



ENVIRONMENTAL HEALTH SERVICES  
ENVIRONMENTAL PROTECTION  
1131 Harbor Bay Parkway, Suite 250  
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### NOTICE TO COMPLY

February 3, 2012

NICHOLAS D MOLNAR  
440 GRAND AVENUE, SUITE 320  
OAKLAND, CA 94610

RAYMOND & GRACE YU  
PO BOX 2707  
OAKLAND, CA 94602-0007

Subject: Fuel Leak Case No. RO0000001 and Geotracker Global ID T0600100250, Dan's Auto Body, 2801 MacArthur Boulevard, Oakland, CA 94602

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

Alameda County Environmental Health (ACEH) staff has reviewed the fuel leak case file for the above-referenced site including the most recent 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., and the September 12, 2008 letter response prepared by Aniko Molnar.

This is the second request to obtain information that is necessary to advance this case toward closure. ACEH's letter dated July 15, 2008 detailed the information needed to advance this case toward closure. To date the requested site conceptual model (SCM), groundwater monitoring report, corrective action plan (CAP) and Geotracker uploads have not been submitted.

We request that you address the following technical comments, perform the proposed work, and send us the reports described below. 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. Failure to comply with this directive 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.

#### **TECHNICAL COMMENTS**

1. **GeoTracker Compliance** – Thank you for claiming the site in GeoTracker. However, you remain non-compliant with the California Code of Regulations, Title 23, Division 3, Chapter 16, Article 12, Sections 2729 and 2729.1. The regulation requires that 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 upload all future submittals to GeoTracker and ACEH's ftp server by the date specified below. ACEH requests notification of, and a list of, the documents uploaded to Geotracker. Electronic reporting is described below.

2. **Perjury Statement and Electronic Submittal** – The September 12, 2008 letter response was not submitted electronically as required. ACEH and the state's GeoTracker database require electronic submittal and paper copies are no longer accepted. Please see the attachment on how to upload your letter to ACEH's ftp site. In addition, the response was submitted without the required registration. Any document with an interpretation of data, conclusions or recommendations is required to be stamped by a registered professional as set forth in the California Business and Professions Code Chapter 7 §§ 6700 to 6799 and Chapter 12.5 §§ 7800 to 7887.
  
3. **Site Conceptual Model** – In the July 15, 2008 correspondence, ACEH requested that the information from the site be integrated into an updated SCM. An SCM is a set of working hypotheses pertaining to all aspects of the contaminant release, including site geology, hydrogeology, release history, residual and dissolved contamination, attenuation mechanisms, pathways to nearby receptors, and likely magnitude of potential impacts to receptors. The SCM is used to identify data gaps that are subsequently filled as the investigation proceeds. As the data gaps are filled, the working hypotheses are modified, and the overall SCM is refined and strengthened. Subsurface investigations continue until the SCM no longer changes as new data are collected. At this point, the SCM is said to be 'validated.' The validated SCM then forms the foundation for developing the most cost-effective corrective action plan to protect existing and potential receptors. As Ms. Molinar points out, some of the data has been provided in various reports created throughout the history of the site. However, to date, this information has not been synthesized into a report with an evaluation of remaining data gaps.

The SCM for this project is to incorporate, but is not limited to, the following:

- a. A concise narrative discussion of the regional geologic and hydrogeologic setting. Include a list of technical references you reviewed, and copies (photocopies are sufficient) of regional geologic maps, groundwater contours, updated cross-sections which include soil and groundwater data and historical low and high groundwater elevations, updated well survey, etc.
  
- b. A concise discussion of the on-site and off-site geology, hydrogeology, release history, source zone, plume development and migration, attenuation mechanisms, preferential pathways, and potential threat to down-gradient and above-ground receptors (e.g. contaminant fate and transport). Please include the contaminant volatilization from the subsurface to indoor/outdoor air exposure route (i.e. vapor pathway) in the analysis. Maximize the use of large-scaled graphics (e.g. maps, cross-sections, contour maps, etc.) and conceptual diagrams to illustrate key points. Include a structural contour map (top of

unit) and isopach map for the aquitard that is presumed to separate your release from the deeper aquifer(s).

c. Identification and listing of specific data gaps that require further investigation during subsequent phases of work.

