



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

March 2, 2011

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

Mr. Robert Kovalak
ICI Paints
16654 W. Sprague Rd.
Strongsville, OH 44136

Ms. Deborah Castles
McGrath Properties
130 Webster Street, Suite 200
Oakland, CA 94607
(sent via electronic mail to
deborah@mcgrathproperties.com)

Subject: Response to January 10, 2011 Correspondence; Fuel Leak Case No. RO0000079 (Geotracker Global ID #T0600101659), Oakland National Engravers (ONE), 1001 42nd Street, Oakland, CA

Dear Mr. Kozel, Mr. Kovalak, and Ms. Castle:

Alameda County Environmental Health (ACEH) staff has reviewed the case file and the January 10, 2011 AMEC correspondence entitled *Fuel Leak Case No. RO0000079*. Thank you for the letter; it continues our conversation. The purpose of the recent December 16, 2010 letter from ACEH was to principally seek a status update to a series of documents that had been previously committed to, and for which no communications had been received. These had been committed to either in the *Work Plan for Vacuum Extraction Pilot Test* dated October 1, 2009 (as subsequently modified and clarified in both the *Work Plan Addendum for Pilot Study* dated May 3, 2010, and the subsequent ACEH approval letter [with modifications] dated July 3, 2010), or committed to in the January 7, 2010 meeting (as subsequently documented in the March 4, 2010 ACEH directive letter - Technical Comment 5; on- and off-site investigation bifurcation).

Based on ACEH staff review of comments in the January 10, 2011 letter from AMEC, the proposed scope of work is conditionally approved for implementation provided that the technical comments below are incorporated during the proposed field investigation. Submittal of a revised work plan or work plan addendum is not required unless an alternate scope of work outside that described in the AMEC letter or technical comments below is proposed. We request that you address the following technical comments, perform the proposed work, and send us the reports described below. Please provide 72-hour advance written notification to this office (e-mail preferred to: mark.detterman@acgov.org) prior to the start of field activities.

Based on ACEH staff review, we have the following technical comments and request that the following items be sent to us as described below.

TECHNICAL COMMENTS

1. **Current Status Comments** – AMEC provided the following comments in regards to the current site status:
 - a. **First Bullet Point - Available Funding** –The December 2010 letter was an attempt to notify you of deficiencies due to a complete lack of communication regarding obligations previously committed to, principally in order to prevent enforcement actions which can directly affect

your efforts. This can ultimately include potential rescinding of the UST Cleanup Fund (USTCF) Letter of Commitment (LOC) for funding.

ACEH notes the expressed concern relative to insufficient available funding for further site investigations contained in the January 10, 2011, AMEC letter and a request to focus resources on previously approved work. ACEH is confused by the apparent lack of funding despite receipt of a LOC from the USTCF. ACEH is aware of certain limitations on USTCF funding, and of the current economic environment; however, ACEH also notes that reimbursement is not a precondition for investigation.

Ultimately, ACEH is in concurrence that the pilot test can be implemented to collect data that will assist in the generation of a data gap work plan, and to help focus an appropriate future investigation. ACEH accepted a temporary splitting of onsite and offsite work in the March 4, 2010 ACEH letter, to allow the pilot test to proceed; however, this was in part predicated on semi-annual groundwater monitoring and concurrent generation of a data gap work plan. Neither of these events has been undertaken to date and are overdue. Additionally no attempts to communicate reasons have been made. Groundwater has not been sampled at the site vicinity since March 2006 and the site is out of compliance with multiple directives.

- b. **Third Bullet Point – January 3, 2006 ACEH Letter Quote** – AMEC partially quoted the referenced ACEH letter under the third bullet point “...the extent of Total Petroleum Hydrocarbons as mineral spirits, TPHms, appears to be defined laterally and vertically.”; however, the original letter continues “We cannot be certain, however, since only one boring was drilled to determine the vertical extent and the migration pathway(s) of dissolved and free product are still uncertain. Although it is true that no evidence has been found to show that free product from your site has impacted the former Dunne Paint property, the existence of your free product plume near known gravel channels of high permeability is considered a significant threat to off-site properties. In addition, risk to the adjacent residential properties to the immediate west of your site must be evaluated”.

A more fully quoted citation indicates migration pathways and the vertical extent required further evaluation as of January 2006. ACEH has not deviated from that position due to the presence of free phase concentrations in groundwater at the site and at downgradient residential sites, and due to extensive remediation at two downgradient sites up to 1,000 feet downgradient.

2. **AMEC Technical Responses** – AMEC provided the following technical response comments in regards to Technical Comments contained in the December 16, 2010 ACEH letter:

- a. **Alternative vs. Contingency Vapor Well Points** – In an effort to further clarify this discussion, ACEH understands that vapor wells VP1 through VP3 are confirmed for installation and will be installed as defined in all previous relevant communications.
- b. **Relocating / Replacing Well MW-B1** – ACEH requested the installation of a single well using a multiport sampling system such as CMT or similar technology in the July 3, 2010 letter. This was to sample multiple depth discrete intervals throughout a 20 foot interval to clarify the depth of contaminant migration at the site. ACEH observed that not all intervals might require multiple repeat sampling. AMEC disagreed in the January 10, 2011, letter noting that existing wells have 20-foot screen lengths and was concerned that the data sets would not be comparable, and stated that the level of documented contamination did not justify discrete depth sampling.

