

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



Alameda County  
OCT 25 2006  
Environmental Health

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October 12, 2006

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

Mr. Martin Samuels  
Green City Lofts  
4048 Adeline St., Emeryville, CA 94608

Mr. Terry Turner  
Dunne Quality Paints  
707 Glenside Circle  
Lafayette, CA 94599

Dear Messrs. Samuels and Turner:

Subject: Fuel Leak Case No. R00000073, Former Dunne Quality Paints, 1007 41<sup>st</sup>. St.,  
Oakland, CA 94608

Alameda County Environmental Health staff has reviewed reports prepared by Clayton Group Services and reports for the neighboring properties; Oakland National Engravers (ONE) located at 1001 42<sup>nd</sup> St. Oakland and the Oak Walk Property, located between 40<sup>th</sup>, 41<sup>st</sup> Streets and San Pablo Ave, Emeryville. These reports indicate that releases of mineral spirits from both the former Dunne Quality Paints and 1001 42<sup>nd</sup> Street (ONE) have commingled and impacted down-gradient properties including the Ennis Property at 1069 41<sup>st</sup> St., Emeryville and the Oak Walk property. It appears that mineral spirits releases from underground tank releases from both former Dunne Paints and Oakland National Engravers have migrated beneath these down-gradient properties via buried stream channels. Up to 4,900 ppm TPH as mineral spirits (TPHms) in soil and up to 49,000 ppb TPHms in groundwater was detected in borings on the Ennis property. Based upon these results, additional investigation/remediation is required on the Ennis properties. As you may be aware, the Oak Walk property has proposed to remediate and develop their site independently. Though no further action is required on your site, additional work is needed to address off-site contamination. We request that you address the following technical comments and submit the technical reports requested below.

**TECHNICAL COMMENTS**

1. **Off-site Plume Characterization-** We request that you and the property owner of the former ONE (by copy of this letter) work co-operatively together to further investigate the groundwater contaminant plume down gradient of your properties. Initially, the plume must be defined and monitored. We recommend that you examine existing data from off-site properties while preparing your work plan. Note that groundwater sampling beyond the Oak Walk property boundary appears necessary to delineate the releases. Please provide a work plan to determine the extent of the hydrocarbon plume as requested below. We request that you immediately pursue any off-site access agreements that you may need to complete your investigation activities.

**Groundwater Monitoring-** A groundwater monitoring program must be initiated to determine the extent and stability of the plume. Please submit a co-operative and

collaborative work plan for monitoring well(s) installation upon completion of plume delineation.

2. **Coordinated Groundwater Monitoring of All Sites-** We request that groundwater monitoring of your wells be coordinated with that of the ONE, Celis, and Oak Walk properties. This request is also made of the ONE, Celis, and Oak Walk properties by copy of this letter.
3. **Request for Corrective Action Plan (CAP)-** After you have completed plume delineation, we request that you provide a Corrective Action Plan for the off-site petroleum impacts from your sites. Your CAP shall include and assessment of impacts of the release to human health and the environment, a feasibility study which examines at least three alternatives besides natural attenuation, for restoring or protecting the beneficial uses and proposes applicable cleanup levels. A joint CAP will be required from Green City and ONE. In an effort to expedite your CAP, please provide a list of properties with their APN, property owner name, mailing address and map showing the location of each property which is or may be affected by the petroleum release from your sites and which might have direct or indirect impacts from the proposed corrective actions

#### TECHNICAL REPORT REQUEST

- **November 13, 2006-** Work plan for off-site plume characterization (joint submittal with ONE).
- **60 days after approval of Work Plan for Evaluation of Neighboring Properties-** Work Plan for monitoring well installation and CAP for off-site impacts due to mineral spirits releases, (joint submittal with ONE).
- **60 days after approval of Work Plan for Evaluation of Neighboring Properties-** List of neighboring properties, owners, addresses and parcel map for public notification for CAP for off-site impacts.

#### ELECTRONIC SUBMITTAL OF REPORTS

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. Please do not submit reports as attachments to electronic mail. 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. Submission of reports to the Geotracker website does not fulfill the requirement to submit documents to the Alameda County ftp site. In September 2004, the SWRCB adopted regulations that require electronic submittal of information for 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

monitor wells, and other data to the Geotracker database over the Internet. Beginning July 1, 2005, electronic submittal of a complete copy of all necessary reports was required in Geotracker (in PDF format). Please visit the SWRCB website for more information at ([http://www.swrcb.ca.gov/ust/cleanup/electronic\\_reporting](http://www.swrcb.ca.gov/ust/cleanup/electronic_reporting)).

In order to facilitate electronic correspondence, we request that you provide up to date electronic mail addresses for all responsible and interested parties. Please provide current electronic mail addresses and notify us of future changes to electronic mail addresses by sending an electronic mail message to me at [barney.chan@acgov.org](mailto:barney.chan@acgov.org).

We note your reports have not been submitted electronically to the Geotracker database. Please submit all reports to date since the compliance date of July 1, 2005 immediately.

#### 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

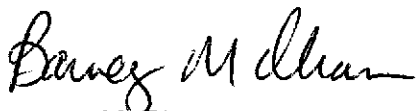
If it appears as though significant delays are occurring or reports are not submitted as requested, we will consider referring your case to the Regional Board or other appropriate agency, including the County District Attorney, for possible enforcement actions. California Health and Safety Code, Section 25299.76 authorizes enforcement

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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) 567-6765.

Sincerely,



Barney M. Chan  
Hazardous Materials Specialist

C: files, D. Drogos

Mr. Jon Rosso, Clayton Group Services, A Bureau Veritas Company, 6920 Koll Center Parkway, Suite 216, Pleasanton, CA 94566

Mr. Edward Kozel, 20 Oak Knoll Drive, Healdsburg, CA, 95448-3108

Mr. David Russell, The Grow Group, Pan American Building, 200 Park Ave., New York, NY 10166

Ms. Deborah Castles, AEGIS, 130 Webster St., Suite 200, Oakland, CA 94607

Mr. Peter Schellinger, Bay Rock Residential, LLC, 5801 Christie Ave., Suite 455 Emeryville, CA 94608

Mr. John Tibbetts, 4097 San Pablo Ave., Emeryville, CA 94608

Mr. Ignacio Dayrit, City of Emeryville, 1333 Park Ave., Emeryville, CA 94608

Mr. Constantino Cellis, c/o Mr. Ignacio Dayrit, City of Emeryville, 1333 Park Ave., Emeryville, CA 94608

Mr. John Cavanaugh, ERM, 1777 Botelho Drive, Suite 260, Walnut Creek, CA, 94596

Mr. George Muehleck, URS Corporation, 1333 Broadway, Suite 800, Oakland, 94612

Mr. Dave Ennis, P.O. Box 10985, South Lake Tahoe, CA 96158-3985

Mr. Dai Watkins, The San Joaquin Co. Inc., 1120 Hollywood Ave., Suite 3, Oakland, CA 94602

Mr. Xingang Tong, 464 19<sup>th</sup> St., Suite 206, Oakland, CA 94612

Mr. Robert Kitay, ASE, 208 W. El Pintado Road, Danville, CA, 94526

Mr. John Wolfenden, SFRWQCB

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