d. Proposed activities to investigate and fill data gaps identified above.

e. The SCM shall include an analysis of the hydraulic flow system down-gradient from the site. Include rose diagrams for depicting groundwater gradients. The rose diagram shall be plotted on the groundwater contour maps and updated in all future reports submitted for your site.

f. Temporal changes in the plume location and concentrations are also a key element of the SCM. In addition to providing a measure of the magnitude of the problem, these data are often useful to confirm details of the flow system inferred from the hydraulic head measurements. Please include plots of the contaminant plumes on your maps, cross-sections, and diagrams.

g. Summary tables of chemical concentrations in different media (i.e. soil, groundwater, and soil vapor), including well logs, well completion details, boring logs, etc.

At this juncture, prepare a site conceptual model (SCM) as described above, including developing and/or identifying site cleanup goals, and include the results of the SCM in the decision-making process. If data gaps (i.e. potential contaminant volatilization to indoor air, etc.) are identified in the SCM, please include a work plan to address those data gaps.

4. **Corrective Action Plan** – On August 13, 1999 a corrective action plan (CAP) was submitted which recommended excavation of petroleum contaminated hydrocarbons. This CAP was implemented and subsequent sampling has indicated that elevated levels of contamination remain at the site at concentrations of up to 41,000 micrograms per liter ( $\mu\text{g/L}$ ) total petroleum hydrocarbons as gasoline (TPHg) and 990  $\mu\text{g/L}$  benzene indicating that remediation is incomplete. ACEH requests that you prepare a CAP that addresses the remaining contamination at this site. This may mean that a remedial action different from the 1999 CAP is selected. Please prepare a CAP in accordance with Title 23, California Code of Regulations, Section 2725. The 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 CAP should also include, but is 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 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 (with detailed cost analysis) and timeframes for each alternative to reach water quality objectives (cleanup goals).

5. **Groundwater Monitoring** – ACEH's July 15, 2008 letter, requested that the wells be redeveloped and sampled by August 11, 2008. To date, no groundwater monitoring reports have been submitted. Additionally, ACEH's letter dated July 24, 2009, converted the site to semiannual monitoring, which has yet to be implemented. Please redevelop the wells and sample them by the date requested below. Use the groundwater monitoring data to prepare the requested SCM by the date requested below. Submittal of these reports to both ACEH's ftp site and to GeoTracker is required.

### **TECHNICAL REPORT REQUEST**

Please submit technical reports to ACEH (Attention: Barbara Jakub), according to the following schedule:

- **February 17, 2012** – Upload all required data and information to Geotracker, notify and provide a list of the documents uploaded to Geotracker.
- **February 29, 2012** – Redevelop and Sample all groundwater monitoring wells associated with this site
- **April 3, 2012** – Site Conceptual Model, 1<sup>st</sup> Quarter Groundwater Monitoring Report, and Work Plan to address data gaps
- **60 Days after SCM Submittal** – 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.

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If you have any questions or concerns regarding this correspondence or your case, please call me at (510) 639-1287 or send me an electronic mail message at [barbara.jakub@acgov.org](mailto:barbara.jakub@acgov.org).

Sincerely,

Barbara J. Jakub, P.G.  
Hazardous Materials Specialist

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

cc: Ms. Aniko Molnar, 7 Moringsun Ave., Mill Valley, CA 94941 (*Sent via E-mail to: [armolnar@sbcglobal.net](mailto:armolnar@sbcglobal.net)*)  
Ms. Jeriann Alexander, Fugro West, Inc., 1000 Broadway, Suite 440, Oakland, CA 94607 (*Sent via E-mail to: [jalexander@fugro.com](mailto:jalexander@fugro.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)*)  
Barbara Jakub, ACEH (*Sent via E-mail to: [barbara.jakub@acgov.org](mailto:barbara.jakub@acgov.org)*)  
GeoTracker, File

# 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

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.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, 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.

<b>Alameda County Environmental Cleanup Oversight Programs (LOP and SLIC)</b>	<b>REVISION DATE:</b> July 20, 2010
	<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 (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

- **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 [deh.loptoxic@acgov.org](mailto: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) Using Internet Explorer (IE4+), go to <ftp://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 [deh.loptoxic@acgov.org](mailto: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.