The intent of ACEH was not necessarily to produce comparable data. The request by ACEH was due to a lack of data demonstrating the depth interval of contaminant migration, either as dissolved phase or as free phase. The request was intended to identify this depth in

order to focus future work, including treatment system parameters and data gap work plan generation. It was judged that a well near the core of the plume might provide a reasonable location to demonstrate this pathway.

In an attempt to find a common solution ACEH can modify this request to accept both approaches, first of a single 20-foot well screen interval, and second with an additional bore to be concurrently installed within approximately 5 feet using CMT or similar technology, in order for depth discrete sampling to be undertaken. As before, not all intervals may require repeat sampling. ACEH cautions that the longer screen interval may not be judged by the USTCF to be a reimbursable cost.

Project Schedule

ACEH has previously offered to meet with you and your loan agent to identify mutually agreeable milestones that will satisfy your loan requirements and help set a project schedule. ACEH reiterates this offer.

TECHNICAL REPORT REQUEST

Please submit technical reports to Alameda County Environmental Health (Attention: Mr. Mark Detterman), according to the following schedule:

- **April 22, 2011** - Groundwater Monitoring and Sampling Report
- **April 29, 2011** – Report on Pilot Study
- **May 2, 2011** – Work Plan for Data Gap Investigation for additional on- and off-site investigation (utility mains and laterals, additional sources, and offsite investigations)
- **90 Days After Data Gap Work Plan Approval** – Submittal of Soil and Groundwater (Data Gap) Investigation

Reports are 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.

Should you have any questions, please contact me at (510) 567--6876 or send me an electronic mail message at mark.detterman@acgov.org.

Sincerely,

Mark E. Detterman, PG, CEG
Senior Hazardous Materials Specialist

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

cc: Oakland National Engravers; RO0000079:

Terry McGrath, McGrath Properties, 130 Webster Street, Suite 200, Oakland, CA 94607
(sent via electronic mail to terry@mcgrathproperties.com)

Robert Cheung, AMEC Geomatrix, Inc., 2101 Webster Street, 12th Floor, Oakland, CA 94612
(sent via electronic mail to robert.cheung@amec.com)

Syed Rehan, AMEC Geomatrix, Inc., 2101 Webster Street, 12th Floor, Oakland, CA 94612
(sent via electronic mail to syed.rehan@amec.com)

Dunne Quality Paints; RO0000073:

Terry Turner, Dunn Quality Paints, 707 Glenside Circle, Lafayette, CA 94549

Chad McNamee, 6820 Thornhill Drive, Oakland, CA 94611

Martin Samuels, Green City Lofts, 3675 Delmont Avenue, Oakland, CA 94605

Timothy Bodkin, Bureau Veritas, 2430 Camino Ramon, Suite 122, San Ramon, CA 94583
(sent via electronic mail to timothy.bodkin@us.beuraveritas.com)

Celis Service Station; (RO0000453) & Magnolia Terrace Residential (RO0003004):

Markus Niebanck, City of Emeryville, Economic Development & Housing Department, 1333 Park Avenue, Emeryville, CA 94608 (sent via electronic mail to mniebanck@ci.emeryville.ca.us)

Oak Walk Redevelopment; (RO0002733):

Mr. Dai Watkins, The San Joaquin Co., 1120 Hollywood Avenue, Suite 3, Oakland, CA 94602
(sent via electronic mail to daiw@sanjoco.com)

Marilyn Ponte, Bay Rock Residential LLC, 1300 Clay Street, Suite 620, Oakland, CA 94612
(sent via electronic mail to marilyn@bay-rock.com)

John Tibbetts, Oak's Club Room, 4097 San Pablo Avenue, Emeryville, CA 94608

Concerned Property Owner:

Dave Ennis, PO Box 10985, South Lake Tahoe, CA 96158-3985

Regulatory Contacts:

Leroy Griffin, Oakland Fire Department, 250 Frank H. Ogawa Plaza, Suite 3341, Oakland, CA 94612-2032 (sent via electronic mail to lgriffin@oaklandnet.com)

Sunil Ramdass, State Water Resource Control Board, Underground Storage Tank Cleanup Fund,
P.O. Box 944212, Sacramento, CA 94244-2120,
(sent via electronic mail to sramdass@waterboards.ca.gov)

Donna Drogos, (sent via electronic mail to donna.drogos@acgov.org)

Mark Detterman (sent via electronic mail to mark.detterman@acgov.org)

GeoTracker, e-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.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.

Alameda County Environmental Cleanup Oversight Programs (LOP and SLIC)	REVISION DATE: July 20, 2010
	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 (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 dehloptoxic@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 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 @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.