

ALAMEDA COUNTY  
HEALTH CARE SERVICES  
AGENCY  
DAVID J. KEARS, Agency Director



ENVIRONMENTAL HEALTH SERVICES  
ENVIRONMENTAL PROTECTION  
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December 5, 2008

John Schroeter  
East Bay Municipal Utility District  
375 11<sup>th</sup> Street, MS 704  
Oakland, CA 94607

Subject: Fuel Leak Case No. RO0002735 and GeoTracker Global ID T0600190987, EBMUD  
South Area Service Center, 589 East Lewelling Boulevard, San Lorenzo, CA 94580

Dear Mr. Schroeter:

Alameda County Environmental Health (ACEH) staff has reviewed the case file for the above-referenced site including the recently submitted document entitled, "Request for Reports and a Groundwater Investigation Work Plan," dated October 17, 2008, which was prepared by East Bay Municipal Utility District (EBMUD) for the subject site. EBMUD requests case closure based on the low concentrations of hydrocarbons detected in soil below Regional Water Quality Control Board's Environmental Screening Levels (ESLs), conservative assumptions used to derive the ESLs, groundwater most likely not suitable for drinking, approximately 27 feet depth to groundwater at the site based on an exploratory boring, and an annual precipitation less than the assumed 43 inches per year used in the ESL model.

ACEH agrees that conservative assumptions may have been used to derive the ESLs and that hydrocarbon contaminant concentrations in the over-excavation soil sample are below their respective ESLs. However, we disagree that the site qualifies for case closure at this time based on the rationale provided by EBMUD. First of all, please note that the "[u]se of the ESLs and this document [Screening for Environmental Concerns at Sites with Contaminated Soil and Groundwater] in general is intended to be entirely optional on the part of the regulated facility and subject to the approval of the case manager in the overseeing regulatory agency," and second that, "[a]n environmental risk assessment must be based on the results of a thorough site investigation.<sup>1</sup>" Currently, the site remains uncharacterized since no investigation has occurred to verify whether groundwater has been impacted.

This decision to deny closure is subject to appeal to the State Water Resources Control Board (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 appeal process.

ACEH requests that you address the following technical comments and send us the technical work plan described below.

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<sup>1</sup> *Screening for Environmental Concerns at Sites with Contaminated Soil and Groundwater*, California Regional Water Quality Control Board, San Francisco Bay Region, Interim Final – November 2007 (Revised May 2008)

## **TECHNICAL COMMENTS**

1. **Regional Geologic and Hydrogeologic Setting** – Based on borings completed in 1988, EBMUD states that, “the high groundwater level is approximately 28 feet bgs and most of the soil column down to groundwater is characterized as stiff silty clay.” However, according to the boring log B-1 attached to EBMUD’s correspondence, silty clay was encountered to approximately 6 feet bgs, underlain by clayey, silty, fine sand to a depth of approximately 15.5 feet bgs. The fine sand was underlain by a stiff, sandy, silty clay with gravels to a depth of approximately 21 feet bgs followed by a wet, stiff, silty clay to a total explored depth of approximately 40 feet. In boring B-2, silty sand noted as “wet” was encountered at approximately 13.5 to approximately 18 feet bgs. Based on a review of the boring logs, it appears that EBMUD has not considered that “secondary porosity and permeability in fine - grained soils can be significantly enhanced by plant roots, desiccation cracks, disturbance during redevelopment, faulting, etc.”<sup>2</sup> Also, based on the boring logs, it is conceivable that water may be encountered in the fine sand unit encountered from approximately 6 to 15.5 feet bgs. Please propose a scope of work to address the above-mentioned concerns and submit a work plan due by the date specified below.
2. **Beneficial Uses of Groundwater** – EBMUD states that “[t]he site and its surroundings are industrial in nature and local shallow groundwater is most likely not suitable for drinking.” Based on a review of aerial photography of the site vicinity, it appears that residential structures are present to the east and south of the subject site and that a drainage canal or creek lies directly west of the site. According to the San Francisco Bay RWQCB’s Water Quality Control Plan (Basin Plan) for the San Francisco Bay Basin, “the term ‘groundwater’ includes all subsurface waters, whether or not these waters meet the classic definition of an aquifer or occur within identified groundwater basins.”<sup>3</sup> It is also stated in the Basin Plan that “all groundwaters are considered suitable, or potentially suitable, for municipal or domestic water supply (MUN).” Therefore, the groundwater beneath the subject site must be considered beneficial for these uses unless shown to be non-beneficial using criteria presented in the Basin Plan.

It is also stated in the Basin Plan that “[a]t a minimum, groundwaters designated for use as domestic or municipal supply shall not contain concentrations in excess of the secondary maximum contaminant levels (Secondary MCLs) specified in Tables 64449-A (Secondary MCLs-Consumer Acceptance Limits) and 64449-B (Secondary MCLs-Ranges) of Section 64449 of Title 22 of the California Code of Regulations, which is incorporated by reference into this plan.”

It is stated in the ESL document that “[a]ll groundwater beneath a given site should be initially treated as a potential source of drinking water unless otherwise approved by the Water Board office” and a “[s]ite-specific evaluation of the potential for leaching of chemicals from soil may be warranted in such cases (including more rigorous modeling, laboratory leaching tests, groundwater monitoring, etc.)” Currently, potential impact to groundwater has not been

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<sup>2</sup> *Screening for Environmental Concerns at Sites with Contaminated Soil and Groundwater*, California Regional Water Quality Control Board, San Francisco Bay Region, Interim Final – November 2007 (Revised May 2008)

<sup>3</sup> *San Francisco Bay Basin (Region 2) Water Quality Control Plan (Basin Plan)*, California Regional Water Quality Control Board San Francisco Bay Region, January 2007.

assessed and the site remains uncharacterized. Please propose a scope of work to address the above-mentioned concerns and submit a work plan due by the date specified below.

3. **Soil and Groundwater Characterization** – As stated in our September 30, 2008 correspondence, confirmation soil samples were collected from underneath the fuel dispensers. TPH-d was detected at a concentration of 1,400 mg/kg in soil sample L112151-1 collected at 3 feet bgs on May 4, 2004. Following additional soil excavation underneath the diesel fuel dispenser, a confirmation soil sample was collected on May 11, 2004. TPH-d was detected at a concentration of 11 mg/kg in soil sample L112151-2 collected at 5.5 feet bgs. According to Gettler-Ryan, groundwater was not encountered during excavation activities. Although groundwater was not encountered and concentrations of hydrocarbons appear to attenuate with depth, an unauthorized release of petroleum hydrocarbons has been confirmed based on soil sample analytical results and groundwater sampling to verify whether groundwater has been impacted is required. Please submit a scope of work to address the above-mentioned concerns by the date specified below. It is recommended that two to three borings are installed using direct push (or equivalent technology) to quickly evaluate potential groundwater impact as well as to curb investigation costs. Permanent groundwater monitoring points do not appear necessary at this time and the need for monitoring wells will be evaluated based on groundwater sample analytical data.
  
4. **Preferential Pathway Study** – The necessity of the preferential pathway study may be evaluated based on stable depth to groundwater measurements obtained at the site. However, since the site lies above a designated groundwater basin, a well survey still appears prudent and hence is required.

#### **REQUEST FOR INFORMATION**

ACEH's case file for the subject site contains the following electronic reports as listed on our website (<http://www.acgov.org/aceh/top/ust.htm>). EBMUD stated that documents for the site, related and unrelated to the current investigation have already been submitted to ACEH. Please submit copies of all other reports related to environmental investigations for any portion of this property (including Phase 1 reports) by **October 30, 2008** via the internet, since those reports appear to be missing from our case file.

#### **TECHNICAL REPORT REQUEST**

Please submit technical reports to ACEH (Attention: Paresh Khatri), according to the following schedule:

- **February 9, 2009** – Soil and Water Investigation Work Plan

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/electronic\\_submittal/report\\_rqmts.shtml](http://www.swrcb.ca.gov/ust/electronic_submittal/report_rqmts.shtml)).

#### 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.

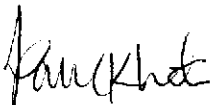
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**AGENCY OVERSIGHT**

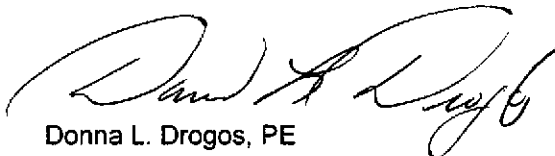
If it appears as though significant delays are occurring or reports are not submitted as requested, we will consider referring your case to the Regional Board or other appropriate agency, including the County District Attorney, for possible enforcement actions. California Health and Safety Code, Section 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) 777-2478 or send me an electronic mail message at [pareskhatri@acgov.org](mailto:pareskhatri@acgov.org).

Sincerely,



Paresh C. Khatri  
Hazardous Materials Specialist



Donna L. Drogos, PE  
Supervising Hazardous Materials Specialist

Enclosure: ACEH Electronic Report Upload (ftp) Instructions

cc: Derek Lee, EBMUD, 375 11<sup>th</sup> Street, MS 704, Oakland, CA 94607  
Donna Drogos, ACEH  
Paresh Khatri, ACEH  
File

<b>Alameda County Environmental Cleanup Oversight Programs (LOP and SLIC)</b>	<b>ISSUE DATE:</b> July 5, 2005
	<b>REVISION DATE:</b> December 16, 2005
	<b>PREVIOUS REVISIONS:</b> October 31, 2005
<b>SECTION:</b> Miscellaneous Administrative Topics & Procedures	<b>SUBJECT:</b> Electronic Report Upload (ftp) Instructions

Effective **January 31, 2006**, 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

- Entire report including cover letter must be submitted to the ftp site as a **single portable document format (PDF) with no password protection**. (Please do not submit reports as attachments to electronic mail.)
- 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)

#### Additional Recommendations

- A separate copy of the tables in the document should be submitted by e-mail to your Caseworker in **Excel** format. These are for use by assigned Caseworker only.

#### 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 [dehloptoxic@acgov.org](mailto:dehloptoxic@acgov.org)  
or
    - ii) Send a fax on company letterhead to (510) 337-9335, to the attention of Alicia Lam-Finneke.
  - 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 and Firefox browsers will not open the FTP site.
  - b) Click on File, then on Login As.
  - 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 [dehloptoxic@acgov.org](mailto:dehloptoxic@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 at acgov.org. (e.g., [firstname.lastname@acgov.org](mailto: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)