

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



F

April 22, 2008

Mr. Michael Desso
Nestle USA, Inc.
800 North Brand Blvd.
Glendale, CA 91203

Mr. Mark Hall
Encinal 14th Street, LLC
1855 Olympic Blvd., Suite 250
Walnut Creek, CA 94596

ENVIRONMENTAL HEALTH SERVICES

ENVIRONMENTAL PROTECTION
1131 Harbor Bay Parkway, Suite 250
Alameda, CA 94502-6577
(510) 567-6700
FAX (510) 337-9335

Subject: Fuel Leak Case No. RO0000018 and Geotracker Global ID T0600100262, Carnation Dairy, 1310 14th Street, Oakland, CA 94607

Dear Mr. Desso and Mr. Hall:

- Alameda County Environmental Health (ACEH) staff has reviewed the case file for the above referenced site including the document entitled, "*Supplemental Soil, Soil Gas, and Groundwater Investigation Work Plan, Carnation Dairy, 1310 14th Street, Oakland, CA,*" dated March 7, 2008 (Supplemental Work Plan). The Supplemental Work Plan, which was prepared on behalf of Nestle USA by Environmental Cost Management, Inc. (ECM), proposes the collection of one soil, one soil gas, and one grab groundwater sample from 12 direct push borings advanced to first encountered groundwater. The proposed soil gas sampling and delineation of the horizontal extent of shallow soil and groundwater contamination is generally acceptable. However, as discussed in technical comment 2 below, the scope of work proposed in the Supplemental Work Plan does not include delineation of the vertical extent of contamination. We request that you advance one soil boring to a depth of 30 feet bgs to help define the vertical extent of contamination. The soil, soil gas, and groundwater sampling proposed in the Supplemental Work Plan may be implemented provided that the modifications requested in technical comments 1 and 2 below are incorporated during the proposed field investigation. Submittal of a revised Supplemental Work Plan or work plan addendum is not required unless an alternate scope of work is proposed.

We have also reviewed the recently submitted document entitled, "*Response to Alameda County Health Care Services Comment Letter dated February 13, 2008 and Revised PCB Workplan,*" dated March 21, 2008 (PCB Work Plan). As discussed in technical comment 3, the proposed scope of work in the PCB Work Plan is generally acceptable; however, we request that shallow soil samples from two additional soil borings be analyzed for PCBs. The soil and groundwater sampling proposed in the PCB Work Plan may be implemented provided that the minor modification requested in technical comment 3 below is incorporated during the proposed field investigation. Submittal of a revised PCB Work Plan or work plan addendum is not required unless an alternate scope of work outside that described in the PCB Work Plan is proposed. We request that you address the following technical comments, perform the proposed work, and send us the reports described below.

TECHNICAL COMMENTS ON SUPPLEMENTAL WORK PLAN

1. **Soil Sampling.** We request that the field geologist continuously log recovered soil samples from each boring. Field screening is to be conducted using visual observations, odor, and measurements using a field photoionization detector (PID) fitted with an appropriate lamp and calibrated for the chemicals of concern. Soil samples are to be collected for laboratory analysis from any zones where visible staining, odor, or elevated PID readings are observed. A sufficient number of soil samples are to be collected to delineate the vertical extent of contamination within the boring. If no visible staining, odor, or elevated PID readings are observed, the collection of soil samples at the proposed depth of approximately 6 to 8 feet bgs is acceptable. Please present the results in the Site Investigation Report requested below.
2. **Vertical Delineation and Site Conceptual Model.** We concur with the proposal to incorporate the results from the proposed investigation into a Revised Site Conceptual Model (SCM). The Supplemental Work Plan proposes advancing soil borings to first encountered groundwater, which is expected to be within approximately 10 feet of ground surface. We believe that investigation of the vertical extent of contamination is also necessary in order to complete the SCM. As discussed during a telephone conversation on April 22, 2008 with Mr. Brent Searcy of ECM, we request that you advance proposed soil boring SB-17 to a depth of 30 feet bgs. We request that the soil boring be logged and screened as discussed in technical comment 1. Soil samples are to be collected for chemical analysis at a minimum of five-foot intervals to the bottom of the boring. We request that one grab groundwater sample be collected from first encountered groundwater and one depth-discrete groundwater sample be collected from the lowermost interval in the boring. The method used to collect the lower grab groundwater sample should prevent sample downward migration of shallow groundwater in the borehole resulting in cross contamination of the lower groundwater sample. Please present the results in the Site Investigation Report requested below.

TECHNICAL COMMENTS ON PCB WORK PLAN

3. **Additional Soil Analyses.** In addition to the proposed scope of work, we request that you analyze the shallow soil samples to be collected from proposed soil borings SB-20 and SB-21 for PCBs in order to characterize the potential downgradient extent of PCBs. Please include the results of the PCB analyses in the Site Investigation Report requested below.

TECHNICAL REPORT REQUEST

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

- **August 22, 2008** – Site Investigation 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

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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/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.

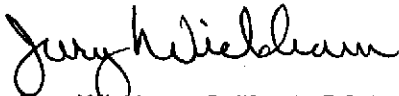
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AGENCY OVERSIGHT

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) 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

Kenneth Cheitlin, Hall Equities Group, 1855 Olympic Blvd., Suite 250
Walnut Creek, CA 94596

Jennifer Costanza, Nestle USA, Inc., 800 North Brand Blvd.
Glendale, CA 91203

Binayak Acharya, Environmental Cost Management, 52830 Quilla Road
Valencia, CA 91355

Robert Flory, AEI Consultants, 2500 Camino Diablo Blvd., Suite 200
Walnut Creek, CA 94597

Donna Drogos, ACEH
Jerry Wickham, ACEH
File

Alameda County Environmental Cleanup Oversight Programs (LOP and SLIC)	ISSUE DATE: July 5, 2005
	REVISION DATE: December 16, 2005
	PREVIOUS REVISIONS: October 31, 2005
SECTION: Miscellaneous Administrative Topics & Procedures	SUBJECT: 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
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 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)
 - c) The subject line of the e-mail must start with the RO# followed by **Report Upload**. (e.g., Subject: RO1234 Report Upload)