

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



ENVIRONMENTAL HEALTH SERVICES
ENVIRONMENTAL PROTECTION
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July 15, 2008

NICHOLAS D MOLNAR
C/O ANIKO MOLNAR
7 MORNINGSUN AVE
MILL VALLEY, CA 94941

RAYMOND & GRACE YU
PO BOX 27144
OAKLAND, CA 946020144

Subject: Fuel Leak Case No. R00000001 and Geotracker Global ID T0600100250, Dan's Auto Body, 2801 MacArthur Boulevard, Oakland, CA

Dear Mr. & Ms. Molinar and Mr. & Ms. Yu:

Alameda County Environmental Health (ACEH) staff has reviewed the fuel leak case file for the above-referenced site including the documents entitled, *December 2006 Groundwater Monitoring Report*, dated February 2007 and *Additional Site Study Report*, dated July 2006 which were prepared by Fugro West, Inc. These reports indicate that although excavation was performed at the site, groundwater contamination remains in high levels near the source area and to the south to Georgia Street.

We request that you address the following technical comments, perform the proposed work, and send us the reports described below.

TECHNICAL COMMENTS

- 1) **Site Conceptual Model.** It appears from a review of the file that many of the aspects of a site conceptual model have been prepared but have not been completed. ACEH requests that the following data gaps be evaluated and submitted in order to complete your SCM for this site.
 - a) **Dissolved Contaminant Plume.** Although soils were excavated at the site in the area of the dispensers in 2000, elevated dissolved contaminant concentrations remain on-site. The current maximum concentrations are 41,000 micrograms per liter ($\mu\text{g/L}$) total petroleum hydrocarbons as gasoline, and 990 $\mu\text{g/L}$ benzene in the groundwater samples collected in December 2006. A review of the groundwater analytical data over time indicates that the dissolved plume originating from this site does not appear to be stable or attenuating. Nor has any evaluation of the site data been made. We request that you evaluate the groundwater data at this site and discuss your results in the report requested below. Please include graphics to support your analysis.
 - b) **Regional Geologic and Hydrogeologic Setting.** Please include a concise narrative discussion of the regional geologic and hydrogeologic setting. Include a list of technical references you reviewed and prepare geologic cross-sections which include soil and

groundwater data and historical low and high groundwater elevations. Ensure that at least one cross-section is parallel and one, perpendicular to the plume axis and that they are through the source area and area with residual contamination.

- c) **Preferential Pathway Study.** The purpose of the preferential pathway study is to locate potential migration pathways and conduits and determine the probability of the plume encountering preferential pathways and conduits that could spread contamination. We request that you perform a preferential pathway study that details the potential migration pathways and potential conduits (wells, utilities, pipelines, etc.) for vertical and lateral migration that may be present in the vicinity of the site.

Since the depth to water is below 20 feet at the site, a utility survey is not needed at this time. However, the risk assessment report prepared by Subsurface Consultants, Inc. states that a well survey was performed by David Keith Todd Consulting Engineers, Inc. in 1986. However, we are unable to locate this report in our case files. Please upload a copy of this report to the ACEH ftp site and present your evaluation conclusions regarding the wells survey in the report requested below.

- 2) **Draft Feasibility Study Corrective Action Plan.** ACEH requests that you prepare a draft feasibility study/corrective action plan (FS/CAP) that addresses the contamination at this site. Please prepare a Draft FS/CAP in accordance with Title 23, California Code of Regulations, Section 2725. The Draft FS/CAP must include a concise background of soil and groundwater investigations performed in connection with this case and an assessment of the residual impacts of the chemicals of concern (COCs) for the site and the surrounding area where the unauthorized release has migrated or may migrate. The Draft FS/CAP should also include, but not limited to, a detailed description of site lithology, including soil permeability, and most importantly, contamination cleanup levels for active remediation and final cleanup goals. These can be applicable and justified ESLs or calculated, site-specific risk-based cleanup goals and water quality objectives.

The Draft FS/CAP must evaluate at least three active remediation alternatives for remedying or mitigating the actual or potential adverse effects of the unauthorized release(s) in addition to the 'no action' and 'monitored natural attenuation' remedial alternatives. Each alternative shall be evaluated for cost-effectiveness and the Responsible Party must propose the most cost-effective corrective action and shortest timeframes for both active remediation and to reach water quality objectives (cleanup goals).

- 3) **Monitoring Reports.** In their February 2007 monitoring report, Fugro states that the next monitoring event will be performed in June 2007. ACEH has not received this report. If this has been prepared, please submit it to the ACEH ftp site as per the attached instructions. If there has been no sampling event please redevelop the wells and sample them by August 11, 2008.
- 4) **GeoTracker Compliance** – A review of the State Water Resources Control Board's (SWRCB) GeoTracker website indicate the site has not been claimed, rendering the site to non-compliance status. Pursuant to California Code of Regulations, Title 23, Division 3, Chapter 16, Article 12, Sections 2729 and 2729.1, beginning September 1, 2001, all analytical data, including monitoring well samples, submitted in a report to a regulatory agency as part of the UST or LUST program, must be transmitted electronically to the

SWRCB GeoTracker system via the internet. Also, beginning January 1, 2002, all permanent monitoring points utilized to collect groundwater samples (i.e. monitoring wells) and submitted in a report to a regulatory agency, must be surveyed (top of casing) to mean sea level and latitude and longitude to sub-meter accuracy using NAD 83. A California licensed surveyor may be required to perform this work. Additionally, pursuant to California Code of Regulations, Title 23, Division 3, Chapter 30, Articles 1 and 2, Sections 3893, 3894, and 3895, beginning July 1, 2005, the successful submittal of electronic information (i.e. report in PDF format) shall replace the requirement for the submittal of a paper copy. Please claim your site and upload all future submittals to GeoTracker and ACEH's ftp server by the date specified below. Electronic reporting is described below.

REQUEST FOR INFORMATION

ACEH's case file for the subject site contains the electronic reports as listed on our website (<http://www.acgov.org/aceh/lop/ust.htm>). You are requested to submit copies of all other reports related to environmental investigations for this property (including Phase I reports) by **August 29, 2008**.

TECHNICAL REPORT REQUEST

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

- **October 13, 2008** – Corrective Action 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).

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.

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.

Mr. & Ms. Molinar and Mr. & Ms. Yu
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If you have any questions, please call me at (510) 639-1287 or send me an electronic mail message at barbara.jakub@acgov.org.

Sincerely,



Barbara Jakub, P.G.
Hazardous Materials Specialist

Enclosure: ACEH Electronic Report Upload (ftp) Instructions

cc: Ms. Jeriann Alexander, Fugro West, Inc., 1000 Broadway, Suite 440, Oakland, CA 94607
Donna Drogos, ACEH
Barbara Jakub, ACEH
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