil, including TPHg, BTEX, naphthalene, fuel additives, TPHd, TPHmo, Polycyclic Aromatic Hydrocarbons (PAHs), and LUFT metals. Samples of soil from the former waste oil UST area contained organic lead. Accordingly, the samples from this area must also be analyzed for organic lead, including appropriate speciation of lead compounds. Please follow the LUFT Manual recommendations for appropriate sample analyses.
- 4. Performance Measures.** This section of a workplan is critical to the successful execution and progress of a site toward cleanup and closure. Identify the standards to be used to evaluate the sample results, and subsequent response actions.
- 5. Semi-Annual Groundwater Monitoring.** Semi-annual groundwater monitoring is required at this site until further notice from the ACDEH. Wells MW-2, MW-4, MW-5R, MW-6, MW-7, DP-1, and DP-5 must be gauged and sampled during each event. The next groundwater monitoring event must be conducted no later than 28 February 2018 and the first Semi-Annual Monitoring Report (SAMR) must be submitted no later than 30 April 2018. Subsequent groundwater monitoring events shall be conducted during the 2nd month of the 1st and 3rd Quarters of each year, and reports must be submitted during the 1st month of the following quarters. Written notice to the ACDEH 72 hours prior to groundwater sampling is required prior to each monitoring event.
- 6. Work Notice.** The workplan must provide a list of proposed recipients of work notices, including responsible parties for the site, adjoining property owners and occupants, city and community

contacts, the ACDEH, and other stakeholders. Written notice two weeks and 72 hours in advance of intrusive (i.e., subsurface) field activities will be provided to this list.

7. **Implementation Schedule.** A detailed schedule for implementation of the workplan must be included as a section of the workplan. The schedule must include anticipated dates of work notices, field dates, date of ESI to GeoTracker for site perimeter sample analytical laboratory results, and report submittal date.

SUBMITTAL ACKNOWLEDGEMENT STATEMENT

ACDEH requires a Submittal Acknowledgement Statement, signed by the Responsible Party (RP), as a cover letter to technical reports and submittals. The requirement is described in Attachment 1. The language for the Submittal Acknowledgement Statement is as follows:

"I have read and acknowledge the content, recommendations and/or conclusions contained in the attached document or report submitted on my behalf to ACDEH's FTP server and the State Water Resources Control Board's GeoTracker website."

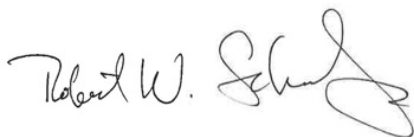
TECHNICAL REPORT REQUEST

Please upload technical reports to the ACDEH ftp site (instructions to comply with this requirement are attached), and to the State Water Resources Control Board's GeoTracker website according to the following schedule and file-naming convention:

- 19 January 2018 – Additional Investigation Workplan
File to be named: RO0433_SWI_yyyy-mm-dd
- 30 April 2018 – Groundwater Monitoring Report – 1st Half 2018
File to be named: RO0433_GWM_yyyy-mm-dd
- 30 April and 31 October Each Year – Semi-Annual Groundwater Monitoring Report
File to be named: RO0433_GWM_yyyy-mm-dd

If you have any questions, please call me at (510) 567-6721 or send me an electronic mail message at robert.schultz@acgov.org. Online case files are available for review at the following website: <http://www.acgov.org/aceh/index.htm>.

Sincerely,



Robert W. Schultz, CHG
Senior Hazardous Materials Specialist

Attachment: Attachment 1 - Responsible Party(ies) Legal Requirements/Obligations & ACEH Electronic Report Upload (ftp) Instructions

Mr. Saberi, Mr. Gupta, and Ms. Wing
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cc: Bob Clark-Riddell, Pangea Environmental, 1710 Franklin Street, Suite 200, Oakland, CA 94612
(Sent via E-mail to: briddell@pangeaenv.com)
Michael Leslie, Caldwell, Leslie & Proctor, 725 South Figueroa Street, 31st Floor, Los Angeles, CA
90017-5524
William Paynter, Law Offices of William H. Paynter, 809 Broadway, Suite 6, Sonoma, CA 94576
Michael Taffet, Oak Center Neighborhood Association
(Sent via E-mail to: mjtaffet@gmail.com)
Ellen Wyrick-Parkinson, 1420 Magnolia Street, Oakland, CA 94607
M. Willingham, 1418-1420 Union Street, Oakland, CA 94607
Dilan Roe, ACEH (Sent via E-mail to: dilan.roe@acgov.org)
GeoTracker, eFile

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

Alameda County Department of Environmental Health's (ACDEH) Environmental Cleanup Oversight Programs, Local Oversight Program (LOP) and Site Cleanup Program (SCP) 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 File Transfer Protocol (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 SCP 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 (http://www.waterboards.ca.gov/water_issues/programs/ust/electronic_submittal/) for more information on these requirements.

ACKNOWLEDGEMENT STATEMENT

All work plans, technical reports, or technical documents submitted to ACDEH must be accompanied by a cover letter from the responsible party that states, at a minimum, the following: "I have read and acknowledge the content, recommendations and/or conclusions contained in the attached document or report submitted on my behalf to ACDEH's FTP server and the SWRCB's GeoTracker website." 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 6731, 6735, and 7835) 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 licensed 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 case meet this requirement. Additional information is available on the Board of Professional Engineers, Land Surveyors, and Geologists website at: <http://www.bpelsg.ca.gov/laws/index.shtml>.

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: December 1, 2016
	ISSUE DATE: July 5, 2005
	PREVIOUS REVISIONS: October 31, 2005; December 16, 2005; March 27, 2009; July 8, 2010, July 25, 2010; May 15, 2014, November 29, 2016
SECTION: Miscellaneous Administrative Topics & Procedures	SUBJECT: Electronic Report Upload (ftp) Instructions


The Alameda County Environmental Cleanup Oversight Programs (LOP 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 acknowledgement 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) Open File Explorer using the Windows  key + E keyboard shortcut.
 - i) Note: Netscape, Safari, and Firefox browsers will not open the FTP site as they are NOT being supported at this time.
 - b) On the address bar, type in ftp://alcoftp1.acgov.org.
 - c) Enter your User Name and Password. (Note: Both are Case Sensitive)
 - d) Click Log On.
 - e) Open "My Computer" on your computer and navigate to the file(s) you wish to upload to the ftp site.
 - f) 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.