



ENVIRONMENTAL HEALTH SERVICES
ENVIRONMENTAL PROTECTION
1131 Harbor Bay Parkway, Suite 250
Alameda, CA 94502-6577
(510) 567-6700
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December 5, 2012

NOTICE TO COMPLY

Mr. Neil and Ms. Mary Cotter, *et al.*
Cotter & Coyle
2847 Arguello Drive
Burlingame, CA 94010-5817

Lillie V. and Hillary Lockett
4102 Lusk Street
Oakland, CA 94608-3726

Subject: Additional Request for Site Investigation Work Plan, Fuel Leak Case No. RO27 and GeoTracker Global ID T06000102106, Grove Street Wash Rack, 3884 Martin Luther King, Jr. Way, Oakland, CA 94609

Ladies and Gentlemen:

Alameda County Environmental Health (ACEH) staff has reviewed the case file for the above-referenced site including the January 19, 1995 *Tank Removal Report* prepared by Scott Environmental, the September 17, 2004 *Environmental Investigation* prepared by URS Corporation (URS), the March 10, 2006 *Soil and Groundwater Investigation Report* prepared by John Carver Consulting (Carver), the November 12, 2006 *Corrective Action Plan (CAP)* also prepared by Carver, and miscellaneous correspondence. The reports were submitted for the site in preparation for pending residential development. ACEH issued a Directive Letter dated April 2, 2007 requesting a Work Plan and a CAP Addendum to be submitted by May 15, 2007, but the requested reports were not submitted and are late. Up to 220 parts per million (ppm) Total Petroleum Hydrocarbons as gasoline (TPHG) and 3.2 ppm benzene were detected in soil and up to 79,800 parts per billion (ppb) TPHG and 17,600 ppb benzene were detected in grab groundwater samples. The lateral and vertical extent of soil and groundwater contamination was not defined, no monitoring wells were installed, and the status of the product lines is unknown. ACEH understands that residential development is still planned for the site, and a soil and groundwater investigation is necessary to regain compliance with ACEH directives and progress to site closure.

Site characterization and/or cleanup at this site are required to be protective of human health and the environment and to move this case towards closure evaluation. Please note that as Responsible Parties, you are required by California Code of Regulations, Title 23, Division 3, Chapter 16, Article 11, §2720 through §2728 to adequately characterize the site and undertake corrective actions as necessary.

In order to regain compliance, please undertake the tasks requested below and submit the requested reports to GeoTracker and ACEH's FTP server by the dates specified below. Failure to submit the documents may result in referral and possible enforcement action by the RWQCB or the District Attorney. This letter is an attempt to preclude further enforcement actions. Pursuant to Chapter 6.7, California Health and Safety Code, civil penalties up to \$10,000 for each UST for each day of violation may be imposed. Please note that civil penalties for non-compliance are assessed from the original due date (May 15, 2007).

Technical Comments:

1. **Request for a Site Conceptual Model (SCM) and Data Gap Work Plan** - ACEH requests development of an initial SCM in combination with a data gap work plan in order to fill any apparent data gaps. A SCM synthesizes all the analytical data and evaluates all potential exposure pathways and potential receptors that may exist at the site, including identifying or developing any appropriate site cleanup objectives and goals. At a minimum, the SCM should include the following:
 - Local and regional plan view maps that illustrate the location of sources (former facilities, piping, tanks, etc.) extent of contamination, direction and rate of groundwater flow, potential preferential pathways, and locations of receptors;
 - Geologic cross sections/maps that illustrate subsurface features, man-made conduits, and lateral and vertical extent of contamination;
 - Plots of chemical concentrations versus time;
 - Plots of chemical concentrations versus distance from the source;
 - Complete summary tables of chemical concentrations in different media (i.e. soil, groundwater, and soil vapor); and
 - Copies of well logs, boring logs, and well survey maps;
 - Discussion of likely contaminant fate and transport,
 - Identification of any remaining data gaps.

2. **Request for Preferential Pathway Study** – As a part of the SCM, ACEH requests that Preferential Pathway Survey be conducted. The purpose of the preferential pathway study is to locate potential migration pathways and conduits and determine the probability of a non-aqueous phase liquid (NAPL) and/or a groundwater plume encountering preferential pathways and conduits that could spread contamination. For this site, this must include on-site utility laterals such as sewer, water supply, electrical, or other that may be located directly beneath the former UST location. We request that you perform a preferential pathway study that details the potential migration pathways and potential conduits (wells, utilities, utility laterals, pipelines, and etc.) for vertical and lateral migration that may be present in the vicinity of the site.

Please discuss results of the preferential pathway study (including the well survey and utility survey requested below) and report your results in the report requested below. The results of your study shall contain all information required by California Code of Regulations, Title 23, Division 3, Chapter 16, §2654(b).

- i. **Utility Survey** – An evaluation of all utility lines, utility laterals, and trenches (including sewers, storm drains, pipelines, trench backfill, etc.) within and near the site and plume area(s) is required as part of your study. Please reduce and synthesize available information and maps, and generate appropriate (vicinity and / or site specific) maps and cross-sections illustrating the location and depth of all utility lines and trenches within and near the site and plume areas(s) as part of your study.
 - ii. **Well Survey** – The preferential pathway study shall include a well survey of all wells (monitoring and production wells: active, inactive, standby, decommissioned (sealed with concrete), abandoned (improperly decommissioned or lost); and dewatering, drainage, and cathodic protection wells) within a ¼ mile radius of the subject site. Please use DWR as well as Alameda County Public Works Agency resources as the databases are sufficiently different to warrant a review of both. As part of your well survey, please perform a background study of the historical land uses of the site and properties in the vicinity of the site. Use the results of your background study to determine the existence of unrecorded/unknown (abandoned) wells, which can act as contaminant migration pathways at or from your site. Report the results of your preferential pathway study in the initial SCM requested below.
3. **Lateral, Vertical, and Downgradient Extent** – Up to 220 ppm TPHG and 3.2 ppm benzene was detected in soil and up to 79,800 ppb TPHG and 17,600 ppb benzene were found in a grab groundwater sample indicating that both the lateral and vertical extent of contamination in the source area as well as the lateral and vertical extent of the dissolved contaminant plume is undefined. Please investigate the lateral and vertical extent of soil contamination and determine the extent of groundwater contamination present beneath your site. This type of investigation typically involves drilling soil borings and the collection of soil and groundwater samples for analysis. Please submit a plan for this work in the initial SCM and data gap work plan by the date specified below.
4. **Request for information-** The ACEH case file for the subject site contains only the electronic files listed on our web site at <http://www.acgov.org/aceh/lop/ust.htm>. You are requested to submit copies of all other reports, data, correspondence, etc. related to environmental investigations for this property (including any Phase I reports) not currently contained in our case file.

TECHNICAL REPORT REQUEST

Please upload technical reports to the ACEH ftp site (Attention: Karel Detterman), and to the State Water Resources Control Board's Geotracker website, in accordance with the following specified file naming convention and schedule:

- **December 21, 2012** – Report upload, and Geotracker Submittal Notification
Files to be named: RO27_CORRES_L_yyyy-mm-dd
- **February 1, 2013** – Site Conceptual Model and a Data Gap Work Plan
File to be named: RO27_SCM_WP_yyyy-mm-dd

Ladies and Gentlemen
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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.

Online case files are available for review at the following website: <http://www.acgov.org/aceh/index.htm>. If your email address does not appear on the cover page of this notification, ACEH requests you provide your email address so that we can correspond with you quickly and efficiently regarding your case. As noted in Attachment 1, ACEH no longer accepts paper copies.

Should you have any questions or concerns regarding this correspondence or your case, please call me at (510) 567-6708 or send me an e-mail message at karel.detterman@acgov.org

Sincerely,

Karel Detterman, PG
Hazardous Materials Specialist

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

cc: Donna Drogos, ACEH (Sent via E-mail to: donna.drogos@acgov.org)
Karel Detterman, ACEH (Sent via E-mail to: karel.detterman@acgov.org)
Leroy Griffin, Oakland Fire Department (Sent via E-mail to: lgriffin@oaklandnet.com)
Giorgio Molinario, URS, One Montgomery Street, Suite 900, San Francisco, CA 94104 (Sent via E-mail to: giorgio.molinario@urs.com)
GeoTracker, Electronic Case File

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/)

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.

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