



ENVIRONMENTAL HEALTH DEPARTMENT  
ENVIRONMENTAL PROTECTION  
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August 3, 2010

Mr. John Nady  
Nady Systems  
11 Glen Alpine Road  
Piedmont, CA 94611

Subject: Work Plan Denial for Fuel Leak Case No. RO0000082 and Geotracker Global ID T0600138389, Nady System Inc., 1137 65<sup>th</sup> St., Oakland, CA 94608

Dear Mr. Nady:

Thank you for the recently submitted documents entitled, *Additional Site Characterization Report* dated February 25, 2010 and *Sub-Slab Vapor Probe Installation and Additional Site Assessment Workplan*, dated May 14, 2010, which were prepared by Conestoga-Rovers & Associates for the subject site. Alameda County Environmental Health (ACEH) staff has reviewed the case file including the above-mentioned report and work plan for the above-referenced site.

The above-mentioned work plan does not include utility/conduit locations or the rationale for locating sub-slab vapor sampling points in the street rather than within the day care center and adjacent buildings where the risk is unevaluated. The scope of work presented in the work plan has not been adequately justified and cannot be approved at this time. ACEH requests that you address the following technical comments and send us a work plan addendum plan as requested below.

#### **TECHNICAL COMMENTS**

1. **Sub-Slab Vapor Sampling Locations** – CRA proposed installing one on-site sub-slab vapor point inside the building immediately adjacent to a floor drain. However, utility conduits are not depicted on the map. Since there is a potential for contaminant vapor migration along preferential pathways (i.e. existing utility corridors) that are present at the site and in the street, we request that the locations of all conduits be depicted on the map and the soil vapor sampling points located accordingly. Please submit a conduit study with the work plan addendum by the due date requested below.

CRA proposed off-site sub-slab soil vapor samples adjacent to buildings including a daycare. There was no discussion of the daycare building's construction presented in the

work plan (i.e. if the building is slab-on-grade or if a crawl space is present) and no explanation of why sub-slab samples are proposed adjacent to the buildings in what appears to be the street rather than in the buildings themselves to assess the vapor pathway. Once again, the conduits should be fully investigated and plotted on the map to ensure that sampling points are located appropriately.

2. **Sub-Slab Vapor Sampling Procedures** – The work plan states that workers will wait 30 minutes for the cement to cure and for equilibration of subsurface conditions. EPA's *Standard Operating Procedure for Installation of Sub-Slab Vapor Probes and Sampling Using EPA Method TO-15 to Support Vapor Intrusion Investigations* recommends allowing at least 24 hours before sampling. Please adjust your sampling in accordance with the EPA's recommendation.
  
3. **Site Conceptual Model** – A request for general mineral, BOD, COD, TDS, isotopes, etc. was made at the April 22, 2008 meeting. These analyses were performed in September 2009. The data obtained from these analyses was to be incorporated into a site conceptual model. This has not been submitted. At this juncture, it is appropriate to develop a site conceptual model (SCM), which synthesizes all the analytical data and evaluates all potential exposure pathways and potential receptors that may exist at the site, including identifying or developing site cleanup objectives and goals. At a minimum, the SCM should include the following, (many of which you have already completed separately):
  - 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 section 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;
  - Summary tables of chemical concentrations in different media (i.e. soil, groundwater, and soil vapor); and
  - Well logs, boring logs, and well survey maps;
  - Discussion of likely contaminant fate and transport.Please submit the SCM by the due date requested below.

4. **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 not by the consultant. Please ensure that all future reports and technical documents submitted for this fuel leak case are signed by Mr. Nady not the consultant.

**TECHNICAL REPORT REQUEST**

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

- **September 30, 2010** – Work Plan Addendum with conduit study
- **Sixty Days After Soil Vapor Sampling** – SCM

Thank you for your cooperation. Should 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: Bob Foss, Conestoga-Rovers & Associates, 5900 Hollis St, Suite A, Emeryville, CA (via e-mail: [bfoss@croworld.com](mailto:bfoss@croworld.com))  
Frederick Shrag, 6701 Shellmound Street, Emeryville, CA 94608 (via e-mail: [schrag@nady.com](mailto:schrag@nady.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: [paresh.khatri@acgov.org](mailto:paresh.khatri@acgov.org))  
GeoTracker, File

## 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](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.

<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 [dehloptoxic@acgov.org](mailto: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 are not supported.
  - 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](mailto: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.