



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

August 12, 2009

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

Mr. Richard Burge
Burge-Pacific Enterprises, Inc.
490 Grand Avenue, Suite 200
Oakland, CA 94610

Subject: Fuel Leak Case No. RO0000505 and Geotracker Global ID T0600102237, 7-Eleven #20009, 2350 Harrison Street, Oakland, CA 94612

Dear Mr. Brown and Mr. Burge:

Alameda County Environmental Health (ACEH) staff has reviewed the fuel leak case file for the above referenced site including the recently submitted document entitled, "*Subsurface Investigation Report*," dated June 26, 2009 and prepared by Conestoga-Rovers & Associates on behalf of Shell Oil Products. The Subsurface Investigation Report presents the results from soil and groundwater sampling conducted in May 2009. However, the scope of work that was completed and reported upon in the Subsurface Investigation Report does not include the full scope of work proposed in the "*Sensitive Receptor Survey and Subsurface Investigation Work Plan*," dated November 12, 2008. No soil vapor sampling results were presented for the three soil vapor probes installed at the site. Two proposed off-site soil borings (HP-3 and HP-4) were not advanced due to ongoing access agreement negotiations with the City of Oakland and soil boring B-5 was not advanced due to interference with underground utilities.

Total petroleum hydrocarbons (TPH) as gasoline and TPH as diesel were detected in off-site grab groundwater samples at concentrations up to 14,000 and 58,000 micrograms per liter ($\mu\text{g/L}$), respectively. The Subsurface Investigation Report concludes that the site is not the source of the groundwater contamination detected in the two off-site grab groundwater samples. As discussed in the technical comments below, we do not concur with this conclusion or the recommendation to suspend efforts to collect the remaining two proposed off-site grab groundwater samples. We request that you complete the proposed scope of work and present the results in the Site Investigation Report requested below.

TECHNICAL COMMENTS

1. **Former Hydraulic Lifts.** The concentrations of TPH as motor oil and oil & grease detected in soil samples from boring B-4 are less than 230 and 190 mg/kg, respectively. The Subsurface Investigation Report indicates that these concentrations are lower than concentrations in other borings at the site and concludes that the former hydraulic lifts are not a likely source of other TPH and oil & grease detections at the site. We do not concur with this conclusion. A comparison of results from boring B-4 to results from other borings cannot be the basis for concluding that the former hydraulic lifts are not a source of contamination since boring B-4 is located further from the

former hydraulic lift than the other borings. The two locations where higher concentrations of TPH as motor oil and oil & grease were detected are boring S-5 collected in June 2008 and soil sample #3 collected in 1992. Both of these locations are less than 15 feet from the former hydraulic lift whereas boring B-4 is more than 20 feet from the former hydraulic lift and in an upgradient location. Further investigation will be required to assess whether the former hydraulic lifts are a source of TPH as motor oil and oil & grease. We also recommend that you research the site history to assess whether there may be other sources of TPH as motor oil and oil & grease in addition to the former hydraulic lifts.

2. **Grab Groundwater Sampling Results.** The Subsurface Investigation Report concludes that the site is not the source of TPH contamination detected in downgradient grab groundwater samples HP-1 and HP-2. This conclusion is not supported by the data other than a direct comparison of the magnitude of concentrations in groundwater samples from the on-site monitoring wells to downgradient grab groundwater samples. The difference in magnitude of these concentrations can be explained by differences in sampling methods and depths and is not a sufficient basis to conclude that the contamination does not originate from the site. A grab groundwater sample (S-3) collected immediately upgradient of the on-site USTs contained 82 µg/L of TPHg. The grab groundwater sample collected at the location of the former USTs (S-6) contained 6,500 µg/L of TPHg. This distribution indicates that the USTs are a source of TPH contamination at the site. No groundwater samples have been collected downgradient from the former hydraulic lift or station building. Therefore, we request that you complete planned grab groundwater sampling at locations HP-3 and HP-4 and present the results in the Site Investigation Report requested below.
3. **Soil Vapor Sampling Results.** Please complete sampling of the three soil vapor probes and present the results in the Site Investigation Report requested below.
4. **Groundwater Monitoring.** We concur with the proposal to implement semi-annual groundwater monitoring and reporting with sampling conducted during the second and fourth quarters. Please present the results in the Groundwater Monitoring Reports requested below.

TECHNICAL REPORT REQUEST

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

- **November 13, 2009** – Additional Site Investigation Report
- **February 13, 2010** – Fourth Quarter 2009 Groundwater Monitoring Report
- **July 13, 2010** – Second Quarter 2010 Groundwater Monitoring Report

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

Mr. Denis Brown
Mr. Richard Burge
RO0000505
August 12, 2009
Page 3

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).

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.

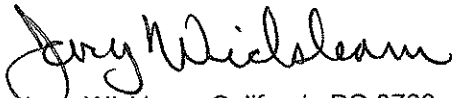
Mr. Denis Brown
Mr. Richard Burge
RO0000505
August 12, 2009
Page 4

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.

Sincerely,



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

Enclosure: ACEH Electronic Report Upload (ftp) Instructions

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

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

David Siegel, ERAS Environmental, 1533 B Street, Hayward, CA 94541

Donna Drogos, ACEH
Jerry Wickham, ACEH
File