



ENVIRONMENTAL HEALTH SERVICES  
ENVIRONMENTAL PROTECTION  
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June 22, 2013

Mr. Melvin Siegel  
Environmental Manager  
Earthgrains Baking Companies, Inc.  
955 Kennedy Street  
Oakland, CA 94606

(Sent via E-mail to: [melvin.siegel@saralee.com](mailto:melvin.siegel@saralee.com))

Ms. Angela Westbrook  
Plant Manager – Oakland Bakery  
Earthgrains Baking Companies, Inc.  
955 Kennedy Street  
Oakland, CA 94606

Subject: Fuel Leak Case No. RO0002569 and GeoTracker Global ID T0600177342, Earthgrains Baking Company, Inc., 955 Kennedy Street, Oakland, California, 94606

Dear Mr. Siegel and Ms. Westbrook:

Alameda County Environmental Health (ACEH) staff has reviewed the case file for the above-referenced site including the *Low-Threat UST Case Closure Request*, dated April 19, 2013 prepared by PSC Industrial Outsourcing, LP (PSC) for the subject site on your behalf. In the RFC, Earthgrains Baking Companies, Inc (Earthgrains) and PSC request case closure of the unauthorized release of diesel fuel at the subject site based on the State Water Resources Control Board's (SWRCBs) Low-Threat Underground Storage Tank Case Closure Policy (LTCP) and Resolution No. 92-49.

ACEH has evaluated the data and recommendations presented in the above-mentioned report, in conjunction with the case files and the LTCP. Based on our review, ACEH has determined that the rationale for case closure presented in the RFC has not been adequately justified and cannot be approved at this time, as post remediation groundwater verification sampling of shallow groundwater beneath and in the vicinity of the site is incomplete, and thus the site fails to meet the LTCP Media Specific Criteria for Groundwater. Please note that demonstrating plume stability, as well as demonstrating that concentrations of contaminants will ultimately achieve cleanup goals, is necessary to achieve case closure consideration under both the LTCP and Resolution No. 92-49.

Therefore, at this juncture ACEH requests that post remediation groundwater sampling of the shallow groundwater zone beneath the site be conducted as previously requested by ACEH in our directive letter dated June 2, 2011. ACEH will review the case for closure once representative post remediation verification monitoring has been conducted. Please address the following technical comments and send us the report in accordance with the schedule provided in the Technical Report Request section below.

This decision to deny closure is subject to appeal to the SWRCB, pursuant to Section 25299.39.2(b) of the Health and Safety Code (Thompson-Richter Underground Storage Tank Reform Act - Senate Bill 562). Please contact the SWRCB Underground Storage Tank Program at (916) 341-5851 for information regarding the appeals process.

## **TECHNICAL COMMENTS**

1. **Hydrogeologic Setting and Monitoring Well Installation** – The existing groundwater monitoring well network at the site consists of four on-site groundwater monitoring wells (designated as MW-101, MW-102, MW-103, and MW-104) installed in 2009 to approximate total depths of 25 to 28 feet below the ground surface (bgs). According to PSC, the wells were screened to intersect the well-graded gravelly sand and silty sand encountered at a depth of approximately 18 to 25 feet bgs. Monitoring wells MW-101 and MW-102 are located downgradient of the source areas excavated in 2010 at the western edge of the site and are screened from 18 to 28 feet bgs. Wells MW-103 and MW-104 are located upgradient of the excavated source areas and are screened from 10 to 25 feet bgs.

A review of recent groundwater sample analytical results and groundwater flow data from the current groundwater monitoring wells indicate the extent of dissolved phase hydrocarbons in the deeper water-bearing unit appears adequately characterized at this time. However, as previously stated in letters to Earthgrains, since the zone of contamination that was remediated in 2010 was shallow, ACEH is concerned that the shallow water-bearing unit continues to be unmonitored as the depths of the existing site groundwater monitoring wells may not intersect the first water bearing zone, but rather a second deeper water bearing zone. Based on residual soil and groundwater analytical data, it appears that the first and second groundwater zones are impacted with petroleum hydrocarbons and that monitoring wells capable of sampling at discrete, distinct depths are appropriate.

Prior to installation of the four wells in 2009, a previous groundwater monitoring well network was utilized at the site, and consisted of five wells (MW-1 through MW-5) installed to approximate total depths of 25 to 34 feet bgs. A review of historic depth to water data for the nine site wells indicates that well MW-3 is the only well that was constructed with a screen interval that was not submerged. The screen interval for this well was from 7 to 27 feet bgs and historic depth to water measurements ranged from 8.41 to 9.45 feet bgs.

Additionally and as previously discussed by ACEH, a review of depth to groundwater data at nearby sites located within a mile north of the subject site verified that groundwater is encountered at shallow depths ranging from approximately 3 to 9 feet bgs. At a former Local Oversight Program (LOP) case located at 2100 Livingston Street in Oakland, groundwater was reported between 6.5 to 9.3 feet bgs. At another former LOP case located at 1441 Embarcadero, depth to groundwater ranged from 2.65 to 9.33 feet bgs in site groundwater monitoring wells screened to a maximum depth of 15 feet bgs.

Therefore, as previously requested in a letter dated June 2, 2011, ACEH request installation of groundwater monitoring wells with screened intervals that intersect this shallow zone only, and do not exhibit submerged screens, in locations down-gradient of the excavated source areas to adequately delineate and monitor the contaminant plume. Please submit a scope of work to address the above mentioned concerns and submit a work plan due by the date specified below.

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### **TECHNICAL REPORT REQUEST**

Please submit technical reports to ACEH (Attention: Dilan Roe), according to Attachment 1 and the following file naming convention and schedule:

- **August 22, 2013** – Monitoring Well Installation Work Plan  
(File Name RO2569\_WP\_R\_yyyy\_mm-dd)

If you have any questions or concerns regarding this correspondence or your case, please call me at (510) 567-6767 or send me an electronic mail message at [dilan.roe@acgov.org](mailto:dilan.roe@acgov.org).

Sincerely,

Dilan Roe, P.E.  
Local Oversight Program Manager

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

cc: John Carrow, PSC Industrial Outsourcing, LP, 210 West Sand Bank Road, Columbia, Illinois, 62236  
(Sent via E-mail to: [JCarrow@pscnow.com](mailto:JCarrow@pscnow.com))  
Paul Anderson, PSC Industrial Outsourcing, LP, 210 West Sand Bank Road, Columbia, Illinois, 62236 (Sent via E-mail to: [PAanderson@pscnow.com](mailto:PAanderson@pscnow.com))  
Leroy Griffin, Oakland Fire Department, 250 Frank H. Ogawa Plaza, Ste. 3341, Oakland, CA 94612-2032 (Sent via E-mail to: [lgriffin@oaklandnet.com](mailto:lgriffin@oaklandnet.com))  
Donna Drogos, ACEH (Sent via E-mail to: [donna.drogos@acgov.org](mailto:donna.drogos@acgov.org))  
Dilan Roe, ACEH (Sent via E-mail to: [dilan.roe@acgov.org](mailto:dilan.roe@acgov.org))  
GeoTracker  
File

**ATTACHMENT 1**

**Responsible Party(ies) Legal Requirements/Obligations  
& ACEH Electronic Report Upload (ftp) Instructions**

## 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/](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.

<b>Alameda County Environmental Cleanup Oversight Programs (LOP and SCP)</b>	<b>REVISION DATE:</b> July 25, 2012
	<b>ISSUE DATE:</b> July 5, 2005
	<b>PREVIOUS REVISIONS:</b> October 31, 2005; December 16, 2005; March 27, 2009; July 8, 2010
<b>SECTION:</b> Miscellaneous Administrative Topics & Procedures	<b>SUBJECT:</b> 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](mailto:.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](mailto:.